

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY



MARTIN LUTHER KING JR. FEDERAL BLDG. & U.S. COURTHOUSE
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WILLIAM J. MARTINI
JUDGE

May 20, 2009

VIA REGULAR MAIL

Jeffery N. Lüthi
Clerk of the Panel
Judicial Panel on Multidistrict Litigation
Thurgood Marshall Federal Judiciary Building
One Columbus Circle, N.E.
Room G-255, North Lobby
Washington, DC 20002-8004

Re: *In re Human Tissue Products Liability Litig.*,
MDL-1763

Dear Mr. Lüthi:

Pursuant to Judicial Panel on Multidistrict Litigation Rule 7.6(c)(ii), this Court respectfully suggests that the case *Scovil v. Kang v. Regeneration Technologies, Inc., et al*, No. 07-160 (D. Haw.), which was consolidated with another case in this district “for coordinated or consolidated pretrial proceedings,”¹ be remanded to the transferor court.

This Court recently decided summary judgment motions, which dismissed the implant-related claims brought by Plaintiff Scovil against Regeneration Technologies, Inc. (“RTI”), Spinalgraft Technologies, and Medtronic.² After the Court’s decision, the parties signed a consent order dismissing Plaintiff Scovil’s fear of disease claim with prejudice and Defendant/Third-Party Plaintiff Tea Sung Kang’s Third-Party Complaint with prejudice. As such, the only remaining claims in this action are state tort counts arising from the motor vehicle collision between Messrs. Scovil and Kang. Because further proceedings on Scovil’s remaining tort claims would be more efficiently performed in the court where the trial will be held, I believe

¹ *In re Human Tissue Products Liability Litig.*, 435 F. Supp. 2d 1352, 1354 (J.P.M.L. 2006).

² *In re Human Tissue Products Liability Litig.*, 582 F. Supp. 2d 644 (D.N.J. 2008).

this action is ready for remand.

In sum, the Court has completed consolidated pretrial proceedings in the *Scovil* action to the extent practicable. There being nothing left for this Court to adjudicate on the motor vehicle tort claim, the Court requests that the *Scovil* action be remanded to the transferor court.

/s/ William J. Martini
William J. Martini, U.S.D.J.

cc: Woodruff K. Soldner (*Attorney for Ronald Scovil*)
Allison H. Highley (*Attorney for Ronald Scovil*)
Peter A. Gaudio (*Attorney for Tea Sung Kang*)
Anthony Wong (*Attorney for Tea Sung Kang*)
Denise Brinker Bense (*Attorney for RTI*)

General Information

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| Court | United States District Court for the District of New Jersey; United States District Court for the District of New Jersey |
| Federal Nature of Suit | Personal Injury - Product Liability[365] |
| Docket Number | 2:06-cv-00135 |
| Status | CLOSED |