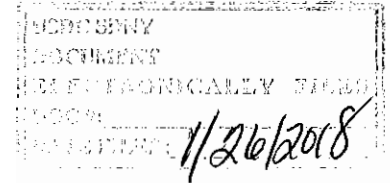


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
WHITE PLAINS DIVISION



-----X
IN RE:

MIRENA IUD PRODUCTS LIABILITY LITIGATION

Order No. 33
(Cases Transferred to MDL
During And After Appeal)

This Document Relates to All Actions

13-MD-2434 (CS)
13-MC-2434 (CS)

-----X

**CASE MANAGEMENT ORDER RE:
CASES TRANSFERRED TO MDL DURING AND AFTER APPEAL**

Seibel, J.

1. This Order shall apply to cases transferred to this Court after the Court's Opinion and Order dated July 28, 2016 (Granting summary judgment to Defendants in all cases pending MDL No. 2434 ("Summary Judgment Order")).

2. On August 19, 2016, Plaintiffs filed a Notice of Appeal of the Summary Judgment Order ("the Appeal").

3. Case Management Order 32 provides for the conditional dismissal without prejudice of those cases transferred to this MDL during and since the Appeal and provides:

If the Second Circuit affirms the Court's Summary Judgment Order in its entirety, and any further petition for rehearing or certiorari is unsuccessful and the decision becomes final, Plaintiffs whose claims were conditionally dismissed shall have 60 days to show cause as to why her claim should not be dismissed with prejudice under the Summary Judgment Order. Defendants may respond within 30 days. The Court will dismiss with prejudice the claims of any Plaintiff who does not file a show-cause brief within 60 days or who is unable to show cause as to why her claim should not be dismissed.

3. On October 24, 2017, the Second Circuit affirmed this Court's Summary Judgment Order. *In re Mirena IUD Prods. Liab. Litig., Mirena MDL, Plaintiffs v. Bayer Healthcare Pharmaceuticals, Inc.*, 2017 U.S. App. LEXIS 20875 (2d. Cir. Oct. 24, 2017).

4. By this order, the Court clarifies that Plaintiffs should not file Motions to Reinstate or otherwise seek to show cause under CMO 32 as to why their claim should not be dismissed with prejudice until the decision of the Second Circuit becomes final (*i.e.*, after Plaintiffs' petition for certiorari, if any, is denied or the Supreme Court issues a written opinion affirming the opinion or otherwise not remanding the cases for further proceedings). At that point, the 60-day clock referenced in CMO 32 will start to run, and Motions to Reinstate or otherwise seek to show good cause will be accepted.

5. All other provisions of CMO 32 shall remain in force as appropriate.

IT IS SO ORDERED.

Dated: 1/26, 2018

White Plains, NY.



CATHY SEIBEL, U.S.D.J.