

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RENUVARING® PRODUCTS)	4:08-MD-1964 RWS
LIABILITY LITIGATION)	MDL No. 1964
)	

ORDER RE SUGGESTION OF REMAND

On August 22, 2008, the Judicial Panel for Multidistrict Litigation (“JPML”) designated this Court as the transferee court for the centralized management of all cases alleging personal injuries related to the use of the hormonal contraceptive product NuvaRing®. During the pendency of MDL 1964 to date, 1,964 cases have been transferred to this Court.

On February 7, 2014, the parties entered into a Master Settlement Agreement in the NuvaRing® litigation. Under the Master Settlement Agreement, plaintiffs with cases pending in MDL 1964, the *In Re NuvaRing Litigation* coordinated proceeding in the New Jersey Superior Court, Bergen County, and other state court jurisdictions, as well as eligible claimants alleging injuries from the use of NuvaRing® who had not yet filed a case, were permitted to participate in a national settlement program. In total, 3,825 plaintiffs and claimants enrolled in the national settlement program and dismissed and released their claims related to NuvaRing®.

Certain plaintiffs chose to opt out of the national settlement program to pursue litigation of their claims. Additionally, some new plaintiffs filed cases alleging injuries related to NuvaRing® after the last date of the enrollment period under the Master Settlement Agreement.

These cases have been transferred to, and are currently pending in, MDL 1964. Currently, there are 93 cases pending in, or expected to be transferred to, MDL 1964.

On October 19, 2016, this Court remanded 13 cases and on September 19, 2017, this Court remanded 12 cases to their transferor courts for all purposes, while MDL 1964 remained in effect. This Court is of the view that additional cases listed in Appendix A should also be remanded to their transferor courts for all purposes. MDL 1964 remains in effect as it continues to serve a valuable coordinating function with respect to new cases that may be filed.

1. DISCOVERY

As previously ordered, fact discovery has been completed on all general topics related to NuvaRing® and general fact discovery in the NuvaRing® litigation is closed. The Court orders case-specific fact discovery to be conducted in the transferor jurisdictions.

2. POST-SETTLEMENT CMO RE DISCOVERY REQUIREMENTS

The Court entered Case Management Orders requiring plaintiffs not enrolling in the national settlement program, or filing new cases after the enrollment period, to comply with certain preservation and discovery obligations as a requirement of pursuing further litigation of NuvaRing® claims. The Court finds that the cases listed in Appendix A have complied with these post-settlement CMO obligations. Other cases pending in MDL 1964 that are not reflected in Appendix A, as well as any new cases filed in the future, must comply with these post-settlement CMO requirements. Any plaintiff who fails to comply with the post-settlement CMOs relating to preservation and discovery shall not be considered for remand to the transferor court and shall be promptly dismissed by this Court upon Defendants' motion.

3. SUGGESTION OF REMAND

The Court recommends to the JPML that the cases listed in Appendix A be remanded to their transferor courts at this time for all purposes. All other cases shall remain with this Court and will continue to be managed within MDL 1964 for compliance with the Court's post-settlement CMO requirements, until such time as the Court finds it appropriate to issue a further suggestion of remand of additional cases. No case will be considered for remand to the transferor court until this Court determines that all post-settlement CMO requirements have been met.

4. DOCUMENTS TO BE SENT TO TRANSFEROR COURT

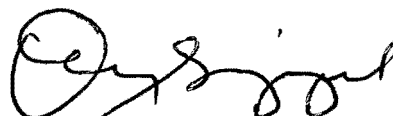
After receiving the Final Remand Order from the JPML, the Clerk of the Court will issue a letter to the transferor courts, via email, setting out the process for transferring the individual cases listed in the Final Remand Order. The letter and certified copy of the Final Remand Order will be sent to the transferor court's email address.

If a party believes that the docket sheet for a particular case being remanded is not correct, a party to that case may, with notice to all other parties in the case, file with the transferor court a Designation Amending the Record. Upon receiving a Designation Amending the Record, the transferor court may make any needed changes to the docket. If the docket is revised to include additional documents, the parties should provide those documents to the transferor court.

CONCLUSION

This Order does not expand or modify any previous order of this Court, and this Court may modify or supplement any part of this Order as appropriate.

IT IS SO ORDERED this ⁹11 day of June, 2018.



HON. RODNEY W. S~~I~~PPEL
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF MISSOURI
 EASTERN DIVISION

IN RE NUVARING® PRODUCTS)	4:08-MD-1964 RWS
LIABILITY LITIGATION)	MDL No. 1964
)	
)	

APPENDIX A TO ORDER RE SUGGESTION OF REMAND
 CASES RECOMMENDED FOR REMAND

CASE	E.D. MO. CASE NUMBER	TRANSFEROR COURT	TRANSFEROR COURT CASE NUMBER
<i>Bostic v. Organon USA Inc., et al.</i>	4:16-cv-00878-RWS	District of New Jersey	2:16-cv-03083
<i>Boyle v. Organon USA Inc., et al.</i>	4:16-cv-01158-RWS	District of New Jersey	2:16-cv-03611
<i>Gray v. Organon USA Inc., et al.</i>	4:16-cv-00881-RWS	District of New Jersey	2:16-cv-03211
<i>Greene v. Organon USA Inc., et al.</i>	4:16-cv-01159-RWS	District of New Jersey	2:16-cv-03790
<i>Meyer v. Organon USA Inc., et al.</i>	4:16-cv-01241-RWS	District of New Jersey	2:16-cv-04279
<i>Ralph v. Organon USA Inc., et al.</i>	4:16-cv-00792-RWS	District of New Jersey	2:16-cv-02691
<i>Palmer v. Organon USA Inc., et al.</i>	4:16-cv-01209-RWS	District of New Jersey	2:16-cv-04159
<i>Perry v. Organon USA Inc., et al.</i>	4:16-cv-00879-RWS	District of New Jersey	2:16-cv-03141

<u>CASE</u>	<u>E.D. MO. CASE NUMBER</u>	<u>TRANSFEROR COURT</u>	<u>TRANSFEROR COURT CASE NUMBER</u>
<i>Reynolds v. Organon USA Inc., et al.</i>	4:16-cv-01156-RWS	District of New Jersey	2:16-cv-03566
<i>Scott v. Organon USA Inc., et al.</i>	4:16-cv-01035-RWS	District of New Jersey	2:16-cv-03404
<i>Scirotto v. Organon USA Inc., et al.</i>	4:16-cv-01157-RWS	District of New Jersey	2:16-cv-03610
<i>Weyandt v. Organon USA Inc., et al.</i>	4:16-cv-00880-RWS	District of New Jersey	2:16-cv-03201