

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

IN RE: BIOMET M2a MAGNUM HIP)
IMPLANT PRODUCTS LIABILITY)
LITIGATION (MDL 2391))
) Cause No. 3:12-MD-2391
)
_____)
)
This Document Relates to the Cases)
Listed in Exhibit A)
_____)

ORDER

I deferred ruling on the request to remand or transfer 11 of the cases included in Proposed Remand/Transfer Group 2 to afford the parties and the Judicial Panel on Multidistrict Litigation an opportunity to address issues regarding the proposed remand and transfer venues. [Doc. No. 3730]. The issues have been resolved, and, for the following reasons, the cases listed in attached Exhibit A will be remanded or transferred by separate order to the venues identified in the exhibit.

On December 6, 2018, the Panel issued an order confirming that neither it, nor this court, has discretion to remand a case to any district other than the “district from which it was transferred,” and denying Biomet’s motion to vacate its conditional remand order in three cases that were in Remand Group 1. [Doc. Nos. 3708, 3724, and 3735]. The parties’ proposal to remand three Group 2 cases to districts other than the districts from which they were transferred – *Cochran v. Biomet, Inc.*, 3:14-CV-1560, *Morningstar v. Biomet, Inc.*, 3:15-CV-470, and *Herrera*

v. Biomet, Inc., 3:15-CV-490 – is DENIED for the same reason.

The remaining cases listed on Exhibit A involve requests to transfer cases that were directly filed in the Northern District of Indiana. Pursuant to 28 U.S.C. § 1404(a), the court “may transfer any civil action to any other district or division where it might have been brought or to any district or division to which all parties have consented.” I gave the plaintiffs in those cases additional time to confirm that they had consented to the venues proposed in the Joint Proposed Remand Group 2 List [Doc. No. 3726], or to file an objection.

Only one plaintiff, Edward Bishop (Cause No. 16-CV-105), objected to the venue proposed by the Plaintiffs’ Steering Committee and Biomet, so I will assume the parties in *Slater, Milligan, Hippe, George, Kleinhuizen, Cutter, and Mason* have consented to the venues proposed in their cases. Mr. Edwards is proceeding *pro se* and has asked me to remand his case to the District of Colorado, where he resides, rather than the District of Maryland – the venue the Plaintiffs’ Steering Committee and Biomet had proposed. In its response, Biomet indicated that it has no objection to Mr. Edward’s request [Doc. No. 115], so Mr. Edwards’ case will be transferred to the District of Colorado.

SO ORDERED.

ENTERED: December 12, 2018

/s/ Robert L. Miller, Jr.
Judge, United States District Court
Northern District of Indiana

EXHIBIT A

<u>Case No.</u>	<u>Case Name</u>	<u>Venue</u>
3:14-CV-1560	Cochran v. Biomet, Inc.	WDTX
3:15-CV-470	Morningstar v. Biomet, Inc.	DNJ
3:15-CV-490	Herrera v. Biomet, Inc.	DNJ
3:14-CV-1055	Slater v. Biomet, Inc.	WDNC
3:14-CV-1582	Milligan v. Biomet, Inc.	NDIL
3:15-CV-90	Hippe et al v. Biomet, Inc.	EDVA
3:15-CV-166	George v. Biomet, Inc.	DNV
3:15-CV-416	Kleinhuizen v. Biomet, Inc.	NDIL
3:15-CV-434	Cutter v. Biomet, Inc.	WDWA
3:16-CV-9	Mason v. Biomet, Inc.	EDNC
3:16-CV-105	Edwards v. Biomet, Inc.	DCO