

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION
FILED

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PATRICIA D. [unclear]
CLERK OF THE PANEL

3/9/82

DOCKET NO. 497

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE RELY TAMPON PRODUCTS LIABILITY LITIGATION

BEFORE ANDREW A. CAFFREY, CHAIRMAN, ROY W. HARPER,* CHARLES R. WEINER, EDWARD S. NORTHROP, ROBERT H. SCHNACKE, FRED DAUGHERTY, AND SAM C. POINTER, JR.,* JUDGES OF THE PANEL

ORDER DENYING TRANSFER

PER CURIAM

Presently before the Panel are two motions, pursuant to 28 U.S.C. §1407, filed by two groups of plaintiffs in actions in this docket, to centralize in a single district for coordinated or consolidated pretrial proceedings the 92 actions^{1/} listed on the attached Schedule A.

On the basis of the papers filed and the hearing held, we find that Section 1407 transfer would neither serve the convenience of the parties and witnesses nor further the just and efficient conduct of the litigation. Although we recognize that the actions in this litigation involve some common questions of fact, we are not persuaded that these common questions of fact will predominate over individual questions of fact present in each action. Furthermore, we note that 1) discovery in many actions in this docket is well advanced; and 2) pretrial proceedings have been completed and trial is imminent in at least two actions. Under these circumstances, we cannot conclude that centralization of the actions in this litigation under Section 1407 will further the purposes of the statute. See In re Asbestos and Asbestos Insulation Material Products Liability Litigation, 431 F. Supp. 906, 910 (J.P.M.L. 1977).

IT IS THEREFORE ORDERED that the motions for transfer pursuant to 28 U.S.C. §1407 be, and the same hereby are, DENIED.

* Judges Harper and Pointer took no part in the decision of this matter.

^{1/} The motions before the Panel included 106 actions. The schedules of actions attached to the two motions, however, include thirteen actions that have been dismissed and one action that was never pending in federal court. Accordingly, the two motions taken together encompass a total of 92 actions presently pending in federal district courts.

SCHEDULE A

MDL-497 -- In re Rely Tampon Products Liability Litigation

Northern District of Alabama

Deborah Louise Parker v. Proctor & Gamble, et al.,

C.A. No. CV-80-HM-1585-S

Theresa J. Boney v. Proctor & Gamble, et al.,

C.A. No. CV-81-C-1062-S

Eastern District of Arkansas

Mike Ford, etc. v. Proctor & Gamble Co.,

C.A. No. LR-C-81-493

Northern District of California

Carol A. Thompson, et al. v. The Proctor & Gamble Co.,

et al., C.A. No. C-80-3711-SAW

District of Colorado

Deletha Dawn Lampshire, et al. v. The Proctor & Gamble Co.,

et al., C.A. No. 80-1567

District of Connecticut

Paula Doucette v. The Proctor & Gamble Co.,

C.A. No. H-81-406

Middle District of Florida

Paula Beaudoin, et al. v. The Proctor & Gamble Distributing

Co., et al., C.A. No. 80-575-ORL-CIV-Y

Shannon M. Keeney, et al. v. The Proctor Distributing Co.,

C.A. No. 80-597-ORL-CIV-Y

Tammy Carr v. International Playtex Inc., et al.,

C.A. No. 80-611-ORL-CIV-R

Sandra J. Nester, et al. v. The Proctor & Gamble Distributing

Co., C.A. No. 81-160-CIV-T-H

Northern District of Georgia

Robert A. Ellis, et al. v. The Proctor & Gamble Manufacturing

Co., C.A. No. C81-794-A

Southern District of Illinois

Charles File, Adm. v. The Proctor & Gamble Manufacturing

Co., C.A. No. 81-3213

Central District of Illinois

George Thomas Dorris, etc., et al. v. The Proctor & Gamble

Co., et al., C.A. No. 81-2180

Northern District of Iowa

Michael L. Kehm, Adm. v. The Proctor & Gamble Manufacturing

Co., et al., C.A. No. C80-119

Nancy C. Vohs v. Proctor & Gamble Manufacturing Co., et al.,

C.A. No. C81-4069

District of Kansas

Kathleen E. McLaughlin v. The Proctor & Gamble Distributing Co., et al., C.A. No. 80-4265
Vickie G. Helton v. The Proctor & Gamble Paper Products Co., et al., C.A. No. 81-1116
Barbara J. Ivey v. The Proctor & Gamble Paper Products Co., et al., C.A. No. 81-1037
Judy M. Mitchell v. The Proctor & Gamble Paper Products Co., et al., C.A. No. 81-1038
Gloria L. DeRoulet v. The Proctor & Gamble Paper Products Co., et al., C.A. No. 81-1039
Cynthia Sue Souter v. The Proctor & Gamble Paper Products Co., et al., C.A. No. 81-1118
Anne E. Somer v. The Proctor & Gamble Paper Products Co., et al., C.A. No. 81-1185
Cynthia A. Butler v. The Proctor & Gamble Distributing Co., et al., C.A. No. 81-1184
Carolyn K. McKinsey v. The Proctor & Gamble Manufacturing Co., et al., C.A. No. 81-4123
Janet L. Matney v. Proctor & Gamble Distributing Co., et al., C.A. No. 81-1263
Sarah P. Hughes v. The Proctor & Gamble Paper Products Co., et al., C.A. No. 81-1359
Dana L. Lewis v. The Proctor & Gamble Paper Products Co., et al., C.A. No. 81-1357
Deborah L. Tilghman v. The Proctor & Gamble Paper Products Co., et al., C.A. No. 81-1358
Western District of Kentucky
Brenda Coreau v. The Proctor & Gamble Manufacturing Co., C.A. No. C81-0072-P(J)
Karen McGregor v. The Proctor & Gamble Manufacturing Co., C.A. No. 81-0076-P(J)
Eastern District of Louisiana
Cathy Baudry v. Proctor & Gamble Manufacturing Co., et al., C.A. No. 81-1827
Peggy Burns v. The Proctor & Gamble Manufacturing Co., et al., C.A. No. 81-1863
Herman J. Byrnes, etc. v. The Proctor & Gamble Distributing Co., et al., C.A. No. 81-2413
Eastern District of Michigan
Carol Anne Keene v. The Proctor & Gamble Co., et al., C.A. No. 81-10060-NI

Western District of Missouri

Larry D. Clark v. The Proctor & Gamble Manufacturing Co.,
et al., C.A. No. 80-0952-CV-W-5

Mary Christine Cervantes v. The Proctor & Gamble Co., et al.,
C.A. No. 81-0488-CV-W-5

Athalee Kay Manley v. The Proctor & Gamble Manufacturing
Co., et al., C.A. No. 80-0907-CV-W-5

Sharon Davis v. The Proctor & Gamble Co., et al.,
C.A. No. 81-0314-CV-W-5

Debra Ann Bailey, et al. v. The Proctor & Gamble Manufacturing
Co., et al., C.A. No. 80-0910-CV-W-5

Sherrie D. Biggs v. The Proctor & Gamble Manufacturing Co.,
et al., C.A. No. 81-0047-W-5

Shawn L. Roberts v. Proctor & Gamble Manufacturing Co.,
et al., C.A. No. 81-0036-CV-W-5

Mary C. Parker v. The Proctor & Gamble Co., et al.,
C.A. No. 81-0238-CV-W-5

Arsenius Wasinger, et al. v. The Proctor & Gamble Co., et al.,
C.A. No. 81-04140-CV-W-5

Perry Lane Ruckman v. The Proctor & Gamble Co., et al.,
C.A. No. 81-5062-CV-W-5

Eastern District of Missouri

Karen K. Lanpher, et al. v. The Proctor & Gamble Paper Products
Co., C.A. No. S81-0025C

District of Montana

Ruth E. Pilgrim v. Proctor & Gamble, Inc.,
C.A. No. CV81-18-BU

District of New Hampshire

Mary Ellen Brady, et al. v. Proctor & Gamble Co.,
C.A. No. 80-494-L

Western District of New York

Thomas H. Anderhault, et al. v. The Proctor & Gamble Co.,
C.A. No. CIV-80-996C

Philip J. Maciuska, et al. v. The Proctor & Gamble Co.,
C.A. No. CIV-81-34-C

Southern District of New York

Jacqueline Lieber, et al. v. The Proctor & Gamble Distributing
Co., C.A. No. 81-CIV-3708

Northern District of Oklahoma

Joanne E. Watt, et al. v. Proctor & Gamble Co.,
C.A. No. 81-C-111-B

Western District of Oklahoma

Cynthia Cantrell v. The Proctor & Gamble Distributing Co.,
C.A. No. CIV-81-985

Kristine M. Moen v. Proctor & Gamble Distributing Co.,
C.A. No. CIV-81-791T

Eastern District of Pennsylvania

Mary Beth Ralston v. The Proctor & Gamble Co.,

C.A. No. 80-4109

Sheila A. Serianni, et al. v. The Proctor & Gamble Co.,

et al., C.A. No. 80-4652

Marilyn Douglas, et al. v. The Proctor & Gamble Co.,

C.A. No. 81-2425

Anita Peters v. The Proctor & Gamble Co.,

C.A. No. 81-2427 (Inner)

District of South Carolina

Sidney M. Thompson, etc. v. Proctor & Gamble, Inc., et al.,

C.A. No. 81-71-0

Alice K. Curbeam v. Proctor & Gamble,

C.A. No. 80-1916-9

Western District of Tennessee

Kathy Blount Woods, et al. v. Proctor & Gamble Manufacturing

Corp., et al., C.A. No. 80-1128

John M. Rose, etc. v. Proctor & Gamble Manufacturing Co.,

et al., C.A. No. 81-1008

Teresa Jones, et al. v. Proctor & Gamble Manufacturing Corp.,

C.A. No. 81-1024

Patricia Addington Castleman v. Proctor & Gamble Manufacturing

Co., et al., C.A. No. 81-2216

Middle District of Tennessee

Diane Carpenter, et al. v. Proctor & Gamble Paper Products

Co., et al., C.A. No. 81-3479

Jan Bown Meadows, et al. v. Proctor & Gamble Paper Products

Co., et al., C.A. No. 81-3478

Avonda L. Lamb, et al. v. Proctor & Gamble Paper Products

Co., et al., C.A. No. 81-3480

Betty Jean Grimes v. Proctor & Gamble Paper Products Co.,

et al., C.A. No. 81-2021

Eastern District of Texas

Jeanne Spaulding v. Proctor & Gamble Distributing Co.,

C.A. No. B-80-778-CA

District of Utah

Richard J. Fors, et al. v. Proctor & Gamble Co.,

C.A. No. C-80-539-J

Robin Murdock v. Proctor & Gamble Co.,

C.A. No. C-80-0587-J

Sandra Bryant v. Proctor & Gamble Co.,

C.A. No. C-80-0597-W

Linda Joyce Muir v. Proctor & Gamble Co.,

C.A. No. C-81-0207-J

Cindy Malmstrom v. Proctor & Gamble Co.,

C.A. No. C-81-0461-C

Mary Jane Ogle v. Proctor & Gamble Co.,

C.A. No. C-81-0546-W

Holly E. Staples v. The Proctor & Gamble Co.,

C.A. No. C-81-0041-W

Debbie L. Crozier v. Proctor & Gamble,

C.A. No. C-81-0011-W

Eastern District of Washington

Monica Fabio, et al. v. Procter & Gamble, Inc.,

C.A. No. C-80-383-RJM

Sandi D. Neddo v. Procter & Gamble, Inc.,

C.A. No. C-80-415-RJM

Deborah L. Hancock v. Procter & Gamble Co.,

C.A. No. C-80-440-RJM

Catherine L. Kujawski v. Procter & Gamble, Inc., et al.,

C.A. No. C-81-003-JLQ

Southern District of West Virginia

Theresa Kathleen Jarrett, et al. v. The Procter & Gamble Co.,

C.A. No. CA-80-2453

Eastern District of Wisconsin

Susan J. Voss, et al. v. Procter & Gamble Co., et al.,

C.A. No. 80-C-924

Susan M. Menard, et al. v. Procter & Gamble Co., et al.,

C.A. No. 80-C-948

Joyce E. Jaraczewski, et al. v. Procter & Gamble Co.,

C.A. No. 81-C-407

Susan Jo White v. Procter & Gamble Co.,

C.A. No. 81-C-948

Western District of Wisconsin

Lynnette Richards v. Procter & Gamble Co.,

C.A. No. 80-C-596

Southern District of Florida

Vicki Alley v. The Procter & Gamble Co.,

C.A. No. 81-8398-CIV-JAG

District of Montana

Karla K. Easton, et al. v. The Procter & Gamble Co., et al.,

C.A. No. CV-81-123-M

District of New Jersey

Stacy E. Wolf, et al. v. The Procter & Gamble Co.,

C.A. No. 82-130

Eastern District of Pennsylvania

Marilyn Hilliard v. The Procter & Gamble Co.,

C.A. No. 81-3843

District of South Dakota

Michelle Cramton, etc. v. Procter & Gamble Co.,

C.A. No. 81-4200

Eastern District of Wisconsin

Teresa Campshure v. The Procter & Gamble Co.,

C.A. No. 81-C-1060