

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: GADOLINIUM BASED
CONTRAST AGENTS PRODUCTS
LIABILITY LITIGATION

Case No. 1:08 GD 50000

MDL No. 1909

Judge Dan Aaron Polster

**PRETRIAL ORDER NO. 1
DIRECT FILING OF ACTIONS IN THE NORTHERN DISTRICT OF OHIO**

I. SCOPE OF ORDER

1. This Order shall apply to all Plaintiffs and their counsel for actions relating to Gadolinium-based contrast agents (“GBCAs”) that are currently pending in MDL No. 1909, hereafter subject to transfer to these proceedings, or that have been or will be originally filed in this Court (collectively, “the MDL proceedings”) and all Defendants and their counsel in the MDL proceedings.

II. DIRECT FILING OF CASES INTO MDL No. 1909

2. In order to eliminate delays associated with transfer of cases filed in or removed to other federal district courts to this Court, and to promote judicial efficiency, any plaintiff whose case would be subject to transfer to MDL 1909 may file his or her case directly in the MDL proceedings and the Northern District of Ohio.

3. Each case filed directly in MDL 1909 that emanates from a district outside the Northern District of Ohio will be filed in MDL 1909 for pretrial proceedings only, consistent with the Judicial Panel on Multidistrict Litigation’s February 27, 2008 Transfer Order.

4. Notwithstanding the provisions of Case Management Order No. 3, paragraph 3, Defendants will not challenge the venue of any action filed directly in the Northern District of Ohio for purposes of pretrial proceedings. Upon the completion of all pretrial proceedings applicable to a case directly filed before this Court pursuant to this Order, this Court, pursuant to 28 U.S.C. § 1404(a), will transfer that case to a federal district court of proper venue, as defined in 28 U.S.C. § 1391, based on the recommendations of the parties to that case.

5. The inclusion of any action in *In Re: Gadolinium Based Contrast Agents Products Liability Litigation, MDL No. 1909*, whether such action was or will be filed originally or directly in the Northern District of Ohio, shall not constitute a determination by this Court that jurisdiction or venue is proper in this District.

6. The fact that a case was filed directly in MDL 1909 pursuant to this Order will have no impact on the choice of law to be applied.

IT IS SO ORDERED.

Dated: April 1, 2008

/s/Dan Aaron Polster
Honorable Dan Aaron Polster
United States District Judge