

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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<b>IN RE: AVANDIA MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION</b>	:	
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	:	<b>MDL No. 1871</b>
	:	<b>07-md-01871</b>
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<b>THIS DOCUMENT APPLIES TO: ALL ACTIONS</b>	:
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**PRETRIAL ORDER NO. 37**

Case Management Order No. 1 [Doc. No. 45], Paragraph 4.B provides: “all pending motions must be re-filed in the master docket case file and re-noticed[.]” In accordance with this rule, any motion pending in a case that is transferred into this multi-district litigation (“MDL”), including any motion to remand,<sup>1</sup> must be re-filed and re-noticed herein before it may be ruled upon by the Court. As a practical matter, such pending motions will not be considered before the original record and certified docket copy from the associated case is both received by the Clerk of Court in this District from the transferor district court and docketed, as only after the case is docketed in this Court is the requisite re-filing and re-noticing possible.

It is so **ORDERED**.

**BY THE COURT:**

/s/ Cynthia M. Rufe

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**CYNTHIA M. RUFÉ, J.**

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<sup>1</sup> Briefing and oral argument has already been completed with respect to motions to remand in certain cases in which the relevant pending motions have not, to date, been re-filed and re-noticed in accordance with the rule described above. Counsel are advised to comply with the rule forthwith to avoid needless delay in the resolution of these motions. For both practical and prudential reasons, no rulings will issue on motions which have not been re-filed and re-noticed in this Court. Furthermore, once rulings issue as to properly filed remand motions, collateral estoppel principles may apply to remand motions not yet filed in the required manner despite full opportunity for counsel to do so.