

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
IN RE: NEW ENGLAND COMPOUNDING	)	
PHARMACY, INC. PRODUCTS LIABILITY	)	
LITIGATION	)	MDL No.: 1:13-md-2419-FDS
	)	
This Document Relates to:	)	
All Cases	)	
_____	)	
IN RE: NEW ENGLAND COMPOUNDING	)	
PHARMACY CASES	)	Master Docket No. 12-12052 - FDS
	)	
This Document Relates to:	)	
All Cases	)	
_____	)	

**[AMENDED PROPOSED]**  
**ORDER GRANTING CHAPTER 11 TRUSTEE’S MOTION**  
**TO TRANSFER PERSONAL INJURY TORT AND**  
**WRONGFUL DEATH CASES TO THIS COURT PURSUANT**  
**TO 28 U.S.C. §§ 157(b)(5) AND 1334 AND ESTABLISHING**  
**PROCEDURES FOR SUBSEQUENT REMOVAL OF CASES**

Upon consideration of the Chapter 11 Trustee’s motion (the “Motion”) which seeks to transfer to this Court pursuant to 28 U.S.C. §§ 157(b)(5) and 1334 personal injury and wrongful death cases pending in various state and federal courts, and the memorandum in support thereof (the “Memorandum”);<sup>1</sup> and the Court having found that notice of the Motion is proper; and it further appearing that the relief requested in the Motion is in the best interests of the Debtor, its estate, creditors, claimants and other parties-in-interest; and after due deliberation and sufficient cause appearing thereof, it is hereby

1.     **ORDERED**, that the Motion is granted; and it is further

<sup>1</sup> Capitalized terms used but not defined herein shall have the same meanings ascribed to them in the Motion and Memorandum.

2. **ORDERED**, that, pursuant to 28 U.S.C. § 157(b)(5), the personal injury and wrongful death cases identified on Exhibit A attached hereto (the “Pending Actions”) are removed and transferred to this Court from the courts in which they are currently pending; and it is further

3. **ORDERED**, that, pursuant to 28 U.S.C. § 157(b)(5), the clerk of the respective court for each of the Pending Actions (the “Pending Court”) shall transfer the case file pertaining to the respective Pending Action to the Clerk of the District Court for the District of Massachusetts within \_\_ days of filing a notice of removal and transfer of the Pending Action along with a copy of this Order; and it is further

3. **ORDERED**, that a notice of removal and transfer, pursuant to 28 U.S.C. § 157(b)(5), of each of the Pending Actions, substantially in the form of Exhibit B hereto, and a copy of this Order shall be filed in the respective Pending Court and provided to all parties in interest in each of the Pending Actions; and it is further

4. **ORDERED**, that this Order shall not modify or in any way affect the automatic stay that applies to the Pending Actions under 11 U.S.C. § 362 and which shall remain in full force and effect pending further Order of this Court or the Bankruptcy Court; and it is further

5. **ORDERED**, that this Order is entered without prejudice to any position that the Trustee may take regarding whether 11 U.S.C. §§ 105 and 362 operate to stay any Pending Action or to render null and void the post-petition filing of any Pending Action.

6. **ORDERED**, that with regard to actions relating to the Outbreak or the Compounds filed or discovered after the date of entry of this Order (the “Subsequent Actions”):

a. The Trustee is authorized to send a notice substantially in the form attached hereto as Exhibit C (the “Subsequent Actions Notice”) along with a copy of this Order,

to all parties to Subsequent Actions that are within the scope of this Order;

b. Parties wishing to object to transfer (“Objecting Parties”) shall have the opportunity to do so as set forth in the Subsequent Actions Notice. Objecting Parties, whether or not a party to a proceeding currently before this Court, are hereby permitted to intervene in order to file an objection. Likewise, in filing such an objection, Objecting Parties located outside of Massachusetts are hereby permitted to be represented by counsel in good standing in the state in which such parties are located without the prior submission of an application for admission *pro hac vice* or retention of local counsel; and

c. To the extent there is no timely objection to the Subsequent Action Notice, the Trustee may file the form of Notice of Removal attached hereto as Exhibit B in the Subsequent Action, and this Order shall apply to such Subsequent Action.

Dated: April \_\_, 2013  
Boston, Massachusetts

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Judge F. Dennis Saylor  
United States District Court Judge

**EXHIBIT A**

**Pending Actions To Be Transferred to United States District Court for District of  
Massachusetts Pursuant to 28 U.S.C. § 157(b)(5)**

**Federal Cases Not in NECC MDL**

Plaintiff(s)	Venue	Co-Defendant(s)	Docket No.	Plaintiff(s)' Counsel
Linda S. Boggs	USDC- Western District of Virginia, Roanoke	NECP d/b/a NECC; Image Guided Pain Management, P.C., d/b/a Insight Imaging, Roanoke	7:2012-cv-50132	Russell Updike Nolan Nicely Jennifer K.M. Crawford Wilson, Updike & Nicely 228 North Maple Avenue PO Drawer 590 Covington, VA 24426
George Cary; Lilian Cary (Deceased)	USDC- District of Massachusetts	NECP d/b/a NECC; Barry Cadden; Arl Bio Pharma INC d/b/a Analytical Research Laboratories; Ameridose, LLC	Adversary No: 13-01025 Civil Docket: 1:13-cv-10228	Frederic L. Ellis Edward D. Rapaki Joseph M. Makalusky Ellis & Rapaki, LLP 85 Merrimac Street Suite 500 Boston, MA 02114  J. Douglas Peters Charfoos & Christensen, PC Hecker-Smilely Mansion 5510 Woodward Avenue Detroit, MI 40202
Darrel Cummings	USDC- Southern District of Florida	NECP d/b/a NECC; GEO Group, Inc; Tom Levins, Warden; Ms. N. Finnisse, MSM, HAS; Dr. J. Dauphin, D.O.; Dr. Jules Heller, M.D.; Dr. Robert Lins, M.D.; Officer McIntire, CO1	9:12-cv-81413	PRO SE
Virginia Lois Neely	USDC - Middle District of Tennessee	NECP d/b/a NECC	3:13-cv-00223	Douglas E. Jones Schulman, LeRoy & Bennett, P.C. 501 Union Street, 7th Floor P.O. Box 190676 Nashville, TN 37219-0676

**Federal Cases Not in NECC MDL**

Plaintiff(s)	Venue	Co-Defendant(s)	Docket No.	Plaintiff(s)' Counsel
Basil E. Proffitt	USDC- Western District of Virginia, Roanoke	NECP d/b/a NECC; Image Guided Pain Management, P.C., d/b/a Insight Imaging, Roanoke	7:12-cv-00615	Willard J. Moody, Jr. The Moody Law Firm, Inc. 500 Crawford Street Suite 300 Portsmouth, VA 23705  The Miller Firm, LLC The Sherman Building 108 Railroad Avenue Orange, VA 22960
Mary E. Radford	USDC- Western District of Virginia, Roanoke	NECP d/b/a NECC; Image Guided Pain Management, P.C., d/b/a Insight Imaging, Roanoke	7:12-cv-00562	LichtensteinFishwick PLC Liberty Trust Building Suite 400, 101 South Jefferson Street Roanoke, VA 24004-0601
Robert Schroder; Margaret Schroder	USDC- District of Massachusetts	NECP d/b/a NECC; Barry Cadden; Gregory Conigliaro; Lisa Conigliaro; Glenn Chin; Medical Sales Management, Inc.; Ameridose, LLC; ARL Bio Pharma, Inc. d/b/a Analytical Research Laboratories; GDC Properties Management, LLC	Adversary No: 13-01024  Civil Docket: 1:13-cv-10227	Ellis & Rapaki, LLP 85 Merrimac Street Suite 500 Boston, MA 02114  Charfoos & Christensen, PC Hecker-Smiley Mansion 5510 Woodward Avenue Detroit, MI 40202
Mary Sharon Walker	USDC- Western District of Virginia	NECP d/b/a NECC; Image Guided Pain Management, P.C., d/b/a Insight Imaging, Roanoke	7:12cv 00564	Willard J. Moody, Jr. The Moody Law Firm, Inc. 500 Crawford Street Suite 300 Portsmouth, VA 23705  The Miller Firm, LLC The Sherman Building 108 Railroad Avenue Orange, VA 22960

State Court Cases Pending Removal

Plaintiff(s)	Venue	Defendant(s)	Docket No.	Plaintiff(s)' Counsel

## State Court Cases Not Removed

Plaintiff(s)	Venue	Defendant(s)	Docket No.	Plaintiff(s)' Counsel
Sara Culp Andrews	Roanoke, VA	NECP d/b/a NECC; Image Guided Pain Management, P.C., d/b/a Insight Imaging	CL12-2495	Patrick T. Fennell, Esq. Law Offices of Crandall & Katt 366 Elm Avenue, S.W. Roanoke, VA 24016
David A. Barley, Jr.	Roanoke, VA	NECP d/b/a NECC; Image Guided Pain Management, P.C., d/b/a Insight Imaging	CL12-2437	Patrick T. Fennell, Esq. Law Offices of Crandall & Katt 366 Elm Avenue, S.W. Roanoke, VA 24016
Virginia Law Berger	Roanoke, VA	NECP d/b/a NECC; Image Guided Pain Management, P.C., d/b/a Insight Imaging	CL12-2439	Patrick T. Fennell, Esq. Law Offices of Crandall & Katt 366 Elm Avenue, S.W. Roanoke, VA 24016
Viola Mills Bowling	Roanoke, VA	NECP d/b/a NECC; Image Guided Pain Management, P.C., d/b/a Insight Imaging	CL12-2453	Patrick T. Fennell, Esq. Law Offices of Crandall & Katt 366 Elm Avenue, S.W. Roanoke, VA 24016
Brenda Brewster	Roanoke, VA	NECP d/b/a NECC; Image Guided Pain Management, P.C., d/b/a Insight Imaging	CL12-2438	Patrick T. Fennell, Esq. Law Offices of Crandall & Katt 366 Elm Avenue, S.W. Roanoke, VA 24016
Wilma Brumfield	Roanoke, VA	NECP d/b/a NECC; Image Guided Pain Management, P.C., d/b/a Insight Imaging	CL12-2399	Patrick T. Fennell, Esq. Law Offices of Crandall & Katt 366 Elm Avenue, S.W. Roanoke, VA 24016
Kathleen Cooley and Robert Cooley	Middlesex County, MA	NECP d/b/a NECC; Barry Cadden	12 4980-B	Harry Herzog Herzog & Carp 427 Mason Park Boulevard Katy, TX 77450  Law Offices of Thomas R. Murphy, LLC 133 Washington Street, 2nd Floor Salem, MA 01970



## State Court Cases Not Removed

Plaintiff(s)	Venue	Defendant(s)	Docket No.	Plaintiff(s)' Counsel
Harry Michael English	Roanoke, VA	NECP d/b/a NECC; Image Guided Pain Management, P.C., d/b/a Insight Imaging	CL12-2435	Patrick T. Fennell, Esq. Law Offices of Crandall & Katt 366 Elm Avenue, S.W. Roanoke, VA 24016
Carolyn Fidler, Curtis Lynn Shell, Brian Glenn Caddell, Richard Wayne Henegar, Lynda Bradfield, Elizabeth P. Kirkpatrick, Kathy N. Cole, Dana M. King	Roanoke, VA	NECP d/b/a NECC; Image Guided Pain Management, P.C., d/b/a Insight Imaging	CL12-2509	Cranwell, Moore & Emick, P.L.C. 111 West Virginia Avenue Vinton, VA 24179
Christy Fralin	Roanoke, VA	NECP d/b/a NECC; Image Guided Pain Management, P.C., d/b/a Insight Imaging	CL12-2434	Patrick T. Fennell, Esq. Law Offices of Crandall & Katt 366 Elm Avenue, S.W. Roanoke, VA 24016
Robin Annette Hannabass	Roanoke, VA	NECP d/b/a NECC; Image Guided Pain Management, P.C., d/b/a Insight Imaging	CL12-2436	Patrick T. Fennell, Esq. Law Offices of Crandall & Katt 366 Elm Avenue, S.W. Roanoke, VA 24016
Magaret Hanson	Middlesex County, MA	NECP d/b/a NECC	MICV2012-04645-F	Frank Prokos, Esq. Law Office of Frank Prokos, LLC 1600 Providence Highway Walpole, MA 02081
William E. Johnson and Sandra J. Johnson	Davidson County, TN	NECP d/b/a NECC	12C4920	Randall L. Kinnard Daniel L. Clayton Kinnard, Clayton & Beveridge 127 Woodmont Boulevard Nashville, TN 37205
Donna Montee	Middlesex County, MA	NECP d/b/a NECC	MICV2012-04861	Kimberly Dougherty, Esq. Janet, Jenner & Suggs, LLC 75 Arlington Street Suite 500 Boston, MA 02116

## State Court Cases Not Removed

Plaintiff(s)	Venue	Defendant(s)	Docket No.	Plaintiff(s)' Counsel
Jocelyn Kae Norris	Cumberland County, TN	NECP d/b/a NECC	CV0005650	Scott & Cain 550 West Main Avenue Suite 601 Knoxville, TN 37902
James Palmer and Michelle Palmer	Cumberland County, TN	NECP d/b/a NECC	CV0005649	Scott & Cain 550 West Main Avenue Suite 601 Knoxville, TN 37902
Nancy Phillips	Roanoke, VA	NECP d/b/a NECC; Image Guided Pain Management, P.C., d/b/a Insight Imaging	CL12-2398	Patrick T. Fennell, Esq. Law Offices of Crandall & Katt 366 Elm Avenue, S.W. Roanoke, VA 24016
Dana Scott Pruitt and Lesa Shadowhawk, surviving adult children of Elizabeth A. Pruitt (deceased)	Davidson County, TN	NECP d/b/a NECC	12C4921	Randall L. Kinnard Daniel L. Clayton Kinnard, Clayton & Beveridge 127 Woodmont Boulevard Nashville, TN 37205
Craig Simas and Joan Simas	Middlesex County, MA	NECP d/b/a NECC; Ocean State Pain Management, Inc	12 4591	Wickstrom Morse, LLP 60 Church Street Whitinsville, MA 01588
Kathy Sinclair	Roanoke, VA	NECP d/b/a NECC; Image Guided Pain Management, P.C., d/b/a Insight Imaging	CL12-2397	Patrick T. Fennell, Esq. Law Offices of Crandall & Katt 366 Elm Avenue, S.W. Roanoke, VA 24016
Reba M. Skelton and Roy H. Skelton	Davidson County, TN	NECP d/b/a NECC	12C4918	Randall L. Kinnard Daniel L. Clayton Kinnard, Clayton & Beveridge 127 Woodmont Boulevard Nashville, TN 37205
Lloyd Smith	Roanoke, VA	NECP d/b/a NECC; Image Guided Pain Management, P.C., d/b/a Insight Imaging	CL12-2454	Patrick T. Fennell, Esq. Law Offices of Crandall & Katt 366 Elm Avenue, S.W. Roanoke, VA 24016

State Court Cases Not Removed

Plaintiff(s)	Venue	Defendant(s)	Docket No.	Plaintiff(s)' Counsel
Margaret Snopkowski	Suffolk County, MA	NECP d/b/a NECC	SUCV2012-03872	Elizabeth A. Kaveny Burke Wise Morrissey & Kaveny 161 North Clark Street Suite 3250 Chicago, IL 60601-3330
Donna West	Roanoke, VA	NECP d/b/a NECC; Image Guided Pain Management, P.C., d/b/a Insight Imaging	CL12-2396	Patrick T. Fennell, Esq. Law Offices of Crandall & Katt 366 Elm Avenue, S.W. Roanoke, VA 24016

## Cases Naming Non-Debtor Defendants Only

Case Name	Venue	Defendants	Docket No.	Plaintiff(s)' Counsel
Edward Adams	USDC- District of Massachusetts Adversary No: 13-01026 Civil Docket: 1:13-cv-10229	Barry Cadden; Lisa Cadden; Gregory Conigliaro; Glenn Chin; ARL Bio Pharma, Inc. d/b/a Analytical Research Laboratories; Ameridose, LLC; Medical Sales Management, Inc.; GDC Properties Management, Inc.		Frederic L. Ellis Edward D. Rapaki Joseph M. Makalusky Ellis & Rapaki, LLP 85 Merrimac Street Suite 500 Boston, MA 02114  J. Douglas Peters Charfoos & Christensen, PC Hecker-Smiley Mansion 5510 Woodward Avenue Detroit, MI 40202
Baker, Chance Everett	Roanoke, VA	Alaunus Pharmaceutical LLC; Image Guided Pain Management P, Trading as: Insight Imaging Roanoke; Insight Health Services Corp.	CL13000451-00	Daniel T. Frith III Frith & Ellerman Law Firm, P.C. 303 Washington Avenue, SW Roanoke, Virginia 24016
Bradley	Roanoke, VA	Image Guided Pain Management, P.C.; John Mathis, M.D; Robert O'Brien, M.D.; Insight Health Corporation, P.C.		H. David Gibson Gentry Locke Rakes & Moore 10 Franklin Road Southeast P.O. Box 40013 Roanoke, VA 24022-0013
Epperly	Roanoke, VA	Image Guided Pain Management, P.C.; John Mathis, M.D; Robert O'Brien, M.D.; Insight Health Corporation, P.C.		H. David Gibson Gentry Locke Rakes & Moore 10 Franklin Road Southeast P.O. Box 40013 Roanoke, VA 24022-0013
Filson	Roanoke, VA	Image Guided Pain Management, P.C.; John Mathis, M.D; Robert O'Brien, M.D.; Insight Health Corporation, P.C.		H. David Gibson Gentry Locke Rakes & Moore 10 Franklin Road Southeast P.O. Box 40013 Roanoke, VA 24022-0013
Foutz	Roanoke, VA	Image Guided Pain Management, P.C.; John Mathis, M.D; Robert O'Brien, M.D.; Insight Health Corporation, P.C.		H. David Gibson Gentry Locke Rakes & Moore 10 Franklin Road Southeast P.O. Box 40013 Roanoke, VA 24022-0013

## Cases Naming Non-Debtor Defendants Only

Case Name	Venue	Defendants	Docket No.	Plaintiff(s)' Counsel
Harris	Roanoke, VA	Image Guided Pain Management, P.C.; John Mathis, M.D; Robert O'Brien, M.D.; Insight Health Corporation, P.C.		H. David Gibson Gentry Locke Rakes & Moore 10 Franklin Road Southeast P.O. Box 40013 Roanoke, VA 24022-0013
Kalinoski	Roanoke, VA	Image Guided Pain Management, P.C.; John Mathis, M.D; Robert O'Brien, M.D.; Insight Health Corporation, P.C.		H. David Gibson Gentry Locke Rakes & Moore 10 Franklin Road Southeast P.O. Box 40013 Roanoke, VA 24022-0013
Johnston, Patrick O.	Roanoke, VA	Alaunus Pharmaceutical LLC; Image Guided Pain Management I; Insight Health Services Corp.	CL13000453-00	Daniel T. Frith III Frith & Ellerman Law Firm, P.C. 303 Washington Avenue, SW Roanoke, Virginia 24016
May	Davidson County, TN	Saint Thomas Outpatient Neurological Center, LLC; Howell Allen Clinic A Professional Corporation		William D. Leader George H. Nolan Leader, Bulso & Nolan, PLC 414 Union Street, Suite 1740 Nashville, TN 37219
McFarlane	Roanoke, VA	Image Guided Pain Management, P.C.; John Mathis, M.D; Robert O'Brien, M.D.; Insight Health Corporation, P.C.		H. David Gibson Gentry Locke Rakes & Moore 10 Franklin Road Southeast P.O. Box 40013 Roanoke, VA 24022-0013
Reed	Davidson County, TN	Saint Thomas Outpatient Neurological Center, LLC; Howell Allen Clinic A Professional Corporation		William D. Leader George H. Nolan Leader, Bulso & Nolan, PLC 414 Union Street, Suite 1740 Nashville, TN 37219  William H. Lassiter, Jr. John Overton Belcher Lassiter Tidwell & Davis, PLLC One Nashville Place 150 4th Avenue North, Suite 1850 Nashville, TN 37219

## Cases Naming Non-Debtor Defendants Only

Case Name	Venue	Defendants	Docket No.	Plaintiff(s)' Counsel
Leonard Shaffer and Karen Shaffer	USDC- District of Massachusetts Adversary No: 13-01023 Civil Docket: 1:13-cv-10226	Barry Cadden; Lisa Cadden; Gregory Conigliaro; Glenn Chin; ARL Bio Pharma, Inc. d/b/a Analytical Research Laboratories; Ameridose, LLC; Medical Sales Management, Inc.; GDC Properties Management, Inc.		Frederic L. Ellis Edward D. Rapaki Joseph M. Makalusky Ellis & Rapaki, LLP 85 Merrimac Street Suite 500 Boston, MA 02114  J. Douglas Peters Charfoos & Christensen, PC Hecker-Smiley Mansion 5510 Woodward Avenue Detroit, MI 40202
Smith, James Wirt	Roanoke, VA	Image Guided Pain Management, P.C.; John Mathis, M.D; Robert O'Brien, M.D.; Insight Health Corporation, P.C.		H. David Gibson Gentry Locke Rakes & Moore 10 Franklin Road Southeast P.O. Box 40013 Roanoke, VA 24022-0013
Smith, Randolph	Roanoke, VA	Image Guided Pain Management, P.C.; John Mathis, M.D; Robert O'Brien, M.D.; Insight Health Corporation, P.C.		H. David Gibson Gentry Locke Rakes & Moore 10 Franklin Road Southeast P.O. Box 40013 Roanoke, VA 24022-0013
Wertz, Ferman W.	Roanoke, VA	Alaunus Pharmaceutical, LLC; Image Guided Pain Management; Insight Imaging Roanoke.	CL13000452-00	Daniel T. Frith III Frith & Ellerman Law Firm, P.C. 303 Washington Avenue, SW Roanoke, Virginia 24016
Whitlow	Roanoke, VA	Image Guided Pain Management, P.C.; John Mathis, M.D; Robert O'Brien, M.D.; Insight Health Corporation, P.C.		H. David Gibson Gentry Locke Rakes & Moore 10 Franklin Road Southeast P.O. Box 40013 Roanoke, VA 24022-0013
Wingate	Roanoke, VA	Image Guided Pain Management, P.C.; John Mathis, M.D; Robert O'Brien, M.D.; Insight Health Corporation, P.C.		H. David Gibson Gentry Locke Rakes & Moore 10 Franklin Road Southeast P.O. Box 40013 Roanoke, VA 24022-0013

**EXHIBIT B**

**Form of Notice of Removal and Transfer**

1. Pursuant to 28 U.S.C. § 157(b)(5), this case is removed and transferred from the [NAME OF STATE COURT], Case No. [STATE COURT CASE NUMBER] (the “State Court Action”) to this Court. (A copy of the Order is attached as Exhibit A.)

3. A Notice of Filing of Notice of Removal and Transfer Pursuant to 28 U.S.C. § 157(b)(5) promptly is being filed with the Clerk of Courts in the State Court Action and provided to all parties of record.



For the foregoing reasons, this action is hereby removed and transferred from the  
[NAME OF STATE COURT] to this Honorable Court.

Dated: [DATE OF REMOVAL]  
[LOCATION]

Respectfully submitted,

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[REMOVING COUNSEL]

Attorneys for [REMOVING DEFENDANT]

**EXHIBIT C**

**Subsequent Actions Notice**

[CAPTION]

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	)	
	)	
	)	Docket No. [Subsequent Action No.]
	)	
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**NOTICE OF TRANSFER PURSUANT TO 11 U.S.C. §§ 157(b)(5) AND 1334**

**PLEASE TAKE NOTICE** that on March 10, 2013, Paul D. Moore, the Chapter 11 Trustee (the “Trustee”) for the Estate of New England Compounding Pharmacy, Inc. (“NECC” or the “Debtor”) filed a motion [Doc. No. 37] (the “Motion”) in the multidistrict litigation involving NECC pending in the United States District Court for the District of Massachusetts (the “Court”) for entry of an order transferring to the Court the personal injury and wrongful death cases identified on Exhibit A to the memorandum [Doc. No. 38] (the “Memorandum”) in support of the Motion (as amended, the “Schedule of Pending Actions”);

**PLEASE TAKE FURTHER NOTICE** that on April \_\_, 2013, the Court entered the attached order (the “Transfer Order”) granting the Motion;

**PLEASE TAKE FURTHER NOTICE** that the above-captioned action is a Subsequent Action (as defined in the Transfer Order) and is subject to the Transfer Order;

**PLEASE TAKE FURTHER NOTICE** that any objection to the above-captioned action being transferred pursuant to the Transfer Order must be in writing, shall conform to the Federal Rules of Civil Procedure and the Local Rules of the Court, shall be filed within **Fourteen (14) days of service of this notice** with the Court, 1 Courthouse Way, Boston, Massachusetts 02210, and served upon the undersigned counsel to the Trustee;

**PLEASE TAKE FURTHER NOTICE** that the Motion, Memorandum and exhibits to the Memorandum are available on the website maintained by the claims agent retained in the Debtor's bankruptcy case at <http://www.donlinrecano.com/cases/caseinfo/necp> and/or by requesting copies of same from the undersigned counsel; and

**PLEASE TAKE FURTHER NOTICE** that, absent a timely written objection to the transfer of the above-captioned action pursuant to the Transfer Order, this action shall be deemed transferred to the Court.

Dated: \_\_\_\_\_, 2013

Respectfully submitted,

DUANE MORRIS LLP

/s/ Michael R. Gottfried

Michael R. Gottfried (BBO #542156)

Jennifer L. Mikels (BBO# 682199)

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Boston, MA 02110-1724

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Counsel for PAUL D. MOORE, in his capacity as  
Chapter 11 Trustee of the Defendant New England  
Compounding Pharmacy, Inc., d/b/a New England  
Compounding Center

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
IN RE: NEW ENGLAND COMPOUNDING	)	
PHARMACY, INC. PRODUCTS LIABILITY	)	
LITIGATION	)	MDL No.: 1:13-md-2419-FDS
	)	
This Document Relates to:	)	
All Cases	)	
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	)	
IN RE: NEW ENGLAND COMPOUNDING	)	
PHARMACY CASES	)	Master Docket No. 12-12052 - FDS
	)	
This Document Relates to	)	
All Cases	)	
_____	)	

**CERTIFICATE OF SERVICE**

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on March 15, 2013.

/s/ Michael R. Gottfried  
Michael R. Gottfried (BBO #542156)  
DUANE MORRIS LLP  
100 High Street, Suite 2400  
Boston, MA 02110-1724  
Tel: 857-488-4200  
Fax: 857-488-4201  
[MRGottfried@duanemorris.com](mailto:MRGottfried@duanemorris.com)

Counsel for PAUL D. MOORE, in his capacity as  
Chapter 11 Trustee of the Defendant New England  
Compounding Pharmacy, Inc., d/b/a New England  
Compounding Center