

**BEFORE THE JUDICIAL PANEL  
ON MULTIDISTRICT LITIGATION**

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IN RE BIOMEDICAL TISSUE SERVICES,  
LTD., HUMAN TISSUE LITIGATION

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) MDL Docket No. \_\_\_\_\_  
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**MOTION FOR TRANSFER AND COORDINATION  
PURSUANT TO 28 U.S.C. § 1407**

For the reasons set forth in the accompanying brief, Regeneration Technologies, Inc. ("RTI"), a Defendant to each of the following actions, respectfully moves the Panel to transfer and coordinate the following actions pursuant to 28 U.S.C. § 1407:

- *Coleman v. Medtronic, Inc., et al.*, No. 05-CV-00741 (N.D. Okla.);
- *Sciuva v. SpinalGraft Technologies, LLC, et al.*, No. 06-CV-00216 (N.D. Ohio);
- *Sechtin v. Regeneration Technologies, Inc., et al.*, No. 06-CV-00135 (D.N.J.);
- *Nguyen v. Medtronic Sofamor Danek, Inc., et al.*, No. 06-CV-00417 (D.N.J.);
- *Vitola v. BioMedical Tissue Services, Ltd., et al.*, No. 06-CV-00466 (D.N.J.);

- *Pieper v. Medtronic Sofamor Danek, Inc., et al.*, No. 06-CV-00433 (D.N.J.); and
- *Augustin v. Medtronic Sofamor Danek, Inc., et al.*, No. 06-CV-00467 (D.N.J.).

Respectfully submitted this 2<sup>nd</sup> day of February, 2006.



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**BRIEF IN SUPPORT OF MOTION FOR TRANSFER AND COORDINATION  
PURSUANT TO 28 U.S.C. § 1407**

Regeneration Technologies, Inc. (“RTP”), a Defendant in each of five purported class action lawsuits<sup>1</sup> and two individual lawsuits<sup>2</sup> (collectively referred to as the “Lawsuits”) seeks transfer and pretrial coordination of these cases pursuant to 28 U.S.C. § 1407. Plaintiffs in these cases allege that they are recipients, via surgical operation, of human tissue for purposes of medical treatment. Defendants are companies or individuals involved in the procurement, processing, distribution, and/or supplying of human tissue for transplantation in surgical operations. The Lawsuits are premised on the

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<sup>1</sup> *Coleman v. Medtronic, Inc., et al.*, No. 05-CV-00741 (N.D. Okla.); *Sciava v. SpinalGraft Technologies, LLC, et al.*, No. 06-CV-00216 (N.D. Ohio); *Sechtin v. Regeneration Technologies, Inc., et al.*, No. 06-CV-00135 (D.N.J.); *Nguyen v. Medtronic Sofamor Danek, Inc., et al.*, No. 06-CV-00417 (D.N.J.); *Vitola v. BioMedical Tissue Services, Ltd., et al.*, No. 06-CV-00466 (D.N.J.).

<sup>2</sup> *Pieper v. Medtronic Sofamor Danek, Inc., et al.*, No. 06-CV-00433 (D.N.J.); *Augustin v. Medtronic Sofamor Danek, Inc., et al.*, No. 06-CV-00467 (D.N.J.).

same primary allegations that human tissue was illegally obtained without donor consent and without proper screening of the tissue donors. The Lawsuits allege that Plaintiffs, as a result of receiving tissue supplied by the Defendants, are at increased risk for contracting infectious disease. The Lawsuits also demand that Defendants be held liable under theories of strict liability, negligence, misrepresentation, or breach of contract.

Given the similarity in their factual allegations, as well as the substantial overlap in the purported classes and the named Defendants, these actions unquestionably satisfy the statutory requirements for transfer and centralization under 28 U.S.C. § 1407: (i) all of these cases “involve[] one or more common questions of fact,” (ii) transfer would further “the convenience of parties and witnesses,” and (iii) transfer “will promote the just and efficient conduct of such actions.” *Id.* Additionally, the litigation of these actions should be centrally managed because this litigation may involve the national system for organ and tissue donation.

#### **BACKGROUND**

BioMedical Tissue Services, Ltd. (“BioMedical”) is an organization that procures human tissue from recently-deceased corpses for purposes of medical transplantation. (*Coleman* Compl. ¶ 4; *Sciuva* Compl. ¶ 15; *Sechtin* Compl. ¶ 20; *Pieper* Compl. ¶ 10; *Augustin* Compl. ¶10; *Nguyen* Compl. ¶ 9a; *Vitola* Compl. ¶ 25.) BioMedical then supplies the tissue to various tissue processing companies, who in turn supply the tissue to various distributors and hospitals.

In September 2005, the United States Food and Drug Administration (“FDA”) published notices stating that five tissue processors – LifeCell Corporation, Lost Mountain Tissue Bank, The Blood and Tissue Center of Central Texas, Tutogen Medical,

Inc., and RTI – were initiating voluntary recalls of the human tissue they had received from BioMedical.<sup>3</sup> LifeCell’s recall notice, for example, identified “questions about the donor documentation received from [BioMedical]” as necessitating the recall,<sup>4</sup> and each of the other four tissue processors echoed LifeCell’s concern about the accuracy of documentation of donor records. Additionally, BioMedical recalled its own tissue products in cooperation with FDA.<sup>5</sup>

On October 6, 2005, six days after FDA published the initial notice of recall, the *New York Daily News* carried a story entitled “Body Snatchers of New York,” which detailed an ongoing investigation of BioMedical by the Brooklyn, New York, District Attorney’s Office.<sup>6</sup> In this article, the newspaper alleged that BioMedical, through its owner Michael Mastromarino, was involved in a scheme to procure human tissue from corpses without consent from the donors or the donors’ families. This news was subsequently redistributed by national and international media outlets, including the *New*

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<sup>3</sup> See FDA, Recall of Human Tissue Products (Sept. 30, 2005) (attached hereto as Exhibit A); FDA, Withdrawal of Human Tissue Products (Oct. 10, 2005) (attached hereto as Exhibit B); FDA, Recall of Human Tissue Products (Oct. 11, 2005) (attached hereto as Exhibit C); FDA, Recall of Human Tissue Products (Oct. 12, 2005) (attached hereto as Exhibit D); FDA, Recall of Human Tissue Products (Oct. 14, 2005) (attached hereto as Exhibit E).

<sup>4</sup> *Id.*

<sup>5</sup> See FDA, Recall of Human Tissue (Oct. 13, 2005) (attached hereto as Exhibit F).

<sup>6</sup> See William Sherman, *Body Snatchers of New York*, N.Y. DAILY NEWS, Oct. 6, 2005 (attached hereto as Exhibit G).

*York Times*,<sup>7</sup> the *Washington Post*,<sup>8</sup> the *Boston Globe*,<sup>9</sup> CNN,<sup>10</sup> The Canadian Press,<sup>11</sup> the *Times of London*,<sup>12</sup> the *Scotsman*,<sup>13</sup> the *Sydney Morning Herald*,<sup>14</sup> and *China View*.<sup>15</sup>

Over the course of the following months, five class actions – *Coleman*, *Sciuva*, *Sechtin*, *Nguyen*, and *Vitola* – were brought on behalf of overlapping classes of recipients of human tissue procured by BioMedical. Each of these purported class actions seeks relief on behalf of all recipients of human tissue procured by BioMedical. (*Coleman* Compl. ¶ 24; *Sciuva* Compl. ¶ 27; *Sechtin* Compl. ¶ 12; *Nguney* Compl. ¶ 68; *Vitola* Compl. ¶ 13.)<sup>16</sup> These overlapping class actions are currently pending in the United States District Court for the Northern District of Oklahoma, the United States District Court for the Northern District of Ohio, and the United States District Court for the District of New Jersey. Additionally, two individual actions – *Pieper* and *Augustin* – are currently pending in the United States District Court for the District of New Jersey, both of which allege that the Plaintiffs are recipients of human tissue procured by BioMedical. (*Pieper* Compl. ¶ 9; *Augustin* Compl. ¶ 9.) All seven actions name BioMedical and RTI as Defendants. Further, though each suit names a different subset of additional

<sup>7</sup> See Michael Brick, *Alistair Cooke's Bones Were Plundered, His Daughter Says*, N.Y. TIMES, Dec. 23, 2005 (attached hereto as [Exhibit H](#)).

<sup>8</sup> See Michael Powell & David Segal, *In New York, a Grisly Traffic in Body Parts*, WASH. POST, Jan. 28, 2006 (attached hereto as [Exhibit I](#)).

<sup>9</sup> See Tom Hays, *NYC Probing Possible Thefts of Body Parts*, BOSTON GLOBE, Dec. 24, 2005 (attached hereto as [Exhibit J](#)).

<sup>10</sup> See Aaron Smith, *Body Snatchers Tied to Allograft Firms? Alleged New York-Area Ring Investigated for Selling Parts to Corpse Tissue Harvesters*, CNN/MONEY, Oct. 7, 2005 (attached hereto as [Exhibit K](#)).

<sup>11</sup> See Sheryl Ubelacker, *Tissue Implants in Canada May Have Come from Bodies Taken from Funeral Homes*, CANADIAN PRESS, Oct. 27, 2005 (attached hereto as [Exhibit L](#)).

<sup>12</sup> See Tim Reid, *Bodysnatchers Took Cooke's Bones to Sell for Transplants*, TIMES OF LONDON, Dec. 23, 2005 (attached hereto as [Exhibit M](#)).

<sup>13</sup> See Jacqui Goddard, *Victim of 'Modern Burke and Hare'*, SCOTSMAN, Dec. 23, 2005 (attached hereto as [Exhibit N](#)).

<sup>14</sup> See Mark Coultan, *Broadcaster's Bones Stolen by Body Parts Gang*, SYDNEY MORNING HERALD, Dec. 24, 2005 (attached hereto as [Exhibit O](#)).

<sup>15</sup> See *NYC Authorities Investigate Body Parts Theft*, CHINA VIEW (XINHUA NEWS AGENCY), Dec. 27, 2005 (attached hereto as [Exhibit P](#)).

<sup>16</sup> The *Vitola* class action would expressly exclude from the proposed class all individuals who have suffered an actual injury from the allograft tissue. (*Vitola* Compl. ¶ 13.)

Defendants, the actions generally involve Michael Mastromarino (BioMedical's owner), four other tissue processing companies to whom BioMedical distributed human tissue, and a number of the distributors to whom the tissue processors supplied the processed human tissue.

The factual allegations underlying each of these seven actions are essentially the same. All of the actions allege that BioMedical and the other Defendants, or some of them, illegally obtained human tissue without donor consent. (*Coleman* Compl. ¶ 4, 5; *Sciuva* Compl. ¶ 15, 26; *Sechtin* Compl. ¶ 2, 20; *Pieper* Compl. ¶ 21; *Augustin* Compl. ¶ 21; *Nguyen* Compl. ¶ 22; *Vitola* Compl. ¶ 25.) They all assert that Defendants failed properly to screen the donors of tissue procured by BioMedical. (*Coleman* Compl. ¶ 6; *Sciuva* Compl. ¶ 15, 26; *Sechtin* Compl. ¶ 3, 5; *Pieper* Compl. ¶ 4, 20; *Augustin* Compl. ¶ 4, 20; *Nguyen* Compl. ¶ 25; *Vitola* Compl. ¶ 25.) Further, they assert that Defendants failed properly to test the donor tissue for infectious disease, such as syphilis, hepatitis, or HIV. (*Coleman* Compl. ¶ 6; *Sechtin* Compl. ¶ 21, 27; *Pieper* Compl. ¶ 22; *Augustin* Compl. ¶ 22; *Nguyen* Compl. ¶ 27; *Vitola* Compl. ¶ 36.) The actions thus allege, in one form or another, that the "recipients of the defective allograft tissue recovered by BTS . . . are at an increased risk of infectious diseases that are transmitted through the allograft tissue." (*Coleman* Compl. ¶ 7; *see also Sechtin* Compl. ¶ 32; *Pieper* Compl. ¶ 24; *Augustin* Compl. ¶ 24; *Nguyen* Compl. ¶ 29; *Vitola* Compl. ¶ 75; *Sciuva* Compl. ¶ 25.)

Though each of these class actions asserts multiple claims against Defendants, most of the claims involve strict liability, negligence, misrepresentation, breach of warranty, and violation of state consumer protection statutes. (*See, e.g., Coleman* Compl. ¶¶ 41, 52, 58, 64, 69, 74, 91; *Sciuva* Compl. ¶¶ 42, 44, 57, 58; *Sechtin* Compl. ¶¶ 53, 62;

*Pieper* Compl. ¶¶ 36, 45, 52, 68, 76; *Vitola* Compl. ¶¶ 30, 37, 41, 54.) Finally, as to relief, the complaints generally seek compensatory damages, costs for future medical monitoring, and punitive damages. (See, e.g., *Coleman* Compl. ¶¶ 9, 100, Prayer for Relief; *Sciuva* Compl. Prayer for Relief; *Sechtin* Compl. ¶¶ 68, 74; *Pieper* Compl. ¶ 80; *Vitola* Compl. Prayer for Relief.)

Centralization of these cases would promote the orderly resolution of numerous substantive and procedural matters best handled by a single decision-maker. These lawsuits arise out of the same alleged scheme by BioMedical to improperly procure donor tissue, and they will require resolution of many parallel issues. Because these cases are ideally suited for centralization under § 1407, this Panel should enter an order transferring the actions to an appropriate United States District Court for consolidated and coordinated pretrial proceedings.

#### **ARGUMENT**

28 U.S.C. § 1407(a) specifies that this Panel may transfer two or more civil cases for pretrial coordination upon a determination that: (i) the cases “involve[] one or more common questions of fact,” (ii) the transfers will further “the convenience of parties and witnesses,” and (iii) the transfers “will promote the just and efficient conduct of such actions.” *Id.* The cases requested for transfer and coordination, as detailed in the attached Schedule of Actions, clearly meet these criteria and should be transferred for coordinated pretrial proceedings.

#### **I. TRANSFER AND PRETRIAL COORDINATION OF THESE ACTIONS IS APPROPRIATE BECAUSE THESE ACTIONS INVOLVE ONE OR MORE COMMON QUESTIONS OF FACT.**



The actions at issue clearly meet the first requirement of § 1407(a). As set forth above, these Lawsuits arise out of the same alleged scheme to obtain human tissue improperly, and the resulting recall by several companies of all tissue received from BioMedical. The underlying facts of this alleged scheme are thus at issue in each of these cases.

Moreover, the actions overlap. Each of the five purported class actions propose a nationwide class on behalf of all recipients of human tissue procured by BioMedical. While the *Vitola* case limits its purported class to tissue recipients who have *not* contracted disease, the other four purported classes would subsume the *Vitola* class by covering all tissue recipients without qualification. Further, each of the seven actions seeks recovery from the same basic defendants: BioMedical, Michael Mastromarino (BioMedical's owner), five tissue processing companies to whom BioMedical distributed human tissue, and a number of the distributors to whom the tissue processors supplied their processed human tissue.

This Panel has long recognized that overlapping and parallel class actions asserting similar claims for recovery are particularly well-suited for consolidation. *See In re Gen. Motors Corp. Type III Door Latch Prods. Liab. Litig.*, Docket No. 1266, 1999 U.S. Dist. LEXIS 5075, at \*1-2 (J.P.M.L. Apr. 14, 1999) (ordering transfer where "the three actions in this litigation involve common questions of fact concerning allegations that the 'unmodified Type III door latches' on certain GM vehicles are defective and prone to failure"); *In re Chrysler Corp. Vehicle Paint Litig.*, Docket No. 1239, 1998 U.S. Dist. LEXIS 15675, at \*2 (J.P.M.L. Oct. 2, 1998) (ordering transfer where "the actions in this litigation involve common questions of fact concerning allegations by overlapping

classes of defects in the paint of certain Chrysler vehicles that result in chipping, peeling and discoloration of the paint finish”).

In particular, this Panel has repeatedly ordered consolidation of class actions alleging harm – or risk of harm – from medical implants and other pharmaceutical devices, much like the human tissue at issue in the present actions. *See, e.g., In re Guidant Corp. Implantable Defibrillators Prods. Liab. Litig.*, 2005 U.S. Dist. LEXIS 37770, at \*3 (J.P.M.L. Nov. 7, 2005) (ordering transfer where multiple “actions share allegations that certain implantable defibrillator devices manufactured by Guidant were defective and caused injury, or the threat of injury, to the plaintiffs and putative class members.”); *In re Bextra & Celebrex Prods. Liab. Litig.*, 391 F. Supp. 2d 1377, 1379 (J.P.M.L. 2005) (ordering transfer where “[a]ll actions focus on (i) alleged increased health risks from taking Celebrex and/or Bextra, anti-inflammatory prescription medications, and (ii) whether Pfizer, as the manufacturer of both medications, knew of these increased risks and failed to disclose them to the medical community and consumers and/or improperly marketed these medications to both of these groups”); *In re St. Jude Med., Inc., Silzone Heart Valves Prods. Liab. Litig.*, Docket No. 1396, 2001 U.S. Dist. LEXIS 5226, at \*2-3 (J.P.M.L. Apr. 18, 2001) (ordering transfer where “[a]ll actions are brought as class actions . . . and arise from the same factual milieu, namely the manufacture and marketing of allegedly defective heart valve and replacement products”); *In re TMJ Implants Prods. Liab. Litig.*, 844 F. Supp. 1553, 1554 (J.P.M.L. 1994) (ordering transfer where “[a]ll actions before the Panel are personal injury actions brought by individuals who have been implanted with [TMJ] implants”). Accordingly,

because these actions involve numerous common questions of fact, they unquestionably satisfy the first requirement of § 1407(a).

**II. TRANSFER AND PRETRIAL COORDINATION OF THESE ACTIONS IS APPROPRIATE BECAUSE CENTRALIZATION WILL SERVE THE CONVENIENCE OF PARTIES AND WITNESSES.**

Centralization of these actions will satisfy the second criterion under § 1407(a), by serving the “convenience of parties and witnesses.” Without consolidation, Defendants will be subjected to inconsistent schedules, conferences, and hearings, and unnecessary duplicative discovery demands. In addition, witnesses will be subjected to wholly redundant depositions in each separate action. Such redundancy would prove especially difficult given the geographic disparity between the jurisdictions of Oklahoma, Ohio, and New Jersey. Consolidation would solve these problems by enabling a single judge to formulate a pretrial program that would minimize witness inconvenience and overall expense. *See In re Cuisinart Food Processor Antitrust Litig.*, 506 F. Supp. 651, 655 (J.P.M.L. 1981) (transfer would “effectuate a significant overall savings of cost and a minimum of inconvenience to all concerned with the pretrial activities”).

**III. TRANSFER AND PRETRIAL COORDINATION OF THESE ACTIONS IS APPROPRIATE BECAUSE CENTRALIZATION WILL PROMOTE THE JUST AND EFFICIENT CONDUCT OF THE ACTIONS.**

Centralization of the pending actions will promote the third criterion under § 1407(a) – “the just and efficient conduct of such actions” – in three primary manners: (a) by preventing duplicative discovery, (b) by preventing inconsistent pretrial rulings, and (c) by facilitating consistent resolution of class action issues. *See In re St. Jude Med., Inc., Silzone Heart Valves Prods. Liab. Litig.*, Docket No. 1396, 2001 U.S. Dist. LEXIS 5226, at \*3 (J.P.M.L. Apr. 18, 2001) (“Centralization under Section 1407 is necessary in

order to eliminate duplicative discovery, prevent inconsistent pretrial rulings (especially with respect to questions of privilege issues, confidentiality issues and class certification), and conserve the resources of the parties, their counsel and the judiciary.”). Moreover, if the currently pending cases are transferred and centralized, any later-filed duplicative lawsuits (which are expected) could be expediently included as “tag-along” actions in an MDL proceeding. *See In re Gas Meter Antitrust Litig.*, 464 F. Supp. 391, 393 (J.P.M.L. 1979) (ordering transfer, in part, based on the “salutary effect of providing a ready forum for the inclusion of any newly filed actions”).

**A. Centralization of These Actions Will Prevent Duplicative Discovery.**

Transfer of the Lawsuits to a single court will prevent duplicative discovery by enabling the parties and the courts to coordinate discovery of all these actions, rather than having simultaneous, parallel discovery tracks in different jurisdictions. Such coordination will reduce the time and effort expended by the parties and the courts in resolving disputes concerning the nature and scope of discovery. Additionally, coordination will prevent repetitive depositions of defense witnesses, who are needed for the daily operations of their companies. Moreover, no discovery has taken place in any of the actions to date, enabling a single court to coordinate the discovery process from the start. Accordingly, centralization of these actions would promote the just and efficient resolution of these disputes by preventing duplication of discovery efforts.

**B. Centralization of These Actions Will Prevent Inconsistent Pretrial Rulings.**

Centralization will also avoid inconsistent pretrial rulings regarding various pivotal issues. *See In re Prempro Prods. Liab. Litig.*, 254 F. Supp. 2d 1366, 1367 (J.P.M.L. 2003) (ordering transfer of six actions, because refusal to consolidate would

mean that “many of the judges assigned to the various actions would be required to needlessly replicate other judges’ work on such matters as class action certifications, medical monitoring claims, the structuring of confidentiality and other discovery orders, the scheduling of depositions and other discovery, rulings on motions to dismiss, and so forth.”).

In the present actions, the risk of inconsistent rulings is unusually high, because the actions are governed by substantially similar complaints and because multiple disputed issues are anticipated. First, this complex products liability litigation will involve the inevitable decisions on various motions to dismiss, the scope and timing of pretrial discovery, and the resolution of Plaintiffs’ medical monitoring claims. *See In re Prempro Prods. Liab. Litig.*, 254 F. Supp. 2d at 1367. Second, unless dismissed, the present actions will involve substantial privilege and confidentiality issues, due to the medical nature of the underlying claims. Both sides to the Lawsuits possess confidential medical information relevant to the actions – the Plaintiffs have information about themselves, and the Defendants have information from the tissue donors. Third, unless dismissed, these actions will almost certainly involve *Daubert* disputes over the admissibility of expert opinion concerning the communicability of infectious disease after tissue processing, and other central scientific issues. Because separate prosecution of these actions creates the potential for inconsistent pretrial rulings, this Panel should order their transfer and pretrial coordination.

**C. Centralization of These Actions Will Facilitate a Uniform Class Certification Decision.**

Because most of these actions seek class-wide relief, the risk of inconsistent pretrial rulings from separately-managed actions is especially troublesome. This Panel

has “consistently held that transfer of actions under § 1407 is appropriate, if not necessary, where the possibility of inconsistent class determinations exists.” *In re Sugar Indus. Antitrust Litig.*, 395 F. Supp. 1271, 1273 (J.P.M.L. 1975); *see also In re TMJ Implants Prods. Liab. Litig.*, 844 F. Supp. 1553, 1554 (J.P.M.L. 1994) (“Centralization under Section 1407 is necessary to . . . prevent inconsistent pretrial rulings (especially with respect to class certifications and summary judgments)”); *In re Hawaiian Hotel Room Rate Antitrust Litig.*, 438 F. Supp. 935, 936 (J.P.M.L. 1977) (“Section 1407 centralization is especially important to ensure consistent treatment of the class action issues.”); *In re Plumbing Fixture Cases*, 298 F. Supp. 484, 493 (J.P.M.L. 1968) (holding that transfer was necessary to avoid “pretrial chaos in conflicting class action determinations”).

RTI expects to contest strenuously any suggestion that the Lawsuits qualify for class treatment under Fed. R. Civ. P. 23. Nonetheless, because the purported class allegations in each of these cases are virtually identical, and the proposed classes overlap in their purported composition, the arguments presented both for and against class certification will presumably be the same. Accordingly, failure to transfer and coordinate these actions would introduce a significant risk of inconsistent rulings on class certification and other class action-related issues. Further, adjudicating the same class-related matters in multiple courts would involve much unnecessary duplication of effort by the parties and the courts.

#### VENUE

RTI respectfully requests this Panel to transfer the Lawsuits to the United States District Court for the District of New Jersey. Five of the seven actions involved in this

request are already pending in the District of New Jersey, and many of the key players in the litigation (including BioMedical and Michael Mastromarino) are located in New Jersey. Additionally, RTI respectfully requests this Panel to transfer the Lawsuits to Judge William Martini in the District of New Jersey. Judge Martini currently presides over three of the Lawsuits – *Sechtin*, *Vitola*, and *Augustin* – including the first of the Lawsuits to be located in the District of New Jersey. Further, the other two actions pending in the District of New Jersey may soon be consolidated before Judge Martini, pursuant to the District of New Jersey Local Civil Rule 42.1.

#### CONCLUSION

For all of the foregoing reasons, the centralization of these actions will further “the convenience of parties and witnesses and will promote the just and efficient conduct of such actions.” 28 U.S.C. § 1407(a). Accordingly, RTI respectfully requests this Panel to enter an order transferring the actions, as detailed in the attached Schedule of Actions, to Judge William Martini of the United States District Court for the District of New Jersey for consolidated and coordinated pretrial proceedings.

Respectfully submitted this 2<sup>nd</sup> day of February, 2006.



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**SCHEDULE OF ACTIONS**

Pursuant to the Rules of Procedure of the Judicial Panel on Multidistrict  
Litigation, R. 7.2(a)(ii), Regeneration Technologies, Inc. ("RTP") hereby provides the  
Panel with this Schedule of Actions, attached to its Motion for Transfer and Coordination  
Pursuant to 28 U.S.C. § 1407.

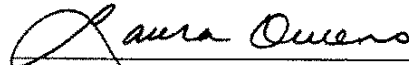
PLAINTIFF(S)	DEFENDANTS	COURT	DIVISION / CITY	CIVIL ACTION NO.	JUDGE	TYPE OF ACTION
Paula L. Coleman	Medtronic, Inc.; Medtronic Sofamor Danek, Inc.; BioMedical Tissue Services, Ltd.; Regeneration Technologies, Inc.; SpinalGraft	U.S. District Court for the Northern District of Oklahoma	Tulsa	05-CV- 00741- HDC-PJC	Senior Judge H. Dale Cook	Class

PLAINTIFF(S)	DEFENDANTS	COURT	DIVISION / CITY	CIVIL ACTION NO.	JUDGE	TYPE OF ACTION
	Technologies, LLC; LifeCell Corporation; Lost Mountain Tissue Bank; Blood and Tissue Center of Central Texas; Tutogen Medical, Inc.					
Cindy Sciuva	SpinalGraft Technologies, LLC, a division of Medtronic Sofamor Danek USA, Inc.; SpinalGraft Technologies, LLC; Regeneration Technologies, Inc.; LifeCell Corporation; Lost Mountain Tissue Bank; The Blood and Tissue Center of Central Texas; Tutogen Medical, Inc.; Biomedical Tissue Services, Ltd.	U.S. District Court for the Northern District of Ohio	Cleveland	06-CV-00216-SO	Judge Solomon Oliver, Jr.	Class
Arlene Sechtin	Regeneration Technologies, Inc.; BioMedical Tissue Services, Ltd.	U.S. District Court for the District of New Jersey	Newark	06-CV-00135-WJM-RJH	Judge William J. Martini	Class
Anh Nguyen; Moudy Tuju	Medtronic Sofamor Danek; SpinalGraft Technologies, LLC; Regeneration Technologies, Inc.; BioMedical Tissue Services, Ltd.; Tutogen Medical, Inc.; LifeCell	U.S. District Court for the District of New Jersey	Newark	06-CV-00417-JAP-MCA	Judge Joel A. Pisano	Class

PLAINTIFF(S)	DEFENDANTS	COURT	DIVISION / CITY	CIVIL ACTION NO.	JUDGE	TYPE OF ACTION
	Corporation; Lost Mountain Tissue Bank; Blood and Tissue Center of Central Texas; Michael Mastromarino, D.M.D.; Joseph Nicelli; Daniel George & Son Funeral Home; ABC Company 1-10; John Doe 1-10					
Anthony J. Vitola; Melanie Vitola	BioMedical Tissue Services, Ltd.; LifeCell Corporation; Lost Mountain Tissue Bank; Blood and Tissue Center of Central Texas; Tutogen Medical (United States) Inc.; Regeneration Technologies, Inc.; SpinalGraft Technologies, LLC; Michael Mastromarino; John Doe Corporations (1-10); John Doe Individuals (1-10)	U.S. District Court for the District of New Jersey	Newark	06-CV-00466-WJM-RJH	Judge William J. Martini	Class
Gary Pieper	Medtronic Sofamor Danek, Inc.; Regeneration Technologies, Inc.; BioMedical Tissue Services, Ltd.; Daniel George & Son Funeral Home; Michael	U.S. District Court for the District of New Jersey	Camden	06-CV-00433-JEI-JBR	Judge Joseph E. Irenas	Individual

PLAINTIFF(S)	DEFENDANTS	COURT	DIVISION / CITY	CIVIL ACTION NO.	JUDGE	TYPE OF ACTION
	Mastromarino; Joseph Nicelli; ABC Business Entities 1-10; John Does 1-10					
Heather Augustin	Medtronic Sofamor Danek, Inc.; Regeneration Technologies, Inc.; BioMedical Tissue Services, Ltd.; Daniel George & Son Funeral Home; Michael Mastromarino; Joseph Nicelli; ABC Business Entities 1-10; John Does 1-10	U.S. District Court for the District of New Jersey	Newark	06-CV-00467-WJM-RJH	Judge William J. Martini	Individual

Respectfully submitted this 2<sup>nd</sup> day of February, 2006.



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