

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

IN RE: PHILIPS RECALLED CPAP, BI-LEVEL PAP, AND MECHANICAL VENTILATOR PRODUCTS LITIGATION)	
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)	Master Docket: Misc. No. 21-1230
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)	MDL No. 3014
This Document Relates to: All Actions)	
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IN RE: SOCLEAN, INC., MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION)	
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)	Master Docket No. 22-mc-152
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)	MDL No. 3021
This Document Relates to: All Actions)	
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ORDER OF COURT

AND NOW this 18th day of December, 2024, in accordance with the memorandum opinion, it is hereby ORDERED that:

- (1) the amended third-party complaint in the Philips MDL (Misc. No. 21-1230, ECF No. 2922) will be severed forthwith and the Clerk of Court is instructed to place it in a new civil action, which will be marked as related to the Philips MDL;
- (2) The pending motion to strike/dismiss the third-party complaint filed by SoClean, as defined in the accompanying opinion (Misc. No. 21-1230, ECF Nos. 2995, 2997) is

granted in part, to the extent the third-party complaint is severed and shall proceed as a separate civil action. That motion to dismiss shall also be placed in the new civil action; (3) the new “class action complaint” filed in the SoClean MDL (Misc. No. 22-152, ECF No. 660) is hereby DISMISSED without prejudice to Philips, as defined in the accompanying opinion, being able to refile the complaint in a new civil action in accordance with the case management deadlines set forth below:

- (a) If Philips chooses to refile its class action complaint in this court, it shall do so on or before January 7, 2025, at a new civil action;
- (b) SoClean shall file any motion to dismiss the refiled class action complaint on or before January 28, 2025;
- (c) Philips shall file its response to any motion to dismiss by February 11, 2025;
- (d) The court will be prepared to hear argument on the motions to dismiss in the new civil actions, if necessary, on or after February 18, 2025, at a date and time convenient to the court and counsel.

SoClean’s motion to strike/dismiss the class action complaint (Misc. No. 22-152, ECF No. 737) is DENIED without prejudice to reassert if Philips refiles the class action complaint in a new civil action.

BY THE COURT:

/s/ Joy Flowers Conti
Joy Flowers Conti
Senior United States District Court Judge