

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: MANAGED CARE LITIGATION

MDL No. 1334

REMAND ORDER

Before the Panel:* Pursuant to Panel Rule 10.2, defendants UnitedHealthcare of New York, Inc., UnitedHealthcare Insurance Company, UnitedHealthcare Plan of the River Valley, Inc. (f/k/a UnitedHealthcare of Tennessee, Inc.), UnitedHealthcare of North Carolina, Inc., MAMSI Life and Health Insurance Company, and UnitedHealth Group Incorporated (collectively, “United”) move to vacate our order conditionally remanding the seven actions listed on Schedule A to their respective transferor courts. Plaintiffs in those actions oppose the motion and support remand.

United’s primary arguments against remand are that, in order to conserve judicial resources and prevent inconsistent pretrial rulings, the transferee court should (1) decide the unresolved issues presented in various motions to dismiss; and (2) if any action survives, define the scope of discovery for the transferor courts. The transferee judge, however, considered the arguments of the parties and found that remand of the actions to their respective transferor courts is appropriate. The transferee judge determined that, after over 13 years of litigation, MDL No. 1334 should be closed, and the remaining seven tag-along actions do not warrant further coordinated pretrial proceedings. He further determined that centralized proceedings on the motions to dismiss are not necessary, as they may be resolved by the transferor courts and that common discovery and pretrial proceedings have been complete for some time, with only case-specific discovery remaining.

In considering the question of remand, the Panel consistently gives great weight to the transferee judge’s determination that remand of a particular action at a particular time is appropriate because the transferee judge, after all, supervises the day-to-day pretrial proceedings. *See, e.g., In re Columbia/HCA Healthcare Corp. Qui Tam Litig. (No. II)*, 560 F. Supp. 2d 1349, 1350 (J.P.M.L. 2008). The transferee judge’s suggestion of remand obviously indicates that “he perceives his role under Section 1407 to have ended.” *Id.* at 1350 (quoting *In re Holiday Magic Secs. and Antitrust Litig.*, 433 F. Supp. 1125, 1126 (J.P.M.L. 1977)). Here, the transferee judge issued his decision after briefing by the parties, and he explained his reasons for determining that Section 1407 remand is warranted. His determination was appropriately based on “the totality of circumstances” involved in the docket. *See In re Brand-Name Prescription Drugs Antitrust Litig.*, 170 F. Supp. 2d 1350, 1352 (J.P.M.L. 2001) (“Whether Section 1407 remand is appropriate for actions or claims in any

* Judges Marjorie O. Rendell and Lewis A. Kaplan took no part in the decision of this matter.

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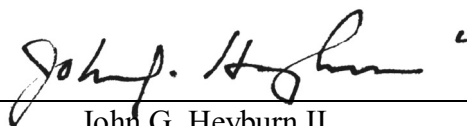
particular multidistrict docket is based upon the totality of circumstances involved in that docket.”).¹ The suggestion of remand is thus well-taken, and we will order remand of these actions.

MDL No. 1334 was centralized by the Panel in April 2000. As the transferee judge observed, common pretrial proceedings, including voluminous discovery and substantive motions, have run their course, and several appellate rulings were issued which he determined limited the value of further coordinated proceedings. Additionally, we have not transferred an action to the MDL since 2007, and denied transfer of a related action in 2011, noting the advanced stage of the MDL. In these circumstances, the transferee judge reasonably determined that his role in MDL No. 1334 has come to an end.

To the extent that coordination among the remanded actions is appropriate, we encourage the parties to employ various cooperative efforts which may minimize the risk of inconsistent rulings or duplicative discovery.² Additionally, the parties in the remanded actions, who are well-familiar with the common pretrial proceedings, “should be able to avail themselves of the documents and depositions accumulated under Judge Moreno’s supervision of MDL No. 1334,”³ and should direct the transferor courts to the relevant pretrial rulings issued by Judge Moreno and the appellate court.

IT IS THEREFORE ORDERED that pursuant to 28 U.S.C. § 1407, the actions on Schedule A are remanded to their respective transferor courts.

PANEL ON MULTIDISTRICT LITIGATION



John G. Heyburn II
Chairman

Charles R. Breyer
Ellen Segal Huvelle

Sarah S. Vance

¹ The pendency of dispositive motions is not an obstacle to remand under Section 1407. *See In re Baseball Bat Antitrust Litig.*, 112 F. Supp. 2d 1175, 1177 (J.P.M.L. 2000) (ordering remand, despite remaining pretrial discovery and pending motions to dismiss, in accordance with suggestion of remand issued by transferee judge).

² *See Regions Morgan Keegan Secs., Derivative and Employee Retirement Income Security Act (ERISA) Litig.*, MDL No. 2009, Remand Order at 2 (J.P.M.L. June 7, 2013).

³ *See In re Managed Care Litig.*, MDL No. 1334, Order Denying Transfer at 1 (J.P.M.L. May 23, 2011).

IN RE: MANAGED CARE LITIGATION

MDL No. 1334

SCHEDULE A

District of Connecticut

CT STATE MEDICAL V. UNITED HEALTHCARE, ET AL., C.A. No. 3:01-01498

(S.D. Florida, C.A. No. 1:01-04731)

LAUGEL V. UNITED HEALTHCARE, ET AL., C.A. No. 3:01-01499

(S.D. Florida, C.A. No. 1:01-04730)

Eastern District of North Carolina

NORTH CAROLINA MEDIC V. UNITED HEALTH GROUP, ET AL., C.A. No. 5:04-00410

(S.D. Florida, C.A. No. 1:04-22165)

Southern District of New York

MEDICAL SOCIETY V. UNITED HEALTHCARE, ET AL., C.A. No. 1:01-08372

(S.D. Florida, C.A. No. No. 1:02-20079)

BORRERO, ET AL. V. UNITED HEALTHCARE, ET AL., C.A. No. 1:01-08374

(S.D. Florida, C.A. No. 1:02-20080)

Middle District of Tennessee

TENNESSEE MEDICAL V. UNITED HEALTH GROUP, ET AL., C.A. No. 3:02-00497

(S.D. Florida, C.A. No. 1:02-22486)

ROSENBERG V. UNITED HEALTH GROUP, ET AL., C.A. No. 3:02-00499

(S.D. Florida, C.A. No. 1:02-22487)