

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: AVANDIA MARKETING, SALES PRACTICES
AND PRODUCTS LIABILITY LITIGATION**

MDL No. 1871

TRANSFER ORDER

Before the Panel: Plaintiffs in the District of Arizona action (*Mayfield Family*) listed on the attached Schedule A move to vacate our order conditionally transferring their action to the Eastern District of Pennsylvania for inclusion in MDL No. 1871.¹ Responding defendant GlaxoSmithKline LLC (GSK) opposes the motion.

In support of their motion to vacate, the *Mayfield Family* plaintiffs argue that inclusion in the MDL would delay the resolution of their case, that they raise Arizona law claims, and that the Supreme Court's *Lexecon* decision prohibits the transferee court from transferring plaintiffs' action to itself for trial. We are not convinced by these arguments. First, the record shows that the transferee judge, the Honorable Cynthia M. Rufe, is continuing to manage and resolve the cases in this MDL in an efficient manner. (Over 1,500 actions were closed in 2014 alone, and more than 1,000 have been terminated thus far this year.) Second, negligence claims similar to that asserted by plaintiffs here are found in other actions previously transferred to the MDL. Third, there is no indication that Judge Rufe will refuse to comply with *Lexecon* and decline to suggest remand of plaintiffs' action for trial if it is not resolved while in the MDL.

After considering the argument of counsel, we find that the *Mayfield Family* action involves common questions of fact with actions previously transferred to MDL No. 1871, and that transfer will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. The actions in the MDL involve factual questions "aris[ing] from allegations that certain diabetes drugs manufactured by GSK – Avandia and/or two sister drugs containing Avandia (Avandamet and Avandaryl) – cause an increased risk of heart attack and other physical injury, and that GSK failed to provide adequate warnings concerning that risk." *See In re: Avandia Mktg., Sales Practices & Prods. Liab. Litig.*, 528 F. Supp. 2d 1339, 1340-41 (J.P.M.L. 2007). Here, the *Mayfield Family* plaintiffs allege that their decedent died of complications from long-term use of Avandia, and the action thus falls squarely within the MDL's ambit.

¹ Plaintiffs are proceeding *pro se*.

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IT IS THEREFORE ORDERED that the *Mayfield Family* action is transferred to the Eastern District of Pennsylvania, and, with the consent of that court, assigned to the Honorable Cynthia M. Rufe for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION

A handwritten signature in cursive script, reading "Sarah S. Vance", positioned above a horizontal line.

Sarah S. Vance
Chair

Marjorie O. Rendell
Lewis A. Kaplan
R. David Proctor

Charles R. Breyer
Ellen Segal Huvelle
Catherine D. Perry

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SCHEDULE A

District of Arizona

MAYFIELD FAMILY V. GLAXOSMITHKLINE, ET AL.,
C.A. No. 2:15-00679