UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: ZOLOFT (SERTRALINE HYDROCHLORIDE)
PRODUCTS LIABILITY LITIGATION MDL No. 2342

TRANSFER ORDER

Before the Panel: Plaintiffs in the Central District of California action (*White*) and Eastern District of Missouri action (*R.J.*), both of which are listed on the attached Schedule A, separately move under Panel Rule 7.1 to vacate our orders conditionally transferring the actions to the Eastern District of Pennsylvania for inclusion in MDL No. 2342. Defendant Pfizer, Inc. (Pfizer) opposes the motion to vacate as to the *White* action, and defendants Pfizer and Greenstone LLC oppose the motion as to the *R.J.* action.

In support of their motions to vacate, the *White* and *R.J.* plaintiffs principally argue that their actions were improperly removed, and motions for remand to state court are pending. The Panel often has held that jurisdictional issues do not present an impediment to transfer, as plaintiffs can present arguments regarding those issues to the transferee judge.[1] *See, e.g., In re: Prudential Ins. Co. of Am. Sales Practices Litig.*, 170 F. Supp. 2d 1346, 1347-48 (J.P.M.L. 2001).

The *White* plaintiff also argues that transfer would "conflict" with California state court Judicial Council Coordinated Proceedings involving Zoloft birth defects. This argument is not convincing. The existence of related state court proceedings is an aspect of many MDLs, and is no bar to Section 1407 transfer. *See In re: Bank of New York Mellon Corp. Foreign Exchange Transactions Litig.*, 857 F. Supp. 2d. 1371, 1373 (J.P.M.L. 2012).

After considering the argument of counsel, we find that the *White* and *R.J.* actions involve common questions of fact with actions previously transferred to MDL No. 2342, and that transfer will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. Plaintiffs do not dispute that their actions share questions of fact with the actions already in the MDL. *See: In re Zoloft (Sertraline Hydrochloride) Prods. Liab. Litig.*, 856 F. Supp. 2d 1347, 1348 (J.P.M.L. 2012) (describing the centralized cases as "shar[ng] factual questions arising out of allegations that Zoloft causes birth defects in children whose mothers ingest the drug while pregnant").

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[1] Moreover, under Panel Rule 2.1(d), the pendency of a conditional transfer order does not limit the pretrial jurisdiction of the court in which the subject action is pending. Between the date a remand motion is filed and the date that transfer of the action to the MDL is finalized, a court generally has adequate time to rule on a remand motion if it chooses to do so.

IT IS THEREFORE ORDERED that the *White* and *R.J.* actions are 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

Sarah Vance

Sarah S. Vance
Chair

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

Charles R. Breyer
Ellen Segal Huvelle
Catherine D. Perry

IN RE: ZOLOFT (SERTRALINE HYDROCHLORIDE) PRODUCTS LIABILITY LITIGATION MDL No. 2342

SCHEDULE A

Central District of California

WHITE v. MCKESSON CORPORATION, ET AL., C.A. No. 8:15-00063

Eastern District of Missouri

R.J., ET AL. v. PFIZER INC., ET AL., C.A. No. 4:15-00153