

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: PRADAXA (DABIGATRAN ETEXILATE)
PRODUCTS LIABILITY LITIGATION

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| Therese Skipton v. Boehringer Ingelheim Pharmaceuticals, Inc., et al., D. Delaware, C.A. No. 1:12-01679 |) | |
| Billie S. Hilton v. Boehringer Ingelheim Pharmaceuticals, Inc., et al., D. Delaware, C.A. No. 1:13-00013 |) | MDL No. 2385 |
| Heidi Markus v. Boehringer Ingelheim Pharmaceuticals, Inc., et al., D. Delaware, C.A. No. 1:13-00014 |) | |

TRANSFER ORDER

Before the Panel:* Pursuant to Panel Rule 7.1, plaintiffs in three District of Delaware actions move to vacate our orders that conditionally transferred their actions to MDL No. 2385. Defendant Boehringer Ingelheim Pharmaceuticals, Inc., opposes the motions.

After considering all argument of counsel, we find that these actions involve common questions of fact with the actions previously transferred to MDL No. 2385, and that transfer will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. In our order centralizing this litigation, we held that the Southern District of Illinois was an appropriate Section 1407 forum for actions sharing factual questions arising out of allegations that plaintiffs suffered severe bleeding or other injuries as a result of taking the drug Pradaxa (dabigatran etexilate), that defendants did not adequately warn prescribing physicians of the risks associated with Pradaxa, including the potential for severe or fatal bleeding, and that there is no reversal agent to counteract Pradaxa's anticoagulation effects. These actions involve virtually identical allegations that plaintiffs suffered severe bleeding as a result of ingesting Pradaxa and thus fall squarely within the subject matter of the MDL.

Plaintiffs base their arguments against transfer primarily on the pendency of motions to remand the actions to state court, suggesting that the transferor court should first decide these motions. We have repeatedly held, however, that a motion for remand alone is generally an insufficient basis to vacate a conditional transfer order.¹ Plaintiffs can present their motions for

* Judge John G. Heyburn II and Judge Kathryn H. Vratil took no part in the decision of this matter.

¹ Panel Rule 2.1(d) expressly provides that 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
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remand to the transferee judge. *See, e.g., In re Ivy*, 901 F.2d 7, 9 (2d Cir. 1990); *In re Prudential Ins. Co. of Am. Sales Practices Litig.*, 170 F. Supp. 2d 1346, 1347-48 (J.P.M.L. 2001).

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, these actions are transferred to the Southern District of Illinois and, with the consent of that court, assigned to the Honorable David R. Herndon for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



W. Royal Ferguson, Jr.
Acting Chairman

Paul J. Barbadoro
Charles R. Breyer

Marjorie O. Rendell
Lewis A. Kaplan

¹(...continued)

a remand motion is filed and the date that transfer of the action to the MDL is finalized, a court wishing to rule upon the remand motion generally has adequate time in which to do so.