

**UNITED STATES JUDICIAL PANEL**  
**on**  
**MULTIDISTRICT LITIGATION**

**IN RE: PRADAXA (DABIGATRAN ETEXILATE)**  
**PRODUCTS LIABILITY LITIGATION**

Billie Jean Friend, et al. v. Boehringer Ingelheim	)	
Pharmaceuticals, Inc., et al., E.D. Missouri,	)	MDL No. 2385
C.A. No. 4:13-01788	)	

**TRANSFER ORDER**

**Before the Panel:**\* Pursuant to Panel Rule 7.1, plaintiffs in an Eastern District of Missouri action move to vacate our order that conditionally transferred their action to MDL No. 2385. Defendant Boehringer Ingelheim Pharmaceuticals, Inc., opposes the motion.

After considering all argument of counsel, we find that this action involves 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. This action involves virtually identical allegations that plaintiffs or their decedents suffered severe bleeding as a result of ingesting Pradaxa and thus falls squarely within the subject matter of the MDL.

Plaintiffs base their arguments against transfer primarily on the pendency of a motion to remand the action to state court, suggesting that the transferor court should first decide this motion. We have repeatedly held, however, that a motion for remand alone is generally an insufficient basis to vacate a conditional transfer order.<sup>1</sup> Indeed, we ruled similarly no fewer than three times in this docket alone. *See In re Pradaxa (Dabigatran Etexilate) Prods. Liab. Litig.*, MDL No. 2385, ECF No. 301 (J.P.M.L.

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

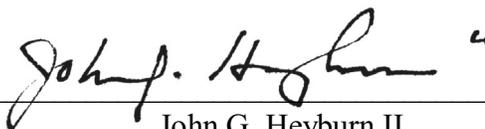
<sup>1</sup> Panel Rule 2.1(d) expressly provides that the pendency of a conditional transfer order does not limit the pretrial jurisdiction of the court in which the subject action is pending. Between the date a remand motion is filed and the date that transfer of the action to the MDL is finalized, a court wishing to rule upon the remand motion generally has adequate time in which to do so.

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Jun. 5, 2013) (denying motion to vacate CTO); ECF No. 273 (J.P.M.L. Mar. 27, 2013) (same); *id.*, ECF No. 204 (J.P.M.L. Dec. 6, 2012) (same). Plaintiffs can present their motion for 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, this action is 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

A handwritten signature in black ink, reading "John G. Heyburn II", is written above a horizontal line. The signature is cursive and includes a small mark at the end.

John G. Heyburn II  
Chairman

Paul J. Barbadoro  
Sarah S. Vance

Charles R. Breyer  
Ellen Segal Huvelle