UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: PLAVIX MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION (NO. II) MDL No. 2418

TRANSFER ORDER

Before the Panel: Pursuant to Panel Rule 7.1, plaintiffs in the nine actions listed on Schedule A, eight of which are pending in the Northern District of California, and the other of which is pending in the Eastern District of Louisiana, move to vacate our orders conditionally transferring the actions to the District of New Jersey for inclusion in MDL No. 2418. Responding defendants oppose the motions.[1]

In their motions to vacate, plaintiffs principally cite that they have moved for remand to state court, and that those motions remain pending. As we have held frequently, however, the pendency of a remand motion is not, as a general matter, a sufficient reason to delay or deny transfer. 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 the Panel finalizes transfer of the action to the MDL, a court wishing to rule upon that motion generally has adequate time to do so.

Also in opposition to transfer, certain of the Northern District of California plaintiffs suggest that the transferee court is overburdened, or that it will lack personal jurisdiction over some of them. These arguments are also unavailing. The record is devoid of any indication that the transferee judge, the Honorable Freda L. Wolfson, will be unable to rule on plaintiffs' remand motions in a timely manner. In addition, it is well-settled that, "[i]n considering transfer under Section 1407, the Panel is not encumbered by considerations of in personam jurisdiction." *In re: Helicopter Crash Near Wendle Creek, British Columbia, on Aug. 8, 2002*, 542 F. Supp. 2d 1362, 1363 (J.P.M.L. 2008).

---

[1] Bristol-Myers Squibb Company (Bristol-Myers) responded with respect to all eight Northern District of California actions. Responding defendants as to the Eastern District of Louisiana action are Bristol-Myers, Bristol-Myers Squibb Sanofi Pharmaceuticals Holding Partnership, Sanofi-Aventis U.S. LLC, Sanofi US Services Inc., Aventis Pharmaceuticals Inc., Aventis Inc., and Fady Masri.

IT IS THEREFORE ORDERED that pursuant to 28 U.S.C. § 1407, the actions listed on Schedule A are transferred to the District of New Jersey, and, with the consent of that court, assigned to the Honorable Freda L. Wolfson for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION

John G. Heyburn II
Chairman

Kathryn H. Vratil
Marjorie O. Rendell
Lewis A. Kaplan

Paul J. Barbadoro
Charles R. Breyer
Sarah S. Vance

IN RE: PLAVIX MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION (NO. II) MDL No. 2418

SCHEDULE A

Northern District of California

Randall K. Ritchey v. Bristol-Myers Squibb Company, et al., C.A. No. 3:13-01461
George W. Davis, et al. v. Bristol-Myers Squibb Company, et al., C.A. No. 3:13-01462
Dale Guinn, et al. v. Bristol-Myers Squibb Company, et al., C.A. No. 3:13-01487
Jose Marrero, et al. v. Bristol-Myers Squibb Company, et al., C.A. No. 3:13-01488
Robert L. Green, et al. v. Bristol-Myers Squibb Company, et al., C.A. No. 3:13-01489
Kenneth R. Howell, et al. v. Bristol-Myers Squibb Company, et al., C.A. No. 3:13-01516
Franklin Addison, et al. v. Bristol-Myers Squibb Company, C.A. No. 3:13-02166
Dorothy G. Gibson, et al. v. Bristol-Myers Squibb Company, et al., C.A. No. 4:13-01416

Eastern District of Louisiana

Sheila Austin v. Sanofi-Aventis U.S. LLC, et al., C.A. No. 2:13-00566