

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: LIPITOR (ATORVASTATIN CALCIUM)
MARKETING, SALES PRACTICES AND PRODUCTS
LIABILITY LITIGATION (NO. II)

MDL No. 2502

TRANSFER ORDER

Before the Panel:* Pursuant to Panel Rule 7.1, plaintiffs in the two Eastern District of Missouri actions (*Sehovic* and *Schroeder*) listed on the attached Schedule A move to vacate our order conditionally transferring the actions to the District of South Carolina for inclusion in MDL No. 2502. Defendants Pfizer Inc. and Greenstone LLC oppose the motions.

In their motions to vacate, the *Sehovic* and *Schroeder* plaintiffs principally argue that transfer should not take place unless and until the Eastern District of Missouri court denies their pending motions for remand to state court. As we frequently have held, 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.

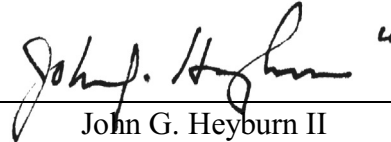
After considering all argument of counsel, we find that *Sehovic* and *Schroeder* involve common questions of fact with actions previously transferred to MDL No. 2502, and that transfer will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. Moreover, transfer is warranted for the reasons set out in our original order directing centralization. In that order, we held that the District of South Carolina was an appropriate Section 1407 forum for actions “shar[ing] factual issues arising from common allegations that taking Lipitor can cause women to develop type 2 diabetes.” See *In re: Lipitor (Atorvastatin Calcium) Mktg., Sales Practices & Prods. Liab. Litig.*, — F. Supp. 2d —, 2014 WL 661589, at *2 (J.P.M.L. Feb. 18, 2014). The *Sehovic* and *Schroeder* plaintiffs do not dispute that their actions share multiple factual issues with those already in the MDL.

* Judge Ellen Segal Huvelle took no part in the decision of this matter.

- 2 -

IT IS THEREFORE ORDERED that pursuant to 28 U.S.C. § 1407, these actions are transferred to the District of South Carolina, and, with the consent of that court, assigned to the Honorable Richard M. Gergel 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 positioned above a horizontal line. The signature is written in a cursive style.

John G. Heyburn II
Chairman

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

Charles R. Breyer
Sarah S. Vance

**IN RE: LIPITOR (ATORVASTATIN CALCIUM)
MARKETING, SALES PRACTICES AND PRODUCTS
LIABILITY LITIGATION (NO. II)**

MDL No. 2502

SCHEDULE A

Eastern District of Missouri

SEHOVIC, ET AL. v. PFIZER, INC., ET AL., C.A. No. 4:14-00759

SCHROEDER, ET AL. v. PFIZER, INC., ET AL., C.A. No. 4:14-00761