

**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:** Plaintiffs in the Eastern District of Missouri action listed on the attached Schedule A (*Glass*) move under Panel Rule 7.1 to vacate our order conditionally transferring the action to the District of South Carolina for inclusion in MDL No. 2502. Defendants Pfizer Inc. and Greenstone LLC jointly responded in opposition to the motion.

In support of their motion to vacate, the *Glass* plaintiffs principally argue that their action was improperly removed, and their motion for remand to state court is pending. The Panel often has held that jurisdictional issues do not present an impediment to transfer, as plaintiffs can present their arguments regarding those issues to the transferee judge.<sup>1</sup> *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).

After considering the argument of counsel, we find that the *Glass* action involves 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. The actions in the MDL “share 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. (No. II)*, 997 F. Supp. 2d 1354, 1357 (J.P.M.L. 2014). Plaintiffs do not dispute that their action implicates those same issues.

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<sup>1</sup> 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.

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IT IS THEREFORE ORDERED that the *Glass* action is 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



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Sarah S. Vance  
Chair

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

Charles R. Breyer  
Ellen Segal Huvelle  
Catherine D. Perry

**IN RE: LIPITOR (ATORVASTATIN CALCIUM)  
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**SCHEDULE A**

Eastern District of Missouri

GLASS, ET AL. v. PFIZER, INC., ET AL., C.A. No. 4:16-01274