

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: TAXOTERE (DOCETAXEL)
PRODUCTS LIABILITY LITIGATION**

MDL No. 2740

TRANSFER ORDER

Before the Panel: Plaintiffs in the 88 actions listed on Schedule A move under Panel Rule 7.1 to vacate our orders conditionally transferring their actions to MDL No. 2740. Defendant Sanofi-Aventis U.S., LLC (Sanofi) opposes the motions to vacate.

After considering the argument of counsel, we find these actions involve common questions of fact with the actions transferred to MDL No. 2740, and that transfer under 28 U.S.C. § 1407 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. Plaintiffs do not dispute that these actions share questions of fact with MDL No. 2740. Like many of the already-centralized actions, they involve factual questions arising from allegations that Taxotere (docetaxel), a chemotherapy drug, causes permanent hair loss, that defendants were aware of this possible side effect and failed to warn patients, and that defendants marketed Taxotere as more effective than other chemotherapy drugs when other drugs were equally effective without the associated permanent hair loss. *See In re: Taxotere (Docetaxel) Prods. Liab. Litig.*, MDL No. 2740, ___ F. Supp. 3d ___, 2016 WL 5845996 (J.P.M.L. Oct. 4, 2016).

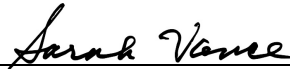
In support of the motions to vacate, plaintiffs argue that federal subject matter jurisdiction is lacking, and plaintiffs' motions to remand to state court are pending. The Panel often has held that jurisdictional issues do not present an impediment to transfer, as plaintiffs can present these arguments to the transferee judge.¹ *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).

¹ 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 actions listed on Schedule A are transferred to the Eastern District of Louisiana and, with the consent of that court, assigned to the Honorable Kurt D. Engelhardt for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



Sarah S. Vance

Chair

Marjorie O. Rendell

Lewis A. Kaplan

R. David Proctor

Charles R. Breyer

Ellen Segal Huvelle

Catherine D. Perry

**IN RE: TAXOTERE (DOCETAXEL)
PRODUCTS LIABILITY LITIGATION**

MDL No. 2740

SCHEDULE A

Central District of California

CASTAGNOLA v. SANOFI S.A., ET AL., C.A. No. 2:16-09434
GARDNER v. SANOFI S.A., ET AL., C.A. No. 2:16-09471

Northern District of California

JENKINS v. SANOFI S.A., ET AL., C.A. No. 3:16-07306
ERNYES-KOFLER, ET AL. v. SANOFI S.A., ET AL., C.A. No. 5:16-07307

District of Delaware

ANTHONY v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01179
ALLEN, ET AL. v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01180
ARRINGTON v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01183
AUSTIN, ET AL. v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01187
BLUNT v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01188
BROOKS v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01189
BROOKS v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01190
BROWN, ET AL. v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01191
BROWN v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01192
BRYANT, ET AL. v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01193
CARLISLE v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01195
CHAPMAN, ET AL. v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01197
CHAPPELL v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01198
CLARK v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01199
COLEMAN, ET AL. v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01200
COOK v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01201
CROSS, ET AL. v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01202
DARDEN v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01207
DAVIS v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01208
DAVIS v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01209
DOBSON v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01210
DUNCAN, ET AL. v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01211
FAIR, ET AL. v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01212
FLUELLEN v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01213
FLYNSMITH, ET AL. v. SANOFI U.S. SERVICES, INC., ET AL.,
C.A. No. 1:16-01214

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MDL No. 2740 Schedule A Continued

District of Delaware (Cont.)

FORD v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01215
FREEMAN, ET AL. v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01216
GARRETT v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01219
GILLIAM v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01223
HAMPTON v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01225
ZANDERS v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01226
GOGGANS v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01227
HARMON, ET AL. v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01230
HAYNES v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01231
HAYWOOD v. SANOFI-AVENTIS U.S. LLC, C.A. No. 1:16-01234
HORTON v. SANOFI-AVENTIS U.S. LLC, C.A. No. 1:16-01235
YOUNGBLOOD v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01237
WILSON v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01238
HOWARD v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01241
HYMES, ET AL. v. SANOFI U.S. SERVICES INC., ET AL., C.A. No. 1:16-01242
WILLIAMS, ET AL. v. SANOFI U.S. SERVICES INC., ET AL., C.A. No. 1:16-01244
YOUNG v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01245
JACKSON v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01246
KNIGHTEN ET AL. v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01247
YOUNG v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01248
RODGERS, ET AL., v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01249
WASHINGTON v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01250
LAMB v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01251
WARREN v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01252
WALKER v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01253
LEWIS v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01256
ROBINSON v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01257
LIVINGS v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01258
RAY v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01259
WALKER v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01260
LYLES v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01261
PAYTON, ET AL., v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01262
WALKER, ET AL. v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01263
TURNER v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01264
LOCKE ET AL. v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01265
NIXON v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01268
MARBURY v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01269

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MDL No. 2740 Schedule A Continued

District of Delaware (Cont.)

MULLINS v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01270
MYRICK v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01271
TUCKER v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01272
NATION v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01273
NEMEC v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01274
TOLBERT v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01276
NEVELS, ET AL. v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01277
TIMBERMAN v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01278
SELF v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01284
SMITH v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01286
THOMAS v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01287
SPENCE v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01288
THOMAS v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01289
STEWART v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01290
TENORT v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01291
STONE v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01292
TAYLOR v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01293
TAYLOR, ET AL. v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01294
TAYLOR, ET AL. v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01295
TAYLOR v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:16-01296
STROTHER, ET AL. v. SANOFI U.S. SERVICES, INC., ET AL., C.A. No. 1:17-00012

Eastern District of Missouri

VINSON, ET AL. v. SANOFI S.A., ET AL., C.A. No. 4:16-02137