

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

**IN RE: ELIQUIS (APIXABAN) PRODUCTS  
LIABILITY LITIGATION**

MDL No. 2754

**TRANSFER ORDER**

**Before the Panel:**\* Plaintiffs in the 26 actions listed on Schedule A move under Panel Rule 7.1 to vacate our orders conditionally transferring their actions to the Southern District of New York for inclusion in MDL No. 2754. Defendants Bristol-Myers Squibb Company and Pfizer Inc. oppose the motions to vacate and support transfer.

After considering the argument of counsel, we find that these actions involve common questions of fact with the actions transferred to MDL No. 2754 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. Like many of the actions in the MDL, these actions involve common factual questions arising from allegations that Eliquis (apixaban) caused plaintiffs to suffer severe bleeding and related injuries, that defendants failed to conduct sufficient testing of the drug, and that defendants' warnings and instructions as to the alleged risks were inadequate. *See In re: Eliquis (Apixaban) Prods. Liab. Litig.*, — F. Supp. 3d —, 2017 WL 490702 (J.P.M.L. Feb. 7, 2017).

In opposition to transfer, plaintiffs argue that their actions were improperly removed, subject matter jurisdiction is absent, and the jurisdictional challenges raised in their pending motions for remand to state court are distinct from the issues in the MDL. Jurisdictional issues do not present an impediment to transfer, as plaintiffs can present these arguments to the transferee judge. *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). Although plaintiffs contend that they have raised a jurisdictional issue unique to their actions, their complaints undeniably present the same factual and legal issues concerning Eliquis as all actions in the MDL.<sup>1</sup>

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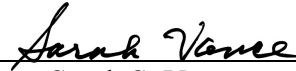
\* Judge Lewis A. Kaplan took no part in the decision of this matter.

<sup>1</sup> *See, e.g.,* MDL No. 2754, Transfer Order, Doc. No. 335 (J.P.M.L. Jan. 30, 2018) (transferring 20 actions over plaintiffs' objection that their actions raised "a jurisdictional issue unique to their actions"). The allegedly unique jurisdictional issues in those actions was the sufficiency of the amount in controversy, which is the same alleged jurisdictional defect here.

-2-

IT IS THEREFORE ORDERED that the actions listed on Schedule A are transferred to the Southern District of New York and, with the consent of that court, assigned to the Honorable Denise L. Cote for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



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Sarah S. Vance

Chair

Marjorie O. Rendell  
Ellen Segal Huvelle  
Catherine D. Perry

Charles R. Breyer  
R. David Proctor

**IN RE: ELIQUIS (APIXABAN) PRODUCTS  
LIABILITY LITIGATION**

MDL No. 2754

**SCHEDULE A**

District of Delaware

BAGINSKI v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 1:17-01607  
MORROW v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 1:17-01608  
BATES v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 1:17-01609  
RISNER v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 1:17-01610  
GREEN v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 1:17-01611  
HASSENPLUG v. BRISTOL-MYERS SQUIBB COMPANY, ET AL.,  
C.A. No. 1:17-01644  
BEECHIM v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 1:17-01666  
BISHOP v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 1:17-01667  
WALLS v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 1:17-01694  
EDMONDSON v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 1:17-01695  
HAGEDORN v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 1:17-01708  
ARDEN v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 1:17-01709  
CARTER v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 1:17-01715  
LOONEY v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 1:17-01716  
SWEENEY v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 1:17-01756  
WOLFE v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 1:17-01757  
HOWARD v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 1:17-01759  
CALLAIS v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 1:17-01760  
MELSER v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 1:17-01761  
DOLLAR v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 1:17-01762  
JENNINGS v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 1:17-01763  
TOUPS v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 1:17-01764  
RUGGLES v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 1:17-01765  
JENKINS v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 1:17-01766  
DOWELL v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 1:17-01767  
FRIDDLE v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 1:17-01768