

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 action listed on Schedule A (*Grubb*) move under Panel Rule 7.1 to vacate our order conditionally transferring their action to MDL No. 2754. Defendants Bristol-Myers Squibb Company and Pfizer Inc. oppose the motion to vacate and support transfer.

After considering the argument of counsel, we find that the *Grubb* action involves 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, the action involves common factual questions arising from allegations that Eliquis (apixaban) caused 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).

Plaintiffs contend that informal coordination is preferable to transfer because the overwhelming majority of the actions in the MDL have been dismissed, there are few involved plaintiffs' counsel and a single defense counsel, and each of the involved courts already is coordinating the actions before a single judge in their respective jurisdictions. In response, defendants contend that transfer is superior to informal coordination because the transferee court has developed an expertise in complex issues of general applicability to the litigation. In these circumstances, they assert transfer will prevent duplicative pretrial proceedings and inconsistent rulings and conserve the resources of the parties, their counsel, and the judiciary.

We recently considered and rejected plaintiffs' arguments concerning informal coordination in ordering transfer of substantially similar Eliquis actions to MDL No. 2754. *See* Transfer Order (*Niessner, et al.*), Doc. No. 263, at 2 (J.P.M.L. Oct. 4, 2017). We explained that "transfer is preferable to informal coordination," observing that "[t]he transferee court has presided over substantial pretrial proceedings and issued significant rulings on dispositive motions, which currently are on appeal," and "has established a case management process for determining the applicability of its rulings to new cases transferred to the MDL." *See id.* at 2. Plaintiffs provide no reason to

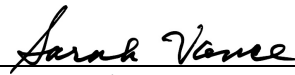
* Judge Lewis A. Kaplan and Judge Ellen Segal Huvelle took no part in the decision of this matter.

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reach a different conclusion here. We find that transfer of this indistinguishable action will serve the just and efficient conduct of the litigation.

IT IS THEREFORE ORDERED that the action listed on Schedule A is 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



Sarah S. Vance
Chair

Marjorie O. Rendell
R. David Proctor

Charles R. Breyer
Catherine D. Perry

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

MDL No. 2754

SCHEDULE A

District of Delaware

GRUBB, ET AL. v. BRISTOL-MYERS SQUIBB CO., ET AL., C.A. No. 1:17-01018