

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

**IN RE: ACTOS (PIOGLITAZONE) PRODUCTS  
LIABILITY LITIGATION**

Safdar Lilak v. Takeda Pharmaceuticals USA Inc., et al., )	
W.D. Louisiana, C.A. No. 6:12-00411 )	MDL No. 2299
(D. Colorado, C.A. No. 1:11-03379) )	

**REMAND ORDER**

**Before the Panel:** Pursuant to Rule 10.2, plaintiff Safdar Lilak, who is proceeding *pro se*, moves to vacate our order, entered at the suggestion of the transferee court, conditionally remanding his action to the District of Colorado. Defendants did not submit a response to the motion.

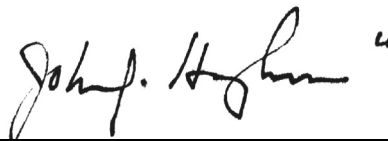
The actions in this MDL principally involve “claims arising from the use of Actos, a prescription medication approved for use in the treatment of type 2 diabetes.” *See In re: Actos Prods. Liab. Litig.*, 840 F. Supp. 2d 1356, 1356 (J.P.M.L. 2011). Plaintiffs in the centralized actions allege that the use of Actos results in “an increased risk of developing bladder cancer,” and that defendants “concealed their knowledge of this risk and failed to provide adequate warnings to consumers and the health care community.” *Id.*

In opposing remand, plaintiff argues, *inter alia*, that sending his action back to the transferor district would defeat the purposes of the MDL, noting that the action was transferred there more than a year ago. After thorough review of the record, however, we disagree. In his brief, plaintiff does not dispute any of the findings made by the magistrate judge who recommended that the transferee judge suggest remand. In his recommendation, the magistrate judge reported that plaintiff had not developed bladder cancer from taking Actos (notwithstanding certain allegations in his complaint), and that plaintiff’s claims strongly resembled those in other actions brought by plaintiff involving other prescription drugs made by other pharmaceutical manufacturers. The various unique aspects of plaintiff’s action persuade us that remand is warranted. *See In re Holiday Magic Sec. & Antitrust Litig.*, 433 F. Supp. 1125, 1126 (J.P.M.L.1977) (“In considering the question of remand, the Panel has consistently given great weight to the transferee judge’s determination that remand of a particular action at a particular time is appropriate because the transferee judge, after all, supervises the day-to-day pretrial proceedings.”).

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IT IS THEREFORE ORDERED that pursuant to 28 U.S.C. § 1407, this action is remanded to the District of Colorado.

PANEL ON MULTIDISTRICT LITIGATION

A handwritten signature in black ink, reading "John G. Heyburn II", positioned above a horizontal line.

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John G. Heyburn II  
Chairman

Kathryn H. Vratil  
Paul J. Barbadoro  
Charles R. Breyer

W. Royal Furgeson, Jr.  
Marjorie O. Rendell  
Lewis A. Kaplan