

UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION

IN RE: TESTOSTERONE REPLACEMENT  
THERAPY PRODUCTS LIABILITY LITIGATION

MDL No. 2545

ORDER DENYING TRANSFER

**Before the Panel:** Defendant Abbvie, Inc., in the Southern District of Florida *Ungleich* action moves under Section 1407 (c) to transfer the action, listed on Schedule A, to the Northern District of Illinois for inclusion in MDL No. 2545. *Pro se* plaintiff Thomas R. Ungleich opposes the motion.

After considering the parties' arguments, we find that transfer of this action is not appropriate. In our order centralizing this litigation, we held that the Northern District of Illinois was an appropriate Section 1407 forum for actions sharing factual questions arising from allegations that the use of one or more testosterone replacement therapies caused plaintiffs or their decedents to suffer injuries such as heart attack, stroke, deep vein thrombosis, or pulmonary embolism. *See In re AndroGel Prods. Liab. Litig.*, 24 F. Supp. 3d 1378, 1379 (J.P.M.L. 2014). In opposing transfer, the *Ungleich* plaintiff argues that he alleges that his use of AndroGel caused him to develop prostate cancer, and that no MDL cases involve similar injuries. Abbvie itself points to no such cases. The MDL has advanced to a mature stage, and we do not think it appropriate to expand its scope at this juncture.

The parties can employ alternatives to transfer to minimize whatever, if any, possibilities may arise of duplicative discovery and/or inconsistent pretrial rulings. *See, e.g., In re Eli Lilly & Co. (Cephalexin Monohydrate) Patent Litigation*, 446 F. Supp. 242, 244 (J.P.M.L. 1978); *see also Manual for Complex Litigation, Fourth*, § 20.14 (2004).

IT IS THEREFORE ORDERED that the motion, pursuant to 28 U.S.C. § 1407(c), for transfer of this action is denied.

PANEL ON MULTIDISTRICT LITIGATION



---

Sarah S. Vance  
Chair

Lewis A. Kaplan  
R. David Proctor  
Karen K. Caldwell

Ellen Segal Huvelle  
Catherine D. Perry  
Nathaniel M. Gorton

**IN RE: TESTOSTERONE REPLACEMENT  
THERAPY PRODUCTS LIABILITY LITIGATION**

MDL No. 2545

**SCHEDULE A**

Southern District of Florida

UNGLEICH v. ABBVIE INC., C.A. No. 0:19-61144