

UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION

IN RE: ABILIFY (ARIPIPRAZOLE) PRODUCTS  
LIABILITY LITIGATION

MDL No. 2734

TRANSFER ORDER

**Before the Panel:**\* Plaintiff in the *Estelle* action listed on Schedule A, who is proceeding *pro se*, moves under Panel Rule 7.1 to vacate our order that conditionally transferred *Estelle* to the Northern District of Florida for inclusion in MDL No. 2734. Defendants Bristol-Myers Squibb Company and Otsuka America Pharmaceutical, Inc., oppose the motion.

In opposing transfer, plaintiff argues that federal subject matter jurisdiction over *Estelle* is lacking and, therefore, transfer to the MDL is not warranted. Such jurisdictional issues generally do not present an impediment to transfer.<sup>1</sup> 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). Plaintiff can present his remand arguments to the transferee judge.

Plaintiff also contends that his action shares insufficient common questions of fact with the actions in MDL No. 2734 to warrant transfer. This argument lacks merit. Plaintiff alleges that he developed compulsive behaviors—including compulsive gambling, shopping, eating, and hypersexuality—after being prescribed Abilify and that these behaviors ceased when he stopped taking Abilify. This is precisely the type of allegation at issue in MDL No. 2734. See *In re Abilify (Aripiprazole) Prods. Liab. Litig.*, 232 F. Supp. 3d 1342, 1342–43 (J.P.M.L. 2016). Plaintiff’s convenience and efficiency argument is based on his flawed assertion that *Estelle* does not share common questions of fact with the actions in MDL No. 2734. Therefore, this argument likewise fails.

After considering the parties’ arguments, we find that *Estelle* involves common questions of fact with the actions transferred to MDL No. 2734, and that transfer under 28 U.S.C. § 1407 will

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\* Judges Karen K. Caldwell and David C. Norton took no part in the decision of this matter.

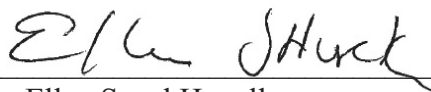
<sup>1</sup> Panel Rule 2.1(d) expressly provides that the pendency of a conditional transfer order does not limit the pretrial jurisdiction of the court in which the subject action is pending. Between the date a remand motion is filed and the date that transfer of the action to the MDL is finalized, a court generally has adequate time to rule on a remand motion if it chooses to do so.

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serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. In our order centralizing this litigation, we held that the Northern District of Florida was an appropriate Section 1407 forum for actions sharing factual questions arising from allegations that Abilify (aripiprazole), an atypical anti-psychotic medication commonly prescribed to treat a variety of mental disorders, can cause impulse control problems in users. *See In re Abilify*, 232 F. Supp. 3d at 1342–43. Like the actions in the MDL, *Estelle* will involve factual questions relating to whether Abilify was defectively designed or manufactured, whether defendants knew or should have known of the alleged propensity of Abilify to cause compulsive gambling and other impulsive behaviors in users, and whether defendants provided adequate instructions and warnings with this product.

IT IS THEREFORE ORDERED that the action listed on Schedule A is transferred to the Northern District of Florida and, with the consent of that court, assigned to the Honorable M. Casey Rodgers for coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



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Ellen Segal Huvelle  
Acting Chair

R. David Proctor  
Nathaniel M. Gorton

Catherine D. Perry  
Matthew F. Kennelly

**IN RE: ABILIFY (ARIPIPRAZOLE) PRODUCTS  
LIABILITY LITIGATION**

MDL No. 2734

**SCHEDULE A**

District of Minnesota

ESTELLE v. BRISTOL-MYERS SQUIBB COMPANY, ET AL., C.A. No. 0:20-00354