

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

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

MDL No. 2734

**TRANSFER ORDER**

**Before the Panel:**\* Plaintiffs in the two actions listed on Schedule A move under Panel Rule 7.1 to vacate our orders that conditionally transferred the actions to the Northern District of Florida for inclusion in MDL No. 2734. Defendant Bristol-Myers Squibb Company opposes the motions.

In opposing transfer, both plaintiffs argue that transfer would be inconvenient because they are proceeding *pro se* and transfer will limit their access to the court. To the contrary, transfer likely will enhance the convenience of all parties, including plaintiffs. Transfer will facilitate plaintiffs' access to the discovery already produced in the MDL, as well as that currently underway. It is unlikely that plaintiffs will need to travel to the transferee district for depositions or otherwise, and the transferee court has permitted *pro se* plaintiffs to participate telephonically in certain court proceedings. In any event, transfer of a particular action, while it might inconvenience some parties, often is necessary to further the expeditious resolution of the litigation taken as a whole. *See, e.g., In re Darvocet, Darvon & Propoxyphene Prods. Liab. Litig.*, MDL No. 2226, 2012 WL 7764151, at \*1 (J.P.M.L. Apr. 16, 2012). The transferee judge is in the best position to structure proceedings so as to minimize inconvenience to any individual party.<sup>1</sup>

Plaintiff in the District of Massachusetts *Ginsberg* action further argues that transfer is not appropriate because the actions in the MDL focus on compulsive gambling as opposed to other compulsive behavior allegedly caused by Abilify, such as compulsive shopping and hypersexuality. Plaintiff's argument is not persuasive. Plaintiffs in multiple actions pending in MDL No. 2734

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

<sup>1</sup> Plaintiff in the District of Massachusetts *Ginsberg* action argues that he suffers from a psychiatric disability that makes transfer of his action to MDL No. 2734 particularly inconvenient for him, and he requests reasonable accommodation under the Americans with Disabilities Act. We are unwilling, based on the record before us, to make a determination with respect to this issue. Moreover, many of plaintiff's requested accommodations pertain to case management issues within the purview of the transferee court. Accordingly, we dedicate this matter to the transferee court, who can more fully explore plaintiff's arguments and determine what, if any, reasonable accommodations are appropriate. Should the transferee judge determine that remand of this or any other action is appropriate, she may accomplish this by filing a suggestion of remand to the Panel. *See* Panel Rule 10.1.

-2-

allege that they exhibited compulsive behavior other than compulsive gambling as a result of ingesting Abilify. Furthermore, transfer under Section 1407 does not require a complete identity of factual issues or parties when the actions arise from a common factual core. *See In re 100% Grated Parmesan Cheese Mktg. & Sales Practices Litig.*, 201 F. Supp. 3d 1375, 1378 (J.P.M.L. 2016).

After considering the parties' arguments, we find that these actions involve common questions of fact with the actions transferred to MDL No. 2734, 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. 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 (Aripiprazole) Prods. Liab. Litig.*, 232 F. Supp. 3d 1342, 1342-43 (J.P.M.L. 2016). Plaintiffs in the actions listed on Schedule A similarly allege that they experienced compulsive behavior as a result of ingesting Abilify. Like the actions in the MDL, these actions 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 actions listed on Schedule A are 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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Sarah S. Vance  
Chair

Marjorie O. Rendell  
R. David Proctor

Charles R. Breyer  
Catherine D. Perry

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

MDL No. 2734

**SCHEDULE A**

District of Connecticut

STIGGLE v. BRISTOL-MYERS SQUIBB CO., C.A. No. 3:17-01387

District of Massachusetts

GINSBERG v. BRISTOL MYERS SQUIBB CO., ET AL., C.A. No. 1:17-11606