

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: TAXOTERE (DOCETAXEL)
PRODUCTS LIABILITY LITIGATION**

MDL No. 2740

TRANSFER ORDER

Before the Panel: Plaintiffs in the Eastern District of Louisiana *Veronica Smith* and District of Colorado *Gahan* actions, listed on Schedule A, move under 28 U.S.C. § 1407 to centralize pretrial proceedings in this litigation in the Eastern District of Louisiana or, alternatively, the Southern District of Illinois. This litigation consists of thirty-three actions pending in sixteen districts, as listed on Schedule A. The Panel also has been notified of fifty-six related actions pending in twenty-five districts.¹

All parties agree that centralization is warranted, but disagree as to the most appropriate transferee district. Plaintiffs in ten actions and potential tag-along actions have responded to the motion, and they variously argue in support of centralization in the Eastern District of Louisiana, the Southern District of Illinois, the District of Minnesota, the Northern District of Illinois, the Southern District of Mississippi, or the Northern District of California. Responding defendant Sanofi-Aventis U.S. LLC (Sanofi-Aventis) suggests centralization in the District of Colorado or the District of New Jersey or, alternatively, supports centralization in the Eastern District of Louisiana, the District of Minnesota, or the Northern District of Illinois.

On the basis of the papers filed and hearing session held, we find that these actions involve common questions of fact, and that centralization in the Eastern District of Louisiana will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. All the actions share common factual questions arising out of allegations that Taxotere (docetaxel), a chemotherapy drug, causes permanent hair loss, that defendants were aware of this possible side effect and failed to warn patients, and that defendants marketed Taxotere as more effective than other chemotherapy drugs when other drugs were equally effective without the associated permanent hair loss. Plaintiffs in these actions each allege that they experienced permanent hair loss as a result of using Taxotere. All actions will require discovery regarding the design, testing, manufacturing, marketing, and labeling of Taxotere. Centralization will eliminate duplicative discovery; prevent inconsistent pretrial rulings; and conserve the resources of the parties, their counsel, and the judiciary.

¹ These and any other related actions are potential tag-along actions. *See* Panel Rules 1.1(h), 7.1, and 7.2.

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Given the geographic dispersal of the pending actions and the widespread nature of this litigation, no particular district or region emerges as a clear focal point. We are persuaded that the Eastern District of Louisiana is an appropriate transferee forum. Plaintiffs in six actions and potential tag-along actions and responding defendant support centralization in this district, in the first instance or in the alternative, and ten actions and potential tag-along actions already are pending there. The Eastern District of Louisiana is an easily accessible and reasonably central district. Additionally, Judge Lance M. Africk is a seasoned jurist who is willing and able to handle this litigation, but who has not yet had the opportunity to preside over an MDL.

IT IS THEREFORE ORDERED that the actions listed on Schedule A and pending outside the Eastern District of Louisiana are transferred to the Eastern District of Louisiana and, with the consent of that court, assigned to the Honorable Lance M. Africk for coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



Sarah S. Vance
Chair

Marjorie O. Rendell
Lewis A. Kaplan
R. David Proctor

Charles R. Breyer
Ellen Segal Huvelle
Catherine D. Perry

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SCHEDULE A

Central District of California

COLLINS v. SANOFI S.A., ET AL., C.A. No. 2:16-05418

Northern District of California

DODSON v. SANOFI S.A., ET AL., C.A. No. 4:16-01251

District of Colorado

GAHAN v. SANOFI S.A., ET AL., C.A. No. 1:15-02777

LEITH v. SANOFI S.A., ET AL., C.A. No. 1:16-00741

Northern District of Illinois

SPANN v. SANOFI S.A., ET AL., C.A. No. 1:16-03038

PISTONE v. SANOFI S.A., ET AL., C.A. No. 1:16-04028

TRAYLOR v. SANOFI S.A., ET AL., C.A. No. 1:16-05651

JOHNSON v. SANOFI-AVENTIS U.S. LLC, ET AL., C.A. No. 1:16-06754

WYSOCKI v. SANOFI S.A., ET AL., C.A. No. 1:16-07059

Southern District of Illinois

CHASE v. SANOFI S.A., ET AL., C.A. No. 3:16-00588

DALTON v. SANOFI S.A., ET AL., C.A. No. 3:16-00718

KOONTZ v. SANOFI S.A., ET AL., C.A. No. 3:16-00805

District of Kansas

DETRIXHE v. SANOFI S.A., ET AL., C.A. No. 2:16-02250

Eastern District of Louisiana

BEMISS v. SANOFI S.A., ET AL., C.A. No. 2:16-06425

SMITH v. SANOFI S.A., ET AL., C.A. No. 2:16-07794

WEBB v. SANOFI S.A., ET AL., C.A. No. 2:16-10763

WALTER v. SANOFI S.A., ET AL., C.A. No. 2:16-12706

SMITH v. SANOFI S.A., ET AL., C.A. No. 2:16-12943

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MDL No. 2740 Schedule A (Continued)

Middle District of Louisiana

BURNEY v. SANOFI S.A., ET AL., C.A. No. 3:16-00388

District of Minnesota

TOUCHI-PETERS v. SANOFI S.A., ET AL., C.A. No. 0:16-02464

Southern District of Mississippi

JONES v. SANOFI S.A., ET AL., C.A. No. 3:16-00288
CARPENTER v. SANOFI S.A., ET AL., C.A. No. 3:16-00289
CHASE v. SANOFI S.A., ET AL., C.A. No. 3:16-00404
TOLEFREE v. SANOFI S.A., ET AL., C.A. No. 3:16-00412
GRINES v. SANOFI S.A., ET AL., C.A. No. 3:16-00488

Western District of North Carolina

MOTTOLA v. SANOFI S.A., ET AL., C.A. No. 3:16-00255
WOOD v. SANOFI S.A., ET AL., C.A. No. 3:16-00261

Northern District of Ohio

CARSON v. SANOFI S.A., ET AL., C.A. No. 1:16-00165

District of South Carolina

MEYERS v. SANOFI SA, ET AL., C.A. No. 3:16-02536
CLINKSCALES v. SANOFI SA, ET AL., C.A. No. 6:16-02376

Eastern District of Tennessee

ADAMS v. SANOFI-AVENTIS, S.A., ET AL., C.A. No. 3:16-00365

Northern District of Texas

FREE v. SANOFI S.A., ET AL., C.A. No. 2:16-00074

Western District of Texas

GORNIAC v. SANOFI S.A., ET AL., C.A. No. 1:16-00637