UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: ROUNDUP PRODUCTS LIABILITY LITIGATION MDL No. 2741

TRANSFER ORDER

Before the Panel:* Plaintiff in the Southern District of Florida *Dressel* action listed on Schedule A moves under Panel Rule 7.1 to vacate our order that conditionally transferred *Dressel* to the Northern District of California for inclusion in MDL No. 2471. Defendant Monsanto Company opposes the motion.

After considering the parties' arguments, we find that *Dressel* involves common questions of fact with the actions transferred to MDL No. 2741, 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 California was an appropriate Section 1407 forum for actions sharing factual questions arising out of allegations that Monsanto's Roundup herbicide, particularly its active ingredient, glyphosate, causes non-Hodgkin's lymphoma. *See In re Roundup Prods. Liab. Litig.*, 214 F. Supp. 3d 1346, 1348 (J.P.M.L. 2016). Like the cases already in the MDL, plaintiff in *Dressel* alleges he suffers from a form of non-Hodgkin's lymphoma caused by exposure to Roundup herbicide.

In opposition to transfer, plaintiff argues that his pending motion for remand to state court should be decided before transfer. We are not persuaded by this argument. Jurisdictional objections generally do not present an impediment to transfer.[1] *See, e.g.*, *In re Prudential Ins. Co. of Am. Sales Pracs. Litig.*, 170 F. Supp. 2d 1346, 1347–48 (J.P.M.L. 2001) ("[R]emand motions can be presented to and decided by the transferee judge."). Plaintiff contends that this general rule should not apply to *Dressel* because Monsanto improperly removed the action from state court to delay trial, and thus transfer would be unjust and inefficient. Plaintiff's argument, however, necessarily requires the Panel to judge the merits of Monsanto's removal. It is well established that the Panel lacks the authority to assess the merits of defendant's bases for removal. *See, e.g.*, *In re Lipitor (Atorvastatin Calcium) Mktg., Sales Pracs. & Prods. Liab. Litig. (No. II)*, MDL No.

* Judge Madeline Cox Arleo did not participate in the decision of this matter.

[1] 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.

2502, 2014 WL 10790383, at *1 (J.P.M.L. June 6, 2014). "This is so even where, as here, plaintiffs assert that the removals were patently improper." *In re Ford Motor Co. DPS6 PowerShift Transmission Prods. Liab. Litig.*, 289 F. Supp. 3d 1350, 1352 (J.P.M.L. 2018).

We also note that transfer is not likely to result in significant delay with respect to the adjudication of plaintiff's remand motion. The transferee court has decided numerous remand motions in this MDL, generally in an expeditious fashion. Furthermore, if defendant is, as plaintiff contends, employing questionable removal tactics to delay cases, the transferee court is best placed to recognize and address any problematic removal practices.

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

PANEL ON MULTIDISTRICT LITIGATION

Karen K. Caldwell
Chair

Nathaniel M. Gorton
David C. Norton
Dale A. Kimball

Matthew F. Kennelly
Roger T. Benitez

IN RE: ROUNDUP PRODUCTS LIABILITY LITIGATION MDL No. 2741

SCHEDULE A

Southern District of Florida

DRESSEL v. MONSANTO COMPANY, ET AL., C.A. No. 0:25−61689