

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: VALSARTAN, LOSARTAN, AND IRBESARTAN
PRODUCTS LIABILITY LITIGATION**

MDL No. 2875

ORDER VACATING CONDITIONAL TRANSFER ORDER

Before the Panel:* Defendant Legacy Pharmaceutical Packaging, LLC, moves to stay the order conditionally transferring the action listed on Schedule A (*Garrison*) to MDL No. 2875 until the transferor court rules on its pending motion to dismiss. Defendants Camber Pharmaceuticals, Inc. (Camber) and Walmart, Inc., oppose the motion and support transfer. Plaintiff Garrison, who is proceeding *pro se*, did not respond to the motion.

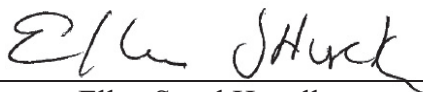
After considering the argument of counsel, we conclude that inclusion of *Garrison* in MDL No. 2875 at this time would not serve the convenience of the parties and witnesses or promote the just and efficient conduct of the litigation at this time. Without doubt, this action shares factual questions with the actions in the MDL. Like many of the already-centralized actions, plaintiff alleges that he purchased generic losartan that contained carcinogenic nitrosamines and that he suffered injury and damages as a result. See *In re Valsartan Prods. Liab. Litig.*, MDL No. 2875, — F. Supp. 3d —, 2019 WL 8229176, at *2-3 (J.P.M.L. Dec. 18, 2019). But after the Panel briefing closed, the magistrate judge in *Garrison* recommended that the complaint be dismissed with prejudice for failure to prosecute. Further proceedings on this recommendation can take place more efficiently in the Eastern District of Michigan, which has invested substantial time in reaching the recommended disposition and has a schedule in place for completing those proceedings. If any claims remain pending after those proceedings are done, the parties or the court can re-notice *Garrison* as a potential tag-along action.

IT IS THEREFORE ORDERED that the Panel’s conditional transfer order designated “CTO-16” is vacated.

* Judge Karen K. Caldwell did not participate in the decision of this matter.

-2-

PANEL ON MULTIDISTRICT LITIGATION



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SCHEDULE A

Eastern District of Michigan

GARRISON v. CAMBER PHARMACEUTICALS, INC., ET AL., C.A. No. 5:19-12536