

UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION

IN RE: ZANTAC (RANITIDINE)  
PRODUCTS LIABILITY LITIGATION

MDL No. 2924

ORDER DENYING REMAND

**Before the Panel:** *Pro se* plaintiff Perry Patterson moves under Panel Rule 10.3 for Section 1407 remand of his action listed on Schedule A, which we previously transferred from the Eastern District of Texas to MDL No. 2924 in the Southern District of Florida. No other party responded to plaintiff's motion.

After considering plaintiff's arguments, we conclude that remand is not appropriate at this time and deny his motion. In considering the question of Section 1407 remand, we accord great weight to the transferee judge's determination that remand of a particular action at a particular time is appropriate because the transferee judge supervises the day-to-day pretrial proceedings in the MDL. *See In re Holiday Magic Sec. & Antitrust Litig.*, 433 F. Supp. 1125, 1126 (J.P.M.L. 1977). A transferee judge's suggestion of remand to the Panel, *see* Panel Rule 10.1(b), indicates that she believes her "role under Section 1407 to have ended." *Id.* Here, the transferee judge has not issued a suggestion of remand. Without a suggestion of remand, a party advocating Section 1407 remand "bears a strong burden of persuasion." *Id.* Plaintiff has not met that burden here.

Plaintiff's sole argument in support of remand is that he is a prisoner and lacks internet access to review pretrial orders and rulings necessary to prosecute his claims. Plaintiff contends that the transferee court has denied various motions for failure to comply with pretrial orders that were not provided to him. We find this argument unpersuasive. Our review of the docket indicates that the transferee judge has been cognizant of the need to provide *pro se* plaintiffs with relevant pretrial orders. *See, e.g.*, Pretrial Order No. 67: Docket Information for Pro Se Litigants at 1, *In re Zantac (Ranitidine) Prods. Liab. Litig.*, C.A. No. 9:20-md-02924 (S.D. Fla. Sept. 1, 2021), ECF No. 4178 ("Pursuant to the Court's existing procedures in all litigation matters, the Court has provided copies of all orders to pro se plaintiffs."). Whether plaintiff here has access to the necessary pretrial orders is unclear from the record.

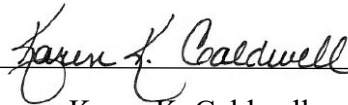
But even if he does not have such access, Section 1407 remand is not the appropriate remedy. Like plaintiffs in the actions in the MDL, plaintiff alleges that he developed various cancers caused by ingestion of Zantac or other ranitidine-containing medication. *See In re Zantac (Ranitidine) Prods. Liab. Litig.*, 437 F. Supp. 3d 1368, 1369 (J.P.M.L. 2020) ("These actions share factual questions arising from allegations that ranitidine, the active molecule in Zantac and similar heartburn medications, can form the carcinogen NDMA, either during storage or when

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metabolized in the human body.”). Remand at this juncture, while pretrial proceedings are still ongoing in the MDL, will not promote the just and efficient conduct of this litigation. Instead, it would result in duplication of efforts and, potentially, inconsistent pretrial rulings. Plaintiff’s remedy, if any is needed, should come from the transferee court (or, failing that, from the appropriate appellate court). *Cf. In re Holiday Magic*, 433 F. Supp. at 1126 (“The Panel has neither the statutory authority nor the inclination to review decisions of districts courts, whether they are transferor or transferee courts.”).

IT IS THEREFORE ORDERED that the motion for Section 1407 remand is denied.

PANEL ON MULTIDISTRICT LITIGATION

A handwritten signature in cursive script, reading "Karen K. Caldwell", is positioned above a horizontal line.

Karen K. Caldwell  
Chair

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

Matthew F. Kennelly  
Roger T. Benitez  
Madeline Cox Arleo

**IN RE: ZANTAC (RANITIDINE)  
PRODUCTS LIABILITY LITIGATION**

MDL No. 2924

**SCHEDULE A**

Southern District of Florida

PATTERSON v. TEVA USA, ET AL., C.A. No. 9:21-82140 (E.D. Texas,  
C.A. No. 5:21-00095)