

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

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

MDL No. 2924

TRANSFER ORDER

Before the Panel:* Plaintiff in the *Marlen* action listed on Schedule A moves under Panel Rule 7.1 to vacate our order that conditionally transferred *Marlen* to the Southern District of Florida for inclusion in MDL No. 2924. Defendant Glenmark Pharmaceuticals Inc., USA, opposes the motion.

In support of his motion to vacate, plaintiff primarily argues that federal subject matter jurisdiction over his action is lacking, and that his anticipated motion for remand to state court should be decided before transfer. We are not persuaded by this argument. The Panel has held that such jurisdictional objections generally do not present an impediment to transfer.¹ *See, e.g., In re Prudential Ins. Co. of Am. Sales Practices 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.”). “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).

Plaintiff also argues that transfer is not appropriate because he alleges that ranitidine caused his kidney cancer. Lead plaintiffs’ counsel in the MDL, in contrast, are prosecuting five different types of cancer in the bellwether stage of the litigation.² Plaintiff contends that, because he alleges a non-designated cancer, transfer will not result in efficiencies. This argument is not persuasive. Many cases involving non-designated cancers remain in the MDL, and the transferee court quite clearly has stated that common proceedings as to these claims has not concluded. *See, e.g.,* Pretrial Order No. 72 at 9, *In re Zantac (Ranitidine) Prods. Liab. Litig.*, C.A. No. 9:20-02924 (S.D. Fla.

* 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.

² The designated bellwether cancers include bladder cancer, esophageal cancer, gastric cancer, liver cancer, and pancreatic cancer.

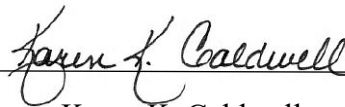
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Feb. 28, 2022), ECF No. 5348 (“[T]he Court intends to evaluate the number of filed cases pursuing claims for Non-Designated Cancers and injuries, as well as the types of cancers and injuries being alleged, to determine the best course of action for these cases. At a future time, the Court may enter additional orders and establish deadlines and procedures for the Plaintiffs raising personal injury claims for cancers and injuries other than the Designated Cancers, including setting expedited expert discovery and *Daubert* deadlines for these cases.”). Moreover, cases such as *Marlen* share many common factual questions with the bellwether cases and likely will benefit from coordination with those case. “Section 1407 does not require a complete identity of common factual issues or parties as a prerequisite to transfer, and the presence of additional facts or differing legal theories is not significant where, as here, the actions still arise from a common factual core.” *In re Auto Body Shop Antitrust Litig.*, 37 F. Supp. 3d 1388, 1390 (J.P.M.L. 2014).

Therefore, after considering the argument of counsel, we find that the action listed on Schedule A involves common questions of fact with the actions transferred to MDL No. 2924, 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 this litigation. In our order centralizing this litigation, we held that the Southern District of Florida was an appropriate Section 1407 forum for actions sharing factual questions arising from allegations that ranitidine, the active molecule in Zantac and similar heartburn medications, can form the carcinogen N-Nitrosodimethylamine (NDMA), either during storage or when metabolized in the human body. *See In re Zantac (Ranitidine) Prods. Liab. Litig.*, 437 F. Supp. 3d 1368, 1369 (J.P.M.L. 2020). Like the actions in the MDL, plaintiff in *Marlen* alleges that he developed cancer caused by use of ranitidine.

IT IS THEREFORE ORDERED that the action listed on Schedule A is transferred to the Southern District of Florida and, with the consent of that court, assigned to the Honorable Robin L. Rosenberg 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: ZANTAC (RANITIDINE)
PRODUCTS LIABILITY LITIGATION**

MDL No. 2924

SCHEDULE A

Southern District of Illinois

MARLEN v. VONDERHEIDE, ET AL., C.A. No. 3:22-01989