

**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 *Weaver* action listed on Schedule A, who is proceeding *pro se*, moves under Panel Rule 7.1 to vacate our order that conditionally transferred *Weaver* to the Southern District of Florida for inclusion in MDL No. 2924. Defendant Sanofi-Aventis U.S. LLC opposes the motion.

In support of his motion to vacate, plaintiff argues that his action should proceed in the jurisdiction where he allegedly suffered his injuries. Section 1407, though, provides for the transfer of actions involving common factual questions for coordinated or consolidated pretrial proceedings. *See* 28 U.S.C. 1407(a). Such transfer is only for pretrial proceedings. If plaintiff's claims remain pending at the conclusion of pretrial proceedings, they will be remanded for trial in the transferor court. To the extent plaintiff is arguing that federal subject matter jurisdiction over his action is lacking and that his claims should proceed in state court, his argument is not persuasive. 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.”).

Plaintiff also argues that transfer will cause him inconvenience due to his age and disability. We are sympathetic to plaintiff's claims of inconvenience due to his *pro se* status, but while it might inconvenience some parties, transfer of a particular action often is necessary to further the expeditious resolution of the litigation taken as a whole. *See, e.g., In re Watson Fentanyl Patch Prods. Liab. Litig.*, 883 F. Supp. 2d 1350, 1351–52 (J.P.M.L. 2012) (“While we are aware that centralization may pose some inconvenience to some parties, in deciding issues of transfer under Section 1407, we look to the overall convenience of the parties and witnesses, not just those of a single plaintiff or defendant in isolation.”). Furthermore, there usually is no need for parties or witnesses to travel to the transferee court for depositions or court hearings. *See In re MLR, LLC*,

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.

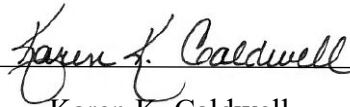
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Patent Litig., 269 F. Supp. 2d 1380, 1381 (J.P.M.L. 2003). Other *pro se* complaints are pending in this MDL, and the transferee court has issued orders to facilitate pretrial proceedings in these actions. *See, e.g.*, Pretrial Order No. 67, C.A. No. 9:20-md-02924 (S.D. Fla. Sept. 1, 2021), ECF No. 4178 (providing docket information to *pro se* litigants).

Therefore, after considering the parties' arguments, 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 *Weaver* alleges that he developed cancer caused by his ingestion of Zantac.

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
Madeline Cox Arleo

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

MDL No. 2924

SCHEDULE A

Central District of California

WEAVER v. SANOFI-AVENTIS U.S. LLC, ET AL., C.A. No. 2:22-07287