

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: ZANTAC (RANITIDINE)
PRODUCTS LIABILITY LITIGATION

MDL No. 2924

TRANSFER ORDER

Before the Panel:* Plaintiffs in the two actions listed on Schedule A, each of whom is proceeding *pro se*, move under Panel Rule 7.1 to vacate our order that conditionally transferred their respective actions to the Southern District of Florida for inclusion in MDL No. 2924. Defendants Sanofi US Services Inc., Sanofi-Aventis U.S. LLC, Chattem, Inc., and GlaxoSmithKline LLC oppose the motions to vacate.

Plaintiff in the *Pierce* action, in support of her motion to vacate, argues only that she can receive a fair trial in the transferor court. But “the Panel may only transfer an action for ‘coordinated or consolidated *pretrial* proceedings’ and must remand the action to the transferor court when pretrial proceedings are complete.” *In re Delta Dental Antitrust Litig.*, 509 F. Supp. 3d 1377, 1380 (J.P.M.L. 2020) (citing 28 U.S.C. § 1407(a); *Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26, 28 (1998)) (emphasis added). Arguments regarding trial in the transferor court, therefore, are irrelevant to the question of transfer under 28 U.S.C. § 1407. Plaintiff does not dispute that *Pierce* shares a common factual core with the actions in the MDL or that transfer is otherwise inappropriate.

Plaintiff in the *Jeske* action argues that venue is not proper in the transferee district, citing 28 U.S.C. §§ 1391, 1404, and 1406. Plaintiff, however, fails to consider the statute applicable to the transfer of her action to MDL No. 2924, which is 28 U.S.C. § 1407:

Transfers under Section 1407 are simply not encumbered by considerations of in personam jurisdiction and venue. A transfer under Section 1407 is, in essence, a change of venue for pretrial purposes. Following a transfer, the transferee judge has all the jurisdiction and powers over pretrial proceedings in the actions transferred to him that the transferor judge would have had in the absence of transfer.

In re FMC Corp. Patent Litig., 422 F. Supp. 1163, 1165 (J.P.M.L. 1976) (internal citations omitted). Plaintiff’s venue arguments thus lack merit.

* Judge David C. Norton did not participate in the decision of this matter.

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Plaintiff also argues that transfer will cause her inconvenience. This argument is not persuasive. Transfer of both *Pierce* and *Jeske* will provide significant efficiencies, such as avoiding duplicative discovery and preventing inconsistent pretrial rulings. Indeed, plaintiffs in both actions allege suffering from cancers that were designated for bellwether litigation in the MDL and were the subject of recent *Daubert* and summary judgment rulings by the transferee court. See, e.g., *In re Zantac (Ranitidine) Prods. Liab. Litig.*, C.A. No. 9:20-md-02924, ___ F. Supp. 3d ___, 2022 WL 17480906 (S.D. Fla. Dec. 6, 2022). In any event, transfer of an action is appropriate if it furthers the expeditious resolution of the litigation taken as a whole, even if some parties to the action might experience inconvenience. See *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, Patent Litig.*, 269 F. Supp. 2d 1380, 1381 (J.P.M.L. 2003). Other *pro se* complaints have been transferred to the MDL, and the transferee court has issued orders to facilitate pretrial proceedings in these actions. See, e.g., Pretrial Order #67, *In re Zantac (Ranitidine) Prods. Liab. Litig.*, C.A. No. 9:20-md-02924 (S.D. Fla. Sept. 1, 2021), ECF No. 4178 (providing docket information to *pro se* litigants).


Finally, plaintiff argues that transfer would be unjust because the transferee court’s rulings will place her at a “great disadvantage” with respect to retaining counsel. This argument, at its core, rests on plaintiff’s dissatisfaction with the course of the pretrial proceedings in this litigation. However, “the prospect of an unfavorable ruling by the transferee court or the possibility that another district judge may be more favorably disposed to a litigant’s contention is clearly not a factor considered by the Panel in exercising its discretion under Section 1407.” *In re Glenn W. Turner Enters. Litig.*, 368 F. Supp. 805, 806 (J.P.M.L. 1973). Accordingly, plaintiff’s argument is not well taken.

Therefore, after considering the parties’ arguments, we find that the actions listed on Schedule A involve 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, plaintiffs in *Pierce* and *Jeske* allege that their decedents developed cancer caused by ingestion of Zantac or other ranitidine-containing products.

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IT IS THEREFORE ORDERED that the actions listed on Schedule A are 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

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

Karen K. Caldwell
Chair

Nathaniel M. Gorton
Roger T. Benitez
Madeline Cox Arleo

Matthew F. Kennelly
Dale A. Kimball

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

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SCHEDULE A

Northern District of Indiana

PIERCE v. ZANTAC CORPORATION, ET AL., C.A. No. 2:23-00111

Eastern District of Michigan

JESKE, ET AL. v. GLAXOSMITHKLINE, ET AL., C.A. No. 1:23-10766