

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

In support of his motion, plaintiff argues that transfer would cause him hardship, as he cannot file pleadings electronically and his mail is subject to delays due to his incarceration. 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, Patent Litig.*, 269 F. Supp. 2d 1380, 1381 (J.P.M.L. 2003). Other *pro se* complaints have been transferred to this MDL, and the transferee court has issued orders to facilitate pretrial proceedings in such 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). Moreover, plaintiff will face the same inconvenience with respect to filing and prison mailroom delays whether his action proceeds in the Western District of Michigan or the Southern District of Florida.

Plaintiff also argues that transfer is inappropriate because he has moved for entry of default against defendants. We are not persuaded by this argument. The transferee court is “fully capable” of addressing plaintiff's motion. *In re Bank of N.Y. Mellon Corp. Foreign Exch. Transactions*

* Judges Nathaniel M. Gorton, David C. Norton, and Dale A. Kimball did not participate in the decision of this matter.

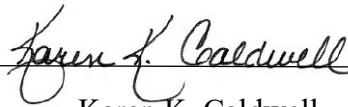
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Litig., 857 F. Supp. 2d 1371, 1374 (J.P.M.L. 2012) (rejecting request to delay transfer of action until ruling on motion to dismiss).¹

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 *Love* 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

Matthew F. Kennelly
Madeline Cox Arleo

Roger T. Benitez

¹ Plaintiff also asks, seemingly in the alternative, that the Panel itself grant default judgment. Section 1407, however, “does not empower the MDL Panel to decide questions going to the jurisdiction or the merits of a case.” *In re Ivy*, 901 F.2d 7, 9 (2d Cir. 1990).

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

MDL No. 2924

SCHEDULE A

Western District of Michigan

LOVE v. GLAXOSMITHKLINE PHARMACEUTICAL COMPANY, ET AL.,
C.A. No. 1:23-00557