

**UNITED STATES JUDICIAL PANEL**  
**on**  
**MULTIDISTRICT LITIGATION**

**IN RE: PARAQUAT PRODUCTS  
LIABILITY LITIGATION**

MDL No. 3004

**TRANSFER ORDER**

**Before the Panel:**\* Plaintiff in the Western District of Washington action (*Cox*) listed on Schedule A moves under Panel Rule 7.1 to vacate the order that conditionally transferred her action to MDL No. 3004. Defendants Syngenta Crop Protection LLC and Chevron U.S.A. Inc. oppose the motion to vacate.

After considering the argument of counsel, we find that this action involves common questions of fact with the actions previously transferred to MDL No. 3004, 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 the litigation. Moreover, transfer is warranted for the reasons set out in our order directing centralization. In that order, we held that the Southern District of Illinois was an appropriate Section 1407 forum for actions sharing factual questions arising from allegations that exposure to the herbicide paraquat caused plaintiffs to suffer Parkinson’s disease. *See In re Paraquat Prods. Liab. Litig.*, 544 F. Supp. 3d 1373 (J.P.M.L. 2021). Plaintiff in the action before us alleges that the decedent’s use of paraquat caused him to develop Parkinson’s disease. The action thus falls squarely within the scope of the MDL.

In support of her motion to vacate, plaintiff principally argues that her action was improperly removed from state court, and that the transferor court should decide her motion for remand. As we have explained repeatedly, such jurisdictional objections generally do not present an impediment to transfer of factually-related cases, as plaintiff can present these arguments to the transferee judge.<sup>1</sup> *See, e.g., In re: Prudential Ins. Co. of Am. Sales Pracs. Litig.*, 170 F. Supp. 2d 1346, 1347-48 (J.P.M.L. 2001). Nor are we persuaded by plaintiff’s contention that her remand motion involves unique issues of Washington law. “Section 1407 does not require a complete identity or even a majority of common questions of fact to justify transfer, and the presence of additional or differing legal theories is not significant where the subject actions arise from a common factual core.” *In re Air Crash over the S. Indian Ocean, on Mar. 8, 2014*, 190 F. Supp.

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\* Judges Nathaniel M. Gorton and David C. Norton took no part in the decision of this matter.

<sup>1</sup> Under Panel Rule 2.1(d), the pendency of a conditional transfer order does not limit the pretrial jurisdiction of the court in which the subject action is pending. Plaintiff’s motion for remand has been fully briefed since October 25, 2024, and the transferor court has had sufficient time to rule on that motion.

3d 1358 (J.P.M.L. 2016). The transferee court has ruled on several motions for remand to state court and is fully capable of addressing any novel issues presented by plaintiff's motion.

IT IS THEREFORE ORDERED that the action listed on Schedule A is transferred to the Southern District of Illinois and, with the consent of that court, assigned to the Honorable Nancy J. Rosenstengel for inclusion in the 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

Matthew F. Kennelly  
Dale A. Kimball

Roger T. Benitez  
Madeline Cox Arleo

**IN RE: PARAQUAT PRODUCTS  
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**SCHEDULE A**

Western District of Washington

COX v. B&R AERIAL CROP CARE, INC., ET AL., C.A. No. 2:24-01462