

**UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION**

**IN RE: PARAQUAT PRODUCTS LIABILITY LITIGATION**

MDL No. 3004

**TRANSFER ORDER**

**Before the Panel:**\* Plaintiffs in the Middle District of Louisiana action (*Dufour*) listed on the attached Schedule A move under Panel Rule 7.1 to vacate the Panel’s order conditionally transferring their action to MDL No. 3004. Defendants Syngenta Crop Protection LLC and Chevron U.S.A. Inc. oppose the motion.

After considering the arguments 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 *Dufour* alleges that his use of paraquat as a crop duster for a period of several decades caused him to develop Parkinson’s Disease. *Dufour* thus falls within the MDL’s ambit.

Plaintiffs move to vacate the conditional transfer order by arguing principally that federal jurisdiction is lacking over their case.<sup>1</sup> We are not persuaded by this argument. Such jurisdictional objections generally do not present an impediment to transfer and can be presented to the transferee judge.<sup>2</sup> *See, e.g., In re: Prudential Ins. Co. of Am. Sales Practices Litig.*, 170 F. Supp. 2d 1346, 1347 (J.P.M.L. 2001) (“[R]emand motions can be presented to and decided by the transferee

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\* Judge David C. Norton took no part in the decision of this matter.

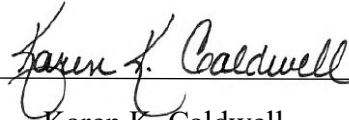
<sup>1</sup> Plaintiffs seemingly presume that their motion to remand their action to state court likely will be granted. However, “Section 1407 does not empower the MDL Panel to decide questions going to the jurisdiction or the merits of a case, including issues relating to a motion to remand.” *See In re Ivy*, 901 F.2d 7, 9 (2d Cir. 1990).

<sup>2</sup> Moreover, 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. 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.

judge.”). This MDL is progressing steadily, and the transferee court already has ruled on motions to remand in several actions. Any concerns about delay ultimately may prove illusory.

IT IS THEREFORE ORDERED that this action 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 black ink, 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: PARAQUAT PRODUCTS LIABILITY LITIGATION**

MDL No. 3004

**SCHEDULE A**

Middle District of Louisiana

DUFOUR, ET AL. v. SYNGENTA CROP PROTECTIONS, LLC, ET AL., C.A. No. 3:22-00911