

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

**IN RE: PARAQUAT PRODUCTS LIABILITY LITIGATION**

MDL No. 3004

**TRANSFER ORDER**

**Before the Panel:**\* Plaintiffs in the Western District of Louisiana action (*Fortenberry*) 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, Chevron U.S.A. Inc., and Chevron Phillips Chemical Co. LP 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). Plaintiffs in the action before us allege that the decedent’s use of paraquat caused him to develop Parkinson’s Disease. The action thus falls squarely within the MDL’s ambit.

In support of their motion to vacate, plaintiffs principally argue that federal jurisdiction is lacking over their case.<sup>1</sup> We are not persuaded by this argument. Such jurisdictional objections generally do not pose an impediment to transfer, and plaintiffs’ arguments for remand to state court can be presented to the transferee judge.<sup>2</sup> *See, e.g., In re Prudential Ins. Co. of Am. Sales Practices*

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

<sup>1</sup> Plaintiffs argue at length that their motions to remand their actions to state court are likely to 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.

*Litig.*, 170 F. Supp. 2d 1346, 1347 (J.P.M.L. 2001). The transferee court has ruled on several motions to remand to state court.

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 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 LIABILITY LITIGATION**

MDL No. 3004

**SCHEDULE A**

Western District of Louisiana

FORTENBERRY, SR. ESTATE, ET AL. v. SYNGENTA CROP PROTECTION,  
LLC, ET AL., C.A. No. 3:24-00024