

1836

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

JUN 22 2007

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DOCKET NO. 1836

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE MIRAPEX PRODUCTS LIABILITY LITIGATION

BEFORE WM. TERRELL HODGES,* CHAIRMAN, D. LOWELL JENSEN, J. FREDERICK MOTZ, ROBERT L. MILLER, JR.,* KATHRYN H. VRATIL, DAVID R. HANSEN AND ANTHONY J. SCIRICA, JUDGES OF THE PANEL

TRANSFER ORDER

This litigation currently consists of 54 actions pending in the District of Minnesota, and one action pending in each of the following districts: the Northern District of California, the District of Maryland, the Western District of Missouri, and the Western District of Washington.¹ Common defendants in the actions move the Panel, pursuant to 28 U.S.C. § 1407, for an order centralizing this litigation in either the Southern District of New York or the District of Connecticut. Responding plaintiffs oppose transfer. In the event that the Panel orders centralization over their objections, responding plaintiffs support selection of the District of Minnesota as transferee forum.

On the basis of the papers filed and hearing session held, the Panel finds that these 58 actions involve common questions of fact, and that centralization under Section 1407 in the District of Minnesota will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. All these actions involve common factual allegations concerning the alleged adverse side effects of the drug Mirapex, and the timeliness and adequacy of defendants' warnings concerning those side effects. Centralization under Section 1407 is necessary in order to eliminate duplicative discovery, prevent inconsistent pretrial rulings, and conserve the resources of the parties, their counsel and the judiciary.

We conclude that the District of Minnesota is an appropriate transferee forum in this docket because i) this district has the most advanced of the 58 actions; ii) the judge there has had an opportunity to become familiar with the litigation; and iii) Minneapolis is easily accessible.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, the actions in this litigation pending outside the District of Minnesota and listed on Schedule A are transferred to the District of Minnesota and, with the consent of that court, assigned to the Honorable James M. Rosenbaum for

* Judges Hodges and Miller took no part in the disposition of this matter.

¹ In addition to these 58 actions, the Panel has been notified of more than 50 related actions. These actions and any other related actions will be treated as potential tag-along actions. See Rules 7.4 and 7.5, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001).

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coordinated or consolidated pretrial proceedings with the actions pending in that district and listed on Schedule A.

FOR THE PANEL:



D. Lowell Jensen
Acting Chairman

SCHEDULE A

MDL-1836 -- In re Mirapex Products Liability Litigation

Northern District of California

Therese Bottiglieri v. Pfizer Inc., et al., C.A. No. 3:06-3248

District of Maryland

William David Livingston, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,
C.A. No. 1:06-1887

District of Minnesota

Gary Selinsky, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,
C.A. No. 0:06-873

Robert M. Zwyer, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,
C.A. No. 0:06-874

Michael A. Dubaich, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,
C.A. No. 0:06-875

Donald J. Nelsen v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,
C.A. No. 0:06-876

Larry Webb, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,
C.A. No. 0:06-898

Timothy Harms v. Boehringer Ingelheim Pharmaceuticals, Inc., et al., C.A. No. 0:06-899

Timothy L. Estep v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,
C.A. No. 0:06-900

Mary Conway v. Boehringer Ingelheim Pharmaceuticals, Inc., et al., C.A. No. 0:06-901

Dennis M. Scharpen, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,
C.A. No. 0:06-1206

Gary E. Charbonneau, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,
C.A. No. 0:06-1215

Todd R. Cain v. Boehringer Ingelheim Pharmaceuticals, Inc., et al., C.A. No. 0:06-1582

Manuel A. Quintela, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,
C.A. No. 0:06-1675

Thaddeus R. Fayard v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,
C.A. No. 0:06-2144

Hylton H. Dodd v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,
C.A. No. 0:06-2145

Michael W. Averitt, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,
C.A. No. 0:06-2194

William F. Courtney, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,
C.A. No. 0:06-2546

MDL-1836 Schedule A (Continued)

District of Minnesota (Continued)

- Richard I. Bloom, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*
C.A. No. 0:06-2577
- Joyce A. Anderson v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*
C.A. No. 0:06-2578
- Kathleen R. Frye, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*
C.A. No. 0:06-2662
- Cynthia Harris, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*
C.A. No. 0:06-3009
- Daniel M. Hayward, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*
C.A. No. 0:06-3180
- Daniel F. Neal v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,* C.A. No. 0:06-3182
- Peggy J. Bronson v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*
C.A. No. 0:06-3254
- Theresa R. Seaman, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*
C.A. No. 0:06-3255
- Madeline J. Vingers v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*
C.A. No. 0:06-3284
- Irene M. Conejo v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*
C.A. No. 0:06-3519
- Melody S. Erickson v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*
C.A. No. 0:06-3526
- Alan Kite, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*
C.A. No. 0:06-3527
- George P. Wagner v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*
C.A. No. 0:06-3537
- Gordon J. Haughey, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*
C.A. No. 0:06-3539
- Stella C. Rush, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*
C.A. No. 0:06-3544
- Carl M. Milam, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*
C.A. No. 0:06-3778
- Floyd Wayne Kanuch v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*
C.A. No. 0:06-3839
- Rick James Berger v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*
C.A. No. 0:06-4358
- Mark Mayer v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,* C.A. No. 0:06-4366
- Resa King, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*
C.A. No. 0:06-4502
- George Konrad v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.,*
C.A. No. 0:06-4699

MDL-1836 Schedule A (Continued)

District of Minnesota (Continued)

- Steven Purser, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,
C.A. No. 0:06-4783
- Barbara Goldman, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,
C.A. No. 0:06-4784
- James Holmes, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,
C.A. No. 0:06-4785
- Florene D. Saracco v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,
C.A. No. 0:06-4827
- Greg Stutz v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*, C.A. No. 0:06-4828
- Thomas M. Celorie v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,
C.A. No. 0:06-4868
- Maryann J. Deleo, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,
C.A. No. 0:06-4869
- William Chamberlain, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,
C.A. No. 0:06-4870
- Ronald P. Markel, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,
C.A. No. 0:06-4871
- Hilarie Pearce v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*, C.A. No. 0:06-4944
- Linda Michels, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,
C.A. No. 0:06-4945
- David Emery, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,
C.A. No. 0:06-4946
- Richard Scott Brown v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,
C.A. No. 0:06-4947
- William Gage, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,
C.A. No. 0:06-4948
- Carolyn Paulette Shows, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,
C.A. No. 0:06-4949
- Michele C. Glancy, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,
C.A. No. 0:06-5123
- Tza Ping Aliya Lee, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,
C.A. No. 0:07-39

Western District of Missouri

- Wayne Jackson, et al. v. Boehringer Ingelheim Pharmaceuticals, Inc., et al.*,
C.A. No. 4:06-969

Western District of Washington

- Matthew Andresen, et al. v. Pfizer Inc., et al.*, C.A. No. 2:06-1413