



**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

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

MDL No. 2924

TRANSFER ORDER

Before the Panel: Plaintiffs in the two actions listed on Schedule A move under Panel Rule 7.1 to vacate our order that conditionally transferred these actions to the Southern District of Florida for inclusion in MDL No. 2924. Defendants Boehringer Ingelheim Pharmaceuticals, Inc.; Boehringer Ingelheim Corporation; Boehringer Ingelheim USA Corporation; Sanofi-Aventis U.S. LLC; Sanofi US Services Inc; Chattem, Inc.; GlaxoSmithKline LLC; GlaxoSmithKline Holdings (Americas) Inc.; Pfizer Inc.; and Patheon Manufacturing Services LLC oppose the motion.

In support of their motion to vacate, plaintiffs argue that federal subject matter jurisdiction over their actions is lacking, and that their pending motions for remand to state court should be decided before transfer. We are not persuaded by these arguments. The Panel has held that such jurisdictional objections generally do not present an impediment to transfer.¹ *See, e.g., In re Prudential Ins. Co. of Am. Sales Practices Litig.*, 170 F. Supp. 2d 1346, 1347–48 (J.P.M.L. 2001) (“[R]emand motions can be presented to and decided by the transferee judge.”).

Plaintiffs also attempt to distinguish their actions from those in the MDL. They suggest that transfer is not appropriate because plaintiffs assert claims against a specific seller of the ranitidine products allegedly consumed by plaintiffs. Yet plaintiffs in both actions allege that they developed cancer caused by use of prescription and over-the-counter ranitidine products—one of the core allegations presented by the actions in the MDL. Plaintiffs in both actions also assert product liability claims against manufacturers of the ranitidine products. “Section 1407 does not require a complete identity of common factual issues or parties as a prerequisite to transfer, and the presence of additional facts or differing legal theories is not significant where, as here, the actions still arise from a common factual core.” *In re Auto Body Shop Antitrust Litig.*, 37 F. Supp. 3d 1388, 1390 (J.P.M.L. 2014).

Moreover, many of the actions in the MDL involve allegations against retailers of Zantac and generic ranitidine. Indeed, our original centralization order recognized that retailers are part

¹ Panel Rule 2.1(d) expressly provides that 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.

- 2 -

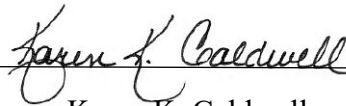
of this litigation, and the transferee court has issued several decisions pertinent to such claims. *See, e.g., In re Zantac (Ranitidine) Prods. Liab. Litig.*, 437 F. Supp. 3d 1368, 1369 (J.P.M.L. 2020) (centralizing actions in which plaintiffs alleged that “the manufacturers, *sellers*, and distributors of Zantac and other ranitidine medications knew or should have known” about the alleged dangers of ranitidine) (emphasis added).

Plaintiffs also argue that transfer will cause them inconvenience and result in delay. Transfer of an action, however, is appropriate if it furthers the expeditious resolution of the litigation taken as a whole, even if some parties to the action might experience inconvenience or delay. *See In re Watson Fentanyl Patch Prods. Liab. Litig.*, 883 F. Supp. 2d 1350, 1351–52 (J.P.M.L. 2012) (“[W]e look to the overall convenience of the parties and witnesses, not just those of a single plaintiff or defendant in isolation.”).

Therefore, after considering the argument of counsel, we find that the actions listed on Schedule A involve 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*, 437 F. Supp. 3d at 1369. Like many of the actions in the MDL, plaintiffs in the actions listed on Schedule A allege that they developed cancer caused by use of Zantac products.

IT IS THEREFORE ORDERED that the actions listed on Schedule A are 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

Nathaniel M. Gorton
David C. Norton
Dale A. Kimball

Matthew F. Kennelly
Roger T. Benitez
Madeline Cox Arleo

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

MDL No. 2924

SCHEDULE A

Eastern District of Pennsylvania

KMIECIAK v. GLAXOSMITHKLINE LLC, ET AL., C.A. No. 2:21-04480
DALICANDRO v. BOEHRINGER INGELHEIM PHARMACEUTICALS, INC.,
ET AL., C.A. No. 2:21-04482