

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: ELMIRON (PENTOSAN POLYSULFATE SODIUM)
PRODUCTS LIABILITY LITIGATION**

MDL No. 2973

TRANSFER ORDER

Before the Panel: Plaintiffs in the District of New Jersey *Dobbins* action move under 28 U.S.C. § 1407 to centralize this litigation involving retinal injuries associated with the use of Elmiron (pentosan polysulfate sodium). Plaintiffs seek centralization in the District of New Jersey. Plaintiff's motion included 63 actions pending in eleven districts, as listed on Schedule A, as well as 65 potentially-related actions.¹

No responding party opposes centralization. Plaintiffs in 42 actions support centralization in the District of New Jersey. Certain of these plaintiffs propose alternative transferee districts of the Eastern District of Pennsylvania or the Southern District of Florida. Responding plaintiffs in 33 cases support centralization in the Eastern District of Pennsylvania. Plaintiffs in the Southern District of Ohio *Gruppo* action support centralization in the Southern District of Ohio. Defendants² do not oppose centralization in the District of New Jersey

After considering the argument of counsel,³ we find that centralization of these actions in the District of New Jersey will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. The actions involve common factual issues concerning the propensity of Elmiron to cause retinal injuries, notably atypical or pigmentary maculopathy. Several defendants have marketed Elmiron since its approval in 1996. This litigation likely will implicate complex scientific and regulatory issues. Centralization will eliminate duplicative discovery; avoid inconsistent pretrial rulings; and conserve the resources of the parties, their counsel and the judiciary.

¹ These actions, and any other related actions, are potential tag-along actions. *See* Panel Rules 1.1(h), 7.1 and 7.2.

² Janssen Pharmaceuticals, Inc.; Bayer Corporation, Bayer Healthcare LLC, Bayer Healthcare Pharmaceuticals, Inc., and Bayer US L.L.C.; and Teva Branded Pharmaceutical Products R&D, Inc., Teva Pharmaceuticals USA, Inc., IVAX LLC, Baker Norton U.S., Inc., and Baker Norton Pharmaceuticals, Inc.

³ In light of the concerns about the spread of COVID-19 virus (coronavirus), the Panel heard oral argument by videoconference at its hearing session of December 3, 2020. *See* Suppl. Notice of Hearing Session, MDL No. 2973 (J.P.M.L. November 16, 2020), ECF No. 139.

While any number of proposed transferee districts could ably handle this litigation, we are persuaded that the District of New Jersey is the appropriate transferee district. Several defendants are based in New Jersey, and relevant witnesses and documents likely will be found there. Defendants and many plaintiffs support centralization in this district. Judge Brian R. Martinotti is a jurist well-versed in the nuances of complex, multidistrict litigation, and he already has taken steps to organize this litigation, which the parties estimate may grow by several hundreds of cases. We are confident that Judge Martinotti will steer this litigation on a prudent course.

IT IS THEREFORE ORDERED that the actions listed on Schedule A and pending outside the District of New Jersey are transferred to the District of New Jersey and, with the consent of that court, assigned to the Honorable Brian R. Martinotti for coordinated or consolidated proceedings with the actions pending there and listed on Schedule A.

PANEL ON MULTIDISTRICT LITIGATION



Karen K. Caldwell
Chair

Catherine D. Perry
Matthew F. Kennelly
Roger T. Benitez

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

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SCHEDULE A

Northern District of Alabama

HOWELL v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 2:20-00993

Southern District of California

JACKSON v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 3:20-01266

Middle District of Florida

O'FLAHERTY v. JANSSEN PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:20-00330
SHAW v. JOHNSON & JOHNSON, ET AL., C.A. No. 5:20-00390

Southern District of Florida

RANDAZZO v. JOHNSON & JOHNSON, ET AL., C.A. No. 0:20-61721
HAMBLETT v. TEVA BRANDED PHARMACEUTICAL PRODUCTS R&D, INC.,
ET AL., C.A. No. 1:20-23144
MONTGOMERY v. TEVA BRANDED PHARMACEUTICAL PRODUCTS R&D,
INC., ET AL., C.A. No. 1:20-23380
CRAYNE v. JOHNSON & JOHNSON, ET AL., C.A. No. 1:20-23500

Western District of Missouri

METZGER v. BAKER NORTON U.S., INC., ET AL., C.A. No. 4:20-00543
JOHNSON v. BAKER NORTON U.S., INC., ET AL., C.A. No. 4:20-00544

District of New Jersey

HULL, ET AL. v. TEVA PHARMACEUTICALS USA, INC., ET AL.,
C.A. No. 3:20-07079
WORDEN v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 3:20-06070
MAYOU, ET AL. v. JANSSEN PHARMACEUTICALS, INC., ET AL.,
C.A. No. 3:20-07750
EDWARDS v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 3:20-07753
COMSTOCK v. JANSSEN PHARMACEUTICALS, INC., ET AL.,
C.A. No. 3:20-07756

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BREWER, ET AL. v. JANSSEN PHARMACEUTICALS, INC., ET AL.,
C.A. No. 3:20-07758
MCCALL, ET AL. v. JANSSEN PHARMACEUTICALS, INC., ET AL.,
C.A. No. 3:20-08074
DOBBINS, ET AL. v. JANSSEN PHARMACEUTICALS, INC., ET AL.,
C.A. No. 3:20-09530
DUBOIS v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 3:20-10080
JOHNS v. ALZA CORPORATION, ET AL., C.A. No. 3:20-10341
LEVY v. ALZA CORPORATION, ET AL., C.A. No. 3:20-10342
YORK v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 3:20-10960
RODGERS v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 3:20-10966
SHAFFER v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 3:20-10968
HOLMBERG, ET AL. v. ALZA CORPORATION, ET AL., C.A. No. 3:20-11440
GROUDAN v. JANSSEN PHARMACEUTICALS, INC., ET AL.,
C.A. No. 3:20-11912
EVANS v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 3:20-11913
SCOTT v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 3:20-11919
KOTZ v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 3:20-11921
VESCIO v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 3:20-12264
EMMONS v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 3:20-12328
LAFAVE v. TEVA BRANDED PHARMACEUTICAL PRODUCTS R&D, INC.,
ET AL., C.A. No. 3:20-12421
ANTHONY, ET AL. v. JANSSEN PHARMACEUTICALS, INC., ET AL.,
C.A. No. 3:20-12605
HARDY, ET AL. v. JANSSEN PHARMACEUTICALS, INC., ET AL.,
C.A. No. 3:20-12608

Middle District of North Carolina

ECHERD v. JOHNSON & JOHNSON, ET AL., C.A. No. 1:20-00718
PARKER v. JOHNSON & JOHNSON, ET AL., C.A. No. 1:20-00769

Northern District of Ohio

WILLAMAN v. JANSSEN PHARMACEUTICALS, INC., C.A. No. 4:20-01984

Southern District of Ohio

HOPKINS v. JOHNSON & JOHNSON, ET AL., C.A. No. 1:20-00675

Eastern District of Pennsylvania

PISCO v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 2:20-02147
ENGLISH v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 2:20-02150
ALLEN v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 2:20-02183
DAVIS v. JANSSEN PHARMACEUTICAL, INC., ET AL., C.A. No. 2:20-0220

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GASSMAN v. JANSSEN PHARMACEUTICALS, INC., ET AL., C.A. No. 2:20-2234
MOTT v. JANSSEN PHARMACEUTICALS INC., C.A. No. 2:20-02871
PELCZAR v. JANSSEN PHARMACEUTICALS INC., C.A. No. 2:20-03056
SPICE v. JANSSEN PHARMACEUTICALS INC., C.A. No. 2:20-03345
MAINES v. JANSSEN PHARMACEUTICALS, INC., C.A. No. 2:20-04021
HOPPER v. JANSSEN PHARMACEUTICALS, INC., C.A. No. 2:20-04024
WARE, ET AL. v. JANSSEN PHARMACEUTICALS, INC., ET AL.,
C.A. No. 2:20-04053
CUTAIA v. TEVA PHARMACEUTICALS USA, INC., ET AL., C.A. No. 2:20-04133
MCBRAYER v. TEVA PHARMACEUTICALS USA, INC., ET AL.,
C.A. No. 2:20-04153
BAKER v. JANSSEN PHARMACEUTICALS INC., C.A. No. 2:20-04157
DAVIDSON v. JANSSEN PHARMACEUTICALS INC., C.A. No. 2:20-04158
PRITCHARD v. JANSSEN PHARMACEUTICALS INC., C.A. No. 2:20-04160
WHEELER v. JANSSEN PHARMACEUTICALS INC., C.A. No. 2:20-04162
BANKS v. TEVA PHARMACEUTICALS USA, INC., ET AL., C.A. No. 2:20-04179
HOLBROOK v. JANSSEN PHARMACEUTICALS INC., C.A. No. 2:20-04389
REITZE v. JANSSEN PHARMACEUTICALS, INC., C.A. No. 2:20-04394
SCHEIBE, ET AL. v. JANSSEN PHARMACEUTICALS, INC., C.A. No. 2:20-04397
SMITH v. JANSSEN PHARMACEUTICALS, INC., C.A. No. 2:20-04423
TIRRELL v. JANSSEN PHARMACEUTICALS, INC., C.A. No. 2:20-04488

Eastern District of Wisconsin

TOWNSEND v. JANSSEN ORTHO LLC, ET AL., C.A. No. 2:20-01256
BIRD v. JOHNSON & JOHNSON, ET AL., C.A. No. 2:20-01309