

**Feb 05, 2010**

FILED  
CLERK'S OFFICE

UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION

**IN RE: SEROQUEL PRODUCTS LIABILITY LITIGATION**

MDL No. 1769

**ORDER VACATING CONDITIONAL TRANSFER ORDER**

**Before the entire Panel\***: Plaintiffs in the fifteen Northern District of California actions listed on Schedule A move, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), to vacate our order conditionally transferring the actions to the Middle District of Florida for inclusion in MDL No. 1769. Defendants AstraZeneca Pharmaceuticals LP and AstraZeneca LP oppose the motions to vacate.

Multidistrict litigation is not static. The Panel ordered centralization of MDL No. 1769 in July 2006. Over the past four years, MDL No. 1769 has included over 7,835 cases. In fact, the Panel transferred actions to MDL No. 1769 in January of this year. By now, however, the work of the transferee court has reached an advanced stage. All common discovery was completed in the transferee district. Judge Anne C. Conway has made many well considered and useful rulings on procedural, substantive and evidentiary issues and is preparing to suggest remand under Section 1407 of many of the cases before her to their respective transferor districts.

Over the course of time, the relative merits of transferring additional cases can change as the transferee court completes its primary tasks. The point of diminishing benefit in tag-along transfers is never absolutely clear. After a certain point, however, the benefits of transfer should not be assumed to continue. This is a concern which, in close consultation with transferee judges, we intend to give closer attention. This is appropriate and necessary for the Panel to continue meeting the worthy goals of Section 1407.

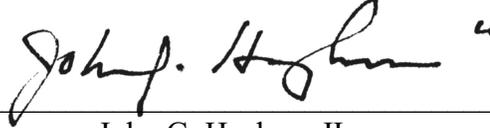
Based on our review of the progress of this litigation and our consultation with the transferee judge, we conclude that inclusion of these fifteen actions in MDL No. 1769 is no longer necessary to achieve the just and efficient conduct of the litigation. *See* 28 U.S.C. § 1407(a). We see no reason why the parties in subsequent actions, subject to the same conditions as those imposed on parties to the MDL, should not be able to avail themselves of the documents and depositions accumulated under Judge Conway's supervision of MDL No. 1769. Moreover, the judges presiding over subsequent actions can almost certainly find useful guidance in Judge Conway's many pretrial rulings. Thus, even absent transfer, most of the benefits of the MDL are available to expedite resolution of the subject actions.

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\* Judge Hansen took no part in the decision of this matter.

IT IS THEREFORE ORDERED that the Panel's conditional transfer order designated as "CTO-93" is vacated with respect to these actions.

PANEL ON MULTIDISTRICT LITIGATION



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John G. Heyburn II  
Chairman

Robert L. Miller, Jr.  
David R. Hansen\*  
Frank C. Damrell, Jr.

Kathryn H. Vratil  
W. Royal Furgeson, Jr.  
David G. Trager

**SCHEDULE A**

Northern District of California

Lisa Bain, et al. v. AstraZeneca LP, et al., C.A. No. 3:09-4147  
Donald Bates, Jr., et al. v. AstraZeneca LP, et al., C.A. No. 3:09-4150  
Carolyn Harrison, et al. v. AstraZeneca LP, et al., C.A. No. 3:09-4151  
Cynthia Arnold, et al. v. AstraZeneca LP, et al., C.A. No. 3:09-4157  
Todd Boggis, et al. v. AstraZeneca LP, et al., C.A. No. 3:09-4159  
Paul Trim, et al. v. AstraZeneca LP, et al., C.A. No. 3:09-4160  
Mark Coffey, et al. v. AstraZeneca LP, et al., C.A. No. 3:09-4161  
Gloria Miller, et al. v. AstraZeneca LP, et al., C.A. No. 3:09-4163  
Sharon Diston, et al. v. AstraZeneca LP, et al., C.A. No. 3:09-4165  
Lisa Saunders, et al. v. AstraZeneca LP, et al., C.A. No. 4:09-4148  
Kimberly Kessler, et al. v. AstraZeneca LP, et al., C.A. No. 4:09-4149  
Angel Colon, et al. v. AstraZeneca LP, et al., C.A. No. 4:09-4158  
Antonio Burton, et al. v. AstraZeneca LP, et al., C.A. No. 4:09-4162  
David Marte, et al. v. AstraZeneca LP, et al., C.A. No. 4:09-4164  
Bong Nguyen, et al. v. AstraZeneca LP, et al., C.A. No. 4:09-4166