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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

IN RE: Bard IVC Filters Products Liability Litigation,

No. MDL 15-02641-PHX-DGC

ORDER

Defendants move to dismiss duplicative complaints filed in this MDL. Doc. 17933. The motion includes a list of ten plaintiffs who have filed more than one complaint. *Id.* at 3.[1] Before filing the motion, Defendants sent multiple letters notifying Plaintiffs' Steering Committee and counsel for each individual plaintiff of the duplicative actions. *See* Doc. 17933-1. The letters explained that the duplicate complaints raise the same claims for the same individual as asserted in the initial complaints, and requested that one of the cases be dismissed. *See* Doc. 17933 at 3. Plaintiffs' lead counsel in this MDL do not oppose dismissal of duplicate complaints, and counsel for the individual plaintiffs have not responded to Defendants' letters and motion (with the exceptions listed below).

[1] Two of the plaintiffs, Evelyn Gillespie and Candy Powell, filed stipulations to dismiss their second-filed actions (Case Nos. CV-18-2042, CV-18-2518), which have been granted. Docs. 17958, 18004, 18051, 18080. Defendants' motion mentions plaintiff Jennifer Gosche but she is not included in the list of duplicative actions. *See* Doc. 17933 at 2-3. Gosche previously filed a stipulation to dismiss one of her actions (Case No. CV-18-0240), which has been granted. Docs. 16239, 16377.

The filing of duplicative complaints in this MDL is not appropriate. *See* Doc. 16343 at 4-5; *see also M.M. v. Lafayette Sch. Dist.* 681 F.3d 1082, 1091 (9th Cir. 2012) ("It is well established that a district court has broad discretion to control its own docket, and that includes the power to dismiss duplicative claims."); *Pacesetter Sys., Inc. v. Medtronic, Inc.*, 678 F.2d 93, 94-95 (9th Cir. 1982) (a district court may "decline jurisdiction over an action when a complaint involving the same parties and issues has already been filed in another district").

Defendants' motion (Doc. 17933) is **granted** and the following duplicate complaints are dismissed:

- *Alarcon, Maria E.*, CV-17-3615 (Oct. 10, 2017);
- *Black, Samuel Dwayne*, CV-18-2413 (July 31, 2018);
- *Butler, Linda Beamon*, CV-17-3792 (Oct. 16, 2017);
- *Davis, John Jordan*, CV-17-3412 (Oct. 3, 2017);
- *Fortune, Malcolm Duran*, CV-18-1426 (May 9, 2018);
- *Johnson, Mary*, CV-17-3436 (Oct. 4, 2017);
- *Nichols, Julia*, CV-17-3317 (Sept. 26, 2017); and
- *Pratt, James M.*, CV-18-2385 (July 30, 2018).[2]

Dated this 19th day of June, 2019.

David G. Campbell
Senior United States District Judge

[2] The initial complaints remain part of this MDL. *See Alarcon*, CV-17-0197 (Jan. 20, 2017); *Black*, CV-17-3461 (Oct. 4, 2017); *Butler*, CV-17-1782 (June 8, 2017); *Davis*, CV-17-2775 (Aug. 17, 2017); *Fortune*, CV-17-2420 (July 19, 2017); *Johnson*, CV-17-2988 (Sept. 1, 2017); *Nichols*, CV-17-0868 (Mar. 23, 2017); *Pratt*, CV-17-3193 (Sept. 15, 2017).