

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**JAN LOVE**

**PLAINTIFF**

**v.**

**4:04-CV-00744-WRW**

**WYETH, INC., et al.**

**DEFENDANTS**

**ORDER**

Pending is Plaintiff's Motion to Consolidate Cases (Doc. No. 19). Defendants have responded Plaintiff seeks to consolidate, under Fed. R. Civ. P. 42, her two cases filed against different drug manufacturers, because they "share common issues of law and fact, the parties would not be prejudiced by consolidation, and because consolidation would serve the interests of judicial economy."

These cases were transferred, under 28 U.S.C. § 1407(a), to the MDL pending in the Eastern District of Arkansas. An MDL transferee court has jurisdiction for pretrial proceedings only, and a case transferred under 28 U.S.C. § 1407 "shall be remanded . . . at or before the conclusion of such pretrial proceedings to the district from which it was transferred."<sup>1</sup>

Since this case is here for pretrial purposes only, consolidation is improper -- regardless of whether the criteria for consolidation under Fed. R. Civ. P. 42(a) are satisfied.<sup>2</sup>

Accordingly, the Motion to Consolidate is DENIED.

IT IS SO ORDERED this 10th day of December, 2008.

/s/ Wm. R. Wilson, Jr. \_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>28 U.S.C. § 1407(a).

<sup>2</sup>See *In re Penn Central Commercial Paper Litigation*, 62 F.R.D. 341, 344 (S.D.N.Y. 1974).