

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: ZOLOFT (SERTRALINE HYDROCHLORIDE)
 PRODUCTS LIABILITY LITIGATION**

A.D., et al. v. Pfizer, Inc., et al.,)
 N.D. California, C.A. No. 3:13-2466) MDL No. 2342

TRANSFER ORDER

Before the Panel: Pursuant to Panel Rule 7.1, plaintiffs move to vacate our order conditionally transferring this action (*A.D.*) to MDL No. 2342. Defendant Pfizer, Inc. (Pfizer) opposes the motion to vacate.

After considering all argument of counsel, we find that this action shares questions of fact with actions in this litigation previously transferred to the Eastern District of Pennsylvania, and that transfer of this action to MDL No. 2342 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. Plaintiffs do not dispute that this action shares questions of fact with MDL No. 2342. Like many of the already-centralized actions, *A.D.* involves factual questions arising from allegations that plaintiffs' children were born with birth defects as result of their mothers ingesting Zoloft during pregnancy. *See In re: Zoloft (Sertraline Hydrochloride) Prods. Liab. Litig.*, 856 F. Supp. 2d 1347 (J.P.M.L. 2012).

In support of their motion to vacate, plaintiffs argue that federal subject matter jurisdiction is lacking, and plaintiffs' motion to remand to state court is pending. The Panel often has held that jurisdictional issues do not present an impediment to transfer, as plaintiffs can present such arguments to the transferee judge.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).

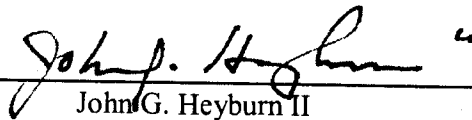
TRUE COPY CERTIFIED TO FROM THE RECORD
 DATED: 10-17-13
 ATTEST: [Signature]
 DEPUTY CLERK, UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF PENNSYLVANIA

* Judge Sarah S. Vance did not participate in the disposition of this matter.

¹ Moreover, the Northern District of California has stayed the *A.D.* action and denied the motion to remand without prejudice.

IT IS THEREFORE ORDERED that pursuant to 28 U.S.C. § 1407, this action is transferred to the Eastern District of Pennsylvania and, with the consent of that court, assigned to the Honorable Cynthia M. Rufe for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

PANEL ON MULTIDISTRICT LITIGATION



John G. Heyburn II
Chairman

Kathryn H. Vratil
Marjorie O. Rendell
Lewis A. Kaplan

Paul J. Barbadoro
Charles R. Breyer