

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

)	Case No. C 13-3048 SC
)	
JO-MAR ADKINS Individually and)	ORDER GRANTING MOTION TO STAY
as Successor-in-interest on)	<u>PROCEEDINGS PENDING TRANSFER</u>
behalf of the Estate of)	
MARGARET RUSSELL, Deceased, et)	
al.,)	
)	
Plaintiffs,)	
)	
v.)	
)	
McKESSON CORPORATION,)	
SMITHKLINE BEECHAM CORPORATION)	
d/b/a GLAXOSMITHKLINE, and DOES)	
11-50,)	
)	
Defendants,)	
)	
v.)	
)	
DOES 51-100,)	
)	
Nominal Defendants)	
for Wrongful Death)	
Actions)	
)	
)	

Now before the Court is Defendant GlaxoSmithKline LLC's ("Defendant") Motion to Stay All Proceedings Pending Transfer by the Judicial Panel on Multidistrict Litigation ("JPML") to Multidistrict Litigation ("MDL") Docket No. 1871, In re Avandia Marketing Sales Practices and Products Liability Litigation (the

1 "Avandia MDL"). This case has been conditionally transferred to
2 the Avandia MDL. The above-captioned Plaintiffs oppose that
3 transfer and this motion, which is fully briefed and appropriate
4 for decision without oral argument per Civil Local Rule 7-1(b).
5 Plaintiffs also ask the Court to rule on their motion to remand
6 before deciding the motion to stay.

7 Out of deference to the MDL process and the uniformity and
8 predictability it promotes, the Court declines to decide
9 Plaintiffs' motion to remand at this time.

10 Upon careful consideration, the Court finds that staying this
11 case is warranted because (1) potential prejudice to Plaintiffs is
12 minimal, given how soon the JPML's decision is likely to issue; (2)
13 not staying the matter could expose Defendant to needless
14 litigation and inconsistent rulings in their pending cases; and (3)
15 not staying the case would waste judicial resources, since these
16 cases may be consolidated in the Avandia MDL. See Couture v.
17 Hoffman-La Roche, Inc., No. 12-cv-2657 PJH, 2012 WL 3042994 (N.D.
18 Cal. July 25, 2012) (listing factors to be considered in issuing a
19 stay); see also Landis v. N. Am. Co., 299 U.S. 248, 254 (1936) (the
20 court's power to stay cases is inherent in its ability to control
21 disposition of cases on its docket).

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The Court STAYS all matters in this case pending the JPML's decision on whether this case should be transferred. The parties are ORDERED to file a joint notice with the Court within seven (7) days of the JPML's decision.

IT IS SO ORDERED.

Dated: August 15, 2013


UNITED STATES DISTRICT JUDGE