

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

3
4
5 RAYMOND E. ESCHE, et al.,

6 Plaintiffs,

7 v.

8 McKESSON CORPORATION, et al.,

9 Defendants.

NO. C13-3062 TEH

ORDER GRANTING
DEFENDANT'S MOTION TO
STAY

10
11 This matter has been conditionally transferred to Multidistrict Litigation (“MDL”)
12 Docket No. 1871, *In re: Avandia Marketing, Sales Practices and Products Liability*
13 *Litigation*. Defendant GlaxoSmithKline LLC (“GSK”) has moved to stay all proceedings
14 pending final transfer, and Plaintiffs have filed a motion to remand. Plaintiffs’ motion raises
15 issues that do not appear to be unique to this case, and it appears from the Court’s review that
16 nearly identical motions have been filed in numerous cases pending before both this Court
17 and other judges in this district.

18 Upon careful consideration, the Court finds that a stay is in the interests of judicial
19 economy, and it does not appear that a stay will cause prejudice to either party. Accordingly,
20 IT IS HEREBY ORDERED that GSK’s motion to stay is GRANTED. *See Landis v. N. Am.*
21 *Co.*, 299 U.S. 248, 254-55 (1936) (courts have inherent power to control their own dockets,
22 including the power to stay proceedings in the interests of judicial economy); *In re Apple*
23 *iPhone Application Litig.*, Case No. 10-CV-05878-LHK, 2011 WL 2149102, at *2 (N.D. Cal.
24 May 31, 2011) (factors courts consider when weighing a stay include “(1) conserving judicial
25 resources and avoiding duplicative litigation; (2) hardship and inequity to the moving party if
26 the action is not stayed; and (3) potential prejudice to the non-moving party”).

27 All matters, including Plaintiffs’ pending motion to remand, are stayed pending
28 further consideration by the Judicial Panel on Multidistrict Litigation (“JPML”) of whether


1 this case should be transferred to the MDL court. If the case is not transferred, then Plaintiffs
2 shall re-notice their motion to remand for a date at least five weeks from the date of the
3 re-notice. Defendants' opposition will be due two weeks from the date of the re-notice, and
4 Plaintiffs' reply will be due three weeks from the date of the re-notice.

5

6 **IT IS SO ORDERED.**

7

8 Dated: 07/15/13



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28