

United States District Court  
For the Northern District of California

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

	)	Case No. C 13-5842 SC
	)	
MARK MOREHEAD, et al.,	)	ORDER GRANTING MOTION TO STAY
	)	<u>PROCEEDINGS PENDING TRANSFER</u>
Plaintiffs,	)	
	)	
v.	)	
	)	
McKESSON CORPORATION,	)	
SMITHKLINE BEECHAM CORPORATION	)	
d/b/a GLAXOSMITHKLINE, and DOES	)	
1-100,	)	
	)	
Defendants.	)	
	)	
	)	

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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 "Avandia MDL"). The JPML issued a Conditional Transfer Order ("CTO") conditionally transferring this action to the MDL on December 23, 2013. ECF Nos. 13-2 ("Lohman Decl.") ¶ 5. The above-captioned Plaintiffs oppose that transfer and this motion, which is fully briefed and appropriate for decision without oral argument

1 per Civil Local Rule 7-1(b). Plaintiffs also ask the Court to rule  
2 on their motion to remand before deciding the motion to stay.

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

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

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

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23 IT IS SO ORDERED.

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25 Dated: March 7, 2014

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UNITED STATES DISTRICT JUDGE

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