

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION


MELISSA BEATTY, <i>et al.</i> ,)	CASE NO. 13 CV 677
)	
Plaintiffs,)	
)	
v.)	JUDGE DONALD C. NUGENT
)	
WYETH PHARMACEUTICALS, INC., <i>et al.</i> ,)	
)	
Defendant.)	<u>MEMORANDUM OPINION</u> <u>AND ORDER</u>

Before the Court is a Joint Motion to Stay Proceedings. The parties seek to stay the proceedings, and in particular to postpone the case management conference (“CMC”) currently scheduled for June 19, 2013 because this case has been identified as a related action to Boyer v. Wyeth Pharmaceuticals Inc., et al., No. 2:12-cv-00739 (E.D. Pa), which has petitioned the Judicial Panel for Multi-District Litigation to create an MDL including this and thirteen other cases. No party in any of the affected cases, including those in this case, have opposed the creation of an MDL.

As a general rule, the filing of an MDL petition is not sufficient justification to stay proceedings in the case. JPML Rule 2.1(d). *See also*, Summary of Panel Rules Revised October

4, 2010. However, under the particular circumstances of this case, where: the Panel's decision will likely be made within weeks of the currently scheduled CMC; no dispositive motions have been filed; discovery is likely to be extensive and expensive; all parties will benefit from consolidated discovery should the MDL be created; and, both parties agree that a short stay is in the best interest of both parties and will further overall judicial economy, the Court finds that there is good cause to modify the original CMC order, pursuant to Fed. R. Civ. Pro. 16(b)(4), and to issue a short stay of the proceedings. The parties are hereby ordered to submit a joint letter or notice to the Court upon learning the JPML's decision on the creation of an MDL. Further, if no decision has been made by August 1, 2013, the parties should jointly contact the Court to determine whether a continuation of the stay is warranted.

IT IS SO ORDERED.


Donald C. Nugent
United States District Judge

Date: June 10, 2013