IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ISAIAS COLON MALDONADO, a minor, by Frances Maldonado, et al.	:	CIVIL ACTION
v.	:	
SMITHKLINE BEECHAM CORP. d/b/a GLAXOSMITHKLINE	:	NO. 11-2812

JASMINE CALDWELL, a minor, by Denine Caldwell and Jason Caldwell, as Parents and Natural Guardians	:	CIVIL ACTION
v.	:	
SMITHKLINE BEECHAM CORP. d/b/a GLAXOSMITHKLINE	:	NO. 11-2813

JESSE DEWITT, a minor, by Summer Jenkings, as Parent and Natural Guardian	:	CIVIL ACTION
v.	:	
SMITHKLINE BEECHAM CORP. d/b/a GLAXOSMITHKLINE	:	NO. 11-2814

ELIZABETH SEDLACEK, a minor, by Robin Lucas, as Parent and Natural Guardian	:	CIVIL ACTION
v.	:	
SMITHKLINE BEECHAM CORP. d/b/a GLAXOSMITHKLINE	:	NO. 11-2815

CHARLES STOKES, a minor, by Wendy Springer, as Parent and Natural Guardian	:	CIVIL ACTION
v.	:	
SMITHKLINE BEECHAM CORP. d/b/a GLAXOSMITHKLINE	:	NO. 11-2816

VICTORIA CHANDLER, a minor, by Julie L. Hill, Parent and Natural Guardian	:	CIVIL ACTION
v.	:	
SMITHKLINE BEECHAM CORP. d/b/a GLAXOSMITHKLINE	:	NO. 11-2817

JACOB VOORHEES, a minor, by Tiffany Voorhees and Scott Voorhees, as Parents and Natural Guardians	:	CIVIL ACTION
v.	:	
SMITHKLINE BEECHAM CORP. d/b/a GLAXOSMITHKLINE	:	NO. 11-2818

PATRICK WELSH, a minor, by Barbara Welsh, as Guardian	:	CIVIL ACTION
v.	:	
SMITHKLINE BEECHAM CORP. d/b/a GLAXOSMITHKLINE	:	NO. 11-2819

MASON JASON YUEILL, a minor, by Michael J. Yueill, et al.	:	CIVIL ACTION
v.	:	
SMITHKLINE BEECHAM CORP. d/b/a GLAXOSMITHKLINE	:	NO. 11-2820

MARION HOPE CHANDLER, a minor, by Julie L. Hill, Parent and Natural Guardian	:	CIVIL ACTION
v.	:	
SMITHKLINE BEECHAM CORP. d/b/a GLAXOSMITHKLINE	:	NO. 11-2821

NAOMI CHANDLER, a minor, by Trenice Chandler, et al.	:	CIVIL ACTION
v.	:	
SMITHKLINE BEECHAM CORP. d/b/a GLAXOSMITHKLINE	:	NO. 11-2822

SAMUEL NOAH ELLISON, a minor, by Julia Ann Ellison, as Parent and Natural Guardian	:	CIVIL ACTION
v.	:	
SMITHKLINE BEECHAM CORP. d/b/a GLAXOSMITHKLINE	:	NO. 11-2823

KYLA HODNETT, a minor, by Eve Hodnett, as Parent and Natural Guardian	:	CIVIL ACTION
v.	:	
SMITHKLINE BEECHAM CORP. d/b/a GLAXOSMITHKLINE	:	NO. 11-2824

ROSS ANGELY PORTALATIN-MENDEZ, a minor, by Carmen M. Mendez-Maldonado and Juan Portalatin, as Parents and Natural Guardians	:	CIVIL ACTION

	:	
v.	:	
	:	
SMITHKLINE BEECHAM CORP.	:	
d/b/a GLAXOSMITHKLINE	:	NO. 11-2825

SARAH WATTS, a minor,	:	CIVIL ACTION
by Lester Watts and	:	
Tammy Watts, as	:	
Parents and Natural Guardians	:	
	:	
v.	:	
	:	
SMITHKLINE BEECHAM CORP.	:	
d/b/a GLAXOSMITHKLINE	:	NO. 11-2826

ALLISON KEEFE, a minor,	:	CIVIL ACTION
by Cynthia Keefe and	:	
Stanley A. Keefe, as		
Parents and Natural Guardians	:	
	:	
v.	:	
	:	
SMITHKLINE BEECHAM CORP.	:	
d/b/a GLAXOSMITHKLINE	:	NO. 11-2827

JENNIFER SCHAFFTER, a minor,	:	CIVIL ACTION
by Debra Petty, as	:	
Parent and Natural Guardian	:	
	:	
v.	:	
	:	
SMITHKLINE BEECHAM CORP.	:	
d/b/a GLAXOSMITHKLINE	:	NO. 11-2828

BROOKE BABICH, a minor,	:	CIVIL ACTION
by Bruce Babich, as	:	
Parent and Natural Guardian	:	
	:	
v.	:	
	:	
SMITHKLINE BEECHAM CORP.	:	
d/b/a GLAXOSMITHKLINE	:	NO. 11-2829

ARIANNA SMART, a minor, by Angela Smart, et al.	:	CIVIL ACTION
v.	:	
SMITHKLINE BEECHAM CORP. d/b/a GLAXOSMITHKLINE	:	NO. 11-2830

MASON ANDREW STEINBECK, a minor, by MIKELANN STEINBECK, Parent and Natural Guardian	:	CIVIL ACTION
v.	:	
SMITHKLINE BEECHAM CORP. d/b/a GLAXOSMITHKLINE	:	NO. 11-2831

TANNER A. WIELAND, a minor, by CHRISTINA WIELAND, et al.	:	CIVIL ACTION
v.	:	
SMITHKLINE BEECHAM CORP. d/b/a GLAXOSMITHKLINE	:	NO. 11-2832

MEMORANDUM

Bartle, C.J. May 18, 2011

Before the court are the motions to consolidate the above cases before Judge Timothy J. Savage for the purpose of deciding the pending motions of plaintiffs to remand these actions to the Court of Common Pleas of Philadelphia County. The defendant opposes the motions.

Plaintiff in each case sued SmithKline Beecham Corp. d/b/a GlaxoSmithKline ("GSK") in the state court for personal injuries related to defendant's drugs Paxil paroxetine hydrochloride ("Paxil") or Paxil CR ("Paxil CR") (collectively

"Paxil") prescribed to treat depression, obsessive-compulsive disorder, panic disorders, social anxiety, post-traumatic stress disorder, and generalized anxiety disorder in adults. Defendant thereafter removed these cases to this court on the ground of diversity of citizenship. Plaintiffs, all citizens of Pennsylvania, thereafter filed motions to remand on the ground that the principal place of business of GSK was in Philadelphia, Pennsylvania and not in Delaware where GSK is incorporated. Plaintiffs argue that GSK's nerve center is in Philadelphia. See, Hertz Corp. v. Friend, --- U.S. ---, 130 S. Ct. 1181 (2010).

In the fall of 2010, similar motions to consolidate were filed in connection with six Paxil cases brought against GSK. After review of the complaints and approval of the judges to whom those six cases were randomly assigned, the undersigned, in his capacity as Chief Judge, consolidated them by an Order dated October 7, 2010 before Judge Timothy J. Savage for the purpose of deciding the remand motions only. The consolidation before one judge was clearly in the interest of judicial economy since the remand issue was identical in each case, the defendant was the same in each case, and plaintiffs had alleged the same type of claim for relief in each. Significantly at that time, Judge Savage had not decided any remand motion in a Paxil case.[1]

We now have before us another wave of Paxil cases with motions to remand. The remand issue is the same here as in the

1. In contrast, Judge Mary A. McLaughlin had previously decided a remand motion in White v. SmithKline Beecham Corp., 2010 U.S. Dist. Lexis 79520.

earlier cases. The issue of conserving scarce judicial resources is even more compelling than in the fall of 2010, now that there are 21 actions for decision.

We disagree with defendant that it is unfair to transfer the motions to Judge Savage, who is extremely familiar with the issue involved and has already ruled on the motions in other Paxil cases. We note that there was no outcry from defendant or plaintiffs when the first consolidation order was entered. We see no basis for an outcry now. Of course, the situation might be different if Judge Savage had decided a remand motion before the initial consolidation order, and a party appeared to be engaged in judge shopping in seeking to have subsequent remand motions placed before him. That, however, is not what is happening here. Simply because Judge Savage ruled on the earlier remand motions, when his rulings occurred after the court's October 7, 2010 consolidation order, is not a valid reason to refrain from consolidating the pending motions before him.

The undersigned has advised each judge that he or she is free to retain any assigned case for all purposes and specifically to determine the remand motion rather than having it determined by Judge Savage. None has chosen to do so.

Accordingly, the above actions will be consolidated before Judge Timothy J. Savage for purposes of deciding the remand motions only.