

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HOLLY DETROIT,

Plaintiffs,

v.

BAYER HEALTHCARE, LLC, et al.,

Defendants.

No. CV11-5089RBL
MDL No. 2100

ORDER DENYING WITHOUT
PREJUDICE PLAINTIFF'S MOTION
TO REMAND [Dkt. # 14]

This matter is before the court on the Plaintiff's Motion to Remand this case to State Court. This is a products liability case arising from the contraceptives "YAZ" and "Yasmin." Defendant Bayer's Motion to Stay this case pending transfer to the Multi District Litigation (MDL) Panel handling a number of these YAZ cases has already been GRANTED. [Dkt. #22].

Plaintiff's Motion to Remand is based on her claim that there is no diversity jurisdiction over the case. She argues that one of the defendants, The Vancouver Clinic, is, like her, a citizen of the State of Washington. Defendant Bayer's removal of the case, and its opposition to remand, is based on its claim that The Vancouver Clinic was fraudulently joined for the sole purpose of defeating diversity. Bayer argues that Plaintiff does not have a reasonable possibility of succeeding on her claims against The Vancouver Clinic, and that that Defendant's citizenship should be disregarded for purposes of diversity jurisdiction.

Bayer also points out, persuasively, that the MDL Judge handling the YAZ cases is in turn handling all manner of pretrial Motions, including Motions to Remand, and resolving claims of fraudulent joinder. *See* Dkt. 12, at Exs E-J.

