BEFORE THE UNITED STATES
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

In re: ZOFRAN® (ONDANSETRON) PRODUCTS LIABILITY LITIGATION	MDL No. 2657

DEFENDANT GLAXOSMITHKLINE LLC'S CONSOLIDATED REPLY IN SUPPORT OF ITS MOTION FOR TRANSFER

There is no dispute among the parties that transfer pursuant to 28 U.S.C. § 1407 is warranted for the cases involving Zofran®. While the responding plaintiffs have proposed a number of different venues and judges across the country, the appropriate transferee venue is the Eastern District of Pennsylvania, before the Honorable Cynthia M. Rufe or the Honorable Paul S. Diamond. The Eastern District of Pennsylvania is the natural and most efficient location for these coordinated proceedings. Plaintiffs have offered no compelling alternative venue and no consensus as to a suitable alternative. For all of the reasons set forth below and in Defendant GlaxoSmithKline LLC's ("GSK") Motion for Transfer of Actions Pursuant to 28 U.S.C. § 1407, the Panel should transfer cases involving Zofran® to the Eastern District of Pennsylvania, before Judge Rufe or Judge Diamond.

I. BACKGROUND

Since GSK filed its Motion for Transfer on July 6, 2015, 21 new cases alleging injuries and damages relating to Zofran® were filed, bringing the total to 33 cases in 20 different federal courts across the country. Nineteen plaintiffs responded to GSK's Motion for Transfer through 15 separate briefs. The responding plaintiffs did not come near a consensus on the transferee venue. Instead, they contend that the Northern District of Alabama, the Northern District of

California, the Southern District of Illinois, the Eastern District of Louisiana, the District of Massachusetts and the Northern District of Ohio are each the most appropriate venue.

II. LAW AND ARGUMENT

A. All Parties Agree that This Litigation Fits the Parameters for MDL Treatment.

All 19 responding plaintiffs and GSK agree that the Zofran® actions should be coordinated for pretrial proceedings.[1] There is no question that these actions meet the requirements for coordination under 28 U.S.C. § 1407. Responding plaintiffs agree that these actions share multiple common questions of law and fact. *See, e.g.*, *Hogan* Response, Doc. 50-1, at 2 ("The factual allegations and asserted legal theories in every case are virtually indistinguishable and arise from the identical [alleged] conduct of the Defendant"). And, as noted by Plaintiff LeClair and others, "coordination of these actions . . . would avoid duplicative discovery, prevent inconsistent pretrial rulings by multiple judges and conserve the resources of the parties, their counsel and the judiciary." *LeClair* Response, Doc. 51, at 10.[2] Moreover, since GSK filed its Motion, the need for coordination has only increased. There are now 33 Zofran® cases pending in 20 jurisdictions before 31 judges, involving more than 30 different plaintiffs'

[1] *See Hogan* Response, Doc. 50-1, at 2 (agreeing that the cases should be centralized); *LeClair* Response, Doc. 51, at 1 (same); *Gruhn* Response, Doc. 53, at 5 (same); *Hunter*, *Ragland* and *Smiley* Response, Doc. 55, at 2 (same); *Benzaghou* Response, Doc. 56, at 1 (same); *Trivisonno* Response, Doc. 57-1, at 1 (same); *Arellanes* Response, Doc. 58, at 1 (same); *Botelho* Response, Doc. 59, at 1 (same); *Bircher* Response, Doc. 60 at 1 (same); *Alexander* Response, Doc. 61, at 1 (same); *Coughlin* and *Murphrey* Response, Doc. 62, at 1 (same); *Marlenee* Response, Doc. 63, at 1 (same); *Hodge* Response, Doc. 64, at 1 (same); *Regan* Response, Doc. 65, at 3 (same). Plaintiff Cox "does not oppose the transfer of this case and other related cases to an MDL for pretrial proceedings" and asks the Panel "to choose one of the forums being proposed by other plaintiffs in the MDL." *Cox* Response, Doc. 52, at 1 and 3.

[2] *See also Gruhn* Response, Doc. 53, at 6 ("[C]entralization will eliminate duplicative discovery, prevent inconsistent pretrial rulings and conserve the resources of the parties, their counsel and the judiciary.").

firms. The number of cases is expected to grow.[3] Given the number of cases, courts, judges and counsel involved in the litigation, coordination is necessary to serve the convenience of the parties and promote the just and efficient conduct of the litigation.

B. The Eastern District of Pennsylvania Remains the Most Convenient Location for Coordinated Pretrial Proceedings.

The convenience of the parties and witnesses is a central factor guiding the Panel's transfer determination. 28 U.S.C. § 1407(a). As responding plaintiffs concede, the Panel considers the defendant's main offices and the location where the greatest number of witnesses and documents are likely to be found when making transfer decisions. *See, e.g.*, *In re Stand 'n Seal Prods. Liab. Litig.*, 469 F. Supp. 2d 1351, 1352 (J.P.M.L. 2007) (transferring MDL proceedings to Northern District of Georgia in part because two of the five corporate defendants were located in that district, "and thus witnesses and documents relevant to plaintiffs' claims are likely to be located there"); *In re: GAF Elk Cross Timbers Decking Mktg., Sales Practices & Prods. Liab. Litig.*, 65 F. Supp. 3d 1407, 1408 (J.P.M.L. 2014) (transferring actions to the District of New Jersey because "Defendant is headquartered in [that] district, and therefore relevant documents and witnesses will be found there"); *Marlenee* Response, Doc. 63, at 2 (acknowledging that the location of the defendant and evidence is a factor considered by the panel); *LeClair* Response, Doc. 51, at 13 (same). Here, while plaintiffs are scattered across the country, GSK maintains co-centralized U.S. pharmaceutical operations and offices in the Eastern District of Pennsylvania. A significant portion of the witnesses and documents relating to the clinical development, regulatory history, and sales and marketing of Zofran® are located in the District. This factor strongly favors transfer to the Eastern District. This Panel recognized as much when it designated the Eastern District of Pennsylvania as the transferee court in the

[3] *See Bircher* Response, Doc. 60, at 3, n. 1 ("Informal estimates from discussion amongst Plaintiffs' counsel suggest that the number of filings will grow exponentially over the coming months.").

Avandia MDL due to the location of GSK's operations in Philadelphia and explained that "many witnesses and documents relevant to the litigation are likely to be found [in the Eastern District of Pennsylvania]." *In re: Avandia Mktg., Sales Practices & Prods. Liab. Litig.*, 528 F. Supp. 2d 1339, 1341 (J.P.M.L. 2007). This conclusion still rings true today.

C. Plaintiffs' Arguments Challenging the Eastern District of Pennsylvania as an Appropriate Forum Are Unavailing.

Responding plaintiffs offer several reasons why the Eastern District of Pennsylvania is supposedly not an appropriate transferee court. These reasons include: (1) the Eastern District of Pennsylvania does not currently have any pending Zofran® actions; (2) transfer to Pennsylvania would afford GSK an unfair "home court" litigation advantage; (3) it would be difficult for parties to travel to Philadelphia; and (4) the Eastern District of Pennsylvania is overburdened by multidistrict litigation. None of these reasons is convincing.

1. The Current Absence of Actions in the Eastern District of Pennsylvania Is Not an Impediment to Coordination There.

Numerous plaintiffs emphasize the lack of currently pending actions in the Eastern District of Pennsylvania. But this factor does not weigh against transfer there, especially where, as here, there is no clear concentration of litigation in any one district, and no case has advanced beyond the initial stages.[4] Indeed, the Panel has frequently transferred actions to districts where no pending actions existed. *See* GSK's Transfer Brief, Doc. 1-1, at 18-19. In the *Avandia* litigation referenced above, the Panel transferred pretrial proceedings to the Eastern District of Pennsylvania despite the presence of just one potential tag-along action in the district.

[4] *See Hogan* Response, Doc. 50-1, at 7 ("There simply is no material 'concentration of actions' in a single district court."); *id*. at 8 ("[S]electing the district court in which the majority of lawsuits have been filed is inappropriate given that pending lawsuits have only been active for three months and reasonable minds would agree many more suits will be filed.").

Moreover, that no actions are currently pending in the Eastern District is a situation of plaintiffs' apparently tactical making. Plaintiff Melisa Arellanes originally filed her Complaint in the Eastern District of Pennsylvania. *See Melisa Arellanes, Individually and as Parent and Natural Guardian of K.A., a Minor v. GlaxoSmithKline LLC*, 2:15-cv-03956-JP (E.D. Pa.). One week prior to plaintiffs' MDL response deadline, Arellanes voluntary dismissed the Pennsylvania case and refiled that same day in the Northern District of California. *See Melisa Arellanes, Individually and as next friends of K.A., a minor v. GlaxoSmithKline LLC*, Case No. 2:15-cv-05544-CAS-RAO (N.D. Cal.). With no sense of irony, Arellanes now opposes GSK's proposed transferee court, in part because "there are no cases currently pending in the Eastern District of Pennsylvania." *See Arellanes* Response, Doc. 58, at 1.[5]

2. Plaintiffs' "Home Court Advantage" Argument Is Fundamentally Flawed.

Responding plaintiffs' assertion that coordination in the Eastern District of Pennsylvania would provide GSK with an unfair "home court advantage" fundamentally misunderstands the relevant transfer factors and settled law. The Panel has repeatedly recognized that a defendant's presence in a district is a factor favoring transfer there. *See, e.g.*, *In re Chocolate Confectionary Antitrust Litig.*, 542 F. Supp. 2d 1376, 1377 (J.P.M.L. 2008) (establishing MDL in Middle District of Pennsylvania where "defendant Hershey's worldwide headquarters are located …, and several of the defendants maintain a presence in or near that district…"); *In re: Disposable Contact Lens Antitrust Litig.*, — F. Supp. 3d —, 2015 WL 3654649, at *2 (J.P.M.L. June 8, 2015) (transferring MDL proceedings to Middle District of Florida because corporate defendants

[5] The law firm of Grant & Eisenhofer, which represents the *Alexander*, *LeClair*, *Roberts*, and *Fratto* plaintiffs, also brought a federal action against GSK in the Eastern District of Pennsylvania back in February, only to file for voluntary dismissal days later. *Cheri Flynn, Individually and as Parent and Natural Guardian of B.F. and T.F., minors*, 2:15-cv-00709-PD (E.D. Pa.). The firm now also argues against transfer to Pennsylvania.

Johnson & Johnson and ABB Optical Group had a significant presence in the district and the state overall). That GSK and the documents likely underpinning this litigation are located in the Eastern District of Pennsylvania is a factor favoring transfer, not one that undermines it. To suggest that transfer is inappropriate because the Eastern District of Pennsylvania is *too* close to GSK's Philadelphia offices ignores a basic aim of § 1407. Indeed, plaintiffs do not cite a single case suggesting that the presence of a defendant in a proposed transferee court militates against transfer there. Plaintiffs likewise fail to explain how coordination in the Eastern District of Pennsylvania would create an appearance of favoritism toward GSK. Nor can plaintiffs credibly argue that, if any of these cases were to go to trial in this District, it would be difficult to select an impartial jury from a district that encompasses nearly five million residents.[6]

3. Plaintiffs' Complaints About Philadelphia's Airport Carry Little Weight.

Philadelphia would be an easily accessible location for all parties and counsel. Although plaintiffs cite to a Bloomberg article that ranks Philadelphia International as one of America's ten most "frustrating" places to fly based on subjective passenger interviews, the airport offers nonstop flights to 92 domestic locations and handles over 30 million passengers each year.[7] And unlike most of plaintiffs' suggestions, Philadelphia is within train and driving distance of numerous urban hubs.[8] Ultimately, while convenience of the parties is a concern that has been considered by the Panel, it is doubtful that Congress intended the MDL mechanism as a way of

[6] The United States Attorney's Office, Eastern District of Pennsylvania: Welcome to the United States Attorneys' Office Eastern District of Pennsylvania, http://www.justice.gov/usao-edpa (last visited Aug. 2, 2015).

[7] Philadelphia International Airport: PHL Fast Facts, http://www.phl.org/AboutPHL/Pages/facts.aspx (last visited Aug. 2, 2015).

[8] Counsel for *Benzaghou* plaintiffs acknowledge that Philadelphia would be a "quick Amtrak ride" from their Baltimore law offices. *Benzaghou* Response, Doc. 56, at 11.

relieving counsel's "burden" of having to travel through an airport that purportedly ranks low on restroom quality or that requires spending a few extra minutes in the TSA security line.[9]

4. The Eastern District of Pennsylvania Possesses Resources Necessary to Guide Coordinated Zofran® Litigation, and Judges Rufe and Diamond Are Well-Qualified to Serve as Presiding Judges.

Responding plaintiffs contend that the Eastern District of Pennsylvania is an inappropriate transferee forum because it is somehow already overburdened with multidistrict litigations. The Eastern District of Pennsylvania is undoubtedly a very active court, but it has proven capable of handling a high volume of cases, including a large number of significant MDLs, in an efficient manner. The district's judicial bench is also very deep, with 21 active judges and 20 senior status judges, many of whom continue to maintain active dockets, including MDLs. As of March 31, 2015, the District had fewer pending cases than in each of the previous five calendar years.[10] In fact, the total number of cases pending on March 31 was nearly four times less than were pending at the close of 2010.[11] The court has also demonstrated an ability to quickly move civil cases through the docket; the median time of 5.0 months from filing to disposition for civil cases is the fourth swiftest rate amongst all district courts in the country.[12]

---

[9] Bloomberg.com, The Airport Frustration Index, http://www.bloomberg.com/graphics/2014-best-worst-airports/#overall (last visited Aug. 2, 2015) (discussing types of questions asked to travelers to determine level of airport "frustration").

[10] U.S. District Courts - Combined Civil and Criminal Federal Court Management Statistics (March 31, 2015), *available at* http://www.uscourts.gov/statistics/table/na/federal-court-management-statistics/2015/03/31-2.

[11] *Id.*

[12] *Id.*

The number of pending actions within MDLs in the Eastern District of Pennsylvania is likewise waning. As of September 30, 2014, there were 6,686 such actions pending.[13] That number is down to 3,179 pending actions as of July 15, 2015.[14] And of the 17 pending MDLs before the District, eight have fewer than 20 actions remaining.[15]

Plaintiffs stressed in numerous responses that Judge Rufe is currently presiding over three MDLs.[16] Yet, each neglected to mention that the vast majority of the actions within MDLs currently before Judge Rufe (and the Eastern District of Pennsylvania) are in *In re: Avandia Marketing, Sales Practices and Products Liability Litigation*, MDL No. 1871. The Avandia MDL was created in 2007 and is now quite mature. *See* Motion for Entry of Case Management Order, Case 2:07-md-01871-CMR (Doc. 431) at 8 ("The Avandia MDL is nearing its conclusion"). Indeed, Judge Rufe noted earlier this year that only a few cases remain. *See* Pretrial Order No 236, Case 2:07-md-01871-CMR (Doc. 4527) (April 16, 2015) (referencing "the few remaining personal injury cases in this litigation"). Similarly, in *In Re: Zoloft (Sertraline Hydrochloride) Products Liability Litigation* is quickly approaching the end of coordinated pretrial proceedings; the first bellwether trial is set for early January 2016. Finally, as of July 15,

[13] United States Judicial Panel on Multidistrict Litigation, Statistical Analysis of Multidistrict Litigation Fiscal Year 2014, *available at* http://www.jpml.uscourts.gov/sites/jpml/files/JPML_Statistical%20Analysis%20of%20Multidistrict%20Litigation_2014.pdf.

[14] United States Judicial Panel on Multidistrict Litigation, MDL Statistics Report - Distribution of Pending MDL Dockets by District (7/15/2015), *available at* http://www.jpml.uscourts.gov/sites/jpml/files/Pending_MDL_Dockets_By_District-July-15-2015.pdf).

[15] *Id.*

[16] *See e.g.*, *Regan* Response, Doc. 65, at 5; *Hodge* Response, Doc. 64., at 6; *Arellanes* Response, Doc. 58, at 7.

2015, only 29 Effexor actions were still pending.[17] Judge Rufe has demonstrated an impressive ability to simultaneously manage the *Effexor*, *Avandia* and *Zoloft* litigations when each was in a highly active stage of pretrial activities. In sum, the facts belie plaintiffs' suggestion that the Eastern District of Pennsylvania and Judge Rufe are too burdened to efficiently manage a coordinated Zoloft® action.

Plaintiffs also argue that Judge Diamond's experience with thalidomide cases "alone argues strongly against centralization" and that Judge Rufe's experience with the Effexor and Zoloft drugs could "color her view" of the Zofran® litigation.[18] Plaintiffs seem to suggest that Judges Diamond and Rufe would be unable to keep their facts straight. These arguments are entirely unsupported by fact, precedent, or reason. Judges Rufe and Diamond have a collective 20 years of experience on the federal bench and are highly experienced in complex pharmaceutical litigation. As Plaintiff Gruhn recognized, "It is undisputed that Judge Rufe is a distinguished jurist, eminently qualified and capable of handling a product liability MDL," and "Judge Diamond is a distinguished jurist with excellent credentials." *Gruhn* Response, Doc. 53, at 12-13. GSK does not contend that Judge Rufe and Judge Diamond are "uniquely" qualified to handle claims regarding Zofran®. Rather, GSK simply identifies that, should the Panel agree that the Eastern District of Pennsylvania is the most logical forum for transfer, Judges Rufe and Diamond are very well-equipped to handle this multidistrict litigation and have shown an ability to efficiently manage complex products liability cases involving numerous parties and complicated scientific analysis.

---

[17] United States Judicial Panel on Multidistrict Litigation, MDL Statistics Report - Distribution of Pending MDL Dockets by District (7/15/2015), *available at* http://www.jpml.uscourts.gov/sites/jpml/files/Pending_MDL_Dockets_By_District-July-15-2015.pdf.

[18] *Hodge* Response, Doc. 64, at 7; *Gruhn* Response, Doc. 53, at 15.

In sum, plaintiffs are misguided in their suggestion that GSK's request for transfer to the Eastern District of Pennsylvania is simply an attempt at forum shopping. The District possesses the requisite resources to efficiently handle MDLs and two of its judges, Judge Rufe and Judge Diamond, are exceedingly capable of guiding this complex pharmaceutical products liability litigation. The district is the most convenient for the parties because many of the relevant documents and witnesses will be located in or near Philadelphia. Furthermore, the district is easily accessible to plaintiffs, a diverse collection of individuals who reside in locations across the county. Even considering plaintiffs' Responses, the Eastern District of Pennsylvania remains the most rational location for coordinated pretrial proceedings.[19]

D. Plaintiffs Have Not Come Forward with Any Compelling Alternative to the Eastern District of Pennsylvania as a Transferee Venue.

1. Plaintiffs Have Not Come to a Consensus.

Between them, responding plaintiffs assert that six different districts, separated by thousands of miles, are each the most appropriate forum for this litigation. Plaintiffs' preferences are multitudinous and geographically diverse. This lack of consensus demonstrates that there is no center of gravity for plaintiffs and underscores that none of the proposed venues is better suited for the litigation than the Eastern District of Pennsylvania. *See In re: Darvocet, Darvon and Propoxyphene Prods. Liab. Litig.*, 780 F. Supp. 2d 1379, 1381 (J.P.M.L. 2011) (finding forum of defendant's location the most appropriate jurisdiction because plaintiffs will reside "in every corner of the country" and thus their location was not a significant factor).

[19] In addition, some plaintiffs argue that the Eastern District of Pennsylvania is an inappropriate forum because GSK has allegedly transferred documents to Novartis in Massachusetts, but that is a red herring. Novartis is not a party to this litigation and any implication that Massachusetts will be the nerve center of pretrial discovery is simply incorrect. Despite the recent sale of the Zofran® product line to Novartis, GSK has maintained, and will continue to maintain, its own set of the documents, including the historical documents at issue in the Zofran® litigation. Moreover, plaintiffs make no fact-based assertion that any of the key witnesses to the conduct at issue are now located in Massachusetts.

2. The District of Massachusetts Is Not the Most Appropriate Forum.

A handful of plaintiffs argue the District of Massachusetts is the most appropriate forum, but these arguments lack merit. First, the District of Massachusetts does not have the "strongest nexus" to the litigation as plaintiffs suggest. *See LeClair* Response, Doc. 51, at 11. Plaintiffs assert that, because GSK settled certain claims with the Department of Justice in the District of Massachusetts, that district somehow possesses a "strong" connection to the current private personal injury litigation. But plaintiffs provide no explanation for why this is so. Plaintiffs do not claim, for instance, that the key witnesses related to Zofran® are located in Massachusetts because the government proceeded there. And GSK maintains that the settlement is irrelevant to the Zofran® personal injury cases. Plaintiffs' reliance on a small observational study conducted by Boston University regarding products used to treat morning sickness is similarly flawed. Plaintiffs do not suggest that this study has produced *any* relevant witnesses, much less that there are so many potential witnesses in Massachusetts that transfer to that district is justified.

Second, plaintiffs' contention that the litigation is "advanced" in the District of Massachusetts is completely erroneous. *See, e.g.*, *LeClair* Response, Doc. 51, at 12. GSK was just served with complaints in two of the four Massachusetts cases (*Benzaghou* and *Botelho)* on July 31, 2015, and plaintiffs already indicate that they will be amending their complaints in the near future. Only one Massachusetts case even has a scheduling order in place (*LeClair*). Under that Scheduling Order, the sole event that will occur before the Panel's October 1, 2015, hearing is the exchange of the parties' initial disclosures. The District of Massachusetts has not yet addressed the substance of any of the facts at issue. There has been no motions practice. This Panel has recognized that where, as here, no one action is particularly advanced, and all actions were filed within a short period of time, other factors deserve greater weight in selecting an

appropriate forum. *See, e.g.*, *In re Horizon Organic Milk Plus DHA Omega-3 Mktg. & Sales Practices Litig.*, MDL No. 2324, 2012 WL 432621, at *1 (J.P.M.L. Feb. 9, 2012); *In re Listerine Total Care Mouthwash Mktg. & Sales Practices Litig.*, 764 F. Supp. 2d 1354, 1355 (J.P.M.L. 2011).

Third, plaintiffs' argument that the District of Massachusetts' docket is more prepared for an MDL than the Eastern District of Pennsylvania omits crucial facts. For instance, plaintiffs argue the District of Massachusetts has "only" 11 MDLs while the Eastern District of Pennsylvania has 17 MDLs.[20] But plaintiffs fail to note that the Eastern District of Pennsylvania has more than *twice as many* judges as the District of Massachusetts.[21] Thus, on a per judge basis, the District of Massachusetts appears to be the busier court. Similarly, plaintiffs argue the District of Massachusetts' caseload is "light" by citing docket statistics from 2010,[22] failing to note that since 2010 the district's per judge caseload has nearly doubled.[23] Meanwhile, the Eastern District of Pennsylvania's per judge caseload has dropped to a *quarter* of its 2010 caseload.

Finally, plaintiffs suggest the Zofran® actions be transferred to the Honorable F. Dennis Saylor. Plaintiffs rely heavily on the fact that Judge Saylor is currently assigned "more" Zofran® cases than any other judge. That is, three cases, less than 10% of the pending cases. But plaintiffs fail to mention that they designated the two subsequently filed cases as "related" to the *LeClair*

---

[20] *See, e.g., Botelho* Response, Doc. 59, at 6.

[21] U.S. District Courts - Combined Civil and Criminal Federal Court Management Statistics (March 31, 2015), *available at* http://www.uscourts.gov/statistics/table/na/federal-court-management-statistics/2015/03/31-2.

[22] *See Benzaghou* Response, Doc. 56, at 7.

[23] *See* U.S. District Courts - Combined Civil and Criminal Federal Court Management Statistics (March 31, 2015), *available at* http://www.uscourts.gov/statistics/table/na/federal-court-management-statistics/2015/03/31-2.

action, thereby ensuring that the cases would also be assigned to Judge Saylor. In addition, plaintiffs raise an important point: in the one pharmaceutical products liability MDL transferred to Judge Saylor, *In re New England Compounding Pharmacy, Inc*., MDL 2419, he was "forced to recuse himself due to a late-developing conflict of interest involving a former law firm entering an appearance in the case." *Benzaghou* Response, Doc. 56, at 8. This litigation is a pharmaceutical products liability case just like *In re New England Compounding Pharmacy, Inc*. Moreover, a number of cases pending already implicate the possible use of a version of ondansetron made by generic manufacturers. As such, this litigation will almost assuredly involve in some way the companies that sold generic ondansetron, including Teva Pharmaceutical Industries Ltd. ("Teva"). Teva is the same company that was represented by Goodwin Proctor, Judge Saylor's former law firm that reportedly led to his recusal in that case. Therefore, due to the presence of many generic ondansetron manufacturers including Teva, the Zofran® litigation could involve Goodwin Proctor at some point. Should this occur, a similar potential conflict issue may well again arise.

3. The Northern District of California Has No Connection to the Litigation and Is Geographically Distant.

The California plaintiffs argue that the Northern District of California is the most convenient forum because McKesson, a pharmaceutical distributor, is headquartered in San Francisco. *See, e.g*, *Arellanes* Response, Doc. 58, at 5; *Marlenee* Response, Doc. 63, at 3. Plaintiffs contend McKesson was involved in the marketing of Zofran® and that because the Zofran® actions involve allegations of off-label marketing, a majority of the key marketing witnesses will reside in California. This argument is meritless for at least three reasons. First,

McKesson is not a named party in any of the federal lawsuits,[24] thus rendering plaintiffs' claims about McKesson's importance to an MDL dubious. Second, McKesson is merely a distributor and played no role in the development of any marketing strategy for Zofran®. It is completely unfounded to suggest that any, let alone "the majority of the key marketing witnesses,"[25] are present at a distributor in San Francisco. Indeed, plaintiffs repeatedly point to GSK's alleged actions with regard to the marketing of Zofran®, not those of nonparty McKesson. *See, e.g.*, *LeClair* Response, Doc. 51, at 2-5. Third, even plaintiffs concede that the marketing of Zofran® is but one of many issues in this litigation. *See, e.g.*, *Coughlin* Response, Doc. 62, at 4-5 (summarizing the common questions in six bullet points, only *one* of which involves allegations related to marketing). The location of the headquarters of a nonparty pharmaceutical distributor does not create a "strong nexus" to the facts of the case.

In reality, the Northern District of California is highly inconvenient for this litigation. Though plaintiffs argue that the Northern District of California is "centrally located for the parties and witnesses," *id*. at 6, GSK's offices in Philadelphia are located over 2,500 miles away. And plaintiffs are concentrated on the East Coast, in the South, and in the Midwest, regions that are each thousands of miles from San Francisco. The Northern District of California is substantially inconvenient for nearly every interested entity involved in this litigation including the parties, attorneys, and likely witnesses.

4. The Remaining Jurisdictions Proposed by Plaintiffs Have No Nexus to the Litigation and Are Inconvenient Forums.

A few plaintiffs argue that the Southern District of Illinois, the Northern District of Ohio, the Northern District of Alabama and the Eastern District of Louisiana are each the most

[24] McKesson was originally named as a defendant in *Margaret Green v. GlaxoSmithKline, et al.*, No. 4:15-cv-03130-DMR (N.D. Cal.), but was subsequently voluntarily dismissed.

[25] *See Marlenee* Response, Doc. 63, at 3.

appropriate forum for the coordinated Zofran® litigation. These jurisdictions are inconvenient choices for multiple reasons. First, plaintiffs failed to identify any factual nexus between these jurisdictions and the Zofran® litigation. Nor can they. The jurisdictions have no connection whatsoever to the issues likely to arise in the Zofran® cases. This, in and of itself, is a factor that weighs heavily against these jurisdictions as forums for the MDL and in favor of GSK's proposed venue, the Eastern District of Pennsylvania.

Second, plaintiffs' proposed venues appear to be much busier than the Eastern District of Pennsylvania. In fact, statistics suggest the Southern District of Illinois and the Northern District of Ohio are already operating at near maximum capacity. The judges in both districts have each averaged over 1,000 cases per year the last two years.[26] By comparison, the judges in the Eastern District of Pennsylvania have averaged almost 50% few cases (542) over the last two years.[27] The Northern District of Ohio's overall caseload has surged to more than double what it was in 2010.[28] Moreover, considering the median time from filing to disposition in civil cases, the Eastern District of Pennsylvania fares substantially better in this category than the Southern District of Illinois, the Northern District of Ohio, the Northern District of Alabama and the Eastern District of Louisiana.[29]

---

[26] U.S. District Courts - Combined Civil and Criminal Federal Court Management Statistics (March 31, 2015), *available at* http://www.uscourts.gov/statistics/table/na/federal-court-management-statistics/2015/03/31-2.

[27] *Id.*

[28] *Id.*

[29] *Id.* (ranking the Eastern District of Pennsylvania, Southern District of Illinois, Northern District of Ohio, Northern District of Alabama, and Eastern District of Louisiana 5th, 94th, 91st, 86th, and 62nd respectively, out of 94 district courts).

Third, although plaintiffs claim the Northern District of Alabama and Eastern District of Louisiana are convenient because they are in "metropolitan" areas,"[30] and that travel to the Southern District of Illinois and the Northern District of Ohio presents "less of a travel burden,"[31] these districts are not convenient for a litigation that may include parties from across the country, particularly when compared to the Eastern District of Pennsylvania. Notably, Philadelphia's airport services more than 30 million passengers per year and flies nonstop to over 92 cities across the country.[32] Birmingham's airport, on the other hand, services only about 2.5 million passengers per year and lacks nonstop flights from major cities such as San Francisco and Boston, both of which are home to plaintiffs in this litigation.[33] Cleveland's airport serviced fewer than 8 million passengers in 2014 and has 35 regular non-stop flights.[34] It was recently de-hubbed by United Airlines because of reduced traffic, which then caused United to cut more than 60% of its departures.[35] Airports in New Orleans and St. Louis fare no better; they service only about 5 million and 12.4 million passengers per year, respectively—far fewer than Philadelphia's airport.[36] And while Philadelphia is easily accessible by car or train from other major urban hubs, Birmingham, Cleveland, New Orleans and St. Louis are not.

---

[30] *See Hunter* Response, Doc. 55, at 2; *Alexander* Response, Doc. 61, at 9.

[31] *See Gruhn* Response, Doc. 53, at 7; *Bircher* Response, Doc 60, at 8.

[32] PHL Fast Facts, http://www.phl.org/AboutPHL/Pages/facts.aspx (last visited Aug. 4, 2015).

[33] Birmingham-Shuttlesworth International Airport Statistical Reports, http://www.flybirmingham.com/aboutbhm-reports.shtml (last visited Aug. 4, 2015).

[34] *See* Airports Council International Air Traffic Reports, http://www.aci-na.org/content/airport-traffic-reports (last visited Aug. 5, 2015). ClevelandAirport.com, Non-Stop Cities, http://www.clevelandairport.com/flight-information/non-stop-cities (last visited Aug. 4, 2015).

[35] *United Airlines drops Cleveland as hub airport*, THE ASSOCIATED PRESS, Feb. 1, 2014, http://apnews.excite.com/article/20140202/DABMRDCO1.html.

[36] Louis Armstrong International Airport Data & Statistics, http://www.flymsy.com/Files/Press/December-2014.pdf (last visited Aug. 4, 2015); *St. Louis airport*

In sum, the Southern District of Illinois, the Northern District of Ohio, the Northern District of Alabama and the Eastern District of Louisiana are simply not logical or convenient forums for this litigation.

III. CONCLUSION

For the foregoing reasons, and those stated in the Motion for Transfer and supporting brief, GSK respectfully requests an Order transferring the actions identified in the Schedule of Actions filed with its opening brief, and all related actions, to either the Honorable Cynthia Rufe or the Honorable Paul Diamond in the Eastern District of Pennsylvania for coordinated pretrial proceedings.

---

passengers declined in 2014, THE ASSOCIATED PRESS, Jan. 28, 2015, http://www.komu.com/news/st-louis-airport-passengers-declined-in-2014-65131.

Dated: August 5, 2015

Respectfully submitted,

_/s/ Madeleine M. McDonough_____
Madeleine M. McDonough
Ann Havelka
SHOOK, HARDY & BACON L.L.P.
2555 Grand Blvd.
Kansas City, MO 64108
T: 816.474.6550
F: 816.421.5547
mmcdonough@shb.com
ahavelka@shb.com

Sean P. Wajert
SHOOK, HARDY & BACON L.L.P.
Two Commerce Square
2001 Market St., Suite 3000
Philadelphia, PA 19103
T: 215.278.2555
F: 215.278.2594
swajert@shb.com

Attorneys for Defendant GlaxoSmithKline LLC

BEFORE THE UNITED STATES
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

In re: ZOFRAN® (ONDANSETRON) PRODUCTS LIABILITY LITIGATION	MDL No. 2657

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of August, 2015, a true and correct copy of the foregoing Defendant GlaxoSmithKline LLC's Consolidated Reply in Support of Its Motion to Transfer was served upon the following by CM/ECF electronic mail or postage prepaid, U.S. Mail:

Lloyd Gathings, Esq. Honora Gathings, Esq. William Lattimore, Esq. Gathings Law 2204 Lakeshore Drive, Suite 406 Birmingham, AL 35209 (205) 322-1201 lgathings@gathingslaw.com hgathings@gathingslaw.com wlattimore@gathingslaw.com **Counsel for Plaintiff: Julie Hunter**; N.D. Alabama (Southern); No. 2:15-cv-00544	Stephen R. Hunt, Jr., Esq. B. Kristian W. Rasmussen, Esq. Cory, Watson, Crowder & Degarsis 2131 Magnolia Avenue Suite 200 Birmingham, AL 35205-2854 (205) 328-7000 shunt@cwcd.com krasmussen@cwcd.com **Counsel for Plaintiff: Heather Ragland, individually and as parent and natural guardian of T.R., a minor;** N.D. Alabama (Southern); No. 2:15-cv-01053-VEH

Michael E. Gallant, Esq. Kelley, Bernheim & Dolinsky, LLC 2200 Pennsylvania Avenue, NW Suite 400 East Tower Washington, DC 20037 (202) 379-0680 mgallant@kbdCounsel.com **Counsel for Plaintiffs: Britney Laird and Adam Laird, individually and as parent and natural guardian of T.G., a minor**; N.D. Alabama (Southern); No. 2:15-01166-WMA	Diandra S. DeBrosse-Zimmerman, Esq. Zarzaur Mujumdar & Debrosse 2332 2nd Avenue North Birmingham, AL 25203 (205) 983-7985 fuli@zarzaur.com **Counsel for Plaintiff: Tara Hogan, individually, and M.H., a minor, by and through her next friend and guardian, Tara Hogan**; N.D. Alabama; No. 5:15-cv-01182-HGD
Don McKenna, Esq. Hare, Wynn, Newell & Newton, LLP The Massey Bldg., Suite 800 2025 Third Avenue North Birmingham, AL 35203 (205) 328-5330 don@hwnn.com **Counsel for Plaintiff: Marquita Smiley, individually and as parent and natural guardian of Z.P., a minor**; N.D. Alabama (Southern); No. 2:15-cv-01233-JEO	David Hodges, Esq. David Hodges Law Office 212 Center Street, Suite 500 Little Rock, AR 72201 (501) 374-2400 david@hodgeslaw.com **Counsel for Plaintiffs: Cory and Jill Cox**; E.D. Arkansas (Western); No. 4:15-cv-00284
M. Elizabeth Graham, Esq. Thomas V. Ayala, Esq. Grant & Eisenhofer, P.A. 123 Justison Street, Suite 700 Wilmington, DE 19801 (302) 622-7000 egraham@gelaw.com tayalaM@gelaw.com **Counsel for Plaintiff: Vicki Roberts, individually and as parent and natural guardian of T.N., a minor**; S.D. Alabama; No. 1:15-cv-00320	David Hodges, Esq. David Hodges Law Office 212 Center Street, Suite 500 Little Rock, AR 72201 (501) 374-2400 david@hodgeslaw.com **Counsel for Plaintiffs: Cory and Jill Cox**; E.D. Arkansas (Western); No. 4:15-cv-00284

Robert C. Hilliard, Esq. Catherine Tobin, Esq. T. Christopher Pinedo, Esq. Marion Reilly, Esq. John Martinez, Esq. Rudy Gonzalez, Esq. Hilliard Munoz Gonzales, LLP 719 S. Shoreline Blvd, Suite 500 Corpus Christi, TX 78401 (361) 882-1612 bob@hmglaw.com Catherine@hmglaw.com cpinedo@hmglaw.com marion@hmglaw.com **Counsel for Plaintiff: Melisa Arellanes, individually and as parent and natural guardian of K. A., a minor**; C.D. California; (Western Division); 2:15-cv-005544	Stuart C. Talley, Esq. William A. Kershaw, Esq. Kershaw, Cutter & Ratinoff, LLP 401 Watt Avenue Sacramento, CA 95864 (916) 448-9800 stalley@kcrlegal.com; wkershaw@kcrlegal.com **Counsel for Plaintiffs: Margaret and Nathaniel** Green; N.D. California; No. 4:15-cv-03130
Gary S. Nitsche, Esq. Joel H. Fredricks, Esq. Weik, Nitsche, Dougherty & Galbraith 305 N. Union Street, Second Floor P.O. Box 2324 Wilmington, DE 19899 302-655-4040 gnitsche@attys4u.com jfredricks@attys4u.com **Counsel for Plaintiffs: Sarah and William Hill**; D. Delaware (Wilmington); 1:15-cv-00637-GMS	Carlos E. Silva, Esq. Elisabeth Culmo, Esq. Silva & Silva, P.A. 236 Valencia Avenue Coral Gables, FL 33134 (305) 445-0011 csilva@silvasilva.com eculmo@silvasilva.com **Counsel for Plaintiffs: Elaine and Eduardo Allen**; S.D. Florida; No. 1:15-cv-22563
Jacob A. Flint, Esq. Andrew W. Callahan, Esq. Ethan A. Flint, Esq. Flint Law Firm, LLC 112 Magnolia Drive Glen Carbon, IL 62034 (618) 288-4777 jflint@flintfirm.com acallahan@flintfirm.com eflint@toverdict.com **Counsel for Plaintiff: Sarah Hodge, individually and as parent and natural guardian of T.H., a minor**; S.D. Illinois; No. 3:15-cv-00769	Ed Blizzard, Esq. Scott Nabers, Esq. Matt Greenberg, Esq. Blizzard & Nabers 440 Louisiana, Suite 1710 Houston, TX 77002 (713) 844-3750 eblizzard@blizzardlaw.com snabers@blizzardlaw.com mgreenberg@blizzardlaw.com **Counsel for Plaintiffs: Jaime and Brad Bircher**; S.D. Illinois (East St. Louis); No. 3:15-cv-0787

Mark Niemeyer, Esq. Michael S. Kruse, Esq. Niemeyer, Grebel & Kruse, LLC 10 S. Broadway, Suite 1125 St. Louis, MO (314) 241-1919 niemeyer@ngklawfirm.com kruse@ngklawfirm.com **Counsel for Plaintiff: Jaime and Brad Bircher**; S.D. Illinois (East St. Louis); 3:15-cv-0787	Jay W. Eisenhofer, Esq. Caitlin M. Moyna, Esq. Grant & Eisenhofer P.A. 485 Lexington Avenue, 29th Floor New York, NY 10017 (646) 722-8500 jeisenhofer@gelaw.com cmoyna@gelaw.com **Counsel for Plaintiffs: Alexis Alexander, individually and as parent and natural guardian of N.A., a minor**; E.D. Louisiana (New Orleans); No 2:15-cv-02323; and **Counsel for Ann and Michael Fratto, individually and as parents and natural guardians of S.F., a minor**; S.D. New York; No. 1:15-cv-05326
M. Elizabeth Graham, Esq. Thomas V. Ayala, Esq. Grant & Eisenhofer, P.A. 123 Justison Street Wilmington, DE 19801 (302) 622-7000 egraham@gelaw.com tayala@gelaw.com **Counsel for Plaintiffs: Alexis Alexander, individually and as parent and natural guardian of N.A., a minor;** E.D. Louisiana (New Orleans); No 2:15-cv-02323	Leonard A. Davis, Esq. James C. Klick, Esq. Danielle T. Hufft, Esq. Herman, Herman & Katz, LLC 820 O'Keefe Avenue New Orleans, LA 70113 (504) 581-4892 jklick@hhklawfirm.com dhufft@hhklawfirm.com **Counsel for Plaintiffs: Alexis Alexander, individually and as parent and natural guardian of N.A., a minor**; E.D. Louisiana (New Orleans); No 2:15-cv-02323

Eric Timothy Haik, Esq. Haik, Minvielle & Grubbs, LLP 1017 East Dale Street New Iberia, LA 70562 (337) 365-5486 ehaik@hmg-law.com **Counsel for Plaintiffs: Stacy Coughlin, individually and on behalf of L.D., a minor;** W.D. Louisiana (Lafayette); No. 6:15-cv-01815	Arthur M. Murray, Esq. Stephen B. Murray, Sr., Esq. Jessica W. Hayes, Esq. Amanda K. Klevorn, Esq Murray Law Firm 650 Poydras Street, Suite 2150 New Orleans, LA 70130 (504) 322-1260 amurray@murray-lawfirm.com smurray@murray-lawfirm.com jhayes@murray-lawfirm.com aklevorn@murray-lawfirm.com **Counsel for Plaintiffs: Tim and Melisa Murphrey;** W.D. Louisiana (Shreveport); No. 5:15-cv-02090; and **Counsel for Plaintiffs: Stacy Coughlin, individually, and on behalf of L.D., a minor, and Ashley Swann, individually and on behalf of V.P., a minor**; W.D. Louisiana (Layfayette); No. 6:15-cv-01815
Patrick C. Morrow, Esq. Richard T. Haik, Jr., Esq. Morrow, Morrow, Ryan & Bassett 324 West Landry Street P.O. Drawer 1787 Opelousas, LA 70571 (337) 948-4483 pat@mmrblaw.com richardh@mmrblaw.com **Counsel for Plaintiffs: Tim and Melisa Murphrey** W.D. Louisiana (Shreveport); No. 5:15-cv-02090	Kimberly A. Dougherty, Esq. Robert K. Jenner, Esq. Brian D. Ketterer, Esq. Jessica Meeder, Esq. Janet, Jenner & Suggs, LLC 31 St. James Ave., Suite 365 Boston, MA 02116 (617) 933-1265 kdougherty@myadvocates.com **Counsel for Plaintiff: Tomisha LeClair**; D. Massachusetts (Boston); No. 1:15-cv-10429-FDS.; and **Counsel for Plaintiffs: Leila Benzaghou and Tourik Bourkiche, individually and as parents and natural guardians of H.B., a minor**; D. Massachusetts (Boston); No. 1:15-cv-12973

Frank N. Dardeno, Esq. Alexander Wall, Esq. Law Office of Frank N. Dardeno, LLP 424 Broadway Somerville, MA 02145 (617) 666-2600 fdardenojr@dardeno.com **Counsel for Plaintiff: Kim Duong;** D. Massachusetts (Boston); No. 1:15-cv-11627	Robert J. Bonsignore, Esq. Richard Kirchner, Esq. Bonsignore Trial Lawyers, PLLC 23 Forest Street Medford, MA 02155 (781) 350-0000 rbonsigore@classactions.us **Counsel for Plaintiff: Kim Duong;** D. Massachusetts (Boston); No. 1:15-cv-11627
Jesse Bernheim, Esq. Kelley Bernheim & Dolinsky, LLC 8151 Peters Road, Suite 3200 Plantation, FL 33324 (954) 894-5900 jbernheim@dbCounsel.com **Counsel for Plaintiffs: Beth Botelho and Scott Mello, individually and as parents and natural guardians of M.M., a minor**; D. of Massachusetts; No. 1:15-cv-13002	Dunbar D. Watt, Esq. Dowdy Cockerham & Watt P.O. Box 30 Magnolia, MS 39652 (601) 783-6600 dunbarwatt@waynedowdy.com **Counsel for Plaintiffs: Elizabeth and Huey P. Lang, II**, S.D. Mississippi; No. 1:15-cv-00223-LG-RHW
Robert O. Waller, Esq. Waller & Waller, Counsel at Law 220 South President Street (39201) P.O. Box 4 Jackson, MS 39205-0004 (604) 354-5252 bobwaller@wallerandwaller.com **Counsel for Plaintiffs: Stephen Brian Turnage and Patrica D. Turnage** S.D. Mississippi (Western Division); No. 5:15-cv-00070	Peter L. Helland, Esq. Helland Law Firm PLLC 3ll Klein Avenue Glasgow, MT 59230 (406) 228-9331 phelland@nemont.net **Counsel for Plaintiffs: Leslie "Casey" and Pam Marlenee;** D. Montana (Billings); No. 1:15-cv-00026

A. Clifford Edwards, Esq. Triel Culver, Esq. A. Christopher Edwards, Esq. Edwards, Frickle & Culver 1648 Poly Drive, Suite 206 Billings, MT 59102 (406) 545-5895 jenn@edwardslawfirm.com triel@edwardslawfirm.com **Counsel for Plaintiffs: Leslie "Casey" and Pam Marlenee;** D. Montana (Billings); No. 1:15-cv-00026	Audwin F. Levasseur, Esq. Law Offices of Harbatkin & Levasseur, P.A. 616 E. Palisade Avenue, Suite 102 Englewood Cliffs, NJ 07632 (201) 608-5203 harbatkinlevasseur@gmail.com **Counsel for Plaintiffs: Saro & Lee Mandoyan;** D. New Jersey (Newark); No. 2:15-cv-04536
Wendy R. Fleishman, Esq. Lieff Cabraser Heimann & Bernstein, L.L. P 250 Hudson Street, 8th Floor New York, NY 10013-1413 212-355-9500 wfleishman@lchb.com **Counsel for Plaintiffs: Ann and Michael Fratto, individually and as parents and natural guardians of S.F., a minor**; S.D. New York; No. 1:15-cv-05326	Elizabeth J. Cabraser, Esq. Lieff, Cabraser, Heimann & Bernstein, L.L.P. 275 Battery Street Embarcadero Center W. San Francisco, CA 94111 415-956-1000 ecabraser@lchb.com **Counsel for Plaintiffs: Ann and Michael Fratto, individually and as parents and natural guardians of S.F., a minor**; S.D. New York; No. 1:15-cv-05326
Randall J. Bakke, Esq. Bradley Neuman Wiederholt, Esq. Smith, Bakke, Porsborg, Schweigert & Armstrong P.O. Box 460 Bismarck, ND 58502-0460 701-258-0630 rbakke@smithbakke.com bwiederholt@smithbakke.com **Counsel for Plaintiffs: Angela and Bryan Kutzer** D. of North Dakota (Southwestern); 1:15-cv-00102-CSM	Tobias L. Millrood, Esq. Matthew Leckman, Esq. Michael G. Daly, Esq. Sarah O. Schindler, Esq. Pogust Braslow & Millrood, LLC 161 Washington Street Suite 940 Conshohocken, PA 19428 (610) 941-4204 tmillrood@pbmCounsel.com mleckman@pbmCounsel.com mdaly@pbmCounsel.com sschlinder@pbmCounsel.com **Counsel for Plaintiff: Shannon Gruhn, individually and as parent and natural guardian of A.F., a minor**; N.D. Ohio (Eastern); No. 1:15-cv-01436; and **Counsel for Plaintiff: Kelly Roberts, individually and as parent and natural guardian of C.L., a minor**; N.D. Ohio (Eastern); No. 5:15-cv-01411-JRA

Peter J. Brodhead, Esq. Spangenberg, Shibley & Liber 1001 Lakeside Avenue, E. Suite 1700 Cleveland, OH 44114 (216) 696-3232 pjb@spanglaw.com **Counsel for Plaintiffs: Ann and Theresa Trivisonno**; N.D. Ohio (Cleveland); No. 1:15-cv-01436-JSG	James G. O'Brien, Esq. Carasuana B. Wall, Esq. Pamela A. Borgess, Esq. Zoll, Kranz & Borgess, LLC 6620 W. Central Ave., Suite 100 Toledo, OH 43617 (419) 841-9623 jim@toledolaw.com cara@toledolaw.com pamela@toledolaw.com **Counsel for Plaintiffs: Patrick D. Regan, Valerie C. Regan, Elizabeth Vaughan on behalf of the Bankruptcy Estate *In Re: Patrick D. Regan and Valerie M. Regan,* and Patrick Regan on behalf of the estate of Molly Regan, deceased;** N.D. Ohio (Toledo); No. 3:15-cv-01166
Ron Parry, Esq. Strauss Troy The Federal Reserve Building 150 East Fourth Street Cincinnati, OH 45202-4018 (513) 671-2120 rrparry@strausstroy.com **Counsel for Plaintiff: Brooke Taylor and Allen Haehnle**; S.D. Ohio; No. 1:15-cv-00462	Steve Harrelson, Esq. Harrelson Law Firm, P.A. P.O. Box 40 (ARK 75504) 300 State Line Avenue Texarkana, AR 71854 (870) 772-0300 steve@harrelsonfirm.com **Counsel for Plaintiff: Julia Shonkwiler, Individually and as Parent and Natural Guardian of B.C.W., a minor**; E.D. Texas; No. 5:15-cv-00034
David P. Matthews, Esq. Lizy Santiago, Esq. Matthews & Associates 2905 Sackett Street Houston, TX 77098 (713) 522-5250 dmatthews@dmlawfirm.com **Counsel for Plaintiff: Amanda Betty Sue Rousey;** S.D. Texas (Houston Division); No. 4:15-cv-01911	Corporation Service Company 2711 Centerville Road, Suite 400 Wilmington, DE 19808-1645 **Registered agent for Aurbindo Pharma USA, Inc. and Aurbindo Pharma Limited**;

Dated: August 5, 2015

Respectfully submitted,

/s/ Madeleine M. McDonough
Madeleine M. McDonough
Ann Havelka
SHOOK, HARDY & BACON L.L.P.
2555 Grand Blvd.
Kansas City, MO 64108
T: 816.474.6550
F: 816.421.5547
mmcdonough@shb.com
ahavelka@shb.com

Sean P. Wajert
SHOOK, HARDY & BACON L.L.P.
Two Commerce Square
2001 Market St., Suite 3000
Philadelphia, PA 19103
T: 215.278.2555
F: 215.278.2594
swajert@shb.com

Counsel for Defendant GlaxoSmithKline LLC