BEFORE THE UNITED STATES JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION

IN RE PLAVIX® PRODUCT LIABILITY AND MARKETING LITIGATION	)	**MDL DOCKET NO. _____**

MOTION OF BRISTOL-MYERS SQUIBB COMPANY, SANOFI-AVENTIS U.S. LLC, SANOFI US SERVICES INC., AND SANOFI-SYNTHELABO INC. FOR TRANSFER OF ACTIONS FOR COORDINATED OR CONSOLIDATED PRETRIAL PROCEEDINGS

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Attorneys for Defendants, Bristol-Myers Squibb Company, Sanofi-Aventis U.S. LLC, Sanofi US Services Inc., and Sanofi-Synthelabo, Inc.

Pursuant to 28 U.S.C. § 1407 and Judicial Panel on Multidistrict Litigation Rule 6.2, Bristol-Myers Squibb Company ("BMS"), Sanofi-Aventis U.S. LLC, Sanofi US Services Inc. (f/k/a Sanofi-Aventis U.S. Inc.), and Sanofi-Synthelabo Inc. (collectively "Defendants") respectfully move to transfer the thirty pending Plavix® product liability and marketing cases, as well as all future such Plavix® cases, to a District Court in New Jersey or New York for centralized pretrial proceedings.

As explained more fully in the accompanying memorandum, a § 1407 transfer of these actions to the District of New Jersey is appropriate:

1. The thirty lawsuits identified in the accompanying Schedule of Actions (the "Plavix® Cases") involve product liability suits as well as federal *qui tam*, state attorneys general, and third-party payor suits that overlap with the liability allegations of the product suits because they assert that Defendants overpromoted the efficacy and health benefits of Plavix®.

2. The Plavix® cases are pending in the District of New Jersey (nine cases), the District of Iowa (one case), the Western District of Louisiana (one case), the Southern District of New York (one consolidated case involving four complaints), the Eastern District of New York (one case), the Eastern District of Pennsylvania (two cases), the Southern District of West Virginia (one case), the Southern District of Illinois (one case), the Northern District of Mississippi (one case), the Northern District of Illinois (one case), and the Northern District of California (eleven cases). Each of these suits presents common questions of fact concerning Defendants' development, testing, manufacturing, and marketing of Plavix®.

3. Although this Panel previously denied centralization, *see In re: Plavix Products Liability Litigation*, 829 F. Supp.2d 1378 (J.P.M.L. 2011), the Plavix litigation has expanded massively since that ruling. At the time of the 2011 ruling, there were only three groups of

Plavix® cases pending in three federal districts. Today, there are 17 Plavix® suits pending in eight federal districts in which federal jurisdictions is admitted or has been established, and an additional 13 Plavix® cases pending in three districts in which federal jurisdiction remains contested. These federal cases are one part of a true mass litigation, with over 2400 Plavix® cases now pending in state and federal court across the country, and more being filed every day.

4. Centralization will eliminate duplicative discovery, prevent inconsistent pretrial rulings, and promote judicial efficiency. In particular, centralization will allow the parties to coordinate document discovery and to coordinate a single set of depositions of the key witnesses.

5. Defendants request that these cases be centralized in a District Court in New Jersey or New York. Judge Wolfson in the District of New Jersey has presided over Plavix® matters since 2006, and has already established a useful framework for managing discovery in the cases. Judge Kiyo Matsumoto of the Eastern District of New York and Judge Ronnie Abrams of the Southern District of New York also currently preside over Plavix® cases and they are conveniently situated in the New York City area.

6. The Sanofi defendants are headquartered in New Jersey. Defendant BMS is headquartered in nearby New York City and has five operating facilities in central New Jersey. New Jersey is where Defendants developed Plavix®, secured regulatory approval to sell it in this country, and developed the labeling, warnings, packaging, and promotional material associated with the drug. The majority of Defendants' documents and witnesses are located in or very near to New Jersey.

WHEREFORE, Defendants respectfully ask the Panel to issue an Order transferring all the actions listed in the accompanying Schedule of Actions, as well as all subsequently filed

related actions, to a United States District Court located in New Jersey or New York, for coordinated or consolidated pretrial proceedings.

Respectfully submitted,

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