

**BEFORE THE  
UNITED STATES JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION**

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|                              |   |                       |
|------------------------------|---|-----------------------|
| <b>IN RE: TYLENOL®-BRAND</b> | § |                       |
| <b>OVER-THE-COUNTER</b>      | § |                       |
| <b>(ACETAMINOPHEN) LIVER</b> | § | <b>MDL DOCKET NO.</b> |
| <b>TOXICITY PRODUCTS</b>     | § |                       |
| <b>LIABILITY LITIGATION</b>  | § |                       |

**MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR TRANSFER AND  
COORDINATION OR CONSOLIDATION UNDER 28 U.S.C. §1407**

**I. INTRODUCTION**

Pursuant to 28 U.S.C. §1407 and Rule 6.2 of the Rules of Procedure of the Judicial Panel on MultiDistrict Litigation, Movants, Lucky T. Pettersen, plaintiff in the action-captioned *Pettersen v. McNeil-PPC, Inc., et. al.*, No. 12-5988 (E.D. Pa.), and all other plaintiffs in the proceedings now pending in the United States District Court for the Eastern District of Pennsylvania,<sup>1</sup> respectfully submits this Memorandum in Support of their Motion for Transfer and Coordination and Consolidation.

To date, there are twenty-eight (28) cases against McNeil-PPC, Inc., with virtually all also including its division McNeil Consumer Healthcare, and its parent corporation Johnson & Johnson, Inc. (collectively “McNeil” or the “McNeil Defendants”) that are presently pending in a federal district court that allege that McNeil marketed and sold its over-the-counter (“OTC”) TYLENOL® products in a manner that concealed the margin of risk of liver toxicity / liver failure. Twenty-one (21) of these actions are currently pending in the United States District Court for the Eastern District of Pennsylvania, and although they were originally assigned randomly to various judges of the Eastern District of Pennsylvania, they all were all re-assigned

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<sup>1</sup> The other moving plaintiffs are identified in the Schedule of Related Actions, attached hereto as Exhibit “1”. There are twenty-one (21) plaintiffs with claims now pending in the Eastern District of Pennsylvania. All twenty-one (21) of these plaintiffs are joining in this motion.

by the Chief Judge of the Eastern District of Pennsylvania to the Honorable Lawrence F. Stengel as related cases pursuant to Local Civil Rule 40.1(c) (2)(E.D. Pa.). Other actions have been filed in the United States District Courts for the Southern District of Mississippi, the Eastern District of California, the Eastern District of New York, the Middle District of Florida, the District of New Jersey, the District of Massachusetts, and the Southern District of Florida (collectively, the “Related Actions”). *See* Schedule of Related Actions, attached hereto as Exhibit “1”. In total, to date, there are eight (8) different federal district courts in which these pending Related Actions are docketed, with twenty-one (21) of these cases twenty-eight (28) cases pending in the Eastern District of Pennsylvania.

The legal theories and facts asserted in all of these Related Actions are virtually identical and arise from the identical conduct of the McNeil Defendants’ designing, manufacturing, sale of and putting into the stream of commerce their defective acetaminophen containing OTC TYLENOL® products. In this case, McNeil Consumer Healthcare, a division of Defendant McNeil-PPC, Inc., is headquartered in Fort Washington, Pennsylvania. Defendants McNeil-PPC, Inc. and Johnson & Johnson, Inc. are both located nearby in New Jersey. Fort Washington is one of the primary manufacturing locations of TYLENOL®, along with nearby Lancaster, Pennsylvania, both of which are located in the Eastern District of Pennsylvania. Nearly all of the relevant corporate activity, employees and documents related to McNeil’s acetaminophen containing OTC TYLENOL® products, including medical, regulatory, marketing, sales, market research and pharmacovigilance are centered at McNeil’s headquarters in Fort Washington, Pennsylvania, which is in the Eastern District of Pennsylvania.

Consolidation and coordination of these proceedings as an MDL is warranted in light of common questions of fact involved in the Related Actions. Such consolidation and coordination

will conserve judicial resources, promote efficient management of litigation, and avoid inconsistent pretrial rulings.

The Eastern District of Pennsylvania is the best and most practicable venue to which the Related Actions should be transferred. First, McNeil Consumer Healthcare, the division of Defendant McNeil-PPC, Inc. primarily responsible for the design, manufacture, and distribution of the defective “OTC” TYLENOL® products at issue in this litigation, is headquartered in Fort Washington, Pennsylvania, which is located in the Eastern District of Pennsylvania and hosts a large document depository at that location. Second, many McNeil witnesses are located primarily in Pennsylvania or in nearby New Jersey. Third, the Honorable Lawrence F. Stengel, who is presiding over twenty-one (21) of the twenty-eight (28) Related Actions in the Eastern District of Pennsylvania, possesses extensive experience in complex actions and has demonstrated a commitment to expedited resolution of the related matters. Fourth, the Eastern District of Pennsylvania has favorable docket conditions in comparison to other districts, and fifth, the Eastern District of Pennsylvania is easily accessible, and geographically close to the state courts where similar cases are pending (Pennsylvania and New Jersey).<sup>2</sup>

## **II. ARGUMENT**

### **A. TRANSFER OF THE ACTIONS TO ONE COURT FOR CONSOLIDATION OR COORDINATION IS APPROPRIATE UNDER 28 U.S.C. § 1407**

The principal goal of 28 U.S.C. § 1407 is to conserve judicial resources, promote efficient management of litigation, and avoid inconsistent pretrial rulings. These goals are best served by transferring the Related Actions for coordinated or consolidated pretrial proceedings. Section 1407 authorizes the Judicial Panel on Multidistrict Litigation (the “Panel”) to transfer

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<sup>2</sup> The parties in those state court cases as well as the Movants have been coordinating discovery to maximize efficiency and cost savings.

two or more civil cases for coordinated pretrial proceedings upon a determination that (i) they “involve[e] one or more common questions of fact,” (ii) transfer will further “the convenience of the parties and witnesses,” and (iii) transfer “will promote the just and efficient conduct of the actions.” 28 U.S.C. § 1407(a); *see, e.g., In re: McDonald's French Fries Litig.*, MDL NO. 1784, 2008 WL 2316521 (June 5, 2008); *see also* Manual on Complex Litigation § 22.33 at 367 (4<sup>th</sup> ed. 2004)(goals of 28 U.S.C. § 1407 are to avoid duplicative discovery, prevent inconsistent or repetitive rulings, and conserve the resources of parties, counsel, and the courts).

The transfer of the Related Actions to the same court for consolidated or coordinated proceedings is appropriate here because common questions of law and fact exist, and consolidation or coordination before one court will ensure efficient management of the litigation and avoid duplicative discovery.

**1. Consolidation or Coordination Is Appropriate Because the Related Actions Involve One or More Common Questions of Fact and Law**

As set forth in the caption, the proposed name of this MDL indicates that the focus of the underlying Related Actions is on McNeil’s branded, non-prescription (OTC) analgesic TYLENOL® products that contain acetaminophen. Each of the Plaintiffs in the Related Actions ingested at least one type of McNeil’s OTC TYLENOL® which is alleged to have caused their acute liver failure. McNeil was the first to market acetaminophen products in the United States in 1955, with its TYLENOL® Elixir for Children, which was the first in a line of OTC TYLENOL® products. Aggressively marketed and advertised for over thirty-years as the “most trusted” pain-reliever that “doctors,” “hospitals,” “pediatricians” etc. “recommend the most,” McNeil’s acetaminophen based TYLENOL®-brand has become one of the nation's best-selling and most recognized analgesics. As the undisputed leader in the sale of acetaminophen OTC products and the creator of the acetaminophen market, McNeil has been in the forefront in the

areas of acetaminophen research and development, labeling, pharmacovigilance and advertising and marketing.

Thus, each of the Related Actions involve common factual issues (*i.e.*, whether McNeil's "OTC" TYLENOL® products are defective) as well as common issues of law (*i.e.*, whether McNeil failed to properly warn Plaintiffs of the risks of liver toxicity and whether McNeil breached various warranties owed to plaintiffs). Because the Related actions share common questions of fact and implicate overlapping discovery and expert and dispositive issues, coordination of these actions before a single judge will provide the most efficient approach to managing the cases at this time. The Panel consistently holds that cases involving overlapping factual and legal issues are particularly appropriate for transfer. *See, e.g., In re: Yasmin, Yaz (Drospirenone) Mktg., Sales Practices & Products Liab. Litig.*, MDL 2100, 2009 WL 3163531, at \*1 (Oct. 1, 2009) ("we find that these 32 actions involve common questions of fact, and that centralization under Section 1407 in the Southern District of Illinois will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation."); *In re Phenylpropanolamine (PPA) Products Liab. Litig.*, 173 F. Supp. 2d 1377, 1379 (J.P.M.L. 2001) ("the Panel finds that the actions in this litigation involve common questions of fact, and that centralization under Section 1407 in the Western District of Washington will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation."); *In re Bridgestone/Firestone, Inc.*, 2000 WL 33416573, at \*2 (J.P.M.L. 2000) ("All actions involve allegations that Firestone and, in most instances, Ford are responsible for harm and risk of harm caused by defective tires . . .").<sup>3</sup> Further, because Section 1407 does not

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<sup>3</sup> *See also In re Inter-Op Hip Prosthesis Prod. Liab. Litig.*, 149 F. Supp. 2d 931, 933 (J.P.M.L. 2001) (transferring cases to MDL court where "[t]he actions . . . present complex common questions of fact concerning, inter alia, i) the development, testing, manufacturing and marketing of the [defendant's] products, and ii) defendant's knowledge concerning the possible adverse effects associated with use of the [defendant's product]").

require a majority of common factual issues as a condition for transfer, the many common questions thus presented are more than sufficient to satisfy Section 1407. *See In re Ins. Brokerage Antitrust Litig.*, 360 F. Supp. 2d 1371, 1372 (J.P.M.L. 2005). Thus, consolidation or coordination is appropriate here because the Related Actions involve a number of significant common issues of law and fact. Coordinating the actions before one judge at this early stage will allow the parties and the court to address this overlapping discovery in an organized manner and avoid the potentially very costly duplication of efforts and judicial resources that would be required if the cases were to continue to proceed on separate schedules and in separate courts.

**2. Consolidation or Coordination for Pretrial Proceedings Will Further the Convenience of Parties and Witnesses**

Consolidation or coordination of the Related Actions will serve the convenience of both the parties and witnesses. Discovery from the McNeil Defendants in all of these Related Actions will involve substantially the same testimony, documentary evidence, and experts. Consolidation of these actions will avoid duplicative, redundant, and costly discovery proceedings, and avoid repetitive motion practice and potentially conflicting discovery and other pretrial rulings. *See, In re: Zimmer Nexgen Knee Implant Products Liability Litigation*, 2011 WL 3563292, \*2 (J.P.M.D.L. 2011)(“consolidation “will eliminate duplicative discovery, prevent inconsistent pretrial rulings on Daubert and other pretrial issues, and conserve the resources of the parties, their counsel and the judiciary”); *In re Seroquel Prod. Liab. Litig.*, 447 F. Supp. 2d 1376, 1378 (J.P.M.L. 2006)(transferring cases to a single district because it would “serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation”); *In re European Rail Pass Antitrust Litig.*, No. MDL 1386, 2001 WL 587855, at \*1 (J.P.M.L. Feb. 7, 2001)(same); *In re Amino Acid Lysine Antitrust Litig.*, 910 F. Supp. 696, 698 (J.P.M.L. 1995)(same); *In re Multi-Piece Rim Prod. Liab. Litig.*, 464 F. Supp. 969, 974

(J.P.M.L. 1979)(same). Thus, because of the convenience of consolidation or coordination to both the parties and witnesses, consolidation or coordination is appropriate here.

**3. Consolidation or Coordination for Pretrial Proceedings Will Promote the Just and Efficient Conduct of the Related Actions**

Consolidation or coordination of the Related Actions will promote the just and efficient conduct of the actions. Each Related Action likely will involve the same pretrial issues. Consolidation or coordination will eliminate the likelihood of duplicative proceedings that might result in inconsistent rulings and will prevent judicial resources from being wasted needlessly. *See In re Vioxx Prod. Liab. Litig.*, 360 F. Supp. 2d 1352, 1354 (J.P.M.L. 2005)(pointing out that “transfer under Section 1407 has the salutary effect of placing all actions in this docket before a single judge who can formulate a pretrial program that: 1) allows discovery with respect to any non-common issues to proceed concurrently with discovery on common issues . . . and 2) ensures that pretrial proceedings will be conducted in a manner leading to the just and expeditious resolution of all actions to the overall benefit of the parties.”); *In re Comm'l Money Ctr., Inc. Equip. Lease Litig.*, No. MDL 1490, 2002 WL 31432881, at \*1 (J.P.M.L. Oct. 25, 2002)(stating that consolidation of cases filed nationwide would prevent inconsistent rulings); *In re Amino Acid Lysine Antitrust Litig.*, 910 F. Supp. at 698 (concluding that consolidation was necessary to eliminate inconsistent pretrial rulings); *In re A.H. Robins Co. “Dalkon Shield” IUD Prod. Liab. Litig.*, 406 F. Supp. 540, 542 (J.P.M.L. 1975)(concluding that transfer was necessary to prevent duplication of discovery and to eliminate the possibility of conflicting pretrial rulings). Further, centralization in class-action cases is especially important because it ensures that there is a consistent treatment of class-action issues. *In re Hawaiian Hotel Room Rate Antitrust Litig.*, 438 F. Supp. 935, 936 (J.P.M.L. 1977). Thus, because it would promote a just and efficient resolution of the Related Actions, consolidation or coordination is appropriate here.



**4. There is Sufficient Numerosity to Support Transfer and Consolidation**

There are currently twenty-eight (28) cases pending before eight (8) different federal court judges in eight (8) different federal court jurisdictions.<sup>4</sup> Counsel for the Movants, who represent Plaintiffs in twenty-one (21) of the Related Actions also have a significant number of additional cases that they intend to file in the near future. Further, Counsel for Movants represent approximately twenty-five (25) additional plaintiffs who have filed cases in the Philadelphia Court of Common Pleas, and it is expected that when ripe, the McNeil Defendants will remove those cases to the Eastern District of Pennsylvania, as the McNeil Defendants did with respect to the presently pending twenty-one (21) cases in the Eastern District of Pennsylvania. Such a removal of the additional twenty-five (25) cases will increase the docket in the Eastern District of Pennsylvania to about fifty (50) cases, with the expectation that more cases will be filed.

The Panel has routinely ordered consolidation and transfer of litigations involving substantially less than twenty-eight (28) cases. *See* Manual for Complex Litigation Fourth § 20.131, at \* 1 (“As few as two cases may warrant multidistrict treatment ...”); *In re Dynamic Random Access Memory (DRAM) Antitrust Litig.*, 228 F. Supp. 2d 1379, 1380 (J.P.M.L. 2002) (transferring and consolidating two cases); *In re Philadelphia Life Ins. Co. Sales Practices Litig.*, 149 F. Supp. 2d 937, 938 (J.P.M.L. 2001) (granting transfer and consolidation of two cases); *In re Amoxicillin Patent & Antitrust Litig.*, 449 F. Supp. 601, 603 (J.P.M.L. 1978) (granting transfer

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<sup>4</sup> As noted above, the Related Actions are currently proceeding in the Eastern District of Pennsylvania, the Southern District of Mississippi, the Eastern District of California, the Eastern District of New York, the Middle District of Florida, the District of New Jersey, the District of Massachusetts, and the Southern District of Florida. Furthermore, McNeil removed each of the twenty-one (21) Movants’ cases to the Eastern District of Pennsylvania from the Pennsylvania state court. There are approximately an additional twenty-five (25) cases presently pending in the Pennsylvania state court. When ripe, Movants reasonably anticipate that McNeil will remove them to the Eastern District of Pennsylvania and that those cases too will be assigned by the Chief Judge to Judge Stengel. At present, there is one case that was ripe for removal but which was not removed and will remain in Pennsylvania state court because it involves a New Jersey Plaintiff so it is not removable since there is no diversity jurisdiction with the McNeil Defendants.



and consolidation of three cases involving complex patent and antitrust issues). Additionally, where, as here, the actions share numerous complex questions of fact, the Panel has consolidated a relatively small number of actions. For example, in *In re First National Bank, Heavener, Oklahoma (First Mortgage Revenue Bonds) Securities Litigation*, the Panel consolidated two actions that arose from the same factual allegations and shared numerous “complex questions of fact.” 451 F. Supp. 995, 997 (J.P.M.L. 1978). A sufficient number of actions exist here to support the transfer and consolidation of the Related Actions.

**B. THE EASTERN DISTRICT OF PENNSYLVANIA IS THE MOST APPROPRIATE FORUM FOR TRANSFER AND CONSOLIDATION**

In determining the most appropriate transferee forum, the Panel considers, among other things, “where the largest number of cases is pending, where discovery has occurred, where cases have progressed furthest, the site of the occurrence of the common facts, where the cost and inconvenience will be minimized, . . . the experience, skill, and caseloads of available judges,” where the first filed case is located, and whether the proposed district provides an accessible location. *See Manual for Complex Litigation (Fourth)* § 20.131 (2005); *In re Educ. Testing Serv. Plt 7-12 Test Scoring Litig.*, 350 F. Supp. 2d 1363, 1365 (J.P.M.L. 2004)(Panel found district appropriate where four of the thirteen actions were already pending in the district, the district provided an accessible, metropolitan location, the district had favorable caseload conditions, and the judge had experience managing multidistrict litigation); *In re Wheat Farmers Antitrust Class Action Litig.*, 366 F. Supp. 1087, 1088 (J.P.M.L.1973)(Panel considered the conveniences of the parties and witnesses, location of relevant documents, stage of pretrial proceedings, and the status of civil dockets).

**1. McNeil Consumer Healthcare Is Headquartered  
In The Eastern District of Pennsylvania**

The Panel has often stated its preference for consolidation in the district in which the principal place of business of the Defendant is located, as well as witnesses and documents. *See, e.g., In re Allegheny Energy Inc. Sec. Litig.*, 259 F. Supp. 2d 1368, 1369 (J.P.M.L. 2003). McNeil Consumer Healthcare, the division of McNeil-PPC, Inc. primarily responsible for the design, manufacture, and distribution of the defective “OTC” TYLENOL® products at issue in this litigation, is headquartered in Fort Washington, Pennsylvania. Fort Washington is within the Eastern District of Pennsylvania. In addition there is an additional manufacturing plant for McNeil’s TYLENOL® products in Lancaster, Pennsylvania, also located in the Eastern District of Pennsylvania. McNeil conducts substantial business activities here, making the Eastern District of Pennsylvania the best suited transferee court for this litigation. As stated above, the TYLENOL® document depository exists and is maintained in Fort Washington.<sup>5</sup> McNeil-PPC, Inc. and Johnson & Johnson, Inc. are both located nearby in New Jersey. Thus, Defendants’ officers and key employees are all located within the Eastern District of Pennsylvania or nearby in New Jersey. Meetings and decisions involving the design, manufacturing, testing, advertising and sale of defendant’s “OTC” TYLENOL® products, which the actions are based upon, either occurred primarily in Fort Washington, Pennsylvania or nearby in New Jersey. Pre-trial discovery for all of the actions will involve the production and review of McNeil’s documents and conducting depositions of its key employees, officers and directors, many of which are located in the Eastern District of Pennsylvania or nearby in New Jersey. Therefore, convenience weighs in favor of transferring and consolidating these actions in the United States District Court

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<sup>5</sup> This document depository maintained by McNeil in Fort Washington contains all of the relevant scientific, regulatory, marketing and other categories of documents from as far back as the 1970s.

for the Eastern District of Pennsylvania, where the largest number of the Related Actions are now being litigated.

**2. Judge Lawrence F. Stengel's Experience  
Supports Transfer to the Eastern District of  
Pennsylvania**

The Panel has determined that it is best to focus on the “transferee judge with the time and experience to steer this litigation on a prudent course and sitting in a district with the capacity to handle this litigation.” *In re Motor Fuel Temperature Sales Practices Litig.*, 493 F. Supp. 2d 1365, 1367 (J.P.M.L. 2007). Judge Lawrence F. Stengel has 7 years of experience on the federal bench and was a judge with the Lancaster County Court of Common Pleas from 1990 to 2004. Judge Lawrence F. Stengel was appointed to the United States District Court for the Eastern District of Pennsylvania by President George W. Bush on November 6, 2003 and was confirmed to the federal bench on June 21, 2004.

Judge Lawrence F. Stengel received his Juris Doctor in 1980 from the University of Pittsburgh in Pittsburgh, Pennsylvania. After law school, Judge Stengel was in private practice in Pittsburgh from 1980 to 1984, and in Lancaster from 1985 to 1990.

Since being appointed as a United States District Court Judge, Judge Stengel has handled complex litigations including his assignment of the MDL litigation in *In re: Sterling Financial Corporation Securities Litigation*, MDL1879, which has been successfully concluded. Judge Stengel's prior experience handling complex litigations puts him in an excellent position to handle an assignment of the instant litigation should the Panel confer MDL status.

Judge Stengel also appears open to the assignment of consolidated MDL proceedings in this litigation. Although many of the *TYLENOL*® cases now pending before Judge Stengel were initially assigned to other judges in the Eastern District of Pennsylvania upon their removal from

the Pennsylvania state court, each of these cases have now been reassigned to Judge Stengel by the Chief Judge of the Eastern District of Pennsylvania who determined that they were related actions under Local Civil Rule 40.1(c)(2)(E.D. Pa.). Judge Stengel presently has scheduled a joint Rule 16 conference for all of the twenty-one (21) TYLENOL® cases over which he is currently presiding on February 7, 2013.

In short, Judge Lawrence F. Stengel is a distinguished jurist who has extensive experience in complex litigation, including multidistrict matters, which is another factor that supports transfer and consolidation of these actions in the Eastern District of Pennsylvania.

### **3. Judicial Caseload Statistics Support Transfer to the Eastern District of Pennsylvania**

The Eastern District of Pennsylvania's docket demonstrates that the court has the capacity to handle this litigation. As of September 30, 2011, the Eastern District of Pennsylvania had 20,593 pending cases.<sup>6</sup> However, the Eastern District's median time from filing to disposition was just 2.9 months.<sup>7</sup>

The Eastern District has experience handling MDLs. Specifically, the Eastern District has resolved seventy-five (75) MDLs.<sup>8</sup> No MDL is before Judge Stengel,<sup>9</sup> and he is currently assigned to the twenty-one (21) actions involving McNeil's "OTC" TYLENOL® products. Accordingly, the Eastern District of Pennsylvania has both experience handling MDL cases since the court has resolved seventy-five MDLs in the past, and the capacity to handle this case now.

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<sup>6</sup> See <http://www.uscourts.gov/Statistics/FederalCourtManagementStatistics/DistrictCourtsSep2011.aspx> (last accessed January 12, 2013).

<sup>7</sup> *Id.*

<sup>8</sup> See [http://www.jpml.uscourts.gov/sites/jpml/files/JPML\\_Terminated\\_Litigations-2011.pdf](http://www.jpml.uscourts.gov/sites/jpml/files/JPML_Terminated_Litigations-2011.pdf).

<sup>9</sup> See [http://www.jpml.uscourts.gov/sites/jpml/files/Pending%20MDL%20Dockets\\_By%20District\\_May-2012.pdf](http://www.jpml.uscourts.gov/sites/jpml/files/Pending%20MDL%20Dockets_By%20District_May-2012.pdf) (last accessed January 12, 2013).

4. **The Eastern District of Pennsylvania is Easily Accessible**

The Eastern District of Pennsylvania, is located in Philadelphia, Pennsylvania, and is easily reached by all of the states implicated so far in this multidistrict proceeding. Philadelphia is the fifth largest city in the United States, it has ample accommodations for business travelers, and has convenient jet service to all major airports throughout the country. Philadelphia is serviced by Philadelphia International Airport ("PHL"), which is the eighteenth-busiest commercial airport in the United States in terms of passengers served. As the eighteenth-busiest airport in the United States, PHL clearly has the necessary infrastructure to accommodate the travel necessary to complete this litigation. Thus, the Eastern District of Pennsylvania will allow for the convenience of all parties since it is easily accessible.

**II. CONCLUSION**

For these reasons, Movants respectfully request that the Panel grant their motion for transfer and coordination or consolidation under 28 U.S.C. § 1407 and transfer the Related Actions to the Eastern District of Pennsylvania before the Honorable Judge Lawrence F. Stengel.

Dated: January 17, 2013

Respectfully submitted,

**LEVIN, FISHBEIN, SEDRAN & BERMAN**

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*Attorneys for Movants-Plaintiffs in the following cases:*

| <b>Case Caption</b>  | <b>Court</b> | <b>Civil Action No.</b> | <b>Judge</b>                                  |
|--|--------------|-------------------------|---|
| <u>Plaintiffs</u><br>Allen, Kaitlyn<br><br><u>Defendants</u><br>McNeil PPC Inc., McNeil<br>Consumer Healthcare, Johnson &<br>Johnson                         | E.D.PA.      | 2:12-CV-07259           | The Honorable<br>Lawrence F. Stengel,<br>USDJ |
| <u>Plaintiffs</u><br>Altimus, Angela<br><br><u>Defendants</u><br>McNeil PPC Inc., McNeil<br>Consumer Healthcare, Johnson &<br>Johnson                        | E.D.PA.      | 2:12-cv-07258           | The Honorable<br>Lawrence F. Stengel,<br>USDJ |
| <u>Plaintiffs</u><br>Barnes, Betty<br><br><u>Defendants</u><br>McNeil PPC, Inc., McNeil<br>Consumer Healthcare, Johnson &<br>Johnson, Watson Pharmaceuticals | E.D.PA.      | 2:12-cv-07255           | The Honorable<br>Lawrence F. Stengel,<br>USDJ |

| Case Caption  | Court   | Civil Action No. | Judge                                   |
|---|---------|------------------|---|
| <u>Plaintiffs</u><br>Barney, Estate of Justin by Lia Barney<br><br><u>Defendants</u><br>McNeil PPC Inc., McNeil Consumer Healthcare, Johnson & Johnson                                  | E.D.PA. | 2:12-CV-07253    | The Honorable Lawrence F. Stengel, USDJ |
| <u>Plaintiffs</u><br>Becker, Laura Ann<br><br><u>Defendants</u><br>McNeil PPC Inc., McNeil Consumer Healthcare, Johnson & Johnson, L. Perrigo Company, Novartis Consumer Health, Inc.   | E.D.PA. | 2:12-cv-5991     | The Honorable Lawrence F. Stengel, USDJ |
| <u>Plaintiffs</u><br>Blake, Estate of Clifford, by Marilyn Patricia Seabochblake<br><br><u>Defendants</u><br>McNeil PPC Inc., McNeil Consumer Healthcare, Johnson & Johnson             | E.D.PA. | 2:12-cv-5990     | The Honorable Lawrence F. Stengel, USDJ |
| <u>Plaintiffs</u><br>Davidson, Estate of Kristin by Linda Jean Davidson<br><br><u>Defendants</u><br>McNeil PPC Inc., McNeil Consumer Healthcare, Johnson & Johnson                      | E.D.PA. | 2:12-cv-5992     | The Honorable Lawrence F. Stengel, USDJ |
| <u>Plaintiffs</u><br>Fleischer, Estate of Scott, and Hope Fleischer, by Lee Hanford, Esquire<br><br><u>Defendants</u><br>McNeil PPC Inc., McNeil Consumer Healthcare, Johnson & Johnson | E.D.PA. | 2:12-cv-5993     | The Honorable Lawrence F. Stengel, USDJ |



| Case Caption  | Court   | Civil Action No. | Judge   |
|---|---------|------------------|---|
| <u>Plaintiffs</u><br>Guadagno, Kaitlyn a minor, by<br>Maria Guadagno<br><br><u>Defendants</u><br>McNeil PPC Inc., McNeil<br>Consumer Healthcare, Johnson &<br>Johnson | E.D.PA. | 2:12-cv-07261    | The Honorable<br>Lawrence F. Stengel,<br>USDJ |
| <u>Plaintiffs</u><br>Hayes, Estate of Denice by Rana<br>Terry<br><br><u>Defendants</u><br>McNeil PPC Inc., McNeil<br>Consumer Healthcare, Johnson &<br>Johnson        | E.D.PA. | 2:12-cv-07263    | The Honorable<br>Lawrence F. Stengel,<br>USDJ |
| <u>Plaintiffs</u><br>Jimenez, Augustina<br>Jimenez, Felix<br><br><u>Defendants</u><br>McNeil PPC Inc., McNeil<br>Consumer Healthcare, Johnson &<br>Johnson            | E.D.PA. | 2:12-cv-5996     | The Honorable<br>Lawrence F. Stengel,<br>USDJ |
| <u>Plaintiffs</u><br>Osborne, Alseisha<br><br><u>Defendants</u><br>McNeil PPC Inc., McNeil<br>Consumer Healthcare, Johnson &<br>Johnson                               | E.D.PA. | 2:12-cv-07254    | The Honorable<br>Lawrence F. Stengel,<br>USDJ |
| <u>Plaintiffs</u><br>Pettersen, Lucky<br><br><u>Defendants</u><br>McNeil PPC Inc., McNeil<br>Consumer Healthcare, Johnson &<br>Johnson                                | E.D.PA. | 2:12-cv-5988     | The Honorable<br>Lawrence F. Stengel,<br>USDJ |

| Case Caption   | Court   | Civil Action No. | Judge   |
|--|---------|------------------|---|
| <u>Plaintiffs</u><br>Sears, Lori<br><br><u>Defendants</u><br>McNeil PPC Inc., McNeil<br>Consumer Healthcare, Johnson &<br>Johnson  | E.D.PA. | 2:12-cv-07256    | The Honorable<br>Lawrence F. Stengel,<br>USDJ |
| <u>Plaintiffs</u><br>Skursha, Sharyn<br>Skursha, Francis<br><br><u>Defendants</u><br>McNeil PPC Inc., McNeil<br>Consumer Healthcare, Johnson &<br>Johnson                                    | E.D.PA. | 2:12-cv-5989     | The Honorable<br>Lawrence F. Stengel,<br>USDJ |
| <u>Plaintiffs</u><br>Snyder, Estate of Karissa by<br>Jason Snyder<br><br><u>Defendants</u><br>McNeil PPC Inc., McNeil<br>Consumer Healthcare, Johnson &<br>Johnson                           | E.D.PA. | 2:12-cv-07257    | The Honorable<br>Lawrence F. Stengel,<br>USDJ |
| <u>Plaintiffs</u><br>Speal, Madeline<br><br><u>Defendants</u><br>McNeil PPC Inc., McNeil<br>Consumer Healthcare, Johnson &<br>Johnson  | E.D.PA. | 2:12-cv-5997     | The Honorable<br>Lawrence F. Stengel,<br>USDJ |
| <u>Plaintiffs</u><br>Terry, Estate of Kimberly by<br>Phillip Pewitt<br><br><u>Defendants</u><br>McNeil PPC Inc., McNeil<br>Consumer Healthcare, Johnson &<br>Johnson, Watson Pharmaceuticals | E.D.PA. | 2:12-cv-5994     | The Honorable<br>Lawrence F. Stengel,<br>USDJ |

| Case Caption  | Court   | Civil Action No. | Judge   |
|---|---------|------------------|---|
| <u>Plaintiffs</u><br>Ursoi, Peter<br><br><u>Defendants</u><br>McNeil PPC Inc., McNeil<br>Consumer Healthcare, Johnson &<br>Johnson                          | E.D.PA. | 5:12-cv-5995     | The Honorable<br>Lawrence F. Stengel,<br>USDJ |
| <u>Plaintiffs</u><br>Why, Estate of Anne by Herbert<br>Why<br><br><u>Defendants</u><br>McNeil PPC Inc., McNeil<br>Consumer Healthcare, Johnson &<br>Johnson | E.D.PA. | 2:12-cv-07260    | The Honorable<br>Lawrence F. Stengel,<br>USDJ |