

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

**IN RE: Zofran (Ondansetron)  
Products Liability Litigation**

**MDL No. 2657**

**INTERESTED PARTIES CORY AND JILL COX'S RESPONSE TO THE MOTION FOR  
TRANSFER OF ACTIONS PURSUANT TO 28 U.S.C. § 1407 FOR COORDINATED OR  
CONSOLIDATED PRETRIAL PROCEEDING AND MEMORANDUM BRIEF IN  
SUPPORT THEREOF**

Respondents Cory Cox and Jill Cox, each individually and on behalf of Jacob Cox, their minor child ("Cox") are Plaintiffs in a case against GlaxosmithKline, LLC ("GSK") pending in the Eastern District of Arkansas, Case No. 4:15-CV-00284-BRW. Cox files this Response to GSK's Motion for Transfer of Actions to the Eastern District of Pennsylvania Pursuant to 28 U.S.C. § 1407 for Coordinated or Consolidated Pretrial Proceedings to object to the venue proposed by GSK. Cox does not oppose the transfer of this case and other related case to an MDL for pretrial proceedings, but does oppose GSK's proposed venue of the Eastern District of Pennsylvania. Cox takes no position as to which of the other districts suggested by various plaintiffs in related cases should be the forum in this case, but asks the Panel to weigh the factors in favor of those proposed forums, as well as the factors against GSK's proposed forum of Eastern Pennsylvania as discussed below.

**MEMORANDUM BRIEF IN SUPPORT OF RESPONSE TO MOTION TO TRANSFER**

Assigning this MDL to the Eastern District of Pennsylvania would not be the best use of judicial resources. The list of pending MDLs on the JPML's website lists seventeen MDL cases already pending in the Eastern District of Pennsylvania. See Exhibit A. GSK specifically asks that this MDL be assigned to either the Honorable Cynthia M. Rufe or the Honorable Paul S. Diamond. The list of pending MDLs indicates that Judge Rufe already has three MDL cases assigned to her. While the list does not include any MDL cases currently pending before Judge Diamond, appointing

this MDL to him would greatly increase the overall caseload as a whole to the District of Eastern Pennsylvania. Because Eastern Pennsylvania already has a significant number of MDLs pending, Cox asserts that this serves as a basis to deny GSK's request that this MDL be transferred to Eastern Pennsylvania.

GSK argues that Eastern Pennsylvania is an appropriate forum because it has centralized operations in Philadelphia, Pennsylvania, and, accordingly, a significant number of witnesses and relevant evidence are likely located within the District of Eastern Pennsylvania. While this is a factor considered by the Panel, it is not determinative as to the Panel's venue determination. For example, In *In re: Xarelto (Rivaroxaban) Products Liability Litigation*, 65 F.Supp.3d 1402 (2014), defendant pharmaceutical companies, both with corporate offices in New Jersey, argued that venue for an MDL should be set in New Jersey because that is where many witnesses and evidence would be located. The Panel considered all the factors in that case, and determined that the Eastern District of Louisiana would be the appropriate forum because of the number of actions pending there, because it was a geographically central forum, and because of the experience and ability of a judge seated in Louisiana.

At the time GSK filed its Motion to Transfer, there were no cases pending in the Eastern District of Pennsylvania. Since that time, there has been one Notice of Related Action of a case filed in the Eastern District of Pennsylvania, and that action was filed on July 17, 2015. Docket No. 9. Cox maintains that a district with a greater number of cases, and with a case or cases that are more developed, would serve as a more appropriate forum.

Finally, Cox asks the Panel choose a forum that is more geographically central than the Eastern District of Pennsylvania. The Schedule of Actions attached to GSK's Motion to Transfer,

and the subsequent Notices of Related Action filed with the Panel, demonstrate that these actions are being filed across the country. Cox asserts that this is another factor which weighs against the selection of the Eastern District of Pennsylvania as the forum in this MDL.

For the reasons stated herein, Cox asks the Court to deny GSK's Motion to Transfer in regards to GSK's proposed forum of the Eastern District of Pennsylvania, and to choose one of the forums being proposed by other plaintiffs in this MDL after considering all of the relevant factors.

Respectfully Submitted,

By: /s/ David A. Hodges

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Case No.	Judge	MDL No.	Description	Count	Percentage
OHN	Lewis A Kaplan (Sr. District Judge)	MDL -2017	IN RE: Lehman Brothers Holdings, Inc., Securities & Employee Retirement Income Security Act (ERISA) Litigation	28	55
	Lewis A Kaplan (Sr. District Judge)	MDL -2335	IN RE: Bank of New York Mellon Corp. Foreign Exchange Transactions Litigation	8	12
	Kenneth M Kearas (U.S. District Judge)	MDL -2450	IN RE: Ford Fusion and C-Max Fuel Economy Litigation	17	17
	John F Keenan (Sr. District Judge)	MDL -1789	IN RE: Fosamax Products Liability Litigation	533	1,138
	Victor Marrero (Sr. District Judge)	MDL -1950	IN RE: Municipal Derivatives Antitrust Litigation	1	36
	Victor Marrero (Sr. District Judge)	MDL -2088	IN RE: Fairfield Greenwich Group Securities Litigation	1	63
	Victor Marrero (Sr. District Judge)	MDL -2338	IN RE: MF Global Holdings Ltd. Investment Litigation	1	25
	Colleen McMahon (U.S. District Judge)	MDL -2631	IN RE: Alibaba Group Holding Limited Securities Litigation	7	7
	William H Pauley, III (U.S. District Judge)	MDL -1409	IN RE: Currency Conversion Fee Antitrust Litigation	0	35
	Shira Ann Scheindlin (Sr. District Judge)	MDL -1358	IN RE: Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation	19	189
OHS	Shira Ann Scheindlin (Sr. District Judge)	MDL -1499	IN RE: South African Apartheid Litigation	1	14
	Shira Ann Scheindlin (Sr. District Judge)	MDL -2434	IN RE: Mirana IUD Products Liability Litigation	1,182	1,408
	Sidney H Stein (Sr. District Judge)	MDL -1603	IN RE: OxyContin Antitrust Litigation	3	103
	Sidney H Stein (Sr. District Judge)	MDL -2070	IN RE: Citigroup Inc. Securities Litigation	0	24
	Richard J Sullivan (U.S. District Judge)	MDL -2296	IN RE: Tribune Company Fraudulent Conveyance Litigation	72	73
	Robert W Sweet (Sr. District Judge)	MDL -1963	IN RE: The Bear Stearns Companies Inc. Securities, Derivative and Employee Retirement Income Security Act (ERISA) Litigation	3	30
	Robert W Sweet (Sr. District Judge)	MDL -2352	IN RE: Century 21 Department Stores, LLC, Fair and Accurate Credit Transactions Act (FACTA) Litigation	5	5
	Robert W Sweet (Sr. District Judge)	MDL -2389	IN RE: Facebook, Inc., IPO Securities and Derivative Litigation	5	5
	Christopher A Boyko (U.S. District Judge)	MDL -2001	IN RE: Whippool Corp. Front-Loading Washer Products Liability Litigation	43	57
	James G Carr (Sr. District Judge)	MDL -1933	IN RE: Hepann Products Liability Litigation	10	11
OKW	Patricia A Gaughan (U.S. District Judge)	MDL -2044	IN RE: Vertrue Inc. Marketing and Sales Practices Litigation	5	574
	David A Katz (Sr. District Judge)	MDL -2197	IN RE: DePuy Orthopaedics, Inc., ASR Hip Implant Products Liability Litigation	13	13
	Benita Y. Pearson (U.S. District Judge)	MDL -2316	IN RE: Ford Motor Co. Spark Plug and 3-Valve Engine Products Liability Litigation	4,885	9,504
	Jack Zouhary (U.S. District Judge)	MDL -2196	IN RE: Polyurethane Foam Antitrust Litigation	5	5
	Sanata S Beckwith (Sr. District Judge)	MDL -2050	IN RE: Bill of Lading Transmission and Processing System Patent Litigation	0	99
	Edmund A Sargus, Jr (U.S. District Judge)	MDL -2433	IN RE: E. I. du Pont de Nemours and Company C-8 Personal Injury Litigation	3,416	14
	Robin J. Caution (Sr. District Judge)	MDL -2048	IN RE: Cox Enterprises, Inc., Set-Top Cable Television Box Antitrust Litigation	1	27
	Robin J. Caution (Sr. District Judge)	MDL -2309	IN RE: Transdata, Inc., Smart Meters Patent Litigation	9	9
	Michael H. Simon (U.S. District Judge)	MDL -2633	IN RE: Premier Blue Cross Customer Data Security Breach Litigation	36	36
	Michael H. Simon (U.S. District Judge)	MDL -1205	IN RE: Diet Drugs (Phentermine/Fenfluramine/Deferuluramine) Products Liability Litigation	8	20,208
PAE	Michael M. Baylson (Sr. District Judge)	MDL -2437	IN RE: Domestic Drywall Antitrust Litigation	8	28
	Anita B Brody (Sr. District Judge)	MDL -2034	IN RE: Comcast Corp. Set-Top Cable Television Box Antitrust Litigation	5	24
	Anita B Brody (Sr. District Judge)	MDL -2333	IN RE: National Football League Players' Concussion Injury Litigation	329	333
	Jan E Dubois (Sr. District Judge)	MDL -2081	IN RE: Blood Reagents Antitrust Litigation	32	34
	Jan E Dubois (Sr. District Judge)	MDL -2460	IN RE: Nispan Antitrust Litigation	19	20
	Mitchell S Goldberg (U.S. District Judge)	MDL -2445	IN RE: Suboxone (Buprenorphine Hydrochloride and Naloxone) Antitrust Litigation	13	13
	C. Darnell Jones, II (U.S. District Judge)	MDL -1782	IN RE: Pharmacy Benefit Managers Antitrust Litigation	6	6
	J. Curtis Joyner (Sr. District Judge)	MDL -2235	IN RE: Foot Locker, Inc., Fair Labor Standards Act (FLSA) and Wage and Hour Litigation	5	5
	Gene E.K. Prater (U.S. District Judge)	MDL -2002	IN RE: Processed Egg Products Antitrust Litigation	22	33
	Gene E.K. Prater (U.S. District Judge)	MDL -2284	IN RE: Imprexit Herbicide Marketing, Sales Practices and Products Liability Litigation	12	162
PAW	Eduardo C. Robreno (Sr. District Judge)	MDL -875	IN RE: Asbestos Products Liability Litigation (No. VI)	864	192,051
	Cynthia M Rufe (U.S. District Judge)	MDL -1871	IN RE: Avandia Marketing, Sales Practices and Products Liability Litigation	1,094	5,288
	Cynthia M Rufe (U.S. District Judge)	MDL -2342	IN RE: Zolift (Serrraline Hydrochloride) Products Liability Litigation	529	679
	Cynthia M Rufe (U.S. District Judge)	MDL -2458	IN RE: Effexor (Venlafaxine Hydrochloride) Products Liability Litigation	29	82
	Edward G. Smith (U.S. District Judge)	MDL -2571	IN RE: Impulse Monitoring, Inc., Aena Intraoperative Monitoring Services Claims and Employee Retirement Income Security Act (ERISA) Litigation	0	33
	Lawrence F. Stengel (U.S. District Judge)	MDL -2436	IN RE: Tylemol (Acetaminophen) Marketing, Sales Practices and Products Liability Litigation	204	216
	Yvette Kame (U.S. District Judge)	MDL -2380	IN RE: Shop-Vac Marketing and Sales Practices Litigation	9	10
	Yvette Kame (U.S. District Judge)	MDL -1942	IN RE: Fiat Glass Antitrust Litigation (No. II)	0	27
	Doneta W. Ambrose (Sr. District Judge)	MDL -2334	IN RE: Maxxim Integrated Products, Inc., Patent Litigation	5	27
	Joy Flowers Conti (Chief Judge, USDC)	MDL -1674	IN RE: Community Bank of Northern Virginia Mortgage Lending Practices Litigation	4	8
RI	Arthur J Schwab (U.S. District Judge)	MDL -1842	IN RE: Kugel Mesh Hernia Patch Products Liability Litigation	130	2,233
	Mary M. Lisi (U.S. District Judge)	MDL -2472	IN RE: Loestrin 24 Fe Antitrust Litigation	13	13
	William E. Smith (Chief Judge, USDC)	MDL -2502	IN RE: Lignitor (Aloxyresatin Calcium) Marketing, Sales Practices and Products Liability Litigation (No. II)	2,451	2,454
SC	Richard M. Gengel (U.S. District Judge)	MDL -2613	IN RE: TD Bank, N.A., Debit Card and Overdraft Fee Litigation	10	10
	Bruce Howe Hendricks (U.S. District Judge)				



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**PROOF OF SERVICE**

In compliance with Rule 4.1(a) of the Rules of Procedure for the United States Judicial Panel on Multidistrict Litigation, I hereby certify that copies of the foregoing Notice of Appearance were served on all parties who have entered an appearance through ECF system, on July 28, 2015.

Dated this 28th day of July 2015

Respectfully Submitted,

By: /s/ David A. Hodges

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