

1 conserve limited judicial resources, reduce litigation costs for all parties, and permit the cases to
2 proceed to trial in an efficient manner. There has been overwhelming support from the plaintiffs
3 in these actions for consolidation, and even the Defendants agree that consolidation and transfer is
4 the best course of action. With such overwhelming support from the parties, the Panel should
5 find consolidation and transfer would be “for the convenience of parties.” §1407(a).

6 As stated, Related Actions have been filed in 27 different courts across the country. The
7 parties generally agree that thousands more cases will likely be filed in this matter, due to the
8 widespread use of the drug and the significant percentage of women impacted by permanent hair
9 loss. As are the actions already filed, these thousands of cases will likely be spread throughout
10 the entire United States. Therefore, a “convenient” forum that will “promote the just and efficient
11 conduct” of these actions must have significant resources, be based in an easily accessible locale
12 for parties and witnesses from across the country, and have experienced jurists. § 1407(a). Based
13 on these considerations, Plaintiffs support transfer to the Northern District of California.

14
15 **II. The Northern District Of California Is Convenient For Parties and Witnesses.**

16 The Northern District of California would provide an excellent location for the anticipated
17 proceedings. A number of cases have already been filed in the district, and it is probable that
18 many more will follow because Sanofi-Aventis, the manufacturer, promoted Taxotere in Northern
19 California. It is also likely that expert witnesses will be located in the Northern District of
20 California because of the high concentration of top medical research centers in the area.
21 Researchers have conducted many clinical trials on Taxotere at the University of California, San
22 Francisco and at Stanford University.¹

23 Travel to the Northern District of California for litigation will be simple and cost-
24 effective. The San Francisco Bay Area is a major metropolitan area with multiple international
25 airports and vast resources for litigation support, providing exceptional convenience for witnesses
26 and parties not in the Northern District. Furthermore, numerous hotels and conference facilities
27 are located in cities throughout the region. Encompassing Silicon Valley, the Northern District

28 ¹ According to search results from ClinicalTrials.gov (a service of the U.S. National Institutes of Health) there have been up to 74 clinical trials involving Taxotere at UCSF and Stanford.

1 provides unparalleled access to the most cutting-edge technology, a critical benefit for such
2 complex and expansive litigation.

3 **III. The Northern District Of California Has An Experienced MDL Bench.**

4 The Northern District handles some of the country's most complex litigation and is more
5 than well-prepared to handle this voluminous tort litigation. As the Panel is aware, the Northern
6 District of California has a proven track record of efficiently managing many large MDLs and has
7 ample resources to handle this MDL. Furthermore, the Northern District has jurists that are more
8 than capable of handling such litigation. Plaintiffs' cases are currently in front of Judges
9 Haywood S. Gilliam and Lucy H. Koh.² Judge Gilliam is new to MDL as a judge, but would be
10 an excellent choice based on his experience with complex civil litigation. Judge Koh is an
11 extremely experienced and well-respected jurist who has proven her capability to manage MDLs
12 efficiently and effectively. In addition, the Northern District of California is home to many other
13 judges who have managed MDLs, including Judge Susan Illston, who handled the recently-
14 terminated MDL No. 1827 In Re: TFT-LCD (Flat Panel) Antitrust Litigation.

15 Accordingly, Plaintiffs respectfully request that the Panel order the actions to be
16 coordinated or consolidated for pretrial proceedings in the United States District Court for the
17 Northern District of California as the most efficient method for adjudicating these cases to a just
18 outcome.

19 Dated: September 7, 2016

20 Respectfully submitted,

21 /s/C. Brooks Cutter

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28 ² The Honorable Lucy H. Koh has been nominated for a position on the Ninth Circuit Court of Appeals but continues to await confirmation.

