

BEFORE THE UNITED STATES JUDICIAL PANEL
ON MULTI DISTRICT LITIGATION

IN RE LINEAR GADOLINIUM-BASED)
CONTRAST AGENTS PRODUCTS)
LIABILITY LITIGATION)
_____)

MDL DOCKET NO. 2868

**DEFENDANTS MALLINCKRODT INC. AND MALLINCKRODT LLC’S RESPONSE
IN OPPOSITION TO PLAINTIFFS’ MOTION FOR TRANSFER AND
CENTRALIZATION PURUSUANT TO 28 U.S.C. §1407**

Defendants Mallinckrodt Inc. and Mallinckrodt LLC (“Mallinckrodt Defendants”) hereby oppose Plaintiffs’ Motion for Transfer and Centralization Pursuant to 28 U.S.C. § 1407.¹

The Mallinckrodt Defendants echo the concerns raised by other defendants regarding Plaintiffs’ counsel’s gamesmanship and calculated efforts to plant these cases in the Northern District of California, a venue with no connection whatsoever to this litigation. The Mallinckrodt Defendants adopt the substantive legal arguments against consolidation as set forth in the Guerbet Defendants’ Opposition, and endorse the position that cooperation by the parties and their counsel—which has been occurring for more than a year—is a preferable alternative to MDL consolidation.

In the event the Court is inclined to grant Plaintiffs’ Motion against the objections of all defendants, the Mallinckrodt Defendants submit that the judge and court best suited to handle these cases would be Judge David G. Campbell of the District of Arizona. It is telling that Plaintiffs’ Motion makes no mention of Judge Campbell or the District of Arizona despite the fact that it is the only court in the country with three separate GCBA cases, involving three of the four linear GBCA products, with expert disclosure and *Daubert* deadlines during this calendar year.

¹ The Mallinckrodt Defendants previously manufactured and sold OptiMARK®, a gadolinium-based contrast agent currently sold by the Guerbet Defendants. The Mallinckrodt Defendants and Guerbet Defendants have been named together in five of the cases referenced in Plaintiffs’ Motion.

For the forgoing reasons, the Mallinckrodt Defendants join the Guerbet Defendants' Opposition Brief, and respectfully request that the Panel deny Plaintiffs' Motion for Transfer and Centralization Pursuant to 28 U.S.C. §1407.

Dated: August 23, 2018

Respectfully submitted,

SHOOK, HARDY & BACON L.L.P.

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