

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

**IN RE: GLUCAGON-LIKE PEPTIDE-1
RECEPTOR AGONISTS (GLP-1 RAS)
PRODUCTS LIABILITY LITIGATION**

MDL No. 3094

**PLAINTIFF’S AMENDED INTERESTED PARTY RESPONSE IN SUPPORT OF
TRANSFERRING NOVO NORDISK CASES TO THE EASTERN DISTRICT OF
PENNSYLVANIA**

Pursuant to Rule 6.2(e) of the Rules of Procedure for the United States Judicial Panel on Multidistrict Litigation, Marianne Gofourth (hereinafter “Plaintiff”)¹ submits this Interested Party Response to Jacklyn Bjorklund *et al.*’s Motion for Transfer of Actions to the United States District Court for the Western District of Louisiana Pursuant to 28 U.S.C. § 1407 for Coordinated or Consolidated Pretrial Proceedings (Dkt. No. 1) (the “Motion for Transfer”).

ARGUMENT

Plaintiff files this Response for two primary reasons: (1) to support the Motion for Transfer and the creation of an Multidistrict Litigation (“MDL”), insofar as it implicates actions claiming injury based on use of Novo Nordisk’s drugs Ozempic and Wegovy (“Novo Nordisk’s Weight Loss Drugs”); and (2) to urge the Panel to transfer those actions to the Honorable Wendy Beetlestone of the Eastern District of Pennsylvania (“EDPA”).

(1) Plaintiff supports the formation of an MDL limited to Novo Nordisk’s Weight Loss Drugs for several reasons. The majority of actions, like Plaintiff’s, involve claims against only Novo Nordisk drugs alone. (Dkt. 1-2). Forty-one (41) of the fifty-one (51) cases filed concern only Novo Nordisk drugs. While Eli Lilly also markets weight-loss drugs, there are no allegations

¹ See *Gofourth v. Novo Nodisk A/S, et al.*, No. 2:24-cv-00197-WB (E.D. Pa Jan. 16, 2024).

of conspiracy or other joint action between the two drug manufacturers. Further, the manufacturer's drugs involve distinct molecules, distinct (and complex) regulatory histories, distinct warnings, distinct indications for use, and distinct marketing conduct. These are distinctions that will make meaningful differences in the litigation and adjudication of claims involving these drugs. The formation of multi-defendant MDLs provides meaningful efficiencies in some situations (those that lack such substantial distinctions among products and defendants)—but not so here. An MDL involving Novo Nordisk's Weight Loss Drugs will be complicated enough without adding the further complication of actions against Eli Lilly.

(2) EDPA provides an ideal forum for an MDL concerning Novo Nordisk's Weight Loss Drugs. EDPA is already home to twelve (12) semaglutide cases, all involving Novo Nordisk only, more semaglutide cases than any other court. Nine (9) of those cases are before Judge Beetlestone. All indications are that Her Honor and the Court as a whole have more than sufficient capacity to take on this complex litigation and move it forward expeditiously. Further, EDPA has a longstanding and distinguished history of effectively managing MDLs. Finally, while each of the courts proposed for this MDL offer talented jurists, Judge Beetlestone, with her distinguished career and current docket, is extraordinarily well-positioned and unquestionably prepared to preside over a complex MDL such as this. *See* Dkt. No. 80 at 1-6, 14-16; *see also*, Dkt. No. 89 at 3-7.

Beyond all that, EDPA provides the strongest geographic nexus and most convenient location for this litigation of any forum proposed. *See* 28 U.S.C. § 1407(a). Plaintiffs Kelly Miller and Michelle Gray detail the geographic and logistical advantages of EDPA in their submissions. *See* Dkt. Nos. 80 and 89. Rather than burden the Panel with a repetition of those points, Plaintiff here simply summarizes the most salient points.

- The U.S. headquarters of Novo Nordisk (which will be the primary defendant, with the largest number of cases, even if Eli Lilly is included), is in Plainsboro, New Jersey, approximately 50 miles from Philadelphia. *See* Dkt. No. 55 at 9; Dkt. No. 91 at 8.
- Novo Nordisk itself acknowledges that EDPA would be a convenient jurisdiction for the litigation. Dkt. No. 55 at 9, n. 17, 18.²
- Plaintiffs’ allegations center around Novo Nordisk’s failure to provide adequate warnings of its products’ dangers and, relatedly, its misleading marketing conduct. The company’s New Jersey location (in close proximity to EDPA) is “responsible for sales and marketing of all Novo Nordisk products in the U.S. and manage[s] clinical trials in the U.S.”³ Accordingly, this location is home to numerous executives and employees involved in marketing, regulatory affairs, and safety/pharmacovigilance.⁴
- Novo Nordisk’s executive team,⁵ including their Senior Vice President of Marketing,⁶ also appear to be based in New Jersey. The individuals holding these positions, as well as others located in New Jersey, are likely to be key witnesses in the litigation.
- To the extent that witnesses from Novo Nordisk’s Denmark location are required, Philadelphia International Airport and its location on the east coast would make overseas travel relatively easy. This is particularly true as compared to those districts on the west coast and those that lack a nearby international airport.
- Novo Nordisk has engaged in significant relevant conduct in Philadelphia relating to this matter, including targeting Philadelphia for several marketing campaigns. *See* Dkt. No. 80 at 5-6.

² While headquartered in New Jersey, Novo Nordisk acknowledges that the District of New Jersey is “one of the busiest districts in the federal judiciary.” Dkt. No. 55 at 9, n. 17, 18.

³ Novo Nordisk, Who We Are, <https://www.novonordisk-us.com/about/who-we-are.html> (last visited Jan. 11, 2024).

⁴ *See generally*, Novo Nordisk, Careers, Find a job available at <https://www.novonordisk.com/careers/find-a-job.html> (searched positions at Plainsboro, New Jersey in the categories “Commercial & Marketing” and “Reg Affairs & Safety Pharmacovigilance” revealed 18 position as of January 10, 2024) (last visited Jan. 10, 2024).

⁵ *See* Novo Nordisk, About Us, Our Executive Team, <https://www.novonordisk-us.com/about/our-executive-team.html> (bottom of page provides address for the Plainsboro, New Jersey location) (last visited Jan. 11, 2024).

⁶ *See* Novo Nordisk, About Us, Our Executive Team, Tejal Vishalpura, PharmD, <https://www.novonordisk-us.com/about/our-executive-team/tejal-vishalpura.html> (listing Tejal Vishalpura, PharmD as the Senior Vice President of Marketing); *see also* Linked In, Tejal Vishalpura, <https://www.linkedin.com/in/vishalpura> (indicating that Tejal Vishalpura, PharmD is located in New Jersey).

- Approximately fourteen plaintiffs live in the Northeast within an approximately two to three-hour drive of the EDPA. Dkt. No. 91 at 1-2 (including those residing in the EDPA, SDNY, and EDNY).

CONCLUSION

For the foregoing reasons, Plaintiff respectfully requests that the Panel transfer the Actions naming Novo Nordisk alone as defendant to the Eastern District of Pennsylvania to be overseen by the Hon. Wendy Beetlestone.

Dated: January 19, 2024

/s/Alexandra M. Walsh

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