BEFORE THE UNITED STATES JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION

IN RE: INVOKANA (CANAGLIFLOZIN) PRODUCTS LIABILITY LITIGATION	MDL Docket No. _____

MOTION FOR TRANSFER AND COORDINATION UNDER 28 U.S.C. § 1407

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INTRODUCTION

Pursuant to 28 USC § 1407 and Rule 6.2(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, Movants[1] respectfully submit this memorandum of law in support of their motion for transfer and coordination, for pretrial purposes, of all currently filed cases identified in the included Schedule of Actions ("Actions"), as well as any cases subsequently filed involving similar facts or claims ("tag along cases"), to the United States District Court of New Jersey (Trenton Division), and Judge Brian R. Martinotti.

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[1] The movants include the following Plaintiffs with cases filed in the United States District Court of New Jersey (Trenton Div.), before Judge Brian R. Martinotti: *Benjamin v. Janssen Pharmaceuticals, Inc., et al.*, Civ. No. 16-1786; *Partington v. Janssen Pharmaceuticals, Inc., et al.*, Civ. No. 16-1787; *Sherry & Joseph Anders v. Janssen Pharmaceuticals, Inc., et al.*, Civ. No. 16-1897; *Shelley & William Swinney v. Janssen Pharmaceuticals, Inc., et al.*, Civ. No. 16-1898; *Seifried v. Janssen Pharmaceuticals, Inc., et al.*, Civ. No. 16-1931; *Brittany & Ricky Bowling v. Janssen Pharmaceuticals, Inc., et al.*, Civ. No. 16-2048; *Karen & Samuel Robertson v. Janssen Pharmaceuticals, Inc., et al.*, Civ. No. 16-2050; *Greg & Yvette Humphries v. Janssen Pharmaceuticals, Inc., et al.*, Civ. No. 16-2278; *Kuno v. Janssen Pharmaceuticals, Inc., et al.*, Civ. No. 16-2938; *Thompson v. Janssen Pharmaceuticals, Inc., et al.*, Civ. No. 16-3114; *Brian & Tara Henderson v. Janssen Pharmaceuticals, Inc., et al.*, Civ. No. 16-3362; *Waddle v. Janssen Pharmaceuticals, Inc., et al.*, Civ. No. 16-4024; *Warren v. Janssen Pharmaceuticals, Inc., et al.*, Civ. No. 16-4136; *Desalis v. Janssen Pharmaceuticals, Inc., et al.*, Civ. No. 16-4484; *Forehand v. Janssen Pharmaceuticals, Inc., et al.*, Civ. No. 16-4485; *Jackson v. Janssen Pharmaceuticals, Inc., et al.*, Civ. No. 16-4486; *Rogers v. Janssen Pharmaceuticals, Inc., et al.*, Civ. No. 16-4489; *Sutherland v. Janssen Pharmaceuticals, Inc., et al.*, Civ. No. 16-4490; *Lemke v. Janssen Pharmaceuticals, Inc., et al.*, Civ. No. 16-5316; *Crystal & Lee Ervin v. Janssen Pharmaceuticals, et al.*, Civ. No. 16-5478; *Buchanan v. Janssen Pharmaceuticals, et al.*, Civ. No. 16-5645; *Victor & Dawn Felix v. Janssen Pharmaceuticals, et al.*, Civ. No. 16-5649; *Hudson v. Janssen Pharmaceuticals, et al.*, Civ. No. 16-5674; *Jayjohn v. Janssen Pharmaceuticals, et al.*, Civ. No. 16-5675; *Kemp v. Janssen Pharmaceuticals, et al.*, Civ. No. 16-5676; *Luna v. Janssen Pharmaceuticals, et al.*, Civ. No. 16-5677; *Poole v. Janssen Pharmaceuticals, et al.*, Civ. No. 16-5681; *Stringer v. Janssen Pharmaceuticals, et al.*, Civ. No. 16-5682; *Williams v. Janssen Pharmaceuticals, et al.*, Civ. No. 16-5683.

Presently, there are at least fifty-six (56) actions pending in eleven different judicial districts[2] in the United States alleging similar wrongful conduct on the part of Defendants. Likewise, because of the scope of Defendants' sales of Invokana, it is likely that many new actions will be filed in jurisdictions throughout the United States. Transfer for consolidation and coordination is proper because each of these Actions and tag along cases arise out of the same or similar nucleus of operative facts, arise out of the same or similar alleged wrongful conduct, will involve the resolution of the same or similar questions of fact and law, and discovery will be substantially similar and will involve the same documents and witnesses.

I. BACKGROUND

Defendant Johnson & Johnson is a New Jersey corporation with its principal place of business in New Brunswick, New Jersey. Defendant Janssen Pharmaceuticals, Inc. is a Pennsylvania corporation with its principal place of business in Titusville, New Jersey, and is a wholly owned subsidiary of Defendant Johnson & Johnson. Defendant Tanabe is a Japanese corporation with its principal place of business at 3-2-10, Dosho-machi, Chuo-ku, Osaka 541-8505, Japan. Compl. ¶¶ 8-10.[3] The Defendants are engaged in the business of researching, developing, designing, licensing, manufacturing, distributing, supplying, selling, marketing, and introducing into interstate commerce, either directly or indirectly through third parties or related entities, the prescription drug Invokana. *Id*.

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[2] These districts are: District of New Jersey; California, Eastern District; Illinois, Southern District; Illinois, Northern District; Georgia, Northern District; Kentucky, Western District; Louisiana, Eastern District; Louisiana, Middle District; Louisiana, Western District; District of Minnesota; New York, Eastern District.

[3] Factual allegations are taken from the complaint of *Partington v. Janssen Pharmaceuticals, Inc., et al.*, Civ. No. 16-1787 (D.N.J.) unless otherwise specified.

In March 2013, the United States Food and Drug Administration ("FDA") approved Defendants' compound Invokana (*canagliflozin*) for the treatment of type 2 diabetes. Compl. ¶ 16. *Canagliflozin* is a member of the *gliflozin* class of pharmaceuticals, also known as sodium-glucose cotransporter 2 ("SGLT2") inhibitors, and is marketed in the United States by Defendants under the name Invokana. *Id.* ¶ 17. Invokana was the first SGLT2 inhibitor approved for use by the FDA. *Id.* ¶ 18.

SGLT2 inhibitors, including Invokana, are designed to inhibit renal glucose reabsorption with the goal of lowering blood glucose. As a result, excess glucose is not metabolized, but instead is excreted through the kidneys of a population of consumers already at risk for kidney disease. *Id.* ¶ 19. Though Invokana is indicated for only improved glycemic control in type 2 adult diabetics, Defendants have marketed and continue to market Invokana for off label purposes, including but not limited to weight loss, reduced blood pressure, and improved glycemic control in type 1 diabetics. *Id.* ¶ 20.

Since Invokana's release, the FDA has received a significant number of reports of severe kidney damage among users of Invokana. *Id.* ¶ 21. An analysis of the FDA adverse event database shows that patients taking Invokana are several times more likely to report severe kidney damage than those taking non-SGLT2 diabetes drugs to treat diabetes. *Id.* ¶ 22. Despite Defendants' knowledge of the increased risk of severe injury among Invokana users, Defendants did not warn patients but instead continued to defend Invokana, mislead physicians and the public, and minimize unfavorable findings. *Id.* ¶ 23.

Defendants knew of the significant risk of kidney damage, as well as diabetic ketoacidosis, caused by ingestion of Invokana. *Id.* ¶ 25. However, Defendants did not adequately and sufficiently warn the medical community or consumers of the severity such risks.

To the contrary, Defendants conducted nationwide sales and marketing campaigns to promote the sale of Invokana and willfully deceived consumers, health care professionals, the medical community, and the general public as to the health risks and consequences of the use of the Invokana. *Id.* ¶¶ 25-26.

In June 2016, the FDA released a safety announcement concerning the diabetes medicines canagliflozin and dapagliflozin.[4] The announcement stated that the FDA, based on recent reports, had strengthened the existing warning about the risk of acute kidney injury for the type 2 diabetes medicines canagliflozin (Invokana, Invokamet) and dapagliflozin (Farxiga, Xigduo XR). Based on recent reports, the FDA has revised the warnings in the drug labels to include information about acute kidney injury and added recommendations to minimize this risk. The FDA warned that acute kidney injury "is a serious condition in which the kidneys suddenly stop working, causing dangerous levels of wastes to build up in the body." The FDA further warned that "[h]ealth care professionals should consider factors that may predispose patients to acute kidney injury prior to starting them on canagliflozin or dapagliflozin."

In the June label change, the FDA requested new precautions under two of the six safety labeling sections for Invokana.[5] Among those changes was an added section under "WARNINGS AND PRECAUTIONS" for "Ketoacidosis," including "Reports of ketoacidosis, a serious life-threatening condition requiring urgent hospitalization have been identified in postmarketing

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[4] *See* http://www.fda.gov/Drugs/DrugSafety/ucm505860.htm (last visited Sept. 1, 2016).

[5] *See* FDA May 2016, Drug Safety Labeling Changes, *available at*: http://www.fda.gov/Safety/MedWatch/SafetyInformation/ucm505586.htm (last visited Sept. 1, 2016).

surveillance in patients with type 1 and type 2 diabetes mellitus receiving sodium glucose co-transporter-2 (SGLT2) inhibitors, including INVOKANA."[6] The same revised warnings included the fact that "in many of the postmarketing reports … the presence of ketoacidosis was not immediately recognized and institution of treatment was delayed…." Doctors are now instructed that [b]efore initiating INVOKANA, they should "consider factors in the patient history that may predispose to ketoacidosis."

Further warnings were added to the label in August 2016. The new warnings stated that fatal cases of ketoacidosis have been reported in patients taking Invokana. The FDA advised doctors to inform patients that ketoacidosis is a serious life-threatening condition.

II. ARGUMENT

A. Transfer and Consolidation or Coordination of all Invokana Actions is Appropriate Under 28 U.S.C. § 1407

The Panel may centralize and transfer civil actions involving one or more common questions of fact if it determines that such a transfer "will be for the convenience of parties and witnesses and will promote the just and efficient conduct of such actions." 28 U.S.C. § 1407(a). Section 1407 centralization "ensures that pretrial proceedings will be conducted in a streamlined manner leading to the just and expeditious resolution of all actions to the overall benefit of the parties." *In re Lehman Brothers*, 598 F. Supp. 2d 1362, 1364 (J.P.M.L. 2009); *see also In re Zyprexa*, 314 F. Supp. 2d 1380, 1382 (J.P.M.L. 2004). "'The basic purpose of assigning (multiple litigation) to a single judge is to provide for uninterrupted judicial supervision and careful,

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[6] *See* FDA Invokana warning changes over Time, *available at:* http://www.fda.gov/Safety/MedWatch/SafetyInformation/ucm400577.htm (emphasis added) (last visited Sept. 1, 2016).

consistent planning and conduct of pretrial and trial proceedings' that will eliminate or reduce conflict and duplication of effort." *In re Multidistrict Private Civil Treble Damage Litig. Involving Library Editions of Children's Books*, 297 F. Supp. 385, 386 (J.P.M.L. 1968) (quoting Manual for Complex and Multidistrict Litigation (1968) at 10).

Moreover, "[t]he purpose of Section 1407 as shown independently by its clear language, corroborated by the legislative history, including the reports of the Congressional Committees and of the Judicial Conference, and by testimony before Congress of its authors, makes it clear that its remedial aim is to eliminate the potential for conflicting contemporaneous pretrial rulings by coordinate district and appellate courts in multidistrict related civil actions." *In re Plumbing Fixture Cases*, 298 F. Supp. 484, 492 (J.P.M.L. 1968). "The objective of the legislation is to provide centralized management under court supervision of pretrial proceedings of multidistrict litigation to assure the 'just and efficient conduct' of such actions. The committee believes that the possibility for conflict and duplication in discovery and other pretrial procedures in related cases can be avoided or minimized by such centralized management." *In re Library Editions*, 297 F. Supp. at 386.

Finally, "[t]ransfer under Section 1407 will have the salutary effect of assigning the present actions to a single judge who can formulate a pretrial program that 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 and the courts." *In re Brimonidine Patent Litig.*, 507 F. Supp. 2d 1381, 1382 (J.P.M.L. 2007). There is an "obvious need for a transferee judge with the ability and temperament to manage this large and growing litigation in an efficient and expeditious manner." *In re Diet Drugs Products Liab. Litig.*, 990 F. Supp. 834, 836 (J.P.M.L. 1998). Section 1407's goal of just and expeditious resolution favors "assignment to a distinguished jurist well versed in

the intricacies of centralized pretrial proceedings." *Id*; *see also In re Zyprexa*, 314 F. Supp. 2d at 1382 ("[W]e note that centralization in this district permits the Panel to effect the Section 1407 assignment to an experienced transferee judge who can steer this litigation on a steady and expeditious course").

Movants' cases involve the prescription drug Invokana which is manufactured, sold, distributed and promoted by Defendants[7] as a treatment for type 2 diabetes. Plaintiffs contend that Defendants misrepresented that Invokana is a safe and effective treatment for type 2 diabetes, when in fact the drug causes serious medical problems, including life-threatening acute kidney damage and diabetic ketoacidosis. Plaintiffs assert that the Defendants engaged in aggressive, direct-to-consumer and physician marketing and advertising campaigns for Invokana. However, consumers of Invokana were misled as to the drug's safety and efficacy, and as a result have suffered serious and dangerous injuries. Defendants warned neither the Plaintiffs nor the medical community of this known risk, but instead actively misrepresented the efficacy and safety of these products. Defendants' promotional activities encouraged doctors to prescribe the drugs to Plaintiffs.

Discovery relating to medical causation and the adequacy of product testing and warnings will overlap across the cases. The Panel routinely finds that Section 1407 coordination is an effective means to manage individual lawsuits that raise similar questions regarding a defendant's

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[7] The Panel only requires two actions pending in two federal districts for consolidation under 28 U.S.C. § 1407. *See, e.g., In re Toys "R" Us-Del. Inc. Fair Accurate Credit Transactions Act (FACTA) Litig.*, 581 F. Supp. 2d 1377, 1377-78 (consolidating two actions pending in two districts); *In re Glaceau Vitamin Water Marketing & Sales Practices Litig.*, 764 F. Supp. 2d 1349, 1350 (three actions in three districts); *In re Southeastern Milk Antitrust Litig.*, 530 F. Supp. 2d 1359, 1360 (J.P.M.L. 2008) (involving four actions in two districts); *In re Camp Lejeune, N.C. Water Contamination Litig.*, 763 F. Supp. 2d 1381, 1381-82 (J.P.M.L. 2011) (Four actions in four districts); *In re Enfamil Lipil Mktg. & Sales Practices Litig.*, 764 F. Supp. 2d 1356, 1357 (J.P.M.L. 2011) (six actions in six districts).

development, design, and testing of a particular prescription medication or device. *See, e.g.*, *In re Benicar (Olmesartan) Products Liab. Litig.*, 96 F. Supp. 3d 1381 (J.P.M.L. 2015); *In re Xarelto (Rivaroxaban) Products Liab. Litig.*, 65 F. Supp. 3d 1402 (J.P.M.L. 2014); *In re Pradaxa (Dabigatran Etexilate) Products Liab. Litig.*, 883 F. Supp. 2d 1355 (J.P.M.L. 2012); *In re Darvocet, Darvon and Propoxyphene Products Liab. Litig.*, 780 F. Supp. 2d 1379, 1380-81 (J.P.M.L. 2011); *In re Yasmin and Yaz (Drospirenone) Marketing, Sales Practices and Products Liab. Litig.*, 655 F. Supp. 2d 1343, 1343-44 (J.P.M.L. 2009); *In re Vytorin/Zetia Marketing, Sales Practices and Products Liab. Litig.*, 543 F. Supp. 2d 1378, 1380 (J.P.M.L. 2008); *In re Fosamax Products Liab. Litig.*, 444 F. Supp. 2d 1347, 1349 (J.P.M.L. 2006); *In re Vioxx Products Liab. Litig.*, 360 F. Supp. 2d 1352, 1354 (J.P.M.L. 2005); *In re Zyprexa Prods. Liab. Litig.*, 314 F. Supp. 2d 1380, 1381-82 (J.P.M.L. 2004); *In re Temporomandibular Joint (TMJ) Implants Products Liab. Litig.*, 844 F. Supp. 1553, 1554 (J.P.M.L. 1994).

Movants' action shares key common questions of fact with the other Invokana actions filed to date. Currently, there are fifty-six known actions filed in eleven judicial districts. These similarities demonstrate the importance of coordinated handling, and highlight the necessity of this Panel transferring this litigation to a single transferee judge. Here, as in those prior cases, centralization will eliminate duplicative discovery, prevent inconsistent pretrial rulings and conserve the resources of the parties, their counsel, witnesses and the judiciary.

B. The District of New Jersey is a Highly Suitable Forum Court for this MDL

The selection of an appropriate transferee forum depends greatly on the specific facts and circumstances of the litigation being considered for transfer and consolidation and involves a "balancing test" of several factors "based on the nuances of a particular litigation." *See* Robert A. Cahn, *A Look at the Judicial Panel on Multidistrict Litigation*, 72 F.R.D. 211, 214 (1977). These

factors include (1) the respective caseloads and experience of the proposed transferee courts; (2) the accessibility of the transferee district for parties and witnesses; and (3) the location of parties, witnesses, and documents. *See, e.g., In re Camp Lejeune, N.C. Water Contamination Litig.*, 763 F. Supp. 2d 1381, 1382 (J.P.M.L. 2011).

In accordance with 28 U.S.C. § 1407, Movants ask the Panel to centralize these actions in the District Court of New Jersey (Trenton Div.), where their cases have already been filed. Judges in the District of New Jersey have substantial experience presiding over complex litigation. This is a pivotal factor in the Panel's transfer analysis. *See, e.g., In re Janus Mutual Funds Inv. Litig.*, 310 F. Supp. 2d 1359, 1361 (J.P.M.L. 2004) ("we have searched for a transferee district with the capacity and experience to steer this litigation on a prudent course."). The Panel has repeatedly recognized that the District of New Jersey has sufficient resources to handle complex cases and is geographically convenient. *In re Zimmer Durom Hip Cup Products Liab. Litig.*, 717 F. Supp. 2d 1376, 1378 (J.P.M.L. 2010); *In re Tropicana Orange Juice Marketing and Sales Practices Litig.*, 867 F. Supp. 2d 1341 (J.P.M.L. 2012); *In re Vytorin/Zetia Marketing, Sales Practice and Products Liab. Litig.*, 543 F. Supp. 2d 1378 (J.P.M.L. 2008); *In re Insurance Brokerage Antitrust Litig.*, 360 F. Supp. 2d 1371, 1373 (J.P.M.L. 2005); *In re Hypodermic Products Antitrust Litig.*, 408 F. Supp. 2d 1356, 1357 (J.P.M.L. 2005).

Movants are confident that Judge Brian R. Martinotti will promote the goal of a "just resolution" of this MDL "as speedily, inexpensively, and fairly as possible." Although Judge Martinotti is a recent appointment to the federal bench – he began in July 2016 – he has extensive and substantial judicial experience in complex litigation. He previously served as a judge in New Jersey state court in Bergen County, starting in 2002. From 2009 until his appointment to the federal bench, Judge Martinotti was the county's mass tort judge. In this position he successfully

supervised multiple consolidated mass tort pharmaceutical product litigations, including but not limited to: *In re Mirena*, Case No. 297; *In re Yaz, Yasmin and Ocella Litig.*, Case No. 287, and *In re DePuy ASR Hip Implant Litig*., Case No. 293.[8] These product liability mass tort actions all had federal MDL's as well, giving Judge Martinotti a strong appreciation for the benefits of federal/state coordination.[9] Indeed, given that the Johnson & Johnson and Janssen defendants are both located in New Jersey, we anticipate there will be significant state court litigation as well. Accordingly, we expect federal/state coordination will be needed. In light of his experience handling complex litigation, Movants believe that Judge Martinotti is well-equipped for this challenging nationwide litigation.

There are currently 36 Invokana cases pending in New Jersey District Court before Judge Martinotti. Following a recent case management conference, the parties began conferring on initial orders, a master complaint, and plaintiff fact sheets at the instruction of the Court. The number of cases before Judge Martinotti, and the progress made on the cases, supports the selection of New Jersey as the transferee court. *See, e.g., In re Pradaxa (Dabigatran Etexilate) Products Liab. Litig*., 883 F. Supp. 2d 1355 (J.P.M.L. 2012); *In re Zimmer Durom Hip Cup Products Liab. Litig*., 717 F. Supp. 2d 1376, 1378 (J.P.M.L. 2010); *In re Yasmin and Yaz (Drospirenone) Marketing, Sales Practices and Products Liab. Litig.*, 655 F. Supp. 2d 1343, 1343-44 (J.P.M.L. 2009); *In re K-Dur Antitrust Litig*., 176 F. Supp. 2d 1377, 1378 (J.P.M.L. 2001). As noted, Movants' cases

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[8] Judge Martinotti also presided over *In re Pelvic Mesh (Bard and Gynecare)*; *In re Alleged Environmental Contamination of Pompton Lakes*; and *In re Striker Trident Hip Implants*. *See generally* http://www.judiciary.state.nj.us/mass-tort/ (last visited Sept. 1, 2016).

[9] Judge Martinotti has been an invited speaker at legal conferences on topics including mass tort litigation and federal/state coordination.

have been assigned to Judge Martinotti, and cases involving J&J are traditionally directed by the Clerk of the Court to the Trenton Division (locally referred to as the "Trenton vicinage") because J&J's corporate headquarters is located in New Brunswick, New Jersey (in southern Middlesex County).[10]

Additionally, Trenton, New Jersey is easily accessible by several major airports, including those in Philadelphia, Newark, New Jersey, and New York, and offers numerous flight options. Trenton is also conveniently located on the Northeast Corridor train line that runs from Boston to Washington, D.C. *See In re Insurance Brokerage Antitrust Litig.***,** 360 F. Supp. 2d 1371, 1373 (J.P.M.L. 2005) ("In concluding that the District of New Jersey is an appropriate forum for this docket, we note that i) the district offers an accessible metropolitan location that is geographically convenient for many of this docket's litigants and counsel; and ii) the district is equipped with the resources that this complex antitrust docket is likely to require.").

Most, if not all, of the potentially relevant documents, as well as officers and employees likely to be deposed, will be in the Trenton area near where J&J and Janssen are headquartered. *See In re Benicar (Olmesartan) Products Liab. Litig.*, 96 F. Supp. 3d 1381 (2015) (transferring to the district of New Jersey where several defendants were headquartered); *In re Am. Home*

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[10] In the District of New Jersey, the Clerk of the Court directs civil cases among the Camden, Newark, and Trenton vicinages in accordance with Local Civil Rule 40.1. *See* D.N.J. L. Civ. R. 40.1(a); Allyn Z. Lite, *N.J. Federal Practice Rules* R. 40.1 cmt. 2 (Gann 2010) ("Under the current order, consideration will be given to allocating a case to … Trenton if the defendant resides or the action arose in … that portion of Middlesex south of the Raritan River (…New Brunswick…)…."). Local Civil Rule 40.1 provides that the "residence of the defendant, the convenience of litigants, counsel and witnesses, and place where the cause of action arose" are factors considered by the Clerk when directing a civil case to one of the three vicinages. *Id.* These same factors are considered by the Panel when deciding where to assign an MDL. For the same reasons that Local Civil Rule 40.1 supports the assignment of an individual action against J&J to the Trenton vicinage, this MDL should be assigned to the Trenton vicinage over another vicinage within New Jersey.

Mortgage Sec. Litig., 528 F. Supp. 2d 1376, 1377-78 (J.P.M.L. 2007) (transferring to district where corporate defendant was headquarter[ed]" since "relevant documents and witnesses may be found there"); *In re SFBC Int'l, Inc. Sec. & Derivative Litig.*, 435 F. Supp. 2d 1355, 1356 (J.P.M.L. 2006) (same). The center of gravity of all the allegations and claims against J&J, therefore, is the Trenton vicinage of the District of New Jersey. *See, e.g., In re Marsh & McLennan Cos. Sec. Litig.*, 429 F. Supp. 2d 1376, 1378 (J.P.M.L. 2006) (stating that district in which defendants were headquartered was a "likely source of relevant documents and witnesses"); *In re Air Crash Disaster at Sioux City*, 128 F.R.D. 131, 132 (J.P.M.L. 1989) ("relevant documents can likely be found within this district at [defendant's] headquarters"); *In re LTV Corp. Sec. Litig.*, 470 F. Supp. 859, 862 (J.P.M.L. 1979) (transferring to district where defendant was headquartered and files, officers, directors, and employees were located).[11] Accordingly, New Jersey has the greatest interest in overseeing and regulating the conduct of J&J and its wholly owned subsidiary, Janssen, and Judge Martinotti's Court in Trenton, New Jersey best serves the Panel's goals.

CONCLUSION

For the foregoing reasons, Respondents support the Motion to transfer cases to an MDL in the District Court of New Jersey.

[11] *See In re Express Scripts, Inc., Pharmacy Benefits Mgmt. Litig.*, 368 F. Supp. 2d 1356 (J.P.M.L. 2005); *In re USF Red Star Inc. Workers Notification Litig.*, 360 F. Supp. 2d 1365 (J.P.M.L. 2005).

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