

JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

CHAIRMAN:

Judge John F. Nangle
United States District Court
Eastern District of Missouri

MEMBERS:

Judge S. Hugh Dillin
United States District Court
Southern District of Indiana

Judge Milton Pollack
United States District Court
Southern District of New York

Judge Louis H. Pollak
United States District Court
Eastern District of Pennsylvania

Judge Halbert O. Woodward
United States District Court
Northern District of Texas

Judge Robert R. Merhige, Jr.
United States District Court
Eastern District of Virginia

Judge William B. Earright
United States District Court
Southern District of California

DIRECT REPLY TO:

Patricia D. Howard
Clerk of the Panel
1120 Vermont Ave., N.W.
Suite 1002
Washington, D.C. 20005-3545

Telephone: (202) 653-6090
FIS: 653-6090

April 29, 1991

TO INVOLVED COUNSEL

Re: MDL- 874 -- In re Clozapine Antitrust Litigation

(See Attached Schedule of Actions)

Dear Counsel:

Attached hereto are copies of 10 conditional transfer orders filed today by the Judicial Panel on Multidistrict Litigation involving the actions listed on the attached schedule. The actions are transferred pursuant to Rule 12 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 120 F.R.D. 251, 258. Copies of Rule 8, dealing with service, and Rules 12 and 13, regarding "tag-along" actions, are attached for your convenience.

Inasmuch as there is an unavoidable time lag between notification of the pendency of the tag-along action and the filing of a conditional transfer order, counsel are required by Rule 12(b) to notify this office **BY TELEPHONE** of any recent changes in the status of the tag-along action. These changes could involve dismissal of the action, remand to state court, transfer to another federal court, etc. Your cooperation would be appreciated.

If you are considering opposing this conditional transfer order, your Notice of Opposition **MUST BE RECEIVED** in this office no later than May 14, 1991. Please review Rules 12 and 13, of the Panel Rules, before filing your Notice of Opposition.

Involved counsel are listed on the attached page.

Very truly,

Patricia D. Howard
Clerk of the Panel

By Cathy Maida
Deputy Clerk

Attachments

JPML Form 39A

received
5/2/91

DOCKET NO. 874

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION
IN RE CLOZAPINE ANTITRUST LITIGATION

APR 29 91

PATRICIA D. HOWARD
CLERK OF THE PANEL

State of South Dakota v. Sandoz Pharmaceuticals Corp., et al.,
S.D. New York, C.A. No. 91 CV 244

CONDITIONAL TRANSFER ORDER

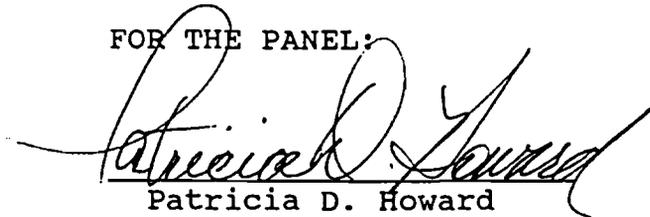
On April 9, 1991, the Panel transferred 24 civil actions to the United States District Court for the Northern District of Illinois for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. §1407. With the consent of that court, all such actions have been assigned to the Honorable Harry D. Leinenweber.

It appears from the pleadings filed in the above-captioned action that it involves questions of fact which are common to the actions previously transferred to the Northern District of Illinois and assigned to Judge Leinenweber.

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This order does not become effective until it is filed in the office of the Clerk of the United States District Court for the Northern District of Illinois. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:


Patricia D. Howard
Clerk of the Panel

DOCKET NO. 874

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION
IN RE CLOZAPINE ANTITRUST LITIGATION

APR 29 91

PATRICIA D. HOWARD
CLERK OF THE PANEL

State of Arizona v. Sandoz Pharmaceuticals Corp., et al.,
S.D. New York, C.A. No. 91 CV 921

CONDITIONAL TRANSFER ORDER

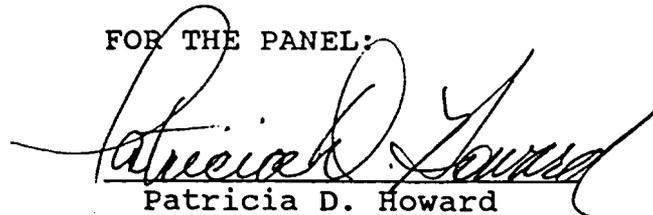
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DOCKET NO. 874

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

APR 29 91

IN RE CLOZAPINE ANTITRUST LITIGATION

PATRICIA D. HOWARD
CLERK OF THE PANEL

State of Idaho v. Sandoz Pharmaceuticals Corp., et al.,
S.D. New York, C.A. No. 91 CV 1043

CONDITIONAL TRANSFER ORDER

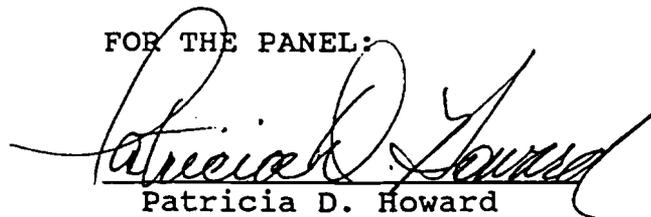
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BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

APR 29 91

IN RE CLOZAPINE ANTITRUST LITIGATION

PATRICIA D. HOWARD
CLERK OF THE PANEL

State of Kansas v. Sandoz Pharmaceuticals Corp., et al.,
S.D. New York, C.A. No. 91 CV 1165

CONDITIONAL TRANSFER ORDER

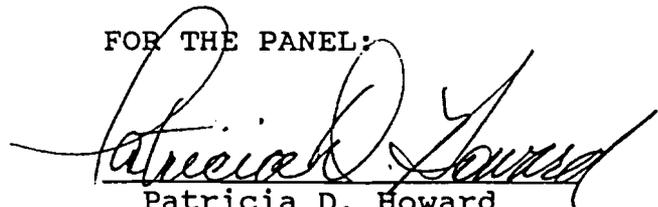
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BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

APR 29 91

IN RE CLOZAPINE ANTITRUST LITIGATION

PATRICIA D. HOWARD
CLERK OF THE PANEL

State of Delaware v. Sandoz Pharmaceuticals Corp., et al.,
S.D. New York, C.A. No. 91 CV 1219

CONDITIONAL TRANSFER ORDER

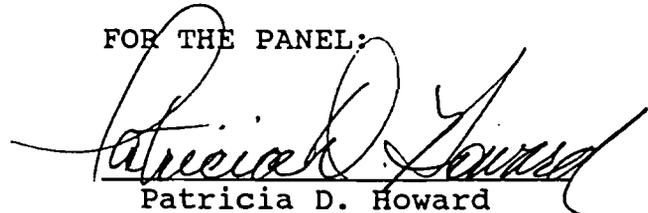
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BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

APR 29 91

IN RE CLOZAPINE ANTITRUST LITIGATION

PATRICIA D. HOWARD
CLERK OF THE PANEL

District of Columbia v. Sandoz Pharmaceuticals Corp., et al.,
S.D. New York, C.A. No. 91 CV 1220

CONDITIONAL TRANSFER ORDER

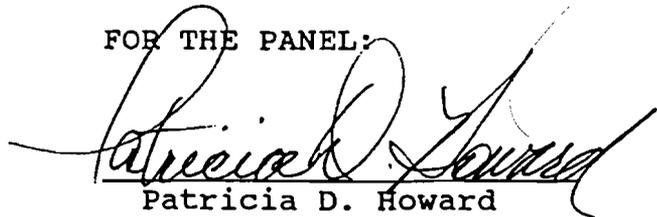
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BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION APR 29 91

IN RE CLOZAPINE ANTITRUST LITIGATION

PATRICIA D. HOWARD
CLERK OF THE PANEL

State of Missouri v. Sandoz Pharmaceuticals Corp., et al.,
S.D. New York, C.A. No. 91 CV 1392

CONDITIONAL TRANSFER ORDER

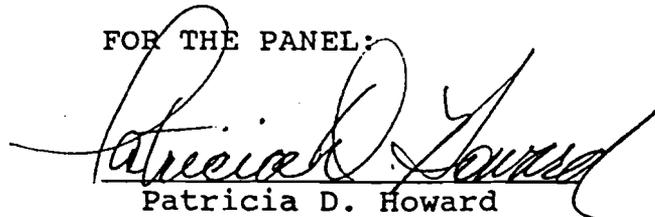
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BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION APR 29 91

IN RE CLOZAPINE ANTITRUST LITIGATION

PATRICIA D. HOWARD
CLERK OF THE PANEL

State of Oklahoma v. Sandoz Pharmaceuticals Corp., et al.,
S.D. New York, C.A. No. 91 CV 1673

CONDITIONAL TRANSFER ORDER

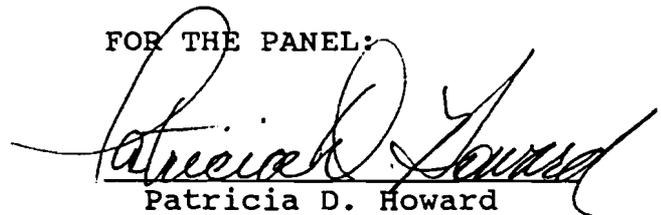
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BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

APR 29 91

IN RE CLOZAPINE ANTITRUST LITIGATION

PATRICIA D. HOWARD
CLERK OF THE PANEL

State of Alabama v. Sandoz Pharmaceuticals Corp., et al.,
S.D. New York, C.A. No. 91 CV 1813

CONDITIONAL TRANSFER ORDER

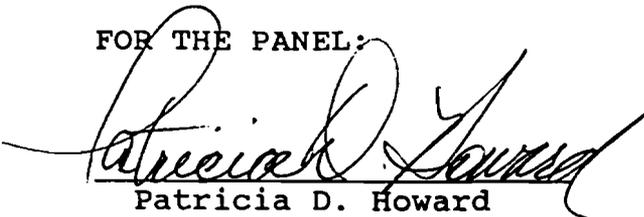
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Clerk of the Panel

DOCKET NO. 874

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION
FILED

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

APR 29 91

IN RE CLOZAPINE ANTITRUST LITIGATION

PATRICIA D. HOWARD
CLERK OF THE PANEL

State of South Carolina v. Sandoz Pharmaceuticals Corp., et al.,
S.D. New York, C.A. No. 91 CV 1814

CONDITIONAL TRANSFER ORDER

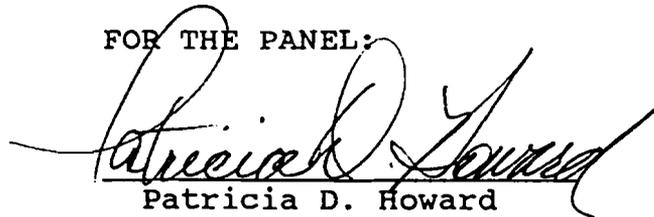
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FOR THE PANEL:



Patricia D. Howard
Clerk of the Panel

MDL-874 -- Involved Counsel

STATE OF SOUTH DAKOTA (B-26)
STATE OF ARIZONA (B-27)
STATE OF IDAHO (B-28)
STATE OF KANSAS (B-29)
STATE OF DELAWARE (B-30)
DISTRICT OF COLUMBIA (B-31)
STATE OF MISSOURI (B-32)

Robert Hubbard, Esq.
Assistant Attorney General
Antitrust Bureau
120 Broadway, Suite 2601
New York, NY 10271

STATE OF OKLAHOMA (B-33)

Robert H. Henry, Esq.
Attorney General
Main Place, Suite 550
420 West Main Street
Oklahoma City, OK 73102

STATE OF ALABAMA (B-34)

James H. Evans, Esq.
Attn. Marc Givan, Esq.
Attorney General
11 South Union St.
Montgomery, Al 36130

STATE OF SOUTH CAROLINA (B-35)

T. Travis Medlock, Esq.
Attn: William K. Moore, Esq.
Attorney General
P.O. Box 11549
Columbia, SC 29211

RULE 8: SERVICE OF PAPERS FILED

(a) All papers filed with the Clerk of the Panel shall be accompanied by proof of service on all other parties in all actions involved in the litigation. Service and proof of service shall be made as provided in Rules 5 and 6 of the Federal Rules of Civil Procedure. The proof of service shall indicate the name and address of each person served and shall indicate the party represented by each. If a party is not represented by counsel, the proof of service shall indicate the name of the party and his last known address. The proof of service shall indicate why any person named as a party in a constituent complaint was not served with the Section 1407 pleading. The original proof of service shall be filed with the Clerk of the Panel and copies thereof shall be sent to each person included within the proof of service. After the "Panel Service List" described in subsection (d) of this Rule has been received from the Clerk of the Panel, the "Panel Service List" shall be utilized for service of responses to motions and all other filings. In such instances, the "Panel Service List" shall be attached to the proof of service and shall be supplemented in the proof of service in the event of the presence of additional parties or successor counsel.

(b) The proof of service pertaining to motions for transfer of actions pursuant to 28 U.S.C. §1407 shall certify that copies of the motions have been mailed or otherwise delivered for filing to the clerk of each district court in which an action is pending that will be affected by the motion. The proof of service pertaining to a motion for remand pursuant to 28 U.S.C. §1407 shall certify that a copy of the motion has been mailed or otherwise delivered for filing to the clerk of the Section 1407 transferee district court in which any action affected by the motion is pending.

(c) Within eleven days of filing of a motion to transfer, an order to show cause or a conditional transfer order, each party or designated attorney shall notify the Clerk of the Panel, in writing, of the name and address of the attorney designated to receive service of all pleadings, notices, orders and other papers relating to practice before the Judicial Panel on Multidistrict Litigation. Only one attorney shall be designated for each party. Any party not represented by counsel shall be served by mailing such pleadings to the party's last known address. Requests for an extension of time to file the designation of attorney shall not be granted except in extraordinary circumstances.

(d) In order to facilitate compliance with subsection (a) of this Rule, the Clerk of the Panel shall prepare and serve on all counsel and parties not represented by counsel, a "Panel Service List" containing the names and addresses of the designated attorneys and the party or parties they represent and the names and addresses of the parties not represented by counsel.

(e) If following transfer of any group of multidistrict litigation, the transferee district court appoints liaison counsel, this Rule shall be satisfied by serving each party in each affected action and all liaison counsel. Liaison counsel designated by the transferee district court shall receive copies of all Panel orders concerning their particular litigation and shall be responsible for distribution to the parties for whom he or she serves as liaison counsel.

RULE 12: CONDITIONAL TRANSFER ORDERS FOR "TAG-ALONG ACTIONS"

(a) Upon learning of the pendency of a potential "tag-along action," as defined in Rule 1 of these Rules, an order may be entered by the Clerk of the Panel transferring that action to the previously designated transferee district court on the basis of the prior hearing or hearings and for the reasons expressed in previous opinions and orders of the Panel in the litigation. The Clerk of the Panel shall serve this order on each party to the litigation but, in order to afford all parties the opportunity to oppose transfer, shall not send the order to the clerk of the transferee district court for fifteen days from the entry thereof.

(b) Parties to an action subject to a conditional transfer order shall notify the Clerk of the Panel within the fifteen-day period if that action is no longer pending in its transferor district court.

(c) Any party opposing the transfer shall file a notice of opposition with the Clerk of the Panel within the fifteen-day period. If a notice of opposition is received by the Clerk of the Panel within this fifteen-day period, the Clerk of the Panel shall not transmit said order to the clerk of the transferee district court until further order of the Panel.

(d) Within fifteen days of the filing of its notice of opposition, the party opposing transfer shall file a motion to vacate the conditional transfer order and brief in support thereof. The Clerk of the Panel shall set the motion for hearing at the next appropriate session of the Panel. Failure to file and serve a motion and brief shall be treated as withdrawal of the opposition and the Clerk of the Panel shall forthwith transmit the order to the clerk of the transferee district court.

(e) Conditional transfer orders do not become effective unless and until they are filed with the clerk of the transferee district court.

(f) Notices of opposition and motions to vacate orders of the Panel and responses thereto shall be governed by Rules 7, 8, 9 and 10 of these Rules.

RULE 13: MISCELLANEOUS PROVISIONS CONCERNING "TAG-ALONG ACTIONS"

(a) Potential "tag-along actions" filed in the transferee district require no action on the part of the Panel and requests for assignment of such actions to the Section 1407 transferee judge should be made in accordance with local rules for the assignment of related actions.

(b) Upon learning of the pendency of a potential "tag-along action" and having reasonable anticipation of opposition to transfer of that action, the Panel may direct the Clerk of the Panel to file a show cause order, in accordance with Rule 11 of these Rules, instead of a conditional transfer order.

(c) Failure to serve one or more of the defendants in a potential "tag-along action" with the complaint and summons as required by Rule 4 of the Federal Rules of Civil Procedure does not preclude transfer of such action under Section 1407. Such failure, however, may be submitted by such a defendant as a basis for opposing the proposed transfer. The inability of the Clerk of the Panel to serve a conditional transfer order on all defendants or their counsel shall not render the transfer of the action void but can be submitted by such a defendant as a basis for moving to remand as to such defendant.

(d) A civil action apparently involving common questions of fact with actions under consideration by the Panel for transfer under Section 1407, which was filed or came to the attention of the Panel either after the initial hearing before it or too late to be included in the initial hearing, will be treated by the Panel as a potential "tag-along action."

(e) Any party or counsel in actions previously transferred under Section 1407 or under consideration by the Panel for transfer under Section 1407 shall notify the Clerk of the Panel of any potential "tag-along actions" in which that party is also named or in which that counsel appears.

MDL-874 -- Schedule of Actions

State of South Dakota v. Sandoz Pharmaceuticals Corp., et al.,
S.D. New York, C.A. No. 91 CV 244

State of Arizona v. Sandoz Pharmaceuticals Corp., et al.,
S.D. New York, C.A. No. 91 CV 921

State of Idaho v. Sandoz Pharmaceuticals Corp., et al.,
S.D. New York, C.A. No. 91 CV 1043

State of Kansas v. Sandoz Pharmaceuticals Corp., et al.,
S.D. New York, C.A. No. 91 CV 1165

State of Delaware v. Sandoz Pharmaceuticals Corp., et al.,
S.D. New York, C.A. No. 91 CV 1219

District of Columbia v. Sandoz Pharmaceuticals Corp., et al.,
S.D. New York, C.A. No. 91 CV 1220

State of Missouri v. Sandoz Pharmaceuticals Corp., et al.,
S.D. New York, C.A. No. 91 CV 1392

State of Oklahoma v. Sandoz Pharmaceuticals Corp., et al.,
S.D. New York, C.A. No. 91 CV 1673

State of Alabama v. Sandoz Pharmaceuticals Corp., et al.,
S.D. New York, C.A. No. 91 CV 1813

State of South Carolina v. Sandoz Pharmaceuticals Corp., et al.,
S.D. New York, C.A. No. 91 CV 1814

JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

CHAIRMAN:

Judge John F. Nangle
United States District Court
Eastern District of Missouri

MEMBERS:

Judge S. Hugh Dillon
United States District Court
Southern District of Indiana

Judge Milton Pollak
United States District Court
Southern District of New York

Judge Louis H. Pollak
United States District Court
Eastern District of Pennsylvania

Judge Halbert O. Woodward
United States District Court
Northern District of Texas

Judge Robert R. Merhige, Jr.
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Eastern District of Virginia

Judge William B. Earright
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Southern District of California

DIRECT REPLY TO:

Patricia D. Howard
Clerk of the Panel
1120 Vermont Ave., N.W.
Suite 1002
Washington, D.C. 20005-3545

Telephone: (202) 653-6090
FIS: 653-6090

April 9, 1991

RECEIVED

APR 11 1991

ANTITRUST BUREAU

TO INVOLVED COUNSEL

Re: MDL- 874 -- In re Clozapine Antitrust Litigation

Dear Counsel:

I am enclosing a copy of a Panel order filed today in the above-referenced matter.

The Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 120 F.R.D. 251, and specifically, Rules 1, 12 and 13, refer to "tag-along" actions. Please familiarize yourself with these Rules for your future reference. With regard to Rule 12, you need only provide this office with a copy of the complaint which you feel qualifies as a "tag-along" action and informally request that our "tag-along" procedures be utilized in transferring the action to the transferee district. If you have any questions regarding procedures used by the Panel, please telephone this office.

Very truly,

Patricia D. Howard
Clerk of the Panel

By Denise Settle
Deputy Clerk

Enclosure

DOCKET NO. 874

APR -9 1991

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

FAYE L. WOODWARD
CLERK OF THE PANEL

IN RE CLOZAPINE ANTITRUST LITIGATION

BEFORE JOHN F. NANGLE, CHAIRMAN, S. HUGH DILLIN, MILTON POLLACK,* LOUIS
H. POLLAK, HALBERT O. WOODWARD, ROBERT R. MERHIGE, JR., AND WILLIAM B.
ENRIGHT, JUDGES OF THE PANEL

TRANSFER ORDER

This litigation presently consists of 25 actions pending in two federal districts: 24 actions in the Southern District of New York and one action in the Northern District of Illinois.¹ Before the Panel is a motion by Sandoz Pharmaceutical Corporation, a defendant in all actions, to centralize the actions in the Northern District of Illinois, pursuant to 28 U.S.C. §1407, for coordinated or consolidated pretrial proceedings. No responding party opposes Section 1407 centralization of the actions in this litigation. The only dispute among the parties concerns selection of the appropriate transferee forum. Plaintiff in the Illinois action and Caremark Inc. (Caremark), the other defendant in the litigation, support movant's preference for the Northern District of Illinois. Plaintiffs in the 24 New York actions, as well as plaintiffs in the ten potential tag-along actions, favor the Southern District of New York.

On the basis of the papers filed and the hearing held, the Panel finds that the actions in this litigation involve common questions of fact and that centralization under Section 1407 in the Northern District of Illinois will best serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. All actions are either purported class actions or parens patriae actions brought against the same defendants seeking recovery for essentially the same alleged federal antitrust law violations pertaining to the marketing of the antipsychotic drug Clozaril. All parties agree that the actions involve common questions of fact relating to the existence, scope and effect of the alleged antitrust conspiracy. Centralization under Section 1407 is thus necessary in order to eliminate duplicative discovery, prevent inconsistent pretrial rulings, and conserve the resources of the parties, their counsel and the judiciary.

* Judge Pollack took no part in the decision of this matter.

¹ The Panel has been notified that ten additional related actions are pending in the Southern District of New York. These actions will be treated as potential tag-along actions. See Rules 12 and 13, R.P.J.P.M.L., 120 F.R.D. 251, 258-59 (1988).

While 24 of the 25 actions before us are pending in the Southern District of New York, neither it nor the Northern District of Illinois could be characterized as the nexus for this litigation. On balance, however, we are persuaded that the Illinois forum is the preferable transferee district. We note that 1) Chicago is a geographically central location for this major antitrust litigation involving purported nationwide classes and state governmental plaintiffs from all regions of the United States; 2) the action pending in the Northern District of Illinois is the first-filed action in the docket; and 3) defendant Caremark has its principal place of business in the Northern District of Illinois.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. §1407, the actions listed on the attached Schedule A and pending in the Southern District of New York be, and the same hereby are, transferred to the Northern District of Illinois and, with the consent of that court, assigned to the Honorable Harry D. Leinenweber for coordinated or consolidated pretrial proceedings with the action pending in that district and listed on Schedule A.

FOR THE PANEL:



John F. Nangle
Chairman

SCHEDULE A

MDL-874 -- In re Clozapine Antitrust Litigation

Southern District of New York

Richard Newell, etc. v. Sandoz Pharmaceuticals, Inc., et al.
al., C.A. No. 90-Civ-7724

State of Minnesota v. Sandoz Pharmaceuticals Corp., et al.,
C.A. No. 90-Civ-8055

State of California v. Sandoz Pharmaceuticals Corp., et al.,
C.A. No. 90-Civ-8060

State of Colorado v. Sandoz Pharmaceuticals Corp., et al.,
C.A. No. 90-Civ-8079

State of Connecticut v. Sandoz Pharmaceuticals Corp., et al.,
C.A. No. 90-Civ-8062

State of Florida v. Sandoz Pharmaceuticals Corp., et al., C.A.
No.90-Civ-8063

State of Iowa v. Sandoz Pharmaceuticals Corp., et al., C.A.
No. 90-Civ-8064

State of Maine v. Sandoz Pharmaceuticals Corp., et al., C.A.
No. 90-Civ-8065

State of Maryland v. Sandoz Pharmaceuticals Corp., et al.,
C.A. No. 90-Civ-8067

State of Massachusetts v. Sandoz Pharmaceuticals Corp., et
al., C.A. No. 90-Civ-8069

State of New Hampshire v. Sandoz Pharmaceuticals Corp., et
al., C.A. No. 90-Civ-8071

State of New Jersey v. Sandoz Pharmaceuticals Corp., et al.,
C.A. No. 90-Civ-8073

State of New York v. Sandoz Pharmaceuticals Corp., et al.,
C.A. No. 90-Civ-8074

State of North Carolina v. Sandoz Pharmaceuticals Corp., et
al., C.A. No. 90-Civ-8092

State of Ohio v. Sandoz Pharmaceuticals Corp., et al., C.A.
No. 90-Civ-8075

State of Oregon v. Sandoz Pharmaceuticals Corp., et al., C.A.
No. 90-Civ-8076

State of Pennsylvania v. Sandoz Pharmaceuticals Corp., et al.,
C.A. No. 90-Civ-8077

State of Tennessee v. Sandoz Pharmaceuticals Corp., et al.,
C.A. No. 90-Civ-8080

State of Texas v. Sandoz Pharmaceuticals Corp., et al., C.A.
No. 90-Civ-8081

State of Utah v. Sandoz Pharmaceuticals Corp., et al., C.A.
No. 90-Civ-8082

State of Virginia v. Sandoz Pharmaceuticals Corp., et al.,
C.A. No. 90-Civ-8084

State of Washington v. Sandoz Pharmaceuticals Corp., et al.,
C.A. No. 90-Civ-8086

Southern District of New York -- (continued)

State of West Virginia v. Sandoz Pharmaceuticals Corp., et al., C.A. No. 90-Civ-8087

State of Wisconsin v. Sandoz Pharmaceuticals Corp., et al.,
C.A. No. 90-Civ-8089

Northern District of Illinois

Victor Dauer, etc. v. Sandoz Pharmaceuticals, Inc., et al.,
C.A. No. 90-C-6412

JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

CHAIRMAN:

Judge John F. Nangle
United States District Court
Eastern District of Missouri

MEMBERS:

Judge S. Hugh Dillon
United States District Court
Southern District of Indiana

Judge Milton Pollack
United States District Court
Southern District of New York

Judge Louis H. Pollak
United States District Court
Eastern District of Pennsylvania

Judge Halbert O. Woodward
United States District Court
Northern District of Texas

Judge Robert R. Merhige, Jr.
United States District Court
Eastern District of Virginia

Judge William R. Ruckelshaus
United States District Court
Southern District of California

DIRECT REPLY TO:

Patricia D. Howard
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1120 Vermont Ave., N.W.
Suite 1002
Washington, D.C. 20005-3545

Telephone: (202) 633-6890
FAX: 633-6890

April 29, 1992

TO INVOLVED COUNSEL

Re: MDL-874 -- In re Clozapine Antitrust Litigation

Dorothy Sabotka, etc. v. Sandoz Pharmaceuticals, Corporation, et al.,
E.D. Pennsylvania, C.A. No. 92 C 1431

Dear Counsel:

Attached hereto is a copy of a conditional transfer order filed today by the Judicial Panel on Multidistrict Litigation involving the above-captioned action. This action is transferred pursuant to Rule 12 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 120 F.R.D. 251, 258. Copies of Rule 8, dealing with service, and Rules 12 and 13, regarding tag-along actions, are attached for your convenience.

Inasmuch as there is an unavoidable time lag between notification of the pendency of the tag-along action and the filing of a conditional transfer order, counsel are required by Rule 12(b) to notify this office **BY TELEPHONE** of any recent changes in the status of the tag-along action. These changes could involve dismissal of the action, remand to state court, transfer to another federal court, etc. Your cooperation would be appreciated.

If you are considering opposing this conditional transfer order, your Notice of Opposition **MUST BE RECEIVED** in this office no later than May 14, 1992. Please review Rules 12 and 13, of the Panel Rules, before filing your Notice of Opposition.

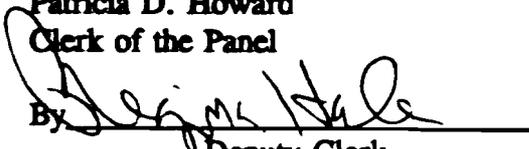
Plaintiff's counsel is listed below.

DOROTHY SABOTKA, ETC. (B-36)

Howard J. Sedran, Esq.
Levin, Fishbein, Sedran & Berman
320 Walnut Street, Suite 600
Philadelphia, PA 19106

Very truly,

Patricia D. Howard
Clerk of the Panel

By 
Deputy Clerk

Attachments

JPML Form 39

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

MAR 29 1992

PATRICIA D. HOWARD
CLERK OF THE PANEL

DOCKET NO. 874

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE CLOZAPINE ANTITRUST LITIGATION

Dorothy Sabotka, etc. v. Sandoz Pharmaceuticals, Corporation, et al., E.D. Pennsylvania,
C.A. No. 92 C 1431

CONDITIONAL TRANSFER ORDER

On April 9, 1991, the Panel transferred 24 civil actions to the United States District Court for the Northern District of Illinois for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. §1407. Since that time, more than five additional actions have been transferred to the Northern District of Illinois. With the consent of that court, all such actions have been assigned to the Honorable Harry D. Leinenweber.

It appears from the pleadings filed in the above-captioned action that it involves questions of fact which are common to the action previously transferred to the Northern District of Illinois and assigned to Judge Leinenweber.

Pursuant to Rule 12 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 120 F.R.D. 251, 258, the above-captioned action is hereby transferred under 28 U.S.C. §1407 to the Northern District of Illinois for the reasons stated in the order of April 9, 1991, and, with the consent of that court, assigned to the Honorable Harry D. Leinenweber.

This order does not become effective until it is filed in the office of the Clerk of the United States District Court for the Northern District of Illinois. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:



Patricia D. Howard
Clerk of the Panel