

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

IN RE: NEXIUM LITIGATION

MDL DOCKET NO. \_\_\_\_\_

**MOTION OF PLAINTIFFS FOR TRANSFER OF ACTIONS TO THE CENTRAL  
DISTRICT OF CALIFORNIA PURSUANT TO 28 U.S.C. § 1407 FOR  
COORDINATED OR CONSOLIDATED PRETRIAL PROCEEDINGS**

Pursuant to 28 U.S.C. § 1407, Plaintiffs in the actions pending in the sixteen United States District Courts listed on the attached Exhibit 1 (collectively “Plaintiffs”), respectfully petition the Judicial Panel on Multidistrict Litigation (the “Panel”) for an order transferring the cases listed in the attached Schedule of Actions, Exhibit 2 (collectively “the Actions”) for coordinated and consolidated pretrial proceedings in the Central District of California.

In support of this motion, Plaintiffs aver the following, as more fully set forth in the accompanying Brief:

1. The Actions are listed on the Schedule of Actions in accordance with the Panel's Rule 6.1(b)(ii); all complaints and federal district docket sheets in the Actions are attached hereto as Exhibits 3 through 41.
2. Nexium, a trade name for the generic drug esomeprazole, is manufactured by defendant AstraZeneca Pharmaceuticals LP ("AstraZeneca") and developed, marketed and distributed by AstraZeneca and the other defendants named in the attached complaints. Nexium is used in adults to treat acid reflux. Nexium has been widely advertised by the defendants in these cases as an effective means of treating many stomach disorders.
3. Nexium has been linked to several severe medical disorders including, but not limited to, osteoporosis and/or broken bones.
4. On or around May 25, 2010, the Food and Drug Administration ("FDA") issued a safety announcement stating it was revising the labeling and prescribing information for Nexium due to increased risk of fractures of the spine, hip and wrist associated with the drug.
5. To date, hundreds of plaintiffs have filed fifteen lawsuits in state courts in California and Tennessee alleging that exposure to Nexium caused serious damage to bones. All of these cases were removed by AstraZeneca to federal courts in California and Tennessee. Three cases in the Central District of California were remanded to state courts in California. One Central District of California case, *Velasco v. McKesson*, on motion by AstraZeneca, was ordered severed and transferred to fifteen district courts around the country.

6. Eight cases are currently pending in the Central District of California (*Abina, Arae, Carrasco, Cudney, Johnson, Mason, Nickerson, and Solomon*); nine cases are pending in the Eastern District of Tennessee (*Payne, Penland, Phillips, Powers, Smith, Sweet, Thomas, Toler-Allen, and Wheeler* [All originally part of *Velasco v. McKesson*]); four cases are pending in the Northern District of West Virginia (*Conner, DeLorenzo, Schnaack, and Whitlach* [All originally part of *Velasco*]); three cases are pending in the Eastern District of Wisconsin (*Kuhn, McMahan, and Morrow* [All originally part of *Velasco*]); and one case each is pending in the Northern District of California (*Beatty*), the Southern District of California (*Hornsby*), the Middle District of Tennessee (*Biggers*), the Western District of Tennessee (*Rose* [Originally part of *Velasco*]), the Eastern District of Texas (*Belcher* [Originally part of *Velasco*]), the Northern District of Texas (*Bonner* [Originally part of *Velasco*]), the Southern District of Texas (*Arevalo* [Originally part of *Velasco*]), the Western District of Texas (*Avelar* [Originally part of *Velasco*]), Utah District Court (*Collins* [Originally part of *Velasco*]), the Eastern District of Virginia (*Jackson* [Originally part of *Velasco*]), the Western District of Virginia (*Bradley* [Originally part of *Velasco*]), the Western District of Washington (*Nyblod* [Originally part of *Velasco*]), the Southern District of West Virginia (*Johnson* [Originally part of *Velasco*]), the Western District of Wisconsin (*Moore* [Originally part of *Velasco*]), and the Wyoming District Court (*Westlake* [Originally part of *Velasco*]).

7. In each case, the plaintiffs claim that AstraZeneca, and others, failed to adequately warn that the use of Nexium could cause bone damage and fractures, and that the plaintiffs were injured as a result.
8. These actions are all in the preliminary stages of litigation. Activity to date has been limited to initial pleadings, preliminary conferences and, in a few cases, service of written discovery requests. No depositions have yet taken place and no trials are scheduled.
9. The moving Plaintiffs are unaware of any other Nexium-related lawsuits pending in any court. Given the widespread use of Nexium and the harm it causes, it is likely that additional similar actions will be filed in or removed to federal courts in the future.
10. Defendant AstraZeneca is incorporated and has its principal place of operations in the State of Delaware. All of the cases, except *Biggers v. AstraZeneca, LP*, involve at least one defendant with its principal place of business in the State of California. No cases are pending in the Delaware District Court.
11. All of the complaints in the Nexium cases assert similar causes of action, including strict liability, failure to warn, negligence, deceit by concealment, and negligent misrepresentation. Some cases involve other, similar claims, including but not limited to: unjust enrichment and violations of states consumer protection statutes.
12. All of the complaints make very similar factual allegations, and thus any necessary discovery will arise from common questions of fact.

13. In accordance with 28 U.S.C. § 1407, the transfer and coordination or consolidation of the Nexium Cases will serve the convenience of the parties, witnesses, counsel, and the judicial system.
14. Absent pretrial coordination or consolidation, the possibility of inconsistent pretrial rulings exists, especially with respect to the proper scope and extent of discovery, causation, and other factual and legal matters.
15. Given the procedural posture of the Nexium Cases, no judicial resources will be wasted if these cases are transferred.
16. Eight of the cases, representing about three-fourths of the current plaintiffs, are pending before the Hon. Dale S. Fischer in the Central District of California, a district court that is very experienced handling multidistrict litigation and that is geographically convenient for the majority of the parties and their counsel.

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WHEREFORE, for the reasons stated herein and in the accompanying Brief, Plaintiffs respectfully request that the Panel issue an order transferring all actions listed in the attached Schedule of Actions, as well as all subsequently filed related actions, to the United States District Court for the Central District of California.

Dated the 27<sup>th</sup> day of August, 2012

/s/ Vincent J. Carter

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**Counsel for Moving Plaintiffs (See Attached Exhibit 1)**

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

**In re Nexium Litigation MDL-**

**PROOF OF SERVICE**

I hereby certify that a copy of the foregoing **MOTION OF PLAINTIFFS FOR TRANSFER OF ACTIONS TO THE CENTRAL DISTRICT OF CALIFORNIA PURSUANT TO 28 U.S.C. § 1407 FOR COORDINATED OR CONSOLIDATED PRETRIAL PROCEEDINGS** was served by First Class Mail on August 27, 2012, to the following:

Clerk, Eastern District of Tennessee – Knoxville District  
Clerk, Western District of Tennessee – Memphis District  
Clerk, Southern District of Texas – Houston  
Clerk, Western District of Texas – San Antonio  
Clerk, Eastern District of Texas – Tyler  
Clerk, Northern District of Texas – Dallas  
Clerk, District of Utah – Salt Lake City  
Clerk, Western District of Virginia - Roanoke  
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Clerk, Western District of Washington – Seattle  
Clerk, Eastern District of Wisconsin – Wilwaukee  
Clerk, Northern District of Virginia – Elkins  
Clerk, Northern District of West Virginia – Wheeling  
Clerk, Northern District of West Virginia - Clarksburg  
Clerk, Southern District of West Virginia – Charleston  
Clerk, District of Wyoming – Cheyenne  
Clerk, Northern District - Oakland

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***Authorized Agent for Process of Service for Defendant McKESSON CORPORATION***

**U.S. DISTRICT COURT – NORTHERN DISTRICT – OAKLAND**  
**Case No.: 4:12-CV-03507-SBA**

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HOUSTON – CASE NO.: 4:12-cv-02099**

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ELKINS – CASE NO.: 2:12-cv-00049-JPB**

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VIRGINIA – WHEELING – CASE NO.: 5:12-cv-00106-IMK**

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**U.S. DISTRICT COURT – EASTERN DISTRICT OF WISCONSIN  
(MILWAUKEE) – CASE NO.: 2:12-cv-00717-LA**

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**U.S. DISTRICT COURT – DISTRICT OF WYOMING – CHEYENNE  
CASE NO.: 2:12-cv-00152-SWS**

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- (FEDERAL) I declare that I am employed in the office of the member of the bar of this court at whose direction the service was made.

Executed on August 27, 2012, at Los Angeles, California.

\_\_\_\_\_  
/s/ Terry Yamasaki  
TERRY YAMASAKI

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

**In re Nexium Litigation MDL-**

**PROOF OF SERVICE**

I hereby certify that a copy of the foregoing **MOTION OF PLAINTIFFS FOR TRANSFER OF ACTIONS TO THE CENTRAL DISTRICT OF CALIFORNIA PURSUANT TO 28 U.S.C. § 1407 FOR**

**COORDINATED OR CONSOLIDATED PRETRIAL PROCEEDINGS**

was electronically filed with the Clerk of the U.S. Court – Central District and the Clerk of the U.S. District of Wisconsin – Western District using the UCF system, which sent notification of such filing to lead and liaison counsel and all counsel of record on August 27, 2012.

/s/ Terry Yamasaki

Terry Yamasaki

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

IN RE: NEXIUM LITIGATION

MDL DOCKET NO. \_\_\_\_\_

**BRIEF IN SUPPORT OF PLAINTIFFS' MOTION FOR TRANSFER OF  
ACTIONS TO THE CENTRAL DISTRICT OF CALIFORNIA PURSUANT TO 28  
U.S.C. § 1407 FOR COORDINATED OR CONSOLIDATED PRETRIAL  
PROCEEDINGS**

Plaintiffs in the actions pending in the sixteen United States District Courts listed on the attached Schedule A (collectively "Plaintiffs"), respectfully submit this memorandum of law in support of their motion, pursuant to 28 U.S.C. § 1407, to centralize nineteen related federal actions, and any subsequently filed related actions, before a single judge in the United States District Court for the Central District of California for coordinated pretrial proceedings. The actions are product liability suits in which plaintiffs assert claims against AstraZeneca Pharmaceutical LP and others alleging that Nexium, an AstraZeneca medication, caused bone loss, osteoporosis, and fracture.



## **PRELIMINARY STATEMENT**

Plaintiffs request coordination of the federal Nexium actions in a multidistrict litigation (“MDL”) because: (i) the complaints all assert product liability claims against AstraZeneca based on allegations that Nexium can and did cause bone damage and/or osteoporosis; (ii) the actions involve common questions of fact, including the issue of general causation, that is, whether Nexium is capable of causing the injuries alleged; (iii) transfer to a single district will be convenient for the parties and witnesses and will promote the just and efficient conduct of the litigation; and (iv) absent transfer and coordination, the parties and courts will face the burden and expense of needlessly duplicative discovery and pretrial proceedings and possible inconsistent pretrial rulings. The creation of an MDL at this time is appropriate because there are already thirty-nine similar actions pending in nineteen different federal courts, all in the preliminary stages of litigation, and additional actions are expected to be filed in, or removed to, federal court in the future.

In addition, Plaintiffs request that the MDL be assigned to the Hon. Dale S. Fischer in the Central District of California, an experienced judge in a highly accessible district where eight of the actions, involving hundreds of plaintiffs, are currently pending and the courts have the requisite resources and expertise, including a robust record with similar MDLs.

## **STATEMENT OF FACTS**

Nexium is the trade name of the generic drug esomeprazole. Nexium is used in adults to treat acid reflux. Nexium tablets, injection and oral solution are indicated for the treatment of adults with the symptoms acid reflux and to heal damage to the esophagus. Nexium has been widely advertised by the Defendants as an effective means of treating many stomach disorders.

Nexium has been linked to several severe medical disorders including, but not limited to, osteoporosis and/or broken bones. Evidence linking the Nexium to

osteoporosis and similar injury risks were not disclosed to or shared with the public, including Plaintiffs, by any Defendant. Instead, Defendants' strategy beginning in the 1990's has been to aggressively market and sell Nexium by falsely misleading potential users about the products and by failing to protect users from serious dangers which Defendant knew or should have known could result from use of these products.

On or around May 25, 2010, the Food and Drug Administration ("FDA") issued a safety announcement stating it was revising the labeling and prescribing information for Nexium due to increased risk of fractures of the spine, hip and wrist associated with the drug.

Between July 2011 and the present, hundred of plaintiffs filed fifteen lawsuits in state courts in California and Tennessee alleging that exposure to Nexium caused serious damage to bones. In each case, the plaintiffs claim that AstraZeneca failed to adequately warn that the use of Nexium could cause bone damage and fractures the plaintiffs were injured as a result. All of these cases were removed by AstraZeneca to federal courts in California and Tennessee. Three cases in the Central District of California were remanded to state courts in California. One Central District case, *Velasco v. McKesson*, on motion by AstraZeneca, was ordered severed and transferred to fifteen district courts around the country. The current distribution of federal Nexium cases is as follows: eight cases are currently pending in the Central District of California (*Abina, Arae, Carrasco, Cudney, Johnson, Mason, Nickerson, and Solomon*); nine cases are pending in the Eastern District of Tennessee (*Payne, Penland, Phillips, Powers, Smith, Sweet, Thomas, Toler-Allen, and Wheeler* [All originally part of *Velasco v. McKesson*]); four cases are pending in the Northern District of West Virginia (*Conner, DeLorenzo, Schnaack, and Whitlach* [All originally part of *Velasco*]); three cases are pending in the Eastern District of Wisconsin (*Kuhn, McMahon, and Morrow* [All originally part of *Velasco*]); and one case each is pending in the Northern District of California (*Beatty*), the Southern District of California (*Hornsby*), the Middle District of Tennessee (*Biggers*), the Western District

of Tennessee (*Rose* [Originally part of *Velasco*]), the Eastern District of Texas (*Belcher* [Originally part of *Velasco*]), the Northern District of Texas (*Bonner* [Originally part of *Velasco*]), the Southern District of Texas (*Arevalo* [Originally part of *Velasco*]), the Western District of Texas (*Avelar* [Originally part of *Velasco*]), Utah District Court (*Collins* [Originally part of *Velasco*]), the Eastern District of Virginia (*Jackson* [Originally part of *Velasco*]), the Western District of Virginia (*Bradley* [Originally part of *Velasco*]), the Western District of Washington (*Nyblod* [Originally part of *Velasco*]), the Southern District of West Virginia (*Johnson* [Originally part of *Velasco*]), the Western District of Wisconsin (*Moore* [Originally part of *Velasco*]), and the Wyoming District Court (*Westlake* [Originally part of *Velasco*]).

These actions are all in the preliminary stages of litigation. Activity to date has been limited to initial pleadings, preliminary conferences and, in a few cases, service of written discovery requests. No depositions have yet taken place and no trials are scheduled.

The moving Plaintiffs are unaware of any other Nexium-related lawsuits pending in any court. Given the widespread use of Nexium and the harm it causes, it is likely that additional similar actions will be filed in or removed to federal courts in the future.

## ARGUMENT

### **I. Transfer and Pretrial Coordination of These Related Actions Will Promote the Goals of 28 U.S.C. § 1407**

Transfer and coordination of these related actions in a single court is appropriate and will promote the goals of 28 U.S.C. § 1407. Transfer under Section 1407 is appropriate where: (i) “civil actions involving one or more common questions of fact are pending in different districts”; (ii) transfer and coordination “will promote the just and efficient conduct of such actions”; and (iii) transfer and coordination will serve “the

convenience of parties and witnesses.” 28 U.S.C. § 1407(a). As set forth below, each of these criteria is satisfied here.

**A. The Actions Involve Common Issues of Fact**

The Nexium actions share a substantial overlap of factual issues. Each alleges that Nexium can and did cause bone damage, osteoporosis, and other injuries and that Defendants failed to adequately warn of such risks. The actions involve the same categories of plaintiffs: patients who ingested Nexium and were injured. Plaintiffs also assert similar causes of action, including strict liability, failure to warn, negligence, deceit by concealment and negligent misrepresentation. Defendants contests Plaintiffs’ allegations and assert that there is no scientific basis for claiming a causal connection between Nexium and the injuries alleged. It is clear that discovery relating to medical causation, the adequacy of product testing and warnings, and marketing will overlap across the cases, as will Defendants’ anticipated challenges involving Plaintiffs’ ability to satisfy the requirements of *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993).

Although the actions present certain individualized factual issues, including specific causation (whether Nexium actually caused each plaintiff’s alleged injury), “Section 1407 does not require a complete identity or even a majority of common factual issues as a prerequisite to centralization.” *In re Zimmer Durom Hip Cup Prods. Liab. Litig.*, 717 F. Supp. 2d 1376, 1378 (J.P.M.L. 2010); accord *In re Denture Cream Prods. Liab. Litig.*, 624 F. Supp. 2d 1379, 1381 (J.P.M.L. 2009). Instead, where, as here, the underlying factual and legal allegations are sufficiently similar, “[t]ransferee judges have demonstrated the ability to accommodate common and individual discovery tracks, gaining the benefits of centralization without delaying or compromising consideration of claims on their individual merits.” *In re Yamaha Motor Corp. Rhino ATV Prods. Liab. Litig.*, 597 F. Supp. 2d 1377, 1378 (J.P.M.L. 2009). Courts have applied this dual discovery approach in a number of recent product liability actions involving

pharmaceutical products. *See, e.g., In re Yasmin & Yaz (Drospirenone) Mktg., Sales Practices & Prods. Liab. Litig.*, 655 F. Supp. 2d 1343, 1344 (J.P.M.L. 2009); *In re Chantix (Varenicline) Prods. Liab. Litig.*, 655 F. Supp. 2d 1346, 1346 (J.P.M.L. 2009); *In re Vioxx*, 360 F. Supp. 2d at 1353-54.

**B. Coordination Will Promote the Just and Efficient Management of Pretrial Proceedings in the Actions**

Because they share common questions of fact and implicate overlapping discovery and expert and dispositive issues, coordination of these actions before a single judge will provide the most efficient approach to managing the cases at this time.

In each of the thirty-nine pending actions, Plaintiffs are seeking or will likely seek much of the same discovery from Defendants, including documents and deposition testimony related to the testing, design, labeling, marketing, and safety of Nexium. Coordinating the actions before one judge at this early stage will allow the parties and the court to address this overlapping discovery in an organized manner and avoid the potentially very costly duplication of efforts and judicial resources that would be required if the cases were to continue to proceed on separate schedules and in separate courts.

Indeed, this Panel has consistently recognized that Section 1407 coordination is a preferred way to manage individual lawsuits that raise similar questions regarding a defendant's development, design, and testing of a particular prescription medication or device. *See, e.g., In re Zyprexa Prods. Liab. Litig.*, 314 F. Supp. 2d 1380, 1381-82 (J.P.M.L. 2004); *In re Prempro Prods. Liab. Litig.*, 254 F. Supp. 2d 1366, 1367 (J.P.M.L. 2003); *In re Temporomandibular Joint (TMJ) Implants Prods. Liab. Litig.*, 844 F. Supp. 1553, 1554 (J.P.M.L. 1994); *In re Silicone Gel Breast Implants Prods. Liab. Litig.*, 793 F. Supp. 1098, 1100 (J.P.M.L. 1992); *In re A. H. Robins Co. "Dalkon Shield" IUD Prods. Liab. Litig.*, 406 F. Supp. 540, 542 (J.P.M.L. 1975).

Coordination is also appropriate here to avoid potentially inconsistent pre-trial rulings on the same or similar issues, including expert challenges under *Daubert*, and the

uncertainty and confusion that would result. *See In re Zimmer Nexgen Knee Implant Prods. Liab. Litig.*, MDL No. 2272, 2011 WL 3563293, at \*1 (J.P.M.L. Aug. 8, 2011) (“Centralization under Section 1407 will eliminate duplicative discovery, [and] prevent inconsistent pretrial rulings on *Daubert* and other pretrial issues . . . .”); *In re Transocean Tender Offer Sec. Litig.*, 415 F. Supp. 382, 384 (J.P.M.L. 1976) (“[T]he likelihood of motions for partial dismissal and summary judgment in all three actions grounded at least in part on [a common issue] makes Section 1407 treatment additionally necessary to prevent conflicting pretrial rulings and conserve judicial effort.”).

### **C. Coordination Will Serve the Convenience of Witnesses and Parties**

For many of the same reasons that coordination will promote the just and efficient management of the actions at this time, it will also serve the convenience of the witnesses and parties. In particular, coordinating and streamlining discovery will minimize unnecessary duplication, travel, and other expenses, and allow the parties to conserve, and more effectively focus, their resources in litigating these actions. As this Panel has noted:

Since a Section 1407 transfer is for pretrial proceedings only, there is usually no need for the parties and witnesses to travel to the transferee district for depositions or otherwise. Furthermore, the judicious use of liaison counsel, lead counsel and steering committees will eliminate the need for most counsel ever to travel to the transferee district. And it is most logical to assume that prudent counsel will combine their forces and apportion the workload in order to streamline the efforts of the parties and witnesses, their counsel and the judiciary, thereby effectuating an overall savings of cost and a minimum of inconvenience to all concerned.

*In re Baldwin-United Corp. Litig.*, 581 F. Supp. 739, 740-41 (J.P.M.L. 1984) (citations omitted).

In sum, coordination of these actions is appropriate because it would “eliminate duplicative discovery, prevent inconsistent pretrial rulings . . . and conserve the resources of the parties, their counsel and the judiciary.” *In re Temporomandibular Joint (TMJ) Implants*, 844 F. Supp. at 1554.

## II. Coordination in the Central District of California Is Appropriate

At this point in the litigation, transferring the Nexium cases to the Central District of California would best serve the purposes of 28 U.S.C. § 1407.

The Panel considers a variety of factors in determining where to transfer related cases, including the locations of pending cases; the location of the defendant; and the resources of the potential transferee districts and courts. *See, e.g. In re Cintas Corp. Overtime Pay Arbitration Litigation*, 444 F.Supp. 2d 1353, 1355 (J.P.M.L. 2006). Consideration of the current pending cases weighs in favor of transfer to the Central District of California.

Eight of the Nexium cases, with nearly a thousand plaintiffs, are pending before the Hon. Dale S. Fischer in the Central District of California. These eight cases represent the vast majority of the plaintiffs making Nexium claims. *See* David F. Herr, *Multidistrict Litigation Manual* § 6:8 (2010) (“[T]he Panel will not normally transfer actions to a district in which no action is then pending and the Panel clearly considers the number of actions pending in various districts to determine the selection.”). Defendant AstraZeneca is incorporated and has its principal place of operations in the State of Delaware. No cases are pending in the Delaware District Court. All but one of the complaints include defendants who are California residents. Defendant McKesson (named in all complaints except *Hornsby* and *Biggers*) has its principal place of business in the Northern District of California. Defendant Takeda California, Inc. (named in the *Beatty* complaint) has its principal place of business in the Southern District of California. Defendant Rebel Distributors Corp. (named in the *Hornsby* complaint) has its principal place of business in the Central District of California.

The Central District of California is well-equipped to handle and manage these actions. For the year ending September 30, 2011, the Central District of California had the second highest number of civil court filings and the third highest number of civil

court terminations<sup>1</sup>. Additionally, the Central District of California has extensive experience handling complex multidistrict litigations.

Furthermore, the Central District of California, and Los Angeles in particular, is a geographically accessible and convenient forum for all parties and witnesses. Plaintiffs in these actions are geographically dispersed across the country, making no single district most convenient if the plaintiffs themselves must travel to the court. The Central District is, however, particularly convenient for counsel. Both McKesson and AstraZeneca have counsel in San Francisco, connected by short, frequent, inexpensive flights to Los Angeles. The Central District is also convenient to nearly all plaintiffs' counsel. The moving Plaintiffs' counsel is located in the City of Los Angeles, as is one of the firms representing the nine *Beatty* plaintiffs currently before the Northern District of California. Counsel for the twenty-two *Hornsby* plaintiffs, in the Southern District of California, is less than 110 miles from the Central District of California courthouse. The only plaintiffs not represented by Southern California counsel are the two *Biggers* plaintiffs currently before the Middle District of Tennessee. Four commercial airports serve the Los Angeles area and provide daily service to most metropolitan areas, including the cities where other counsel of record reside.

With respect to the selection of a judge, Plaintiffs submit that the Hon. Dale S. Fischer would be highly capable of managing this MDL. Judge Fischer is currently presiding over eight Nexium cases representing the vast majority of the plaintiffs who have filed Nexium claims.

### CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request an Order transferring the actions identified in the accompanying Schedule of Actions to the Hon. Dale S. Fischer in

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<sup>1</sup> See Administrative Office of the United States Courts, *2011 Annual Report of the Director: Judicial Business of the United States Courts* 138-40 (2012) (Table C), available at <http://www.uscourts.gov/uscourts/Statistics/JudicialBusiness/2011/JudicialBusiness2011.pdf>.



the Central District of California for pretrial coordination and granting such other and further relief as the Panel may deem just and proper.

Dated the 27<sup>th</sup> day of August, 2012

/s/ Vincent J. Carter

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

**In re Nexium Litigation MDL-**

**PROOF OF SERVICE**

I hereby certify that a copy of the foregoing **BRIEF IN SUPPORT OF PLAINTIFFS' MOTION FOR TRANSFER OF ACTIONS TO THE CENTRAL DISTRICT OF CALIFORNIA PURSUANT TO 28 U.S.C. § 1407 FOR COORDINATED OR CONSOLIDATED PRETRIAL PROCEEDINGS** was served by First Class Mail on August 27, 2012, to the following:

Clerk, Eastern District of Tennessee – Knoxville District  
Clerk, Western District of Tennessee – Memphis District  
Clerk, Southern District of Texas – Houston  
Clerk, Western District of Texas – San Antonio  
Clerk, Eastern District of Texas – Tyler  
Clerk, Northern District of Texas – Dallas  
Clerk, District of Utah – Salt Lake City  
Clerk, Western District of Virginia - Roanoke  
Clerk, Eastern District of Virginia – Norfolk  
Clerk, Western District of Washington – Seattle  
Clerk, Eastern District of Wisconsin – Milwaukee  
Clerk, Northern District of Virginia – Elkins  
Clerk, Northern District of West Virginia – Wheeling  
Clerk, Northern District of West Virginia - Clarksburg  
Clerk, Southern District of West Virginia – Charleston  
Clerk, District of Wyoming – Cheyenne  
Clerk, Northern District - Oakland

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***Authorized Agent for Process of Service for Defendant McKESSON CORPORATION***

**U.S. DISTRICT COURT – NORTHERN DISTRICT – OAKLAND**

**Case No.: 4:12-CV-03507-SBA**

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CASE NO.: 3;12-cv-01307-DMS-MDD**

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TYLER CASE NO.: 6:12-cv-00444-LED**

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HOUSTON – CASE NO.: 4:12-cv-02099**

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CASE NO.: 2:12-cv-00687-TS**

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(SEATTLE) – CASE NO.: 2:12-cv-01208-MJP**

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ELKINS – CASE NO.: 2:12-cv-00049-JPB**

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VIRGINIA – WHEELING – CASE NO.: 5:12-cv-00106-IMK**

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(MILWAUKEE) – CASE NO.: 2:12-cv-00717-LA**

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**U.S. DISTRICT COURT – DISTRICT OF WYOMING – CHEYENNE  
CASE NO.: 2:12-cv-00152-SWS**

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- (FEDERAL) I declare that I am employed in the office of the member of the bar of this court at whose direction the service was made.

Executed on August 27, 2012, at Los Angeles, California.

/s/ Terry Yamasaki

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TERRY YAMASAKI

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

**In re Nexium Litigation MDL-**

**PROOF OF SERVICE**

I hereby certify that a copy of the foregoing **BRIEF IN SUPPORT OF PLAINTIFFS' MOTION FOR TRANSFER OF ACTIONS TO THE CENTRAL DISTRICT OF CALIFORNIA PURSUANT TO 28 U.S.C. § 1407 FOR COORDINATED OR CONSOLIDATED PRETRIAL PROCEEDINGS** was electronically filed with the Clerk of the U.S. Court – Central District and the Clerk of the U.S. District of Wisconsin – Western District using the UCF system, which sent notification of such filing to lead and liaison counsel and all counsel of record on August 27, 2012.

          /s/ Terry Yamasaki            
Terry Yamasaki

**BEFORE THE UNITED STATES JUDICIAL PANEL ON MULTIDISTRICT  
LITIGATION  
MDL \_\_\_\_\_ - IN RE: NEXIUM LITIGATION**

**SCHEDULE OF ACTIONS**

<b><u>Case Caption</u></b>	<b><u>Court</u></b>	<b><u>Civil Action No.</u></b>	<b><u>Judge</u></b>
Linda Carrasco, William Davis, Jr., Shirley Dean, Gloria Edmonds, Linda Sue Hedgwood, Frances King, Betty Wilson May, James McIntyre, Doris Parker, Mable Pleasant, Ninevah Smith, Sonja Smith, Rose Marie Thomas, Russell Wiggins, Thomas Allen Williams, Mary Jane Williams, Janice Amerison, Joan Whiting, Ezzie Beard, Bree Beeson, Aurgintrus Betts, Marjorie Farley, Shirley Graves, Maurice Jackson, Shelby Katzmarek, Shirley Lyons, Sherry Moore-Maxson, Celeste Vasquez, Stacey Clayton, Jeanne Goss, Gloria Howard, Dale Knowles, Sherry Martin, Monica Mayes, Wanda Louise Mayne, Ellen Roberts, Kimberly Segracy, Sharon Ann Smith-House, Judy Wicker, Josephine Allemond, Laura Bridges, Barbara Carroll, John Dennis, Maggie Doty, Glynn Farrar, Charlene Gatson, Margaret Hill, Hilda Johnson, Trelleman Jones, Sr., Esther Joseph, Theresa Lanns, Lilly Lavenia, Marian Manuel, Barbara Martin, Glenda Gail Martin, Italy Martin, Bobby Faye Mills, Talsie Ann Neal, Tonya Poe, Ronald Pugh, Faith Ross, Hope Snyder, Shirley Thomas, Edna Tyson, Marilyn Williams, Stephen Wittelsberger, Letitia Beatrice Carroll, Lillian Collins, Patricia Gomez, Laura Grice, Lucille Hixon, Eloise Howard, Lori Jackson, Deanna Jean Larivee, Kathleen Martin, Rose Moore, Leona Parker, Debra Sharon, Douglas Smith, Shelly Kay Louks,	C.D. California	2:12-CV-05044-DSF-SS	Hon. Dale S. Fischer

<p>Beverly Niedzielski, Dolores Wozmek, James Bunting, Gertrude Franklin, Lydia Gerding, Pamela Gibson, Robert Hancock, Cheryl Jackson, Mary Angela Kimbrough, Arabella Miles, Uelletta Miller, Shirley Denise Peck, Donna Pike, Valerie Pollard, James Scales, Teresa Throckmorton, Deloris Tucker, Maryetta Adams, Pamela Anderson, Mike Arnold, Rhonda Ball, Elizabeth Gibbs Booth, Barbara Brown, Nathaniel Burks, Donna Clanton, Julia Cosey, Martha English, Pearlean Evans, Tommie Pearl Gamble, Alphonse Hammiette, John Holman, Anetra Jackson, Arthur Craig Jackson, Claudia Jones, Patricia London-Smith, Sivak Mickeal, Paulette Miller, Hugh Moffett, David Parks, Harry Sibley, John Vivoni, Carolyn Wablinton, Gloria Walker, Brenda Robinsa Welch, Bonnie Wells v. Mckesson Corporation; Astrazeneca Pharmaceuticals LP; and Astrazeneca PLC;</p>			
<p>Lupe Abina, Benjamin Albanese, Rebecca Alkire, Donna Allen, Janice Allen Sheila Allen, Jaclyn Altimari, Diana Alvarado, Diane Anderson, Cindy Armand, Hazel Ash, Joyce Badie, David Baker, Larry Baker, Lawrence Balzer, Krashima Banks, Loretta Barr, William Basios, Alexander Becker, Sandra Beech, Ginny Begin, April Bellinger, Dayle Bell-Miller, Caroline Belt, Earl Benjamin, Steve Bertoldie, Violet Beteishooden, Wesley Bice, Joan Billings, Rita Birke, Thelma Blackmon, Donna Blackwell, James Blair, Cheryl Blakeney, Ranny Blankenship, Danny Blevins, Robert Bobern, Darlo Boles, Cynthia Bonacci, Laura Bono, Sharon</p>	C.D. California	2:12-CV-05046-DSF-SS	Hon. Dale S. Fischer

**EXHIBIT 2 – SCHEDULE OF ACTIONS**

<p>Bowers, Gwennette Bowman, Anthony Brashier, Joy Brewer, Ricky Brezial, John Brinkley, Lorene Brock, Sandra Brooks, Brenda Broussard, Charles Brown, Patsy Brown, Sarah Brown, Shanel Brown, Kathy Bryant, Sharon Bryant, Pamala Bscherer, Sandra Buford, Ronald Burch, Ronald Burch, Sr., Patricia Burden, Verda Burgess, Dorothy Bush, Gregory Butler, Suzanne Butzin, Stacy Byford, Gary Caldwell, Barbara Canaday, Charlotte Carpenter, Allen Carroll, Judith Carroll, Candi Carter, Donya Carter, Joyce Caruthers, Barbara Carver, Sherron Castleberry, Tammy Cato, Dreamer Chambers, Carmen Chancey, Adorium Chapman, Daniel Chapman, Waymond Carolyn Charlot, Kathy Chesser, Billy Clark, William Clark, Eddie Claunch, Shannon Clemmer, Paul Cloud, Trasa Cochran, Rachel Cole, Jerry Coleman, Sherry Collums, Toni Conley, Vivian Conlin, Judy Connell, Connie Cono, Brian Conto, Mario Conway, Joann Cook, David Cooke, Elmer Coots, Jeanine Coss, Kathy Craft, James Craig, Bobbie Crawford, June Creech, Pamela Crowson, Shelly Cruize</p> <p>v. Mckesson Corporation; Astrazeneca Pharmaceuticals LP; and Astrazeneca PLC</p>			
<p>Antoinette Johnson, April Hinton, Eunice Kay Hobbs, Paul Hobbs, Jr., Corinne Hofer, Vincent Holcroft, Gary Holman, Earl Howard, Betty Hubbard, Trina Hubbard, Faith Huegel, Janice Hughes, Nikki Hughes, James Humber, Charles Hunter, Gloria Hunter, Belinda Jack, Sandra Jackson, Sherry Jackson, Kathy Janton, Betty Jarrett, Solomon</p>	C.D. California	2:12-CV-05048-DSF-SS	Hon. Dale S. Fischer

**EXHIBIT 2 – SCHEDULE OF ACTIONS**

<p>Jeffrey, Cassandra Jenkins, Robin Jennings, Deloris Johnson, Gloria Johnson, Irene Johnson, Janice Johnson,, Marguerite Johnson, Nancy Johnson, Terry Johnson, Henrietta Jones, Katherine Jones, Pamela Jones, Randy Jones, William Josey, Barbara Joyner, Diana Justice, Suzanne Kamas, Deborah Keal, Delores Keller, Kathleen Kennedy, Randy Kestle, James Kirby, Patricia Kirk, Donna Klesmith, Susan Knight, Lori Knisley, Sharon Kropka, Richard Laliker, Cindy Lane, Robin Langley, Larry Lankford, Joanne Lapps, Mary Lass, Barbara Law, Ola Lawson, Daniel Laza, Timothy Leblanc, Jim Leighty, Brenda Lewis, Mattie Lewis, Ruth Lewis, Alfreda Lincoln, Deborah Lindley, Sharon Lindsey, Sandra Loar, Melanie Lochner, Janice Locke, Charlean Lofton, William Long, Dora Lopez, Christopher Louviere, Grace Lowe, Karen Ludwig, Katherine Luther, Shirley Maddox, Barbara Maix, Thelma Malone, Gwendolyn Manning, Elizabeth Manuel, Diana Marks, Greg Martin, Landon Martin, Mary Martinez, Ruth Martinez, Vanessa Martinez, Franci Matthews, Louis Mauro, Evita Maya, Diane Mayo, Carol Mcbee, Velta Mcclain, Paula Mcconnell, Nancy Mcgee, Frances Mccinley, Arthur Mccgowan, Lonita Mcleigh, Virginia Mcneil, Thad Mcphail, Ciana Mead, Laura Meeks, Nancy Mei, Agnes Mesec, David Meyers, Joann Mireles</p> <p>v. Mckesson Corporation; Astrazeneca Pharmaceuticals LP; and Astrazeneca PLC</p>			
<p>Unniebe Solomon, Willie Mae Whitehall, Debbie Williams, Robert Williams, Cassie Windham, Philip</p>	<p>C.D. California</p>	<p>2:12-CV-05049-DSF-SS</p>	<p>Hon. Dale S. Fischer</p>

**EXHIBIT 2 – SCHEDULE OF ACTIONS**

<p>Wirick, Emma Young, Ethel Caroleen Allen, Earmedine Armfield, Richard Lewis Atkinson, Lora Boykin-Bell, Mary Alice Bronson, Ricky Chavis, Deborah Rochelle Cox-Washington, Glen Debrow, Julia Dickens, Peggy Gurley, Lisa Ann Icard, Lizzie Mae Jessup, Jack King, Mary Mahone, Theresa Marrow, Teresa Munguia, , Lillian Phillips, Hattie Rodman, James Scott, Edward Smith, Rebecca Jean Spaulding-Tyson, Pattis Wingo, Johnny Woodie, Betty Wright, Henry Deblase, Kenneth Dolby, Michael Jones, Mary Rivera, Anastacia Boehm, Nachum Salman, Calvin Solomon, John Wheeling, Allyson Allen, Timothy Bond, Kevin Carr, Rosa Faison, Josette Grzegorzczak, Karen Yvonne Martin-May, Lawrence Mason, Michael Massucci, Ricky Mosley, Jose Ortiz, Myriam Perales, Robert Smith, Sunshine Vanalphen, Lamar Daniels, Brenda Dockery, Shanora Evans, Bessie Jackson, Almarie Jewell, David Keller, Samuel Kleckley, Paul Letersal, Christina Lowery, Donald Lee Mead, Timothy Andrew Metarko, Lori Moneymaker, Betty Louise Pancake, Nancy Richardson, Ronald Seevers, Mildred Spadaro, Mary Stevens, Nathan Tressler, Johnnena Washington Sr., Tammy Wertz, Peggy Zimmer, Cathy Lachey, Jane Lynn Brown, Gary Wayne Hundley, Carol Petty, Brenda Reichard, Rosa Lee Sanders, Gretchen Rena Smith, Robert Smith, Renea Bolar-Crawley, Deborah Clark, Rachel Fisher, Edward Green, Jr., John Pervuznik, Sheree Rudolph, Lois Jean Wilson, Melinda Bethea, Alfonzo Brooks, Addie Cooper, Don Michael De Lee, Louise English, Patricia Ann Filowiak, Rilla Beatrice</p>			
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**EXHIBIT 2 – SCHEDULE OF ACTIONS**

<p>Fulton, Tampata Gonzalez, Cynthia Hatley, Lenora Rosetta Heath, Darryl Wardel House, Michael Hudson, Ricky Lee Kennedy, Linda Lee Massaro, Margaret Mayfield, Rickey Mcdonald, Rita Moss, Bettie Newton, Alicia Marie Reid, Cora Lee Seegars, Alonzo Staley, Jr., Melissa Tarasiewicz, Willie Toole, Nancy Wood, Patricia Bastone, Arnold Barratt, Sr., Willie Baylor, Angela Bell, Lue Reaver Brown, Jewell Crawford, Bertha Gray, Shirley Hainey-Booker, Jeffrey Lynn Humes, David Jordan, Crystal Marshall, Marc Stephen Mccarthy, Ruby Moore, Barbara Payne</p> <p>v.</p> <p>Mckesson Corporation; Astrazeneca Pharmaceuticals LP; and Astrazeneca PLC</p>			
<p>Pamela Mason, Margree Adams, Kathy Aerakis, David Ainsworth, Rebecca Albright, Sheila Albritton, Constance Alexander, Linda Anderson, Gail Andrews, Rita Ardoin, Barbara Baggett, Mary Barnes, William Barnum, Murry Barrett, Lorie Bason, Steven Beach, Carlene Beasley Shine, Donna Bell, Lovie Benford, Shirley Bennett, Anthony Blair, Patricia Blanks, Tarya Bobo, Rose Bodiford, Michael Bowaire, Sherri Brewton, Debra Brock, Alice Brooks, Brenda Broshears, Charlean Brown, Mary Brown, Tammy Brown, Mary Brownie, Thelma Burch, Mary Burnett, Patsy Burtchett, Carol Butler, Penny Butler, Johnnie Byers, Linda Byrd, Denise Campbell, Verna Campbell, George Canada, Susan Canada, Vicky Cardenas, Florence Carpenter, Patsy Carrington, Michaela Carter, Orange Cline, William Cooper, Linda Coscina,</p>	C.D. California	2:12-CV-05050-DSF-SS	Hon. Dale S. Fischer

## EXHIBIT 2 – SCHEDULE OF ACTIONS



<p>Anna Coulston, Julien Crowe, Richard Cupstid, Linda Currington, Ruth Anne Dalvisio, Annie Daniels, Michael Daniels, Deborah Dannelly, Beverly Darden, Judy Davis, Mandy Davis, Pheba Davison, Shelly Davison, Jefferey Dimauro, Manuel Diaz, Hazel Dickerson, Carol Dixon, Geraldine Dorris, Douglas Dukes, Lillian Dungy, Portia Dykes-Wright, Gladys Edwards, Mary Emanuel, Antonia Estes, Sandra Flores, Barbara Foster, Betty Freeman, Joann Freeman, Stephanie Fritts, Maribel Garcia, Babetta Garner, Melba Gay, Carlos Gierbolini, William Gilley, Yvonne Gilman, Carol Gordon, Barbara Goree, Lois Grgurich, Gene Griffiths, Jacquelyn Grissom, John Harris II, Sharon Hartfield, Antoinette Heller, Catherine Hillard, Richard Holcombe, Patricia Hollingsworth, Rose Holmes, Betty Howard, Cynthia Howard, Gladys Howard, Pearline Hubbard, Delia Hudson, Mary Humpfrey, Brigitte Indendi, Melva Ishmael, Sandra Isley, Lucinda Jefferson, Jula Jennings, Genovia Johnson, Ruthelle Johnson, Cora Jones, Theresa Jones, Mary Jordan, Cedric Keermann, William Kirkland, Shirena Klein, James Knieling, George Kobesto, Mark Koenig, Stella Lanphere, Marcus Lawson, Aquanetta Lawson-Lewis, Ebby Lester, Joyce Lewis, Michael Louis, Regina Lowe, Phyllis Luna, Jackie Maggard, Cheryl Manning, Walter Marks, Paula Martinez, Boyd Mason, Brenda Mcclain, Delores Jean Mccoy, Linda Mccully, Annie Mcgee, Patricia Mcghar, Barbara Mcintosh-Mccloud, Ronald Medford, Ed Memmer, Debra Michael, Janice Millard, Marie Miller, Shirley Mitchell, Rita Momsen, Debora Moore-Swift,</p>			
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**EXHIBIT 2 – SCHEDULE OF ACTIONS**

<p>Barbara Moss, Elaine Myers, Wendy Nail, Ralph Navarro, Elizabeth Nicely, Brenda Norris, Carole Ott, Cheryl Owens, Robert Palonis, Sudah Patel, Glenda Paxton, Barbara Payton, Valerie Pritchett, Johnnie Ann Ray, Marvin Redford, Rebecca Reid, Roel Reyes, Latonya Rhodes, Gwendolyn Richardson, Rebecca Rieble, Tina Robinson, Richard Rose, Janie Rucker, Robert Samayegh, Jerry Santomaso, Bonnie Sargent, Deborah Schmidt, Arnolia Scott, Karen Sens, Debra Sharp, Joyce Shelton, Georgette Siers, Shirley Simmons, Jamie Sims, Christine Sinks, Gloria Smith, Jacqueline Smith, Janice Smith, Sandra Steed, Louise Steegman, Patricia Stevens, Jackie Stringer, Brenda Sullivan, Lucy Tadlock, Lynda Sue Tanner, Joyce Teamer-Johnson, Joseph Teixeira, Barbara Thomas, John Thompson, Peggy Toombs, Gerald Trosclair, Mark Turley, Danny Vanover, Myrtle Veasey, Kathy Venters, Jeffrey Veregge, Cora Veres, Maria Villanueva, Lesea Wager, Jorli Wales, Geneva Walker, Robert Walker, Rosie Walker, Evelyn Wall, Alfrieda Warren, Gary Whaley, Shae Whyte, Charles Williams, Joystine Williams, Beulah Wilson, Theodore Wilson, Mary Winn, Lucille Wolfe, Otis Woods, Carol Gavrell, Serna Consuelo</p> <p>v.</p> <p>Mckesson Corporation; Astrazeneca Pharmaceuticals LP; and Astrazeneca PLC</p>			
<p>Christine Nickerson, Rhonda Kay Mitchell, Willie Mitchell, Blanca Moreno, Betty Morgan, Lorie Morgan, Barbara Morris, Brenda Morris, Verna Morris, Rosaria Moscova, Cheryl Moseley, Lavonne</p>	<p>C.D. California</p>	<p>2:12-CV-05052-DSF-SS</p>	<p>Hon. Dale S. Fischer</p>

**EXHIBIT 2 – SCHEDULE OF ACTIONS**

<p>Mosley, John Moulton, Barbara Nash, Lorraine Nash, Shirley Nash, Brian Nettles, Dorothy Neuman, Sherrie Nevitt, Carol Nguyen, Lyn Thi Nguyen, Linda Nickerson, Willard Nicely, Eric Nisonger, Kelly Norris, Diana Olsen, Joanne Onstott, Adrienne Osberry, Joy Ott, Teresa Owl, Barbara Padgett, Gwendolyn Palmer, Jeff Patrick, Rodney Patterson, Amahal Perry, Charlene Perry, John Petty, Lori Pickthorn, Betty Pierce, Ronald Pike, Marilyn Pingree-Raaphorst, Ann Piper, Betty Pitts, Kim Poff, Robert Pont, Nancy Price, June Quidor, Marta Quiles, Florence Quinn, Mary Ramirez, Rhonda Reat, Eileen Redmond, Catherine Reihner, Elsa Reynolds, Sally Rhea, Gabriel Rice, Carolyn Richard, Antoinette Richardson, Julia Richardson, Wesley Richardson, Finis Riddle, Hilda Rief, Debra Roberts, Peggy Roberts, Mary Robinson, Alma Rodriguez, Angela Rogers, Clara Rogers, Owens Ronald, Kenni Ross, Glenda Roy, Carolyn Royal, Kathy Ruffin, Beverly Russell, Patricia Russell, Edward Rust, George Ryan, Kimberly Ryan, Joanna Sage, Larney Sager, Linda Sager, Alma Sanders, Terry Sanders, Paula Schinasi, Shannon Schuldt, Kenneth Sedra, Jeannette Marie Seiber, Lydia Serna, Maryann Shabazian, Roy Sharp, Julie Sharrer, Barbara Sherrell, Kim Sickler, Gloria Sims, Sandra Singleton, Sandra Skiles, Willard Slaughter, Jamie Smith, Jessie Smith, Julia Smith, Linda Smith, Linda Smith, Rachel Smith, Susan Smith, Brenda Speed, Reginald Spencer, Dawn Sprede, Bernice Spurlock</p> <p>v.</p> <p>Mckesson Corporation; Astrazeneca</p>			
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**EXHIBIT 2 – SCHEDULE OF ACTIONS**

Pharmaceuticals LP; and Astrazeneca PLC			
<p>Sherwin Arae, Kerline Levine, Willie Adams, Mary Anita Blanton, Dorothy Brooks, Charlotte Campbell, Jeanette Clay, Andrea Coleman, Orel Cooper, Patricia Crenshaw, Martha Curry, Mary Daniels, Rita Leedouglas, Hazel Fabritis, David Farmer, Linda French, Tillman Don Hatcher, Mikal Neal Holliman, Gwendolyn Powell Jackson, Brenda Johnson, Mary Jones, Belinda Gail Keller-Tucker, Aurelia Mack, Joseph Rex Mansell, Ernestine Mason, Sadie Matthews, Ashley Middleton, Angelena Moore, Geraldine Nettles, Rebecca Todd Nolen, Patricia Pazant, Lucille Price, Beverly Pruitt, Cassandra Guy Revies, Vera Ringold, Doris Naomi Robinson Ross, Phyllis Elaine Scott, Sue Segrest, Arnolyn Elise Spencer, Glenda Strong, Diane Toole, John Walters, Edward Walton, Willie Warren, Alfred Wasden, Felicia Wilkins-Easterling, Alice Williams, Lindy Charles, Amy Crone, Angel Dyann Ellison, Eligah Floyd, Doris Gleason, Leon Hardaway, Sr., Erma Jones, Katherine Lark, Mary Lee, Sherry Smith, Raelene Smith, Cathy Joyce Wade, Margaret Watson, Cora Williams, Guy Burtless, Alma Noble, Valentino Frank Baroni, Joann Bonda, Nancy Bousquet, Sadie Carter, Delores Ealy, Gay Darlene Garris-Leviatt, Cheryl Ann Guertin, Sharon Hobbs, Cathy Lee Hylkema, Lisa Stone Moore, Jeannine Nelson-Pine, Cynthia Pierson, Anthony Lee Stafford, Carol Stevens, Clinton Wagner, Bruce Wedlake, Charles Welch, Shirley Chaney, Gregory Leigh Wilson, Donald Bowens, Monique Pendergast, Shirley Wolford, Alex Anderson, John Lee</p>	C.D. California	2:12-CV-05053-DSF-SS	Hon. Dale S. Fischer

**EXHIBIT 2 – SCHEDULE OF ACTIONS**

<p>Bonner, Pearlie Oretha Brown, Diana Finley-Morales, Irma Golfin, Veronica Horne, David Jackson, Robert Larimore, Michael Miller, Pamela Otero, Wendy Rennie, E. Crispin Roland, Paula Schinasi, Gloria Elizabeth Thomas, Pamela Denise Thorn, Albert Thorson, Isidor Vincent Vigil, Michelle Lynette Wright, Ella Lee Young, Vickie Darlene Arnold, Peggy Lee Beavers, Anna Rose Croft</p> <p>v.</p> <p>Mckesson Corporation; Astrazeneca Pharmaceuticals LP; and Astrazeneca PLC</p>			
<p>Phyllis Cudney, Binh Viet Dang, Cindy Davidson, Bruce Davis, Elaine Davis, Rosemary Davis, Judith Debbin, Norman Dehuff, Don Deisher, Dorothy Delgado, Kirk Diehl, Douglas Dodson, Gladys Dodson, Barbara Dolph, Linda Doss, Donald Drake, Vickie Draughn, David Drosos, Robert Dudley, Tammy Duffy, Richard Easterling, Billy Edwards, Janice Eggert, John Eldridge, Erma Walker, Janet Evangelista, Nada Evans, Sarah Evans, Joe Ferris, Carolyn Fletcher, Richard Florio, David Flowers, Jamie Fortner, Michael Foster, Rosie Foster, Karla Frampton, Joann Frank, Linda Frank, Sherry Freshour, Jose Fronda, Dorothy Furia, Yvette Gabriel, Tina Gaffney, Linda Gaines-Brown, Christina Gallo, William Galloway, Eloisa Gamez, Rebeckah Garcia, Victor Gardea, Lisa Gather, Lisa Gautreaux, Christiana Georgewell, Scott Gertie, Mary Geter, Linda Gibson, Debera Gilley, Ralph Gilliam, Connie Gilmore, Sylvia Gilmore, Robin Giroux, Delores Givens, Lula Glover, Harold Goatcher, Charles Godfrey, Lonny</p>	C.D. California	2:12-CV-05077-DSF-SS	Hon. Dale S. Fischer

**EXHIBIT 2 – SCHEDULE OF ACTIONS**

<p>Gomeringer, Corina Gomez-Domino, Gordon Gonsalves, Angela Goodman, Daisy Goodman, Phyllis Goodman, Jerry Grandy, Victoria Granger, Sandra Grandquist, Annette Gray, Sharon Greenup, Barbara Greer, Joyce Griffin, Toby Gullo, Brenda Guthrie, Barbara Haddock, Bonnie Hait, Carla Hall, Donna Hall, Deborah Hankins, Janie Harding, Betty Harlan, Arlene Harman, Ella Harp, Annie Harris, Dorothy Harris, Neil Harris, Odessa Harrison, Theresa Hartz, Carol Harvey, Terrance Haslam, Mary Hatcher, Kimberly Havard, Lonnie Hebert, Edna Hegdahl, Cathy Helsley, Charlissa Henneberter, Simon Hernandez, Ronald Heromin, Gloria Herrera, Brenda Heslip, Deborah Hilton, Gladys Hilton</p> <p>v. Mckesson Corporation; Astrazeneca Pharmaceuticals LP; and Astrazeneca PLC</p>			
<p>Judy Beatty, Charles Chillemi, Melvina Demps, Sunny Fronda, Mary Hughes, Windle Knight, Jerdie Martin, Connie Schultz, and Harold Zealley</p> <p>v. AstraZeneca Pharmaceuticals LP; Takeda California, Inc. fka Takeda San Diego, Inc.; Takeda Global Research &amp; Development Center, Inc.; Takeda Pharmaceuticals U.S.A., Inc.; Takeda Pharmaceuticals International, Inc.; Takeda America Holdings, Inc.; and McKesson Corporation</p>	N.D. California	4:12-CV-03507-SBA	Hon. Sandra B. Armstrong
<p>Lois Hornsby, Mark DePauw, Carole Bailey, Judy Scott, Damon Haynes, Ricky J. Aiello, Judy K. Arvin, Geralene Brown, Betty Lynn Carter, Kathryn Coyle, Chad Cruger, Sherri Doyel, James Gibson, Jacquelyn</p>	S.D. California	3:12-CV-01307-DMS-MDD	Hon. Mitchel D. Dembin

**EXHIBIT 2 – SCHEDULE OF ACTIONS**

Girssom, Dwayne Jones, Linda D. Loumans, Faye-Linda McGovern, Lois Richmond, David W. Smith, Rodney Allen Westphall, Lonnell Edward Willis and Leslie W. Wine v. AstraZeneca Pharmaceuticals LP; AstraZeneca LP; Cardinal Health 110, Inc.; and Rebel Distributors Corp.			
James R. Biggers, Jr. and Pamela Biggers v. AstraZeneca LP and AstraZeneca Pharamceuticals LP.	M.D. Tennessee	1:11-CV-00062	Hon. William J. Haynes, Jr.
Georgia Lou Payne v. Mckesson Corporation; Astrazeneca Pharmaceuticals LP; and Astrazeneca PLC	E.D. Tennessee	3:12-cv-00341	Hon. Thomas W. Phillips
Rodney Penland v. Mckesson Corporation; Astrazeneca Pharmaceuticals LP; and Astrazeneca PLC	E.D. Tennessee	3:12-cv-00342	Hon. Thomas W. Phillips
Cynthia Phillips v. Mckesson Corporation; Astrazeneca Pharmaceuticals LP; and Astrazeneca PLC	E.D. Tennessee	3:12-cv-00343	Hon. Thomas W. Phillips
Kelly Wayne Powers v. Mckesson Corporation; Astrazeneca Pharmaceuticals LP; and Astrazeneca PLC	E.D. Tennessee	3:12-cv-00344	Hon. Thomas W. Phillips
Peggy Smith v. Mckesson Corporation; Astrazeneca Pharmaceuticals LP; and Astrazeneca PLC	E.D. Tennessee	3:12-cv-00345	Hon. Thomas W. Phillips
Debra Ann Sweet v. Mckesson Corporation; Astrazeneca Pharmaceuticals LP; and Astrazeneca PLC	E.D. Tennessee	3:12-cv-00346	Hon. Thomas W. Phillips
Daniel Robin Thomas	E.D. Tennessee	3:12-cv-00347	Hon. Thomas W.

**EXHIBIT 2 – SCHEDULE OF ACTIONS**

v. Mckesson Corporation; Astrazeneca Pharmaceuticals LP; and Astrazeneca PLC			Phillips
Kelly Toler-Allen v. Mckesson Corporation; Astrazeneca Pharmaceuticals LP; and Astrazeneca PLC	E.D. Tennessee	3:12-cv-00348	Hon. Thomas W. Phillips
Mary Ann Wheeler v. Mckesson Corporation; Astrazeneca Pharmaceuticals LP; and Astrazeneca PLC	E.D. Tennessee	3:12-cv-00349	Hon. Thomas W. Phillips
Sherrie Rose and Robert Soden v. Mckesson Corporation; Astrazeneca Pharmaceuticals LP; and Astrazeneca PLC	W.D. Tennessee	2:12-CV-02613- JPM-dkv	Hon. Jon Phipps McCalla
Wanda Rae Belcher, Sandra Casas, Sandra Elaine Davis, Hilda Ford, Danny Kerr, Donna Laney, Jack Lowe, Kathy Worth v. Mckesson Corporation; Astrazeneca Pharmaceuticals LP; and Astrazeneca PLC	E.D. Texas	6:12-cv-00444- LED	Hon. Leonard Davis
Andrea Bonner, Patsy Brown, Idalee Cahtcart, Tammy Edwards, Mary Gipson, Kathleen Hejny, Kemecia Hillary, Carolyn Lozoya, Stephan McGaha, Tommecia McGee, Janice Eliz Monroe, Velda Ratliff, Cynthia Smirl, Terry Lynn Smith, Crystal Snodgrass, Phyllis Tippie v. Mckesson Corporation; Astrazeneca Pharmaceuticals LP; and Astrazeneca PLC	N.D. Texas	3:12-cv-02241-K	Hon. Ed Kinkeade
Andrew Arevalo, Judy Barlow, Louisa Cano, Melanie Johnson, Bessie Johnson, Judith Ann Lawrence, Willie Manning, Jessie Plattenburg, Asberry Barry Postell, Janie Potter, Maria Ramirez, Silvia Ruiz, Centra Arnaz Todd, Deabatha	S.D. Texas	4:12-cv-02099	Hon. Lynn N. Hughes

**EXHIBIT 2 – SCHEDULE OF ACTIONS**



Zavala, Mary Jean Jackson v. Mckesson Corporation; Astrazeneca Pharmaceuticals LP; and Astrazeneca PLC			
Irene Avelar, Dorothy Dierker, Cipriano Galindo, Darlene Marie Galindo, Gloria Garcia, Maria Graves, Melinda Hull, Sally Jean Jackson, James Nigh, Sylvia Perales, Johlen Reavis, Beverly Scott, Cheryl Shock, Maisy Thomas, Joseph Ward, Peggy Wedin v. Mckesson Corporation; Astrazeneca Pharmaceuticals LP; and Astrazeneca PLC	W.D. Texas	5:12-cv-00673- XR	Hon. Xavier Rodriguez
Wendy Collins, Tamara Price v. Mckesson Corporation; Astrazeneca Pharmaceuticals LP; and Astrazeneca PLC	D. Utah	2:12-cv-00687- TS	Hon. Ted Stewart
Kraig Jackson, Cynthia Washington v. Mckesson Corporation; Astrazeneca Pharmaceuticals LP; and Astrazeneca PLC	E.D. Virginia	2:12-cv-00401- MSD-TEM	Hon. Mark S. Davis
Shirley Bradley, Shirley Daniels, Patricia Dillard, Louis Dimattia II, Bonnie Elkow, Mildred Jackson v. Mckesson Corporation; Astrazeneca Pharmaceuticals LP; and Astrazeneca PLC	W.D. Virginia	7:12-cv-00304- GEC	Hon. Glen E. Conrad
Ann Nybold, Shawn Anthony Smith v. Mckesson Corporation; Astrazeneca Pharmaceuticals LP; and Astrazeneca PLC	W.D. Washington	2:12-cv-01208- MJP	Hon. Marsha J. Pechman
Betty Conner v. Mckesson Corporation; Astrazeneca Pharmaceuticals LP; and Astrazeneca PLC	N.D. West Virginia	2:12-cv-00049- JPB	Hon. John Preston Bailey
Patricia DeLorenzo v.	N.D. West Virginia	5:12-cv-00106- IMK	Hon. Irene M. Keeley

**EXHIBIT 2 – SCHEDULE OF ACTIONS**

Mckesson Corporation; Astrazeneca Pharmaceuticals LP; and Astrazeneca PLC			
Paul Whitlach v. Mckesson Corporation; Astrazeneca Pharmaceuticals LP; and Astrazeneca PLC	N.D. West Virginia	5:12-cv-00107- IMK	Hon. Irene M. Keeley
Jody Schnaack v. Mckesson Corporation; Astrazeneca Pharmaceuticals LP; and Astrazeneca PLC	N.D. West Virginia	1:12-cv-00111- IMK	Hon. Irene M. Keeley
Dawn Johnson, James Pierce, Lisa Vereen, Judy Waggoner	S.D. West Virginia	2:12-cv-03054	Hon. Joseph R. Goodwin
Emma Kuhn v. Mckesson Corporation; Astrazeneca Pharmaceuticals LP; and Astrazeneca PLC	E.D. Wisconsin	2:12-cv-00717- LA	Hon. Lynn Adelman
John McMahon v. Mckesson Corporation; Astrazeneca Pharmaceuticals LP; and Astrazeneca PLC	E.D. Wisconsin	2:12-cv-00718- CNC	Hon. Charles N. Clevert, Jr.
Latrisha Morrow v. Mckesson Corporation; Astrazeneca Pharmaceuticals LP; and Astrazeneca PLC	E.D. Wisconsin	2:12-cv-00719- RTR	Hon. Rudolph t. Randa
Barbara Moore v. Mckesson Corporation; Astrazeneca Pharmaceuticals LP; and Astrazeneca PLC	W.D. Wisconsin	3:12-cv-00496- bbc	Hon. Barbara B. Crabb
Juanita Kaye Westlake v. Mckesson Corporation; Astrazeneca Pharmaceuticals LP; and Astrazeneca PLC	D. Wyoming	2:12-cv-00152- SWS	Hon. Scott W. Skavdahl

**EXHIBIT 2 – SCHEDULE OF ACTIONS**

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

**In re Nexium Litigation MDL-**

**PROOF OF SERVICE**

I hereby certify that a copy of the foregoing **MOTION OF PLAINTIFFS FOR TRANSFER OF ACTIONS TO THE CENTRAL DISTRICT OF CALIFORNIA PURSUANT TO 28 U.S.C. § 1407 FOR COORDINATED OR CONSOLIDATED PRETRIAL PROCEEDINGS; BRIEF IN SUPPORT OF PLAINTIFFS' MOTION FOR TRANSFER OF ACTIONS TO THE CENTRAL DISTRICT OF CALIFORNIA PURSUANT TO 28 U.S.C. § 1407 FOR COORDINATED OR CONSOLIDATED PRETRIAL PROCEEDINGS** was served by First Class Mail on August 27, 2012, to the following:

Clerk, Eastern District of Tennessee – Knoxville District  
Clerk, Western District of Tennessee – Memphis District  
Clerk, Southern District of Texas – Houston  
Clerk, Western District of Texas – San Antonio  
Clerk, Eastern District of Texas – Tyler  
Clerk, Northern District of Texas – Dallas  
Clerk, District of Utah – Salt Lake City  
Clerk, Western District of Virginia - Roanoke  
Clerk, Eastern District of Virginia – Norfolk  
Clerk, Western District of Washington – Seattle  
Clerk, Eastern District of Wisconsin – Milwaukee  
Clerk, Northern District of Virginia – Elkins  
Clerk, Northern District of West Virginia – Wheeling  
Clerk, Northern District of West Virginia - Clarksburg  
Clerk, Southern District of West Virginia – Charleston  
Clerk, District of Wyoming – Cheyenne  
Clerk, Northern District - Oakland

**THE PRENTICE-HALL CORPORATION**  
2710 Gateway Oaks Drive, Suite 150N  
Sacramento, California 95833

***Authorized Agent for Process of Service for Defendant McKESSON CORPORATION***

**U.S. DISTRICT COURT – NORTHERN DISTRICT – OAKLAND**

**Case No.: 4:12-CV-03507-SBA**

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**U.S. DISTRICT COURT – SOUTHERN DISTRICT – SAN DIEGO  
CASE NO.: 3;12-cv-01307-DMS-MDD**

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**U.S. DISTRICT COURT – MIDDLE DISTRICT OF TENNESSEE  
(COLUMBIA) CASE NO.: 1:11-cv-00062**

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**U.S. DISTRICT COURT – EASTERN DISTRICT TENNESSEE –  
KNOXVILLE – CASE NO.: 3:12-cv-00341**

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**U.S. DISTRICT COURT – EASTERN DISTRICT OF TEXAS -  
TYLER CASE NO.: 6:12-cv-00444-LED**

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Attorneys for Defendants

**U.S. DISTRICT COURT - SOUTHERN DISTRICT OF TEXAS –  
HOUSTON – CASE NO.: 4:12-cv-02099**

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(FEDERAL) I declare that I am employed in the office of the member of the bar of this court at whose direction the service was made.

Executed on August 27, 2012, at Los Angeles, California.

\_\_\_\_\_  
/s/  
TERRY YAMASAKI

**JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION**

**In re Nexium Litigation MDL-**

**PROOF OF SERVICE**

I hereby certify that a copy of the foregoing **MOTION OF PLAINTIFFS FOR TRANSFER OF ACTIONS TO THE CENTRAL DISTRICT OF CALIFORNIA PURSUANT TO 28 U.S.C. § 1407 FOR COORDINATED OR CONSOLIDATED PRETRIAL PROCEEDINGS; BRIEF IN SUPPORT OF PLAINTIFFS' MOTION FOR TRANSFER OF ACTIONS TO THE CENTRAL DISTRICT OF CALIFORNIA PURSUANT TO 28 U.S.C. § 1407 FOR COORDINATED OR CONSOLIDATED PRETRIAL PROCEEDINGS** was electronically filed with the Clerk of the Court using the UCF system, which sent notification of such filing to lead and liaison counsel and all counsel of record on August 28, 2012.

          /s/ Terry Yamasaki            
Terry Yamasaki