

BEFORE THE
UNITED STATES JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

IN RE: BYETTA THYROID CANCER
PRODUCTS LIABILITY LITIGATION

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

On May 9, 2013, Plaintiff Elizabeth Childress filed *Elizabeth Childress vs. Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division, Case No. 3:13-cv-01114-AJB-MDD.

Pursuant to 28 U.S.C. §1407 and Rule 7.2(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, Plaintiff respectfully moves the United States Judicial Panel on Multidistrict Litigation (the "Panel") for an Order transferring the 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 for the Southern District of California, and to consolidate and coordinate all cases for pretrial proceedings before the Honorable Anthony J. Battaglia, United States District Judge, Southern District of California. There are currently at least thirty-four (34) filed cases pending in this jurisdiction, all of which are pending or are likely to be transferred to the Honorable Anthony J. Battaglia.

Transfer for pretrial consolidation and coordination is proper and necessary for the following reasons:

1. These Actions allege numerous causes of action relating to the dangerous and defective drug, Byetta, which is manufactured and/or marketed by the Defendants. The claims include, but are not limited to, failure to warn, design defect, breach of warranty, negligence, and claims associated with conduct that imposes liability associated with the marketing and sales of Byetta.

2. There are currently at least thirty-six (36) actions pending in three (3) district courts that assert similar claims. Besides the instant actions, cases have been filed in the district courts of Arizona and Colorado. Upon information and belief, Counsel for Plaintiff anticipates hundreds of additional complaints will be filed in the future.

3. Each of these Actions arise out of the same or similar nucleus of operative facts, and all arise out of the same or similar alleged wrongful conduct.

4. Each of these Actions will involve the resolution of the same or similar questions of fact and law, as they all arise from Defendants' same and similar wrongful conduct.

5. Discovery conducted in each of these Actions will be substantially similar and will involve many of the same documents and witnesses, because each action arises from the same or similar nucleus of operative facts.

6. Discovery has only commenced in the Southern District of California. Therefore, no prejudice or inconvenience will result from the transfer, coordination, and consolidation of the related Actions to the Southern District of California.

7. Southern District of California District Court Judge Anthony J. Battaglia is currently presiding over *In re: Incretin-Based Therapies Products Liability Litigation* (MDL 2452). MDL 2452 includes Byetta-related pancreatic cancer cases, which cases will have substantial overlap in discovery and experts with the MDL proposed herein.

For the reasons stated above, as well as in more detail in the Brief in Support attached to Plaintiffs' Motion for Transfer, incorporated herein by reference, the transfer, coordination, and consolidation of the Actions and subsequent tag along cases to the Southern District of California will promote the just and efficient administration of the Actions.

Accordingly, Plaintiffs respectfully request that the actions noted on the Schedule of Actions, attached to Plaintiffs Motion to Transfer, be transferred to the Southern District of California for consolidation and coordinated proceedings before the Honorable Judge Anthony J. Battaglia.

Dated this 28th day of January, 2014 **Respectfully submitted,**

s/ Ryan L. Thompson

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ATTORNEYS FOR PLAINTIFFS IN THE FOLLOWING ACTIONS :

Case No. 3:13-cv-01114; *Elizabeth Childress v. Amylin Pharmaceuticals LLC, Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-01736; *Dorothy Diego v. Amylin Pharmaceutical LLC, Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-01861; *Geneva Edwards v. Amylin Pharmaceutical LLC, Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-02631; *Ivona Glovick v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 2:14-cv-00084; *Rosie Hernandez v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the District of Arizona

Case No. 1:14-cv-00130; *Lorie Savinar v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the District of Colorado

Case No. 3:13-cv-01865; *Albert Turner v. Amylin Pharmaceuticals LLC, Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

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**BRIEF IN SUPPORT PLAINTIFF'S MOTION FOR TRANSFER
OF ACTIONS PURSUANT TO 28 U.S.C. § 1407**

MAY IT PLEASE THE COURT:

Pursuant to 28 USC § 1407 and Rule 7.2(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, Plaintiff, Elizabeth Childress, submits this memorandum of law in support of Plaintiffs' motion for transfer 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 for the Southern District of California, and to consolidate and coordinate all cases for pretrial proceedings before the Honorable Anthony J. Battaglia, United States District Judge, Southern District of California. Presently, there are at least **36** substantially similar actions pending in **3** different judicial districts in the United States alleging similar wrongful conduct on the part of Defendants.

Movants represent the Plaintiffs in **7** of the **36** cases that have been filed to date. All related actions, including those actions filed by Movants, by other Plaintiffs, and by future Plaintiffs, involve common questions of law and fact and arise from Plaintiffs' development of thyroid cancer from ingestion of Byetta (exenatide synthetic), which at all times relevant hereto, was manufactured, designed, tested, packaged, labeled, marketed, advertised, distributed, and sold by Defendants Amylin Pharmaceuticals, LLC f/k/a Amylin Pharmaceuticals, Inc. and Eli Lilly and Company (collectively, the

“Defendants”).

In addition to issues of causation, common issues also include whether the Defendants knew of the thyroid cancer risk associated with Byetta and failed to disclose it to the medical community and/or consumers. All related actions seek damages for personal injury and/or economic damages on behalf of individuals exposed to Byetta, asserting various state law claims, such as negligence, products liability, breach of warranty, negligent misrepresentation, and/or fraud regarding the risks of ingestion of Byetta. Movant respectfully requests an Order transferring these related actions and future-filed actions to the Southern District of California as the most appropriate and convenient forum. Such consolidation is particularly appropriate as Judge Anthony J. Battaglia is currently presiding over *In re: Incretin-Based Therapies Products Liability Litigation* (MDL 2452), which includes Byetta-related pancreatic cancer cases. As discussed further herein, these Actions will have substantial overlap in discovery and experts with the Byetta-related discovery and experts already being developed before Judge Battaglia in MDL 2452.

Likewise, because of the scope of Defendants’ conduct, it is likely that hundreds of additional actions will be filed in jurisdictions throughout the United States of America. Plaintiff’s counsel herein is aware of hundreds of related cases that are under contract with various law firms across the United States of America. Transfer for consolidation and coordination is proper because each of the 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 resolution of the same or similar questions of fact and law, will involve the same or similar scientific / medical evidence, and discovery will be substantially similar and will involve the same documents and witnesses.

I. Background

A. The Basis of Litigation

According to the American Diabetes Association, “Type 2 diabetes is the most common form of diabetes. Millions of Americans have been diagnosed with type 2 diabetes.”¹ Type 2 diabetes mellitus is a chronic disease, characterized by insulin resistance and deficient insulin secretion leading to high blood sugar levels (or hyperglycemia), which is the hallmark of the condition. Diabetes remains the most frequent cause of blindness, amputations, and dialysis worldwide.² With the current estimate of more than 350 million patients worldwide³ it is considered to be one of the major health challenges of the 21st century.

Byetta is a glucagon-like peptide-1 (GLP-1) receptor agonist and is a member of the incretin-based therapies class of drugs. Byetta is currently involved in MDL 2452 pending before the Honorable Anthony J. Battaglia in the Southern District of California, along with other Incretin-based therapies, related to its propensity to cause pancreatic cancer.

Byetta “work[s] by mimicking the incretin hormones that the body usually produces naturally to stimulate the release of insulin in response to a meal. [It is] used along with diet and exercise to lower blood sugar in adults with type 2 diabetes.”⁴ Byetta, like the other incretin-based therapies involved in MDL 2452, is supposed to help prevent diabetic complications.

Byetta was approved by the FDA in April of 2005 and was marketed to the medical community and general public shortly thereafter. In January 2010, the FDA

¹ <http://www.diabetes.org/diabetes-basics/type-2/?loc=DropDownDB-type2>

² Id.

³ IDF Diabetes Atlas, <http://www.idf.org/diabetesatlas/5e/diabetes>.

⁴ <http://www.fda.gov/Drugs/DrugSafety/ucm343187.htm>

approved Victoza, another member of the GLP-1 subclass of incretin-based therapies. As members of the same subclass, Byetta and Victoza act similarly in the human body and have similar side effects.

Victoza was approved with several post-marketing requirements under the Food and Drug Administration Amendments Act (FDAAA) to ensure that the manufacturer would conduct studies to provide additional information on safety. The FDA acknowledged the need for these post-marketing requirements based on concerns over animal studies demonstrating an association between Victoza and thyroid cancer.⁵

Victoza's approval by the FDA also came with a "black box" warning explaining that Victoza "causes thyroid C-cell tumors at clinically relevant exposures in rodents." Victoza's GLP-1 counterpart, Byetta, fails to make even this meager disclosure regarding thyroid cancer in the warning section of its label.⁶

In February 2011, the journal *Gastroenterology* published on-line the work of Elashoff et al⁷ titled, "*Pancreatitis, pancreatic, and thyroid cancer with glucagon-like peptide-1-based therapies.*" These researchers used the FDA Adverse Event Reporting System (AERS) with the primary goal of their analysis being to assess the association between treatment with Byetta (and similar drugs) and an adverse event report of pancreatitis, where the drug was listed as the primary suspect associated with a pancreatitis report. A secondary goal was to examine the FDA AERS database for reported pancreatic or thyroid cancer associated with use of Byetta (and similar drugs), with various other

⁵ <http://www.fda.gov/downloads/AdvisoryCommittees/Committees%20MeetingMaterials/Drugs/EndocrinologicandMetabolicDrugsAdvisoryCommittee/UCM151129.pdf>

⁶ http://www.accessdata.fda.gov/drugsatfda_docs/label/2011/021773s029s030lbl.pdf at 20.

⁷ Elashoff M, Matveyenko AV, Gier B, Elashoff R & Butler PC *Pancreatitis, pancreatic, and thyroid cancer with glucagon-like peptide-1-based therapies.* *Gastroenterology* (2011) 141:150-156.

anti-diabetic drugs used as controls.

Because thyroid tumors were reported to be increased in rodents treated with Victoza in a filing to the FDA, Elashoff et al evaluated the reported rates of thyroid cancer with Byetta and Januvia, another anti-diabetic incretin-based therapy⁸, compared to control events relative to Avandia (rosiglitazone). The reported event rate for thyroid cancer was 4.73-fold greater in patients treated with Byetta compared to other therapies. Byetta's association with thyroid cancer was statistically significant.

In January 2012, Defendant Amylin Pharmaceuticals also gained FDA approval for Bydureon. Through its website, Amylin touts its Byetta and Bydureon drugs as the same, and notes that Bydureon is merely a longer-lasting version of Byetta, "BYDUREON is a long-acting form of the medication in BYETTA®[...]"⁹

By Defendant's own admission their medications are the same, but shockingly, only the label for Bydureon contains a "black box" warning (or any warning) for thyroid cancer. Indeed, in bold letters, the Bydureon label warns that it, "[...] causes thyroid C-cell tumors at clinically relevant exposures in rats. It is unknown whether BYDUREON causes thyroid C-cell tumors, including medullary thyroid carcinoma (MTC), in humans, as human relevance could not be determined by clinical or nonclinical studies."¹⁰ While admitting Bydureon and Byetta are the same, Defendants have nevertheless been indifferent to the health and safety of Byetta users, having wholly failed to provide any warning related to its link to thyroid cancer.

⁸ Januvia is a dipeptidyl peptidase-4 (DPP-4) inhibitor. Byetta, discussed supra, is a glucagon-like peptide-1 (GLP-1) receptor agonist. GLP-1s and DPP-4s are subclasses of drugs subsumed in the larger incretin-based therapies family of drugs. While highly similar, including both subclasses tendency to cause pancreatitis and pancreatic cancer, the GLP-1s and DPP-4s have disparate impacts on the thyroid, with only the GLP-1s being linked to thyroid cancer.

⁹ <http://www.bydureon.com/>

¹⁰ http://www.accessdata.fda.gov/drugsatfda_docs/label/2012/022200Orig1s000lbledt.pdf

Due to the flawed formulation of Byetta, it increases the risk of thyroid cancer in those diabetic patients to whom it is prescribed. Defendants are indifferent to this fact and instead are focused on a singular, material consideration – their profits. In 2010, the worldwide sales of Byetta reached \$0.710 billion and sales are predicted to reach \$1.00 billion by 2015.¹¹

Defendants' zeal for blindly manufacturing, marketing, and promoting Byetta, putting corporate profit over patient safety, has left a horrific trail of thyroid cancers, and too often, resulted in the excruciating suffering and or death of those who ingested this deadly drug. Plaintiffs seek to consolidate the Actions to assist in holding the Defendants accountable for their bad acts and to promote the efficient prosecution and resolution of the claims.

ARGUMENT

II. Transfer and Consolidation or Coordination of All Actions Is Appropriate Under 28 U.S.C. § 1407

A. The Purpose of Multidistrict Litigation

The purpose of the multidistrict litigation process is to “eliminate the potential for contemporaneous pretrial rulings by coordinating district and appellate courts in multidistrict related civil actions.” *In re Multidistrict Private Civ. Treble Damages Litig.*, 298 F. Supp. 484, 491-92 (J.P.M.L. 1968).

Transfer of related actions to a single district for pretrial proceedings avoids conflicting pretrial discovery and ensures uniform and expeditious treatment in the pretrial procedures. *In re Phenylpropanolamine (PPA) Prods. Liab. Litig.*, 460 F.3d 1217, 1230 (9th Cir. 2006). Moreover, the Panel “considers that eliminating duplicate discovery in similar cases, avoiding conflicting judicial rulings, and conserving valuable

¹¹ www.pipelinerreview.com/store/toc/sample_pages_vg0151.pdf

judicial resources are sound reasons for centralizing pretrial proceedings.” Hon. John G. Heyburn II, A View from the Panel: Part of the Solution, 82 Tul. L. Rev. 2225, 2236 (2008).

Accordingly, pursuant to 28 U.S.C. § 1407, transfer of actions to one district for coordinated or consolidated pretrial proceedings is appropriate where: (1) actions pending in different districts involve one or more common questions of fact, and (2) the transfer of such actions will be for the convenience of the parties and witnesses and will promote the just and efficient conduct of such actions. 28 U.S.C. § 1407(a). Consolidation is especially important in multidistrict litigations where “the potential for conflicting, disorderly, chaotic” action is greatest. *Id.* at 493.

B. Common Fact Issues Require Transfer, Coordination, and Consolidation

Here, transfer, coordination, and consolidation are appropriate because many common questions of fact exist, including, but not limited to:

- Whether Byetta was (and is) defective;
- Whether Defendants conducted adequate testing of Byetta;
- Whether Defendants breached their duty of care to Plaintiffs;
- Whether Defendants had knowledge regarding the existence of a defect in Byetta;
- Whether Defendants failed to warn about their product as alleged in the various Actions;
- Whether Defendants breached any warranty, express or implied, related to their sale of Byetta;
- Whether Byetta caused the thyroid cancer and related injuries of the Plaintiffs in the Actions;
- Whether Plaintiffs relied on Defendants’ claims as to the safety and efficacy provided by Byetta; and
- Whether Plaintiffs are entitled to compensatory and exemplary damages.

Determination of these and other common issues in a single district will benefit the parties and witnesses and serve to promote the efficient prosecution and resolution

of these Actions. Notably, this Panel has routinely ordered the transfer and consolidation of multidistrict product liability actions involving drug products, often over the objections of one or more parties. *See, e.g., In re Bextra and Celebrex Prods. Liab. Litig.*, 391 F. Supp. 2d 1377 (J.P.M.L. 2005); *In re Vioxx Prods. Liab. Litig.*, 360 F. Supp. 2d 1352 (J.P.M.L. 2005); *In re Accutane Prods. Liab. Litig.*, 343 F. Supp. 2d 1382 (J.P.M.L. 2004); *In re Zyprexa Prods. Liab. Litig.*, 314 F. Supp. 2d 1380 (J.P.M.L. 2004); *In re Paxil Prods. Liab. Litig.*, 296 F. Supp. 2d 1374 (J.P.M.L. 2003); *In re Prempro Prods. Liab. Litig.*, 254 F. Supp. 2d 1366 (J.P.M.L. 2003); *In re Meridia Prods. Liab. Litig.*, 217 F. Supp. 2d 1377 (J.P.M.L. 2002); *In re Serzone Prods. Liab. Litig.*, 217 F. Supp. 2d 1372 (J.P.M.L. 2002); *In re Phenylpropanolamine Prods. Liab. Litig.*, 173 F. Supp. 2d 1377 (J.P.M.L. 2001); *In re Diet Drugs (Phentermine, Fenfluramine, Dexfenfluramine) Prods. Liab. Litig.*, 990 F. Supp. 834 (J.P.M.L. 1998); *In re the UpJohn Co. Antibiotic "Cleocin" Prods. Liab. Litig.*, 450 F. Supp. 1168 (J.P.M.L. 1978).

C. Byetta Thyroid Cancer Actions Should be Coordinated

Without transfer, coordination, and consolidation of these Actions and tag-along cases to the Honorable Anthony J. Battaglia in the Southern District of California, there exists a real and significant hazard of inconsistent rulings, in addition to judicial inefficiency, overlapping discovery, and unnecessary expense to all parties.

Indeed, many of the scientific studies and medical research relevant to the Actions consists of results and findings not just relevant to Byetta, but more broadly, relating to the incretin mimetic drug class as a whole, and involve a core issue of common fact – the incretins relationship to the formation of cancer (namely, pancreatic and thyroid cancer) in those patients who ingest these drugs. As noted by Dr. Wolfe, “it is clear that all of the drugs in this family are associated with an increased risk of

pancreatic cancer.”¹² As a result, it would be an unnecessary expense and burden to have expert witnesses vetted in different federal district courts on highly similar injuries that require analysis of the same studies, evidence, documents, and opinions. Moreover, the prospect of inconsistent rulings and the potential for conflicting, disorderly, and chaotic litigation would be immense absent consolidation of the Actions in a distinct MDL assigned to the same judge presiding over the actions in MDL 2452.

Counsel for Eli Lilly, Matt Hamilton, also recognized the potential need to consolidate Byetta thyroid cancer cases alongside the actions included in MDL 2452 during argument before the Panel on Plaintiff’s motion to consolidate pancreatic cancer cases related to the incretin-based therapies. Mr. Hamilton informed the panel during argument that his client, “[...] would like to reserve our rights to brief more fully for the Panel what [other cancers] should be included in the MDL for consideration now on the basis that the mechanism of action and assigning [sic] people is essentially the same, and the witnesses and the companies will be the same, and there will be some efficiencies there.”

The consolidation of all Actions before Judge Battaglia in a new, distinct MDL ensures the pivotal common issues of fact with the proceedings in MDL 2452 will proceed in an orderly, consistent, and efficient manner. Moreover, transfer, coordination, and consolidation are especially appropriate here because no formal discovery has commenced in any Action outside the Southern District of California, and no responsive pleadings have been filed in any Action outside of the Southern District of California. Accordingly, transfer, coordination, and consolidation of the Actions and tag-along cases to a single district are appropriate for the just and efficient prosecution

¹² <http://www.citizen.org/pressroom/pressroomredirect.cfm?ID=3850>

of the Actions and convenience of the parties and witnesses.

III. The Southern District of California Is the Most Appropriate Forum for Transfer and Consolidation for Coordination.

Currently, there are 34 (of 36 total) Byetta thyroid cancer cases filed in the Southern District of California. The district courthouse is located in San Diego, California; in close proximity to mass transit, numerous hotels, and is only minutes away from an international airport. Furthermore, Counsel for the Byetta Defendants previously agreed in MDL 2452 the Southern District of California is an acceptable and appropriate forum for actions in that matter.

Moreover, Los Angeles County, California is home to the only other consolidated proceeding related to Byetta and claims of thyroid cancer. Indeed, *In re: Byetta Cases* JCCP 4574 contains what is believed to be dozens of thyroid cancer cases related to the ingestion of Byetta. As such, the geographic proximity of the Southern District of California to the Los Angeles JCCP actions is likely to allow for easy coordination and cooperation. Indeed, Judge William Highberger, who is presiding over the California JCCP, and Judge Battaglia, presiding over the Federal Incretins-Based Therapies MDL, have already demonstrated an ability and willingness to utilize a degree of coordination and cooperation – a trend Plaintiffs expect will continue if the Panel grants this motion and assigns Judge Battaglia *In re: Byetta Thyroid Cancer Products Liability Litigation*.

Further, in previously ordering the consolidation and coordination of the Incretin-Based Therapies actions, this Panel recognized the importance of many of the factors discussed herein; “[the Southern District of California] also enjoys the support of all responding plaintiffs and defendants, including defendant Amylin, which developed Byetta in this district and has company offices there. Further, centralization in this district will foster the coordination of this federal court litigation with the

pending state court coordinated proceedings in California state court.”¹³

For these and other reasons further detailed below, the Actions and tag-along cases should be transferred and consolidated before the Honorable Anthony J. Battaglia in the Southern District of California, who is currently presiding over all Byetta thyroid cancer cases filed in the Southern District of California, and further, is presiding over all federal court Byetta-related pancreatic cancer cases pending nationwide.

A. San Diego Is a Convenient Location for Consolidated Proceedings

The Southern District of California courthouse is centrally located in San Diego, California, a large metropolitan area easily accessible for all parties and witnesses. The Court’s location is particularly convenient in light of the fact that this litigation will unquestionably involve parties and witnesses located in a variety of areas throughout the United States. Moreover, Defendant Amylin Pharmaceuticals LLC is headquartered in San Diego, California, and as such, the Southern District of California is unquestionably convenient to this Defendant.

B. The Southern District of California Is Well-Equipped to Manage a Multi-District Litigation.

The Southern District of California provides an ideal venue for managing this litigation in the most efficient and expeditious manner. The Southern District of California is currently handling numerous other multi-district litigations. The staff and Clerk’s office of the Southern District of California, therefore, are well equipped and have the experience to provide the necessary support services for managing this litigation.

¹³ MDL No. 2452, *In re: Incretin-Based Therapies Products Liability Litigation*, Doc. No. 71.

C. **Judge Anthony J. Battaglia Is Amply Qualified to Manage Multi-District Litigation.**

With nearly two decades of federal judicial experience in the Southern District of California, Judge Battaglia is an excellent choice for managing this complex litigation. Judge Battaglia served the Southern District with distinction for many years as a magistrate judge prior to his appointment as a United States District Judge in 2011.

Judge Battaglia has significant experience in managing complex litigation, as well as consolidated, mass tort litigation in an efficient manner. Further, Judge Battaglia is already presiding over the federal court Byetta-related pancreatic cancer cases in an efficient and expeditious manner. Judge Battaglia is an appropriate choice for managing this MDL in a manner that will facilitate this litigation for the benefit of all parties. Moreover, Judge Battaglia has an experienced and talented staff and law clerks that have managed his current caseload and MDL 2452 with great care and efficiency.

IV. Conclusion

For the reasons discussed above, Plaintiff respectfully requests that the Panel transfer the above-mentioned actions and all subsequently filed tag-along cases for coordinated and consolidated pretrial proceedings before the Southern District of California, and assign the matter to Judge Anthony J. Battaglia.

Dated this 28th day of January, 2014 Respectfully submitted,

s/ Ryan L. Thompson

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Case No. 1:14-cv-00130; *Lorie Savinar v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the District of Colorado

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SCHEDULE OF ACTIONS

Case Caption	Court	Civil Action No.	Judge
Plaintiff: Rosie Hernandez Defendants: Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100	U.S.D.C. for the District of Arizona	2:14-cv-00084	David G. Campbell
Plaintiff: Elizabeth Childress Defendants: Amylin Pharmaceuticals LLC, Eli Lilly and Company, and Does 1-100	U.S.D.C. for the Southern District of California	3:13-cv-01114	Anthony J. Battaglia
Plaintiff: Karen Lordi Defendants: Amylin Pharmaceuticals LLC, Eli Lilly and Company, and Does 1-100	U.S.D.C. for the Southern District of California	3:13-cv-01264	Anthony J. Battaglia
Plaintiff: Susan Carson Defendants: Amylin Pharmaceuticals LLC, Eli Lilly and Company, and Does 1-100	U.S.D.C. for the Southern District of California	3:13-cv-01443	Anthony J. Battaglia

Plaintiff: Daryl Brockington and Deborah Brockington Defendants: Amylin Pharmaceuticals LLC and Eli Lilly and Company	U.S.D.C. for the Southern District of California	3:13-cv-01493	Anthony J. Battaglia
Plaintiff: Linda McCauley Defendants: Amylin Pharmaceuticals LLC, Eli Lilly and Company, and Does 1-100	U.S.D.C. for the Southern District of California	3:13-cv-01636	Anthony J. Battaglia
Plaintiff: Dorothy Diego Defendants: Amylin Pharmaceuticals LLC, Eli Lilly and Company, and Does 1-100	U.S.D.C. for the Southern District of California	3:13-cv-01736	Anthony J. Battaglia
Plaintiff: Larita Jones, Individually and as Successor-In-Interest and Surviving Heir of Marvin Jones, Sr., deceased Defendants: Amylin Pharmaceuticals LLC, Eli Lilly and Company, and Does 1-100	U.S.D.C. for the Southern District of California	3:13-cv-01782	Anthony J. Battaglia
Plaintiff: Wanda Lucas Defendants: Amylin Pharmaceuticals LLC and Eli Lilly and Company	U.S.D.C. for the Southern District of California	3:13-cv-01798	Anthony J. Battaglia
Plaintiff: Heather Davis Defendants: Amylin Pharmaceuticals LLC, Eli Lilly and Company, and Does 1-100	U.S.D.C. for the Southern District of California	3:13-cv-01858	Anthony J. Battaglia

Plaintiff: Geneva Edwards Defendants: Amylin Pharmaceutical LLC, Eli Lilly and Company, and Does 1-100	U.S.D.C. for the Southern District of California	3:13-cv-01861	Anthony J. Battaglia
Plaintiff: Susan Mendiola- Cook Defendants: Amylin Pharmaceuticals LLC, Eli Lilly and Company, Novo Nordisk, Inc., Novo Nordisk A/S, and Does 1- 100	U.S.D.C. for the Southern District of California	3:13-cv-01863	Anthony J. Battaglia
Plaintiff: Albert Turner Defendants: Amylin Pharmaceuticals LLC, Eli Lilly and Company, Novo Nordisk, Inc., Novo Nordisk A/S, and Does 1- 100	U.S.D.C. for the Southern District of California	3:13-cv-01865	Anthony J. Battaglia
Plaintiff: Karen Brooks Defendants: Amylin Pharmaceuticals LLC, Eli Lilly and Company, Novo Nordisk, Inc., Novo Nordisk A/S, and Does 1- 100	U.S.D.C. for the Southern District of California	3:13-cv-01974;	Anthony J. Battaglia
Plaintiff: Melissa Roth Defendants: Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100	U.S.D.C. for the Southern District of California	3:13-cv-02361	Anthony J. Battaglia

<p>Plaintiff: Steven Brengard and Samantha Brengard, husband and wife; Ketra Walker, individually; Debra Howard, individually; Tracy Wroten and Eugene Wroten, husband and wife; and Jane Hentzell, individually</p> <p>Defendants: Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100</p>	<p>U.S.D.C. for the Southern District of California</p>	<p>3:13-cv-02383</p>	<p>Anthony J. Battaglia</p>
<p>Plaintiff: Daniel Curtis</p> <p>Defendants: Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100</p>	<p>U.S.D.C. for the Southern District of California</p>	<p>3:13-cv-02424</p>	<p>Anthony J. Battaglia</p>
<p>Plaintiff: Barbara Frisby</p> <p>Defendants: Amylin Pharmaceuticals LLC, Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100</p>	<p>U.S.D.C. for the Southern District of California</p>	<p>3:13-cv-02483</p>	<p>Anthony J. Battaglia</p>
<p>Plaintiff: Beth Pagel</p> <p>Defendants: Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100</p>	<p>U.S.D.C. for the Southern District of California</p>	<p>3:13-cv-02510</p>	<p>Anthony J. Battaglia</p>

<p>Plaintiff: Gizella Urmenyi</p> <p>Defendants: Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100</p>	<p>U.S.D.C. for the Southern District of California</p>	<p>3:13-cv-02512</p>	<p>Anthony J. Battaglia</p>
<p>Plaintiff: Michael DeHoyos, Sr.</p> <p>Defendants: Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100</p>	<p>U.S.D.C. for the Southern District of California</p>	<p>3:13-cv-02513</p>	<p>Anthony J. Battaglia</p>
<p>Plaintiff: Charles Haas</p> <p>Defendants: Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100</p>	<p>U.S.D.C. for the Southern District of California</p>	<p>3:13-cv-02514</p>	<p>Anthony J. Battaglia</p>
<p>Plaintiff: Esmeralda Angelle, Individually and as Successor-in-Interest of the Estate of Gary Angelle, deceased</p> <p>Defendants: Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100</p>	<p>U.S.D.C. for the Southern District of California</p>	<p>3:13-cv-02576</p>	<p>Anthony J. Battaglia</p>

<p>Plaintiff: Ivona Glovick</p> <p>Defendants: Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100</p>	<p>U.S.D.C. for the Southern District of California</p>	<p>3:13-cv-02631</p>	<p>Anthony J. Battaglia</p>
<p>Plaintiff: Diondra Henry</p> <p>Defendants: Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100</p>	<p>U.S.D.C. for the Southern District of California</p>	<p>3:13-cv-02635</p>	<p>Anthony J. Battaglia</p>
<p>Plaintiff: Debra Lamb</p> <p>Defendants: Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100</p>	<p>U.S.D.C. for the Southern District of California</p>	<p>3:13-cv-02643</p>	<p>Anthony J. Battaglia</p>
<p>Plaintiff: Nick Linamen and Sharon Linamen</p> <p>Defendants: Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100</p>	<p>U.S.D.C. for the Southern District of California</p>	<p>3:13-cv-02650</p>	<p>Anthony J. Battaglia</p>
<p>Plaintiff: Mikka Seals</p> <p>Defendants: Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100</p>	<p>U.S.D.C. for the Southern District of California</p>	<p>3:13-cv-02752</p>	<p>Anthony J. Battaglia</p>

<p>Plaintiff: Claudette Iford</p> <p>Defendants: Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100</p>	<p>U.S.D.C. for the Southern District of California</p>	<p>3:13-cv-02815</p>	<p>Anthony J. Battaglia</p>
<p>Plaintiff: Susan LaFlotte</p> <p>Defendants: Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100</p>	<p>U.S.D.C. for the Southern District of California</p>	<p>3:13-cv-02817</p>	<p>Anthony J. Battaglia</p>
<p>Plaintiff: Joseph Velilla and Sherrie Velilla</p> <p>Defendants: . Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100</p>	<p>U.S.D.C. for the Southern District of California</p>	<p>3:13-cv-02826</p>	<p>Anthony J. Battaglia</p>
<p>Plaintiff: Donna Bennett</p> <p>Defendants: Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100</p>	<p>U.S.D.C. for the Southern District of California</p>	<p>3:13-cv-02923</p>	<p>Anthony J. Battaglia</p>
<p>Plaintiff: Louis Bravetti</p> <p>Defendants: Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100</p>	<p>U.S.D.C. for the Southern District of California</p>	<p>3:13-cv-02998</p>	<p>Anthony J. Battaglia</p>

<p>Plaintiff: Roger Sharlow</p> <p>Defendants: Amylin Pharmaceuticals LLC, Eli Lilly and Company, Merck Sharp & Dohme Corp., Novo Nordisk Inc.</p>	<p>U.S.D.C. for the Southern District of California</p>	<p>3:13-cv-03090</p>	<p>Anthony J. Battaglia</p>
<p>Plaintiff: Beverly Jean Ireland</p> <p>Defendants: Amylin Pharmaceuticals LLC, Eli Lilly and Company, Merck Sharp & Dohme Corp., Novo Nordisk Inc.</p>	<p>U.S.D.C. for the Southern District of California</p>	<p>3:13-cv-03091</p>	<p>Anthony J. Battaglia</p>
<p>Plaintiff: Lorie Savinar</p> <p>Defendants: Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100</p>	<p>U.S.D.C. for the District of Colorado</p>	<p>1:14-cv-00130</p>	<p>Marcia S. Krieger</p>

PROOF OF SERVICE

I, Ryan L. Thompson, hereby certify that on January 28, 2014, I served a copy of the foregoing Motion, Brief, Schedule of Actions, Statement Regarding Oral Arguments, and this Proof of Service upon all interested counsel and/or parties via electronic mail or First Class Mail in accordance with the Service List below.

Dated this 28th day of January, 2014 **Respectfully submitted,**

s/ Ryan L. Thompson

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Case No. 2:14-cv-00084; *Rosie Hernandez v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the District of Arizona

Clerk, United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-01861; *Geneva Edwards v. Amylin Pharmaceutical LLC, Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-01114; *Elizabeth Childress v. Amylin Pharmaceuticals LLC, Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-01264; *Karen Lordi v. Amylin Pharmaceuticals LLC, Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-01443; *Susan Carson v. Amylin Pharmaceuticals LLC, Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-01493; *Daryl Brockington and Deborah Brockington v. Amylin Pharmaceuticals, LLC and Eli Lilly and Company*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-01636; *Linda McCauley v. Amylin Pharmaceuticals, LLC, Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-01736; *Dorothy Diego v. Amylin Pharmaceutical LLC, Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-01782; *Larita Jones, Individually and as Successor-In-Interest and Surviving Heir of Marvin Jones, Sr., deceased v. Amylin Pharmaceuticals LLC, Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-01798; *Wanda Lucas v. Amylin Pharmaceuticals LLC and Eli Lilly and Company*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-01858; *Heather Davis v. Amylin Pharmaceuticals LLC, Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-01863; *Susan Mendiola-Cook v. Amylin Pharmaceuticals LLC, Eli Lilly and Company, Novo Nordisk, Inc., Novo Nordisk A/S, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-01865; *Albert Turner v. Amylin Pharmaceuticals LLC, Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-01974; *Karen Brooks v. Amylin Pharmaceuticals LLC, Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-02361; *Melissa Roth v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-02383; *Steven Brengard and Samantha Brengard, et al. v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-02424; *Daniel Curtis v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-02483; *Barbara Frisby v. Amylin Pharmaceuticals LLC, Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-02510; *Beth Pagel v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-02512; *Gizella Urmenyi v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-02513; *Michael DeHoyos, Sr. v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-02514; *Charles Haas v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-02576; *Esmeralda Angelle, Individually and as Successor-in-Interest of the Estate of Gary Angelle, deceased v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-02631; *Ivona Glovick v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-02635; *Diondra Henry v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-02643; *Debra Lamb v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-02650; *Nick Linamen and Sharon Linamen v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-02752; *Mikka Seals v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-02815; *Claudette Iford v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-02817; *Susan LaFlotte v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-02826; *Joseph Velilla and Sherrie Velilla v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-02923; *Donna Bennett v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-02998; *Louis Bravetti v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-03090; *Roger Sharlow v. Amylin Pharmaceuticals LLC, Eli Lilly and Company, Merck Sharp & Dohme Corp., Novo Nordisk Inc. ; In the United States District Court for the Southern District of California, San Diego Division*

Case No. 3:13-cv-03091; *Beverly Jean Ireland v. Amylin Pharmaceuticals LLC, Eli Lilly and Company, Merck Sharp & Dohme Corp., Novo Nordisk Inc. ; In the United States District Court for the Southern District of California, San Diego Division*

Clerk, United States District Court for the District of Colorado

Case No. 1:14-cv-00130; *Lorie Savinar v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the District of Colorado

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Case No. 3:13-cv-02383; *Steven Brengard and Samantha Brengard, husband and wife; Ketra Walker, individually; Debra Howard, individually; Tracy Wroten and Eugene Wroten, husband and wife; and Jane Hentzell, individually v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

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Case No. 3:13-cv-02576; *Esmeralda Angelle, Individually and as Successor-in-Interest of the Estate of Gary Angelle, deceased v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-01493; *Daryl Brockington and Deborah Brockington v. Amylin Pharmaceuticals, LLC and Eli Lilly and Company*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-02650; *Nick Linamen and Sharon Linamen v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-01798; *Wanda Lucas v. Amylin Pharmaceuticals LLC and Eli Lilly and Company*; In the United States District Court for the Southern District of California, San Diego Division

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Case No. 3:13-cv-01114; *Elizabeth Childress v. Amylin Pharmaceuticals LLC, Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-01736; *Dorothy Diego v. Amylin Pharmaceutical LLC, Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-01861; *Geneva Edwards v. Amylin Pharmaceutical LLC, Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-02631; *Ivona Glovick v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

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Case No. 3:13-cv-01865; *Albert Turner v. Amylin Pharmaceuticals LLC, Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

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Case No. 3:13-cv-02998; *Louis Bravetti v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

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Case No. 3:13-cv-01858; *Heather Davis v. Amylin Pharmaceuticals LLC, Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-01782; *Larita Jones, Individually and as Successor-In-Interest and Surviving Heir of Marvin Jones, Sr., deceased v. Amylin Pharmaceuticals LLC, Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

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Case No. 3:13-cv-02923; *Donna Bennett v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

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Case No. 3:13-cv-01443; *Susan Carson v. Amylin Pharmaceuticals LLC, Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

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Case No. 3:13-cv-02815; *Claudette Iford v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-01782; *Larita Jones, Individually and as Successor-In-Interest and Surviving Heir of Marvin Jones, Sr., deceased v. Amylin Pharmaceuticals LLC, Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-02817; *Susan LaFlotte v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-01264; *Karen Lordi v. Amylin Pharmaceuticals LLC, Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-02361; *Melissa Roth v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-02752; *Mikka Seals v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-02826; *Joseph Velilla and Sherrie Velilla v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

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Case No. 3:13-cv-03091; *Beverly Jean Ireland v. Amylin Pharmaceuticals LLC, Eli Lilly and Company, Merck Sharp & Dohme Corp., Novo Nordisk Inc.* ; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-03090; *Roger Sharlow v. Amylin Pharmaceuticals LLC, Eli Lilly and Company, Merck Sharp & Dohme Corp., Novo Nordisk Inc.* ; In the United States District Court for the Southern District of California, San Diego Division

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Case No. 3:13-cv-02424; *Daniel Curtis v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-01636; *Linda McCauley v. Amylin Pharmaceuticals, LLC, Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-01863; *Susan Mendiola-Cook v. Amylin Pharmaceuticals LLC, Eli Lilly and Company, Novo Nordisk, Inc., Novo Nordisk A/S, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

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Case No. 3:13-cv-02513; *Michael DeHoyos, Sr. v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

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Case No. 3:13-cv-02643; *Debra Lamb v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-02510; *Beth Pagel v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-02512; *Gizella Urmenyi v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

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Case No. 3:13-cv-02635; *Diondra Henry v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

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Defendant

Dated this 28th day of January, 2014

Respectfully submitted,

s/ Ryan L. Thompson

Ryan L. Thompson

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ATTORNEYS FOR PLAINTIFFS IN THE FOLLOWING ACTIONS :

Case No. 3:13-cv-01114; *Elizabeth Childress v. Amylin Pharmaceuticals LLC, Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-01736; *Dorothy Diego v. Amylin Pharmaceutical LLC, Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-01861; *Geneva Edwards v. Amylin Pharmaceutical LLC, Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 3:13-cv-02631; *Ivona Glovick v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

Case No. 2:14-cv-00084; *Rosie Hernandez v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the District of Arizona

Case No. 1:14-cv-00130; *Lorie Savinar v. Amylin Pharmaceuticals LLC f/k/a Amylin Pharmaceuticals, Inc., Eli Lilly and Company, and Does 1-100*; In the United States District Court for the District of Colorado

Case No. 3:13-cv-01865; *Albert Turner v. Amylin Pharmaceuticals LLC, Eli Lilly and Company, and Does 1-100*; In the United States District Court for the Southern District of California, San Diego Division

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

IN RE: BYETTA THYROID CANCER
PRODUCTS LIABILITY LITIGATION

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MDL - _____

STATEMENT REGARDING ORAL ARGUMENT

Ryan L. Thompson, Esq., Counsel for Plaintiff-Movant ELIZABETH CHILDRESS, respectfully requests an oral argument before the United States Judicial Panel on Multidistrict Litigation (the "Panel") in regards to the above-referenced matter. Oral argument will assist the Panel in understanding the various issues of the litigation, in addition to the positions of the interested parties and why this motion for a multidistrict litigation should be granted.

Specifically, the Panel will be advised as to how transferring, coordinating, and consolidating these matters will enhance judicial efficiency, promote just and efficient prosecution of the matters, streamline discovery, and ultimately serve as a more efficient method of litigation. Therefore, Plaintiff-Movant respectfully requests that this Panel grant their request for oral argument.

Dated this 28th day of January, 2014

Respectfully submitted,

s/ Ryan L. Thompson

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