

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

IN RE: INCRETIN MIMETICS
PRODUCTS LIABILITY
LITIGATION

) MDL Case No.13md2452 AJB (MDD)
) This order relates to all related and
) member cases and the following cases:
)
) 13cv2169 AJB (MDD)
) 13cv2928 AJB (MDD)
) 13cv3191 AJB (MDD)
) 14cv56 AJB (MDD)
)

Pursuant to the Court’s direct filing order dated November 13, 2013, all cases alleging pancreatic cancer as a result of ingesting Byetta, Janumet, Januvia and/or Victoza could be directly filed in the MDL 2452. (Doc. No. 184.) Cases alleging injuries other than pancreatic cancer and/or cases alleging pancreatic cancer as a result of the ingestion of another incretin-based therapy could not be directly filed in the MDL. (Doc. No. 1.) It has come to the attention of the Court that the following cases alleging pancreatic cancer as a result of the ingestion of Onglyza, a DPP-4 inhibitor, were erroneously filed in the MDL: *Seufert v. Merck Sharp & Dohme Corp. et al.*, 13cv2169 AJB (MDD); *Lara v. Merck Sharp & Dohme Corp. et al.*, 13cv2928 AJB (MDD); *McDaniel v. Merck Sharp & Dohme Corp. et al.*, 13cv3191 AJB (MDD); and *Gaines v.*

1 *Amylin Pharmaceuticals, LLC et al.*, 14cv56 AJB (MDD). Accordingly, the Clerk of
2 Court is instructed to remove the above listed cases from the MDL.

3 To the extent counsel in any of the cases currently pending in the MDL has
4 erroneously filed a case directly in the MDL that does not allege pancreatic cancer in
5 conjunction with the ingestion of Byetta, Janumet, Januvia and/or Victoza, counsel is
6 directed to follow the appropriate procedures to remove the case(s) from the MDL.

7
8 IT IS SO ORDERED.

9
10 DATED: February 7, 2014

11 
12 _____
13 Hon. Anthony J. Battaglia
14 U.S. District Judge
15
16
17
18
19
20
21
22
23
24
25
26
27
28