

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: GLUCAGON-LIKE PEPTIDE-1
RECEPTOR AGONISTS (GLP-1 RAS)
PRODUCTS LIABILITY LITIGATION

MDL No. 3094

ORDER DENYING TRANSFER

Before the Panel: Plaintiff in the *Craig* action listed on Schedule A moves under 28 U.S.C. § 1407(c) to transfer *Craig* to the Eastern District of Pennsylvania for inclusion in MDL No. 3094. Defendants Novo Nordisk Inc. and Novo Nordisk A/S support the motion to transfer.

This MDL encompasses personal injury actions stemming from use of glucagon-like peptide-1 receptor agonists (GLP-1 RAs), medicines that are prescribed for, among other things, the treatment of type 2 diabetes and to help certain obese or overweight individuals lose excess weight. Plaintiffs in the MDL allege that GLP-1 RAs caused them to suffer gastroparesis, ileus, intestinal obstruction or pseudo-obstruction, or other gastrointestinal injury. *See In re Glucagon-Like Peptide-1 Receptor Agonists (GLP-1 RAs) Prods. Liab. Litig.*, 717 F. Supp. 3d 1370, 1373 (J.P.M.L. 2024). Plaintiff in *Craig* seeks to expand the scope of this MDL to include additional injuries, specifically, venous thromboembolism, deep vein thrombosis, and pulmonary embolism (collectively, DVT injuries).

The Panel “has an institutional responsibility that goes beyond simply accommodating the particular wishes of the parties.” *In re Equinox Fitness Wage & Hour Emp. Pracs. Litig.*, 764 F. Supp. 2d 1347, 1348 (J.P.M.L. 2011). After considering the parties’ arguments, we find that transfer of *Craig* under 28 U.S.C. § 1407 will not serve the convenience of the parties and witnesses or promote the just and efficient conduct of the litigation. Plaintiff argues that actions alleging DVT injuries will share common factual and legal issues with the actions in the MDL asserting claims for gastrointestinal injuries. However, plaintiff’s assertion that *Craig* shares the same “mechanism of harm” as the actions in the MDL is superficial at best. We note that in the recently filed master complaint in the MDL, the plaintiffs appear to allege a different mechanism of harm with respect to DVT injuries—namely, that it is the rapid weight loss attributable to the use of GLP-1 RAs that is the causal factor leading to DVT injuries. *See, e.g.*, Master Compl. ¶¶ 226–48, *In re Glucagon-Like Peptide-1 Receptor Agonists (GLP-1 RAs) Prods. Liab. Litig.*, No. 2:24-md-03094 (E.D. Pa. Nov. 13, 2024), ECF No. 294.¹

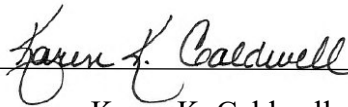
¹ That plaintiffs in the MDL unilaterally added new claims to their master complaint—after the transferee court declined to grant plaintiffs permission to directly file such claims in the MDL—
(continued...)

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This MDL has already increased in size considerably since we centralized this litigation in February 2024. In a concurrent order, we are adding gastrointestinal injury claims that pertain to an additional Novo Nordisk GLP-1 RA product (Saxenda). Further expansion of MDL No. 3094 to include claims for new types of injuries would significantly complicate the management of this litigation. Indeed, an MDL that encompassed *any* potential injury relating to use of these exceedingly popular weight loss drugs might quickly become procedurally and substantively unwieldy. Plaintiff has not demonstrated that the potential efficiency and convenience benefits of adding claims for DVT injuries to this MDL outweigh the increased managerial complexity that the addition of such claims is likely to create. Accordingly, transfer of *Craig* is not warranted.

IT IS THEREFORE ORDERED that the motion to transfer the action listed on Schedule A to MDL No. 3094 are denied.

PANEL ON MULTIDISTRICT LITIGATION



Karen K. Caldwell
Chair

Nathaniel M. Gorton
David C. Norton
Dale A. Kimball

Matthew F. Kennelly
Roger T. Benitez
Madeline Cox Arleo

does not compel us to now expand the scope of this litigation. See Order, *In re Glucagon-Like Peptide-1 Receptor Agonists (GLP-1 RAs) Prods. Liab. Litig.*, No. 2:24-md-03094 (E.D. Pa. July 26, 2024), ECF No. 207 (staying two direct-filed actions asserting DVT injuries pending Panel approval to expand the scope of the litigation).

**IN RE: GLUCAGON-LIKE PEPTIDE-1
RECEPTOR AGONISTS (GLP-1 RAS)
PRODUCTS LIABILITY LITIGATION**

MDL No. 3094

SCHEDULE A

Northern District of Alabama

CRAIG v. NOVO NORDISK A/S, ET AL., C.A. No. 2:24-01075