

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

IN RE: ACCUTANE PRODUCTS
LIABILITY LITIGATION MDL #1626

GABY ARANDA, et al.,

Plaintiffs,

v.

Master Case #8:04-md-2523-T-30TBM
Case No. 8:12-cv-1426-T-30TBM

HOFFMAN-LAROCHE, INC., et al.,

Defendants.

ORDER

Before the Court is the Motion to Sever Plaintiffs' Claims into Separate Civil Actions filed by Defendants Hoffmann-La Roche Inc. and Roche Laboratories Inc. (collectively "Roche") (Dkt. 1082). Plaintiffs failed to file any opposition to this motion. Upon consideration of the motion, and being otherwise advised of the premises, the Court concludes that the motion should be granted.

The law is clear that large multi-plaintiff complaints are improper under Fed. R. Civ. P. 20(a). Many federal courts hold that product liability cases are generally inappropriate for multi-plaintiff joinder because such cases involve highly individualized facts and "[l]iability, causation, and damages will . . . be different with each individual plaintiff." *See In re Prempro Prods. Liab. Litig.*, 417 F. Supp. 2d 1058, 1059-60 (E.D. Ark. 2006); *In re Silica Prods. Liab. Litig.*, 398 F. Supp. 2d 563, 651-54 (S.D. Tex. 2005); *Jones v. Nastech Pharm.*,

319 F. Supp. 2d 720, 728 (S.D. Miss. 2004); *In re Diet Drugs (Phentermine, Fenfluramine, Dexfenfluramine) Prods. Liab. Litig.*, 294 F. Supp. 2d 667, 679 (E.D. Pa. 2003); *In re Baycol Prods. Litig.*, 2003 WL 22341303, at *3 (D. Minn. 2003); *In re Baycol Prods. Litig.*, 2002 WL 32155269, at *2 (D. Minn. July 5, 2002); *In re Rezulin Prods. Liab. Litig.*, 168 F. Supp. 2d 136, 145-47 (S.D.N.Y. 2001).

On June 25, 2012, Plaintiffs' case was transferred to this Court. The case was originally filed on behalf of approximately sixty-nine plaintiffs, including spouses. There are approximately forty plaintiffs and fourteen spouses remaining in this litigation. These remaining plaintiffs reside in different states, allegedly ingested Accutane at different times, and have allegedly been diagnosed with different adverse reactions to Accutane.

The Court has inherent authority to control its own docket and finds severance of these cases is in the best interests of the litigants and the administration of justice.

It is therefore **ORDERED AND ADJUDGED** as follows:

1. The Motion to Sever Plaintiffs' Claims into Separate Civil Actions filed by Defendants Hoffmann-La Roche Inc. and Roche Laboratories Inc. (collectively "Roche") (Dkt. 1082) is hereby granted under the following conditions.

2. Counsel for plaintiffs shall file within fourteen (14) days of this order a notice with this Court listing the individual plaintiffs and their associated spouse or child who intend to pursue their claims on an individual basis in this action.

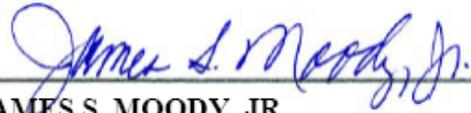
3. Upon receipt of the notice from counsel for Plaintiffs, the Clerk of Court shall sever each plaintiff, other than the first plaintiff named in the original complaint (Gaby and Jose Aranda).¹

4. For each new case, the Clerk of Court shall create a member association to 8:04-MD-02523-JSM-TBM, the lead case for the MDL, and enter the Practice and Procedure Order that is entered after the transfer of these cases to the MDL.

5. Each plaintiff shall electronically file in his or her individual civil action number an amended complaint setting forth the specific factual basis of their claims within fourteen (14) days from the date of the assignment of their individual civil action number. At that time, the severed plaintiff shall also pay a filing fee to the Clerk of Court.

6. To the extent that they have not done so already, each individual plaintiff shall provide to Roche, in accordance with the Court's case management and scheduling order, plaintiff's fact sheet no later than thirty (30) days from the date of this order.

DONE and ORDERED in Tampa, Florida on September 20, 2012.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record

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¹ The exception to this rule is that a plaintiff and his or her spouse and children (and/or other associated derivative claimant) need not be severed from each other.