

After removal, these cases were transferred to this MDL by the JPML, and Plaintiffs' filed motions to remand. In addition to lack of subject matter jurisdiction, Plaintiffs also argue that the Court should remand the cases to California federal courts in accordance with CAFA.

B. Discussion

This Court has previously addressed all issues raised by these motions in CMO 87, Dkt. No. 1726. In CMO 87, the Court found that Defendant McKesson was not fraudulently joined as to the California Plaintiffs, that non-California Plaintiffs were not fraudulently misjoined, and that, therefore, the Court lacked diversity jurisdiction over the California actions at issue. (*Id.*). Because the only possible basis for federal jurisdiction was CAFA, the Court suggested to the JPML that the actions be remanded to their transferor court for further proceedings. (*Id.*).

The exact same issues are present here, and the parties submit substantially identical briefing on them. Indeed, Pfizer simply incorporates its prior briefing. (*See, e.g.*, Dkt. No. 1764, 1765, 1769, 1770). The Court finds no reason that CMO 87 should not apply to the actions at issue here. Therefore, the Court incorporates CMO 87 by reference and suggests that these cases be remanded to their transferor courts.

C. Conclusion

For the reasons stated above and in CMO 87, the Court GRANTS Plaintiffs' Motions to Remand (Dkt. Nos. 1736, 1738, 1744, 1746). The Court finds that it lacks diversity jurisdiction over these actions and that the only possible basis for federal jurisdiction is CAFA. Therefore, the Court SUGGESTS to the JPML that these actions be remanded to their transferor courts for further proceedings.

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AND IT IS SO ORDERED.



Richard Mark Gergel
United States District Court Judge

December 8 2016
Charleston, South Carolina