

[Products Liability Law Daily Wrap Up, SUPREME COURT DOCKET— Recent petitions and cases pending High Court review, \(May 17, 2017\)](#)

Products Liability Law Daily Wrap Up

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One of the drug manufacturers, Teva Pharmaceuticals USA, Inc., in a California Judicial Council Coordination Proceeding (JCCP), has asked the U.S. Supreme Court to review a [denial](#) by the California Court of Appeal of a writ of mandate by the drug maker which contended that it did not consent to personal jurisdiction in the proceeding which concerned Reglan®- and metoclopramide-related lawsuits by patients alleging injuries caused by the brand name and generic drugs. According to the manufacturer's petition, in the cases at issue, "the California courts exercised personal jurisdiction over tort claims not arising in California, brought by plaintiffs not residing in California, against a company not at home in California." Teva notes that the trial court stayed the cases in the proceeding, precluding the drug maker from making personal jurisdiction objections in the cases brought by out-of-state plaintiffs. In addition, the manufacturer states as part of its questions presented that the trial court directed counsel to brief an issue of subject-matter jurisdiction that was common to both in-state and out-of-state plaintiffs by responding to a "master complaint," which did not name any individual plaintiff and was filed in the coordinated proceeding "as a whole," and not in any individual case. Teva asserts that the briefing would be "without prejudice to and [would] not constitute a waiver of the right to file motions on *any issue* not related,' including personal jurisdiction, which the court expressly reserved for 'later.'" Further, the petition notes that the trial court held that by briefing the issue as directed, Teva had consented to personal jurisdiction in all the cases.

Teva presented the following questions: (1) Does the Due Process Clause prohibit inferring consent to personal jurisdiction for an out-of-state plaintiff's complaint from a defendant's decision to respond to a *different* complaint that names no plaintiffs; and (2) Does the Due Process Clause prohibit a court from depriving a defendant of any opportunity to challenge personal jurisdiction, by structuring the sequence of a coordinated proceeding to compel consent? ([Teva Pharmaceuticals USA, Inc. v. Superior Court of California](#), Docket No. 16-1364, May 12, 2017).

For details about petitions and cases pending before the U.S. Supreme Court, please consult this [list](#) of selected products liability cases awaiting decision during the 2016 term. The list has been updated to reflect this recent order and recent filings of party and amicus briefs. Granted and pending petitions are listed separately, along with a brief summary of the questions raised and status.

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