

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

Paddock v. Novartis Pharmaceuticals Corporation

Civil Action No. 25-407-MN-SRF (D. Del. June 10, 2026) · No. Civil Action No. 25-407-MN-SRF · Decided June 10, 2026

SUMMARY

The court denied plaintiffs’ motion to sever the claims of the California plaintiffs and transfer those claims to the Central District of California under Federal Rule of Civil Procedure 21 and 28 U.S.C. § 1404(a). Applying the Jumara convenience factors, the court concluded that the private and public interests did not weigh strongly in favor of transfer and that plaintiffs had not shown a relevant change in circumstances. The memorandum order was issued under 28 U.S.C. § 636(b)(1)(A), Federal Rule of Civil Procedure 72(a), and the District of Delaware’s local rules.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                        |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the District of Delaware                                                                                                                                                                                                                                                                              |
| WRITING FOR THE COURT | Sherry R. Fallon                                                                                                                                                                                                                                                                                                                       |
| JURISDICTION          | United States District Court for the District of Delaware                                                                                                                                                                                                                                                                              |
| DECIDED               | June 10, 2026                                                                                                                                                                                                                                                                                                                          |
| DOCKET                | Civil Action No. 25-407-MN-SRF                                                                                                                                                                                                                                                                                                         |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                  |
| PROCEDURAL POSTURE    | Plaintiffs moved under Federal Rule of Civil Procedure 21 to sever the claims of the California Plaintiffs and transfer those claims to the Central District of California under 28 U.S.C. § 1404(a). The magistrate judge denied the motion in a memorandum order.                                                                    |
| STANDARD OF REVIEW    | Severance under Federal Rule of Civil Procedure 21 is committed to the broad discretion of the district court. Transfer under 28 U.S.C. § 1404(a) is also reviewed through an individualized, case-by-case balancing of convenience and fairness factors, with the moving party bearing the burden to show that transfer is warranted. |
| PRECEDENTIAL VALUE    | unpublished                                                                                                                                                                                                                                                                                                                            |
| PARTIES               | Keri Sue Paddock, et al. v. Novartis Pharmaceuticals Corporation                                                                                                                                                                                                                                                                       |

TOPICS

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## PRACTICE AREAS

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## QUESTIONS PRESENTED

1. Whether the court should sever the claims of the California Plaintiffs under Federal Rule of Civil Procedure 21.
2. Whether the California Plaintiffs established changed circumstances sufficient to support transfer away from the forum they initially selected.
3. Whether the private and public interests identified in *Jumara v. State Farm Insurance Co.* sufficiently favored transfer of the California Plaintiffs' claims to the Central District of California under 28 U.S.C. § 1404(a).

## HOLDINGS

1. The motion to transfer the California Plaintiffs' claims to the Central District of California was denied because Plaintiffs did not establish changed circumstances warranting transfer and, independently, the *Jumara* private and public interest factors did not weigh strongly in favor of transfer.
2. Section 1404(a) does not categorically bar a plaintiff from seeking transfer, but a plaintiff seeking to transfer away from the initially selected forum must show a change in circumstances since filing, at least under the standard applied by the court.
3. Severance questions under Rule 21 are committed to the broad discretion of the district court, and the transfer analysis in this order was limited to transfer because Defendant did not oppose severance.

## KEY QUOTATIONS

*“with broad discretion to determine, on an individualized, case-by-case basis, whether convenience and fairness considerations weigh in favor of transfer.”* (¶ 5)

*“consider all relevant factors to determine whether on balance the litigation would more conveniently proceed and the interests of justice be better served by transfer to a different forum.”* (¶ 6)

*“Because the Jumara factors do not weigh strongly in favor of transfer, Plaintiffs’ motion to sever the California Plaintiffs’ claims and transfer those claims to the Central District of California is DENIED.”* (¶ 14)

## FACTUAL BACKGROUND

Plaintiffs include mothers who took Novartis's terbutaline product, Brethine, during pregnancy to treat preterm labor, and children who allegedly developed autism from prenatal exposure to terbutaline. They asserted negligence, negligent misrepresentation, intentional misrepresentation, and concealment claims. The California Plaintiffs sought transfer to the Central District of California, where a related action involving similar claims was

pending, citing the location of their injuries, witnesses, and evidence and the earlier trial schedule in the related action.

#### PROCEDURAL HISTORY

Plaintiffs filed the action in the Superior Court of Delaware on March 31, 2025, and Defendant removed it to the District of Delaware on April 1, 2025, based on diversity jurisdiction. After Plaintiffs moved to remand, the court recommended severing the New Jersey Plaintiffs' claims under fraudulent misjoinder and denying remand; the assigned district judge adopted that recommendation on February 4, 2026. Plaintiffs then moved to sever and transfer the California Plaintiffs' claims to the Central District of California, where a related action was pending. The court denied transfer, while noting that Defendant did not oppose severance and directing the parties to meet and confer regarding a proposed severance order.

#### DISPOSITION

other

#### REMAND INSTRUCTIONS

The motion to sever and transfer was denied. Because Defendant did not oppose severance, the parties were directed to meet and confer on a proposed order for severance to the extent they mutually agreed on its form. The parties were also permitted to file objections under Federal Rule of Civil Procedure 72(a) within fourteen days.

#### CASES CITED

- Business Machines Corp. v. Expedia, Inc., C.A. No. 17-1875-LPS-CJB, 2019 WL 4635137, at \*1 (D. Del. Sept. 24, 2019)
- Palomino Master Ltd. v. Credit Suisse Group AG, 2025 WL 2621865, at \*2 (D.N.J. Sept. 10, 2025)
- Jones v. Wetzel, 2013 WL 3381435, at \*2 (M.D. Pa. July 8, 2013)
- Dragon Quest Products, LLC v. John Does 1-100, 2013 WL 2949407, at \*2 n.6 (D.N.J. June 14, 2013)
- DirecTV, Inc. v. Leto, 467 F.3d 842, 845 (3d Cir. 2006)
- British Telecommunications PLC v. IAC/InterActiveCorp, C.A. No. 18-366-WCB, 2019 WL 1765224, at \*3 (D. Del. Apr. 22, 2019)
- Jumara v. State Farm Insurance Co., 55 F.3d 873, 879-80 (3d Cir. 1995)
- Shutte v. Armco Steel Corp., 431 F.2d 22, 25 (3d Cir. 1970)
- James v. Daley & Lewis, 406 F. Supp. 645, 648 (D. Del. 1976)
- Diamedica Therapeutics, Inc. v. PRA Health Sciences, Inc., C.A. No. 18-1318-MN, 2020 WL 5633362, at \*2 (D. Del. Sept. 21, 2020)
- Megna v. Biocomp Labs. Inc., 220 F. Supp. 3d 496, 498 (S.D.N.Y. 2016)
- B&G Foods North America, Inc. v. Embry, 2020 WL 3605070, at \*3 (E.D. Cal. July 2, 2020)
- Paddock v. Novartis Pharmaceuticals Corp., C.A. No. 25-407-JLH-SRF, 2026 WL 296245, at \*2 (D. Del. Feb. 4, 2026)

- *Broadcom Corp. v. Qualcomm Inc.*, 2008 WL 3821404, at \*6 (D.N.J. Aug. 12, 2008)
- *Affymetrix, Inc. v. Synteni, Inc.*, 28 F. Supp. 2d 192, 196 (D. Del. 1998)
- *Steward v. First Student, Inc.*, 639 F. Supp. 3d 492, 499 (E.D. Pa. 2022)
- *Palazzo v. Ciurlino*, 2006 WL 2177542, at \*1 (D.N.J. July 28, 2006)
- *Fink v. Wilmington Trust Retirement & Institutional Services Co.*, 473 F. Supp. 3d 366, 375 (D. Del. 2020)
- *Tradimpex Egypt Co. v. Biomune Co.*, 777 F. Supp. 2d 802, 810 (D. Del. 2011)
- *Virentem Ventures, LLC v. YouTube, LLC*, C.A. No. 18-917-MN, 2019 WL 2131877, at \*6 (D. Del. May 16, 2019)
- *JTH Tax, Inc. v. Lee*, 482 F. Supp. 2d 731, 739 (E.D. Va. 2007)
- *Tindle v. Novartis Pharmaceuticals Corp.*, C.A. No. 2:25-1290-GW-AYP (C.D. Cal.)