

SUPREME COURT OF UTAH

Davis County v. Purdue Pharma, L.P.

2020 UT 17 · No. 20190487 · Decided April 23, 2020

SUMMARY

The Utah Supreme Court affirmed an order transferring Davis County’s opioid-litigation action from the Second District to the Third District for discovery and pretrial proceedings. The court held that Utah district courts possess inherent authority to order such multidistrict pretrial transfers, that Utah Rule of Civil Procedure 42 and Utah Code section 78B-3-309 do not independently authorize the transfer, and that the lower court did not abuse its discretion.

CASE DETAILS

COURT	Supreme Court of Utah
WRITING FOR THE COURT	Associate Chief Justice Lee; Chief Justice Durrant; Justice Pearce; Justice Petersen; Judge Ryan M. Harris
JURISDICTION	Utah
DECIDED	April 23, 2020
DOCKET	20190487
DISPOSITION	affirmed
PROCEDURAL POSTURE	Interlocutory appeal from an order transferring the Davis County opioid litigation from Utah's Second District to the Third District for discovery and pretrial proceedings.
STANDARD OF REVIEW	Questions concerning the district court's authority to transfer an action for pretrial proceedings are reviewed de novo for correctness. The district court's decision to exercise that authority is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	published
PARTIES	Davis County v. Purdue Pharma, L.P., Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals, Inc., Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals, Inc., Purdue Pharma Inc., The Purdue Frederick Company Inc., McKesson Corp., McKesson Medical-Surgical, Inc., Amerisourcebergen Corp., Amerisourcebergen Drug Corp., Mallinckrodt LLC, Actavis LLC, Actavis Pharma Inc., Watson

Laboratories Inc., Allergan Finance LLC, Allergan Sales LLC, Allergan USA Inc., Depomed, Inc. n/k/a Assertio Therapeutics Inc., Cardinal Health Inc., Cardinal Health 105 Inc., Cardinal Health 107 LLC, Cardinal Health 108 LLC, Cardinal Health 110 LLC, Cardinal Health 112 LLC, Cardinal Health 200 LLC, Cardinal Health 414 LLC, Abbvie Inc., Knoll Pharmaceutical Company, Perry Fine, Scott Fisherman, Lipocine Inc., Lipocine Operating Inc., Spriaso LLC

TOPICS

venue interlocutory appeal appellate procedure civil procedure statutory interpretation

PRACTICE AREAS

civil procedure appellate procedure venue statutory interpretation constitutional law

QUESTIONS PRESENTED

1. Whether a Utah district court has authority to transfer an action from one judicial district to another for discovery and pretrial proceedings.
2. Whether Utah Rule of Civil Procedure 42 authorizes a multi-district transfer for pretrial purposes.
3. Whether Utah Code section 78B-3-309 authorizes or preempts inherent judicial authority to transfer a case for pretrial purposes.
4. Whether the Second District abused its discretion by transferring the Davis County action to the Third District for discovery and pretrial proceedings.

HOLDINGS

1. Utah district courts possess inherent authority to transfer an action from one judicial district to another for discovery and pretrial proceedings in the interests of justice and judicial economy.
2. Utah Rule of Civil Procedure 42 does not authorize a multi-district transfer from one judicial district to another.
3. Utah Code section 78B-3-309 does not authorize a multi-district transfer for discovery and pretrial proceedings and does not preempt the district court's inherent authority to order such a transfer.
4. The Second District acted within the bounds of its discretion by transferring the Davis County action to the Third District for discovery and pretrial proceedings.

KEY QUOTATIONS

“We hold that the district court has inherent authority to grant such a motion, which is undisturbed by Utah Code section 78B-3-309.” (¶ 7)

“our district courts retain inherent power to make such a transfer in the interests of justice and for the sake of judicial economy.” (¶ 26)

“we are in no position to conclude that the second district court exceeded the bounds of its discretion in transferring this case to the third district.” (¶ 30)

FACTUAL BACKGROUND

Davis County filed an opioid-related lawsuit against manufacturers, distributors, and other defendants in Utah's Second District. Related opioid cases were pending in other Utah judicial districts, including three cases in the Third District. A defendant sought transfer of the Davis County action to the Third District for discovery and pretrial proceedings to promote judicial economy, avoid inconsistent rulings, and coordinate extensive discovery.

PROCEDURAL HISTORY

Janssen Pharmaceuticals moved in the Second District to transfer the Davis County action to the Third District for discovery and pretrial proceedings, where related opioid cases were pending. The Second District granted the motion, relying on its inherent power to manage cases and dockets, while concluding that Utah Rule of Civil Procedure 42 and Utah Code section 78B-3-309 did not authorize the transfer. The Utah Supreme Court granted Davis County leave to pursue an interlocutory appeal and affirmed the transfer order.

DISPOSITION

affirmed

CASES CITED

- WDIS, LLC v. Hi-Country Estates Homeowners Ass'n, 2019 UT 45, ¶ 15, 449 P.3d 171
- Chamblee v. Stocks, 344 P.2d 980, 981 (Utah 1959)
- Marion Energy, Inc. v. KFJ Ranch P'ship, 2011 UT 50, ¶ 14, 267 P.3d 863
- Hale v. Barker, 259 P. 928, 931 (Utah 1927)
- State v. Cauble, 563 P.2d 775, 777 (Utah 1977)
- Garver v. Rosenberg, 2014 UT 42, ¶ 15 n.24, 347 P.3d 380
- Anderson v. Johnson, 268 P.2d 427, 430 (Utah 1954)
- Sanipoli v. Pleasant Valley Coal Co., 86 P. 865 (Utah 1906)
- Brown v. Cox, 2017 UT 3, ¶ 31, 387 P.3d 1040
- State v. Rettig, 2017 UT 83, ¶ 58, 416 P.3d 520
- Petty v. Clark, 192 P.2d 589, 593-94 (Utah 1948)
- Summa Corp. v. Lancer Industries, Inc., 559 P.2d 544, 546 (Utah 1977)
- Ulrich v. McConaughy, 88 N.W. 150, 154 (Neb. 1901), modified, 96 N.W. 645 (Neb. 1903)