

And Now A Word From The Panel: Back In Action

By **Alan Rothman** (July 30, 2025)

This article is part of a column that "rides the circuit" with the Judicial Panel on Multidistrict Litigation as it meets on a bimonthly basis. With the All-Star game in our rearview mirror and the second half of the season — and year — in full swing, the panel will meet this week in Boise, Idaho, yet another state without a major league baseball team.



Alan Rothman

The JPML is back in action this week, with a full plate of eight new MDL petitions to consider. As we assuaged readers in our last column, the panel's May "off day" from considering new MDL petitions was indeed short-lived.

With no new MDL petitions considered in May, the panel's batting average for the year remains at .389, just shy of .400 — granting seven and denying 11 petitions. The eight new petitions under panel consideration at the July 31 hearing session will bring the total number of new petitions considered this year to 26.

Although the panel did not consider any new petitions in May, it issued rulings on a host of motions to transfer, motions to vacate conditional transfer orders and even a motion to vacate a conditional remand order, in connection with eight existing MDL proceedings.

With the temporary decrease in new petitions, the overall number of pending MDL proceedings has continued to dip — albeit only slightly — to a new low of 161, from 162 proceedings two months ago.[1] The panel has closed out 16 MDL proceedings over the first half of this year.[2]

Product liability MDLs continue to dominate the MDL landscape, but again, just slightly less than 40% of the total number of MDL proceedings — 64 out of 161 MDLs.[3] The number of actions in the 161 MDL proceedings increased to a total of 189,943, from 182,011 actions at the beginning of May.[4]

But as we remind our readers time and again, the data as to number of actions do not reflect the total number of plaintiffs — including those in multiplaintiff actions — and do not include unfiled claimants, which would be valuable pieces of additional information to have in assessing the magnitude of the MDL world.

There are now 21 MDL proceedings that have more than 1,000 pending actions — nine of which have more than 5,000 pending actions — all from among the product liability MDLs.[5]

Back in Action

Understandably, the lack of new MDL petitions, and thus the absence of oral argument, at the May hearing session caught the attention of many.

But the rapid uptick in new MDL petitions being heard at the July hearing session illustrates that panel activity can ebb and flow.

The broad range of new MDL petitions being heard at the July session also reflects that MDL

practice is hardly monolithic. Rather, MDL proceedings span the gamut of industries and subject areas.

At the July hearing, the panel will hear cases ranging from antitrust to data breach to an aviation incident to marketing/sales practices to patents, and even a litigation arising from a pro se plaintiff's securities- and commodities-related arbitration.

On top of this robust docket, the panel is also considering, without oral argument, a slew of motions relating to transfer into, or remand out of, 13 existing MDL proceedings.

Although the panel will certainly be busy at this hearing, it is intriguing to look around the corner as to what lies ahead for the next hearing session.

Looking Ahead

Curiously, there again appears to be a relative dearth of new MDL petitions on the horizon. As of last week, there was only a sole MDL petition, involving antitrust claims, filed since the panel issued its docket for the July hearing.

Our readers are reminded that the window for a new MDL petition to make the cut to be heard at the panel's September hearing session is rapidly closing. As a point of reference, last year, the panel issued the September hearing session docket on Aug. 16.[6] The latest filed petition considered on that docket was filed on Aug. 2.

Two years ago, the panel issued its September hearing session docket on Aug. 11.[7] The latest filed petition considered on that docket was filed on Aug. 7.[8] Thus, we will know soon how many new MDL petitions will be considered at the September hearing session.

Will new MDL petitions continue to be filed? When will the panel issue its docket for the September hearing? Will the panel's batting average crack .400 for the year? Will we see a resurgence of product liability MDLs? Where will new MDL proceedings be venued?

Stay tuned for the next edition of And Now a Word from the Panel, when the panel is scheduled to meet, yet again, in a state without a major league baseball team — in Santa Fe, New Mexico — for its Sept. 25 hearing session.

PANEL TRIVIA CORNER

May Trivia Question

When was the last time that the panel did not hear oral argument at a scheduled hearing session?

Answer to May Trivia Question

March 2020: "In light of the concerns about the spread of the COVID-19 virus (coronavirus), the Panel will consider without oral argument all matters scheduled to be heard at the March 26, 2020, Hearing Session."

July Trivia Question

When was the last year that the panel granted fewer new MDL petitions than it denied?

Like to venture a guess as to this month's trivia question? Have tidbits of panel trivia that you would like to be featured in an upcoming column? Please do not hesitate to drop me a note at arothman@sidley.com.

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[1] https://www.jpml.uscourts.gov/sites/jpml/files/Pending_MDL_Dockets_By_District-July-1-2025_0.pdf.

[2] https://www.jpml.uscourts.gov/sites/jpml/files/Recently_Terminated_MDLs-January-1-2025-July-1-2025.pdf.

[3] https://www.jpml.uscourts.gov/sites/jpml/files/Pending_MDL_Dockets_By_MDL_Type-July-1-2025.pdf.

[4] https://www.jpml.uscourts.gov/sites/jpml/files/Pending_MDL_Dockets_By_Actions_Pending-July-1-2025_0.pdf.

[5] Id.

[6] https://www.jpml.uscourts.gov/sites/jpml/files/Hearing%20Session%20Filed_September%202024.pdf.

[7] https://www.jpml.uscourts.gov/sites/jpml/files/Hearing%20Session%20Filed_September%202023.pdf.

[8] See "And Now a Word from the Panel: Watch the MDL Calendar," Law360 (May 29, 2024); "And Now A Word from the Panel: ABCs of MDL Practice," Law360 (Sept. 30, 2014).