

And Now A Word From The Panel: How MDLs Fared In 2024

By **Alan Rothman** (January 29, 2025)

This article is part of a bimonthly column that "rides the circuit" with the Judicial Panel on Multidistrict Litigation as it meets at venues around the country. This installment kicks off the column's 13th year as the panel returns to its usual pattern of holding its January hearing in the Sunshine State — Florida — and this year on the cusp of Pro Bowl Sunday, which will happen in Orlando.



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As our readers may remember, the panel deviated from its typical January venue last year and headed west to Santa Barbara, California.

Looking at the panel's docket for this January hearing session, the panel begins the new year on a much busier note than at its last session — with nine new MDL petitions under consideration, one additional petition having recently been withdrawn, as compared to one petition heard at the December session.

2024: MDL Year in Review

Over the past few years, this column has noted the relative decrease in the number of MDL petitions. The past year saw a slight uptick in new MDL petitions, with the panel ruling on 33 new MDL petitions, up slightly from 29 in 2023.

The panel ended the year with 170 pending MDL proceedings, an increase from the 167 MDL proceedings pending as of the end of 2023.[1] As we begin 2025, the MDL world has 302,338 actions, a drop from 456,698 actions as of a year ago.

In addition, the panel again reached its highest "batting average" in years, batting .758 — meaning it granted 25 petitions and denied eight petitions. This represents an increase from the panel's .690 average as of the end of 2023, and a marked increase from the panel's .576 batting average in 2021, as well as its .667 average in 2022.

Once again, the panel continued its cleanup efforts, terminating 22 MDL proceedings during 2024.[2]

2024: By the Numbers

The chart below compares the panel's 2024 stats with those from 2023.

CATEGORY	2024	2023
New MDL Petitions Ruled Upon	33	29
MDL Petitions Granted	25	20
MDL Petitions Denied	8	9
Percentage of MDL Petitions Granted	75.8%	69.0%
Terminated MDLs	22	25
New Product Liability MDLs	4	5
New Marketing & Sales MDLs	1	4
New Antitrust MDLs	6	2
New Intellectual Property/Patent MDLs	3	0
New Data Breach/Privacy MDLs[3]	8	4
New Securities MDLs	0	1
Total MDLs Pending	170	167
Total Actions in MDL Proceedings[4]	302,338	456,698

2024: Trendlines

As noted above, perhaps the most significant highlight of panel practice during 2024 was once again the significant increase in the percentage of new MDL petitions granted by the panel, for a batting average of .758 — one of the highest grant rates in years.

It is also significant to note that the percentage of product liability MDLs as compared to the overall MDL docket continues to grow, with product liability MDL proceedings now comprising more than 39% of all MDL proceedings — 67 out of 170.[5]

Even more significantly, the top 21 MDLs by number of actions — each with more than 1,000 actions — have a total of 288,944 actions, embodying more than 95% of all actions in MDLs. And almost all those MDLs are from among the product liability MDL proceedings.

Moreover, as we continue to remind our readers, the number of actions undercounts the true impact of MDLs. There are many unfiled claims triggered by, and associated with, various MDL proceedings.

And the number of actions does not necessarily reflect the total number of plaintiffs in an MDL, as there may be multiplaintiff complaints.

Other notable takeaways from the 2024 statistics include:

- A significant number of new data breach/privacy MDLs — eight in 2024 versus four in 2023 — and a marked increase from no new data breach/privacy MDLs in 2022.
- The creation of new intellectual property/patent MDLs — three in 2024 versus zero in 2023 — and back to the level of new MDLs in this area in 2022, when three such MDLs were established.
- A sizeable increase in new antitrust MDLs — six in 2024 versus two in 2023.
- A slight decrease in the number of new product liability MDLs — four in 2024 versus five in 2023 — although as noted above, the percentage of product liability MDLs as compared to the overall number of MDL proceedings continues to hold close to 40%.

2024: MDL Venues

Continuing this column's annual tradition, let us explore the panel's 2024 selection of MDL venues. It was particularly notable this past year that the panel explored new vistas for the year's class of MDL proceedings.

The panel moved away a bit from its overwhelming selection of new MDL venues in the Eastern and Central time zones. During 2024, the panel established three new MDLs in the Mountain time zone, and another three in the Pacific time zone.

It was a three-way tie this year for the state with the most new MDLs, with California, Minnesota and Ohio each being home to three new MDLs. New York was assigned two new MDLs.[6]

Rounding out the states with new MDL proceedings were Florida, Georgia, Illinois, Iowa, Montana, New Jersey, New Mexico, Pennsylvania, Tennessee, Texas, Utah, Virginia and West Virginia.

In total, the 24 new 2024 MDLs — arising from the grant of 25 petitions[7] — were centralized in 17 states, embodying 19 judicial districts. Most telling is that four of the new MDLs are in states without any other current MDL proceedings — Iowa, Montana, Utah and West Virginia — and without a National Football League or Major League Baseball team.

What does 2025 hold for the panel? Will new MDL petitions be on the rise? Can the panel top its sizzling 2024 batting average for granting

PANEL TRIVIA CORNER

December Trivia Question

When was the last time the panel considered only two new MDL petitions at a hearing session?

Answer to December Trivia Question

July 2023.

January Trivia Question

When was the last time the Pro Bowl was held in Florida on the weekend following a panel hearing session held in Florida?

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.

MDL petitions? Will product liability actions exceed 40% of MDL proceedings?

What new venues will the panel select for MDL proceedings? Stay tuned for the panel's March 27 hearing session in Charlotte, North Carolina, and for our next edition of And Now a Word from the Panel, with best wishes to all of our readers for a safe and healthy 2025!

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

[2] https://www.jpml.uscourts.gov/sites/jpml/files/Recently_Terminated_MDLs-January-1-2024-January-2-2025.pdf.

[3] This column generally utilizes the panel's characterization of "docket types" to identify the categories of MDL cases. Although the panel does not have a docket type titled "data breach/privacy," this column has identified such cases from the title of those MDL proceedings.

[4] Data as to the number of actions within MDL proceedings for 2024 is as of Jan. 2, 2025 (when the panel published its latest monthly MDL statistical report).

[5] https://www.jpml.uscourts.gov/sites/jpml/files/Pending_MDL_Dockets_By_Type-January-2-2025.pdf.

[6] https://www.jpml.uscourts.gov/sites/jpml/files/Pending_MDL_Dockets_By_District-January-2-2025.pdf.

[7] Among those 25 petitions were two petitions granted by the panel and centralized into a single MDL, so that 24 new MDLs were established in 2024.