

**Are Plaintiffs Drawn to Philadelphia's Civil Courts?  
An Empirical Examination**

BY

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**Appendix A:**

**Do Plaintiffs in Philadelphia's Complex Litigation Center Have  
Any Relevant Contact with Philadelphia?**

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## APPENDIX A

### **Do Plaintiffs in Philadelphia’s Complex Litigation Center Have Any Relevant Contact with Philadelphia?**

One plausible implication of our study is that Philadelphia courts, and the Philadelphia Complex Litigation Center (PCLC) in particular, attract a substantial share of plaintiffs even when neither the plaintiff nor the alleged injury has a connection to Philadelphia or, in many cases, the state of Pennsylvania. We performed additional analysis to further explore this potential implication. Our preliminary results indicate that a substantial fraction of PCLC plaintiffs have no discernible or relevant connection to Philadelphia or to Pennsylvania.

To identify whether PLCC plaintiffs had any meaningful connection to Philadelphia, we compiled a data set consisting of a sample of mass tort cases. The data include the plaintiff’s home address and the location of the alleged injury.<sup>1</sup> Table 1 below summarizes our analysis and reports the results by case type.

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<sup>1</sup> Plaintiff’s location is generally available on the court’s online docket system; location of injury was ascertained by searching through complaints, where available, on the electronic filing system at Philadelphia City Hall.

Using case inventories obtained from the PCLC staff and supplemented with docket numbers available on the PCLC's public website,<sup>2</sup> we coded a sample of about 1400 cases.<sup>3</sup> From these, we were able to identify the plaintiff's home address in 1,355 cases. We identified electronically available complaints in 638 cases and were able to identify the plaintiff's location of injury in 369 cases.

Of the 1,357 cases in Column 1 indicating either or both plaintiff home address and/or plaintiff injury location, 913 (67.2%) are out-of-state without any apparent connection to Pennsylvania or Philadelphia. Only 180 cases (13.3%) reveal plaintiffs who live in or allege injury in Philadelphia. The case types with the largest share of out-of-state plaintiffs are hormone therapy, denture adhesive cream, and Paxil birth defect.

Column 2 considers only the plaintiffs' home addresses and shows similar results. In these cases, 987 plaintiffs (72.8%) reside out-of-state while only 82 (6.1%) report Philadelphia home addresses.

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<sup>2</sup> The PCLC website is at <http://www.courts.phila.gov/common-pleas/trial/civil/clc.asp>. We obtained the case inventories (for cases comprising several case types that were active as of the end of the third quarter 2011) and compiled our sample on October 18, 2011.

<sup>3</sup> As of February 1, 2012, the PCLC website reports about 6400 cases. Our sample thus constitutes about 20% of active PCLC cases, drawn from 12 of the 17 case types with currently active cases. Again based upon the case inventories obtained from the PCLC staff, the majority of cases in the sample are drawn from cases active as of September 2011. Some of these cases may no longer be active and some of these cases were then (and may still be) waiting for a trial listing. The cases in our sample were filed between 2003 and 2011. Because coding of non-electronically filed complaints was infeasible for our preliminary analysis, the majority of our sample is drawn from cases filed during or after 2008 when the PCLC switched to an electronic system.

Column 3 focuses upon only those cases where evidence of the location of the plaintiff's injury was electronically available.<sup>4</sup> Only 132 of these plaintiffs (35.8%) allege injury in Philadelphia and only 122 (33.1%) allege injury in another Pennsylvania county. Almost all of these are asbestos cases, with 123 plaintiffs reporting exposure in Philadelphia and 119 more plaintiffs reporting exposure in another Pennsylvania city.<sup>5</sup> Column 4 considers the same analysis, excluding the asbestos cases, and finds only 16% of plaintiffs alleging injury in Philadelphia and 12% alleging injury in another Pennsylvania city.

While we did not specifically analyze defendants' locations, it appears that the majority of the defendants named in major cases in the Complex Litigation Center do not have corporate headquarters in Philadelphia (or Pennsylvania). For over 95% of our sample (comprising hormone therapy, asbestos, denture adhesive cream and Paxil birth defect case types) primary defendants are Wyeth/Pfizer, GlaxoSmithKline/SmithKline Beecham, Barr Pharmaceuticals/Teva Pharmaceuticals, Goodyear Tires, and Ford Motor Company. Although Wyeth has a Pharmaceutical division headquarters in Collegeville, Pennsylvania, its corporate headquarters is located in Madison, New

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<sup>4</sup> The sample is notably smaller. The majority of ongoing Hormone Therapy cases, for instance, were filed between 2003 and 2005, well before the court switched to an online filing system. Accordingly, only eight complaints in cases of this case type were available in electronic form. Also, even when complaints were available, many failed to specify the location of the Plaintiff's injury. Nearly all the complaints were available in Denture Adhesive Cream, for example, but none of them identified any information about the Plaintiff's injury location. Accordingly, for Column 3 both missing complaints and complaints with missing data were excluded from the sample.

<sup>5</sup> The Asbestos complaints would often list every location the Plaintiff had ever worked as a location of possible exposure. Often, the complaints would identify a possible source of exposure by location *only* if it was Philadelphia or another Pennsylvania city.

Jersey. Further, Wyeth is now owned by Pfizer, headquartered in New York, New York. GlaxoSmithKline is headquartered in London. GlaxoSmithKline USA does have one of its two corporate headquarters in Philadelphia, with the other located in Research Triangle Park, North Carolina. Barr Laboratories is a fully owned subsidiary of Teva Pharmaceutical which is headquartered in Montvale, New Jersey. Goodyear Tires is located in Akron, Ohio, and Ford Motor Company is located in Dearborn, Michigan.

Although most or all of these companies surely do business in Philadelphia and a few may have some sort of administrative offices there, most of these defendants do not have corporate headquarters in Philadelphia or Pennsylvania. It is unlikely that venue was moved to the PCLC in most or any of the cases at the defendants' behest.

**Table 1: Preliminary Analysis of Plaintiff Home Address & Injury Location**

Case Type	(1) Plaintiff Home Address or Injury Location			(2) Plaintiff Home Address			(3) Plaintiff Injury Location			(4) Plaintiff Injury Location (Excluding Asbestos)		
	No. of Cases with $\pi$ Loc. or Inj. Loc.	% with PA Connection	% with Phila Connection	No. of Cases with $\pi$ Location	% with PA Connection	% with Phila Connection	No. of Cases with $\pi$ Injury Location	% with PA Connection	% with Phila Connection	No. of Cases with $\pi$ Injury Location	% with PA Connection	% with Phila Connection
<b>Total</b>	<b>1357</b>	<b>32.7%</b>	<b>13.3%</b>	<b>1355</b>	<b>27.2%</b>	<b>6.1%</b>	<b>369</b>	<b>68.8%</b>	<b>35.8%</b>	<b>75</b>	<b>16.0%</b>	<b>12.0%</b>
Hormone Therapy	608	11.5%	2.3%	606	11.6%	2.3%	0	--	--	0	--	--
Asbestos	439	78.4%	34.6%	439	62.0%	13.0%	294	82.3%	41.8%	--	--	--
Denture Adhesive	147	6.8%	2.0%	147	6.8%	2.0%	0	--	--	0	--	--
Paxil Birth Defect	126	4.8%	0.0%	126	4.8%	0.0%	43	2.3%	0.0%	43	2.3%	0.0%
Risperdal	10	20.0%	20.0%	10	10.0%	10.0%	10	20.0%	20.0%	10	20.0%	20.0%
Gadolinium	8	62.5%	37.5%	8	37.5%	25.0%	8	62.5%	37.5%	8	62.5%	37.5%
Avandia	5	40.0%	20.0%	5	40.0%	20.0%	2	0.0%	0.0%	2	0.0%	0.0%
Hydroxycut	4	0.0%	0.0%	4	0.0%	0.0%	4	0.0%	0.0%	4	0.0%	0.0%
Digitek	3	33.3%	33.3%	3	33.3%	33.3%	3	33.3%	33.3%	3	33.3%	33.3%
Nursing Home	4	100.0%	100.0%	4	75.0%	75.0%	3	100.0%	100.0%	3	100.0%	100.0%
Phen-Fen	1	0.0%	0.0%	1	0.0%	0.0%	1	0.0%	0.0%	1	0.0%	0.0%
Reglan	1	0.0%	0.0%	1	0.0%	0.0%	1	0.0%	0.0%	1	0.0%	0.0%
Trasyolol	1	0.0%	0.0%	1	0.0%	0.0%	0	--	--	0	--	--