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DISTRICT OF MAINE
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U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

OCT 26 2010

LINDA L. JACOBSON
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October 21, 2010

United States District Court, Eastern Arkansas, Pine Bluff Divisional Office
George Howard, Jr. Federal Building and United States Courthouse
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Pine Bluff, AR 71601

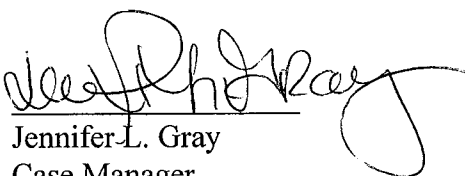
RE: IN RE: LIGHT CIGARETTES MARKETING AND SALES PRACTICES LITIGATION
EASTERN DISTRICT OF ARKANSAS (LITTLE ROCK) DOCKET NO. 4:10-cv-396-JLH
DISTRICT OF MAINE DOCKET NO. 1:10-cv-432-JAW
MDL LITIGATION NO. 2068 – IN RE: LIGHT CIGARETTES MARKETING AND SALES
PRACTICES LITIGATION

Dear Clerk:

Please be advised that the above entitled case has been transferred to the District of Maine pursuant to the enclosed Transfer Order issued by the Judicial Panel on Multidistrict Litigation on October 18, 2010. Please note that we will obtain a copy of your docket sheet and Complaint via Pacer and there is no need to send us any certified copies.

Sincerely,
LINDA L. JACOBSON, CLERK

BY:


Jennifer L. Gray
Case Manager

Enc.

cc: Clerk, United States Judicial Panel on Multidistrict Litigation

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: LIGHT CIGARETTES MARKETING AND
SALES PRACTICES LITIGATION

Lisa Watson, et al. v. Philip Morris USA, Inc., et al.,)
E.D. Arkansas, C.A. No. 4:10-396)

MDL No. 2068

TRANSFER ORDER

Before the entire Panel: Plaintiffs in an action pending in the Eastern District of Arkansas (*Watson*) have moved, pursuant to former Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001),¹ to vacate our order conditionally transferring the action to the District of Maine for inclusion in MDL No. 2068. Responding defendants Philip Morris USA Inc. (Philip Morris) and Altria Group, Inc. (Altria) oppose the motion to vacate.

After considering all argument, we find that this action involves common questions of fact with actions in this litigation previously transferred to the District of Maine, and that transfer of the action to that district for inclusion in MDL No. 2068 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. We further find that transfer of this action is appropriate for the reasons that we set out in our original order directing centralization in the District of Maine of actions “shar[ing] factual issues as to whether Philip Morris and/or Altria engaged in deceptive marketing of their light cigarettes and/or manipulated the design of those cigarettes to deliver more tar and nicotine when smoked than when tested by the government.” *See In re: Light Cigarettes Mktg. and Sales Practices Litig.*, 652 F.Supp.2d 1379, 1380 (J.P.M.L. 2009).

In their motion to vacate, the *Watson* plaintiffs principally argue that their action was improperly removed to federal court, and that the Panel should grant their motion to vacate so that the Eastern District of Arkansas court may rule on their motion for remand to state court. Plaintiffs, however, can present their remand motion to the transferee judge. *See, e.g., In re Ivy*, 901 F.2d 7 (2d Cir. 1990); *In re Prudential Ins. Co. of America Sales Practices Litig.*, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001).

¹ Amended Panel Rules became effective on October 4, 2010.

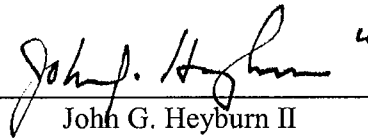
- 2 -

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, this action is transferred to the District of Maine and, with the consent of that court, assigned to the Honorable John A. Woodcock, Jr., for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

PANEL ON MULTIDISTRICT LITIGATION

A TRUE COPY
ATTEST: Linda L. Jacobson, Clerk

By: 
Deputy Clerk



John G. Heyburn II
Chairman

Robert L. Miller, Jr.
David R. Hansen
Frank C. Damrell, Jr.

Kathryn H. Vratil
W. Royal Furgeson, Jr.
Barbara S. Jones