

A CERTIFIED TRUE COPY

ATTEST

By Tammie Brooks on Aug 17, 2010

FOR THE UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

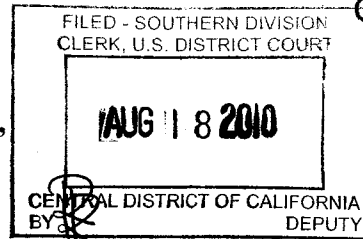
UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

Aug 17, 2010

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

FILED
CLERK'S OFFICE

**IN RE: TOYOTA MOTOR CORP. HYBRID
BRAKE MARKETING, SALES PRACTICES,
AND PRODUCTS LIABILITY LITIGATION**



MDL No. 2172

8:10-m-02172 CJC (RNBx)

TRANSFER ORDER

Before the entire Panel^{*}: Plaintiffs in three Central District of California actions have moved, pursuant to 28 U.S.C. § 1407, for coordinated or consolidated pretrial proceedings of this litigation in the Central District of California. Plaintiffs in the Eastern District of Kentucky and Northern District of Texas actions and responding defendants¹ support the motion. The Eastern District of Kentucky plaintiff alternatively suggests centralization in the Eastern District of Kentucky. Plaintiffs in the Central District of California *Creighton* action oppose inclusion of their action and several other actions in “consolidated” proceedings, but support “coordination” of all actions in the Central District of California for purposes of discovery.

This litigation currently consists of eight actions listed on Schedule A and pending in five districts as follows: four actions in the Central District of California, and one action each in the Middle District of Alabama, the Eastern District of Kentucky, the District of Maryland, and the Northern District of Texas.²

On the basis of the papers filed and hearing session held, we find that these actions involve common questions of fact, and that centralization under Section 1407 in the Central District of California will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. These actions share factual questions arising out of allegations of the same defect in the braking system of Toyota hybrid vehicles. Centralization will eliminate duplicative discovery; prevent inconsistent pretrial rulings, including with respect to class certification; and conserve the resources of the parties, their counsel, and the judiciary.

^{*} Judge Vratil did not participate in the disposition of this matter.

¹ Toyota Motor Corp.; Toyota Motor Sales, U.S.A., Inc.; Toyota Motor North America, Inc.; Toyota Motor Engineering & Manufacturing North America, Inc.; and Toyota Motor Manufacturing Kentucky, Inc. (collectively Toyota).

² The parties have notified the Panel that three additional related actions are pending, one action each in the Central District of California, the Eastern District of New York, and the Southern District of Ohio. These actions are potential tag-along actions. See Rules 7.4 and 7.5, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001).

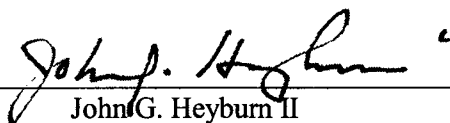
Certain plaintiffs oppose “consolidation” of these actions but argue that all actions belong in the Central District of California for purposes of discovery. We agree that transfer of all related actions to a single judge has the streamlining effect of fostering a pretrial program that: (1) allows pretrial proceedings with respect to any non-common issues to proceed concurrently with pretrial proceedings on common issues, *In re Multi-Piece Rim Products Liability Litigation*, 464 F.Supp. 969, 974 (J.P.M.L. 1979); and (2) ensures that pretrial proceedings are conducted in a manner leading to the just and expeditious resolution of all actions to the overall benefit of the parties. However, we leave to the discretion of the transferee judge the extent of coordination or consolidation among these actions.

We are persuaded that the Central District of California is an appropriate transferee forum for this litigation. Defendants maintain their United States corporate headquarters within this district, and relevant documents and witnesses are likely located there. Moreover, this district has unanimous support among the responding parties.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, the actions listed on Schedule A and pending outside the Central District of California are transferred to the Central District of California and, with the consent of that court, assigned to the Honorable Cormac J. Carney for coordinated or consolidated pretrial proceedings with the actions pending there and listed on Schedule A.

IT IS FURTHER ORDERED that this litigation is renamed “In re: Toyota Motor Corp. Hybrid Brake Marketing, Sales Practices and Products Liability Litigation.”

PANEL ON MULTIDISTRICT LITIGATION



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

**IN RE: TOYOTA MOTOR CORP. HYBRID
BRAKE MARKETING, SALES PRACTICES,
AND PRODUCTS LIABILITY LITIGATION**

MDL No. 2172

SCHEDULE A

Middle District of Alabama

Johnny E. Griffin v. Toyota Motor Corp., et al., C.A. No. 1:10-114 / SACV10-01252 CJC (RNBx)

Central District of California

Lisa Creighton, et al. v. Toyota Motor Corp., et al., C.A. No. 2:10-946
Jessica M. Kramer v. Toyota Motor Corp., et al., C.A. No. 2:10-1154
Michael Choi v. Toyota Motor Sales, USA, Inc., et al., C.A. No. 8:10-154
Alexsandra Del Real v. Toyota Motor Sales, USA, Inc., et al., C.A. No. 8:10-173

Eastern District of Kentucky

Christine Stadler v. Toyota Motor North America, Inc., et al., C.A. No. 2:10-30/
SACV10-01253 CJC (RNBx)

District of Maryland

Bridgette Scott v. Toyota Motor North America, Inc., et al., C.A. No. 8:10-450/
SACV10-01254 CJC (RNBx)

Northern District of Texas

Michael Scholten v. Toyota Motor Corp., et al., C.A. No. 3:10-295 / SACV10-01255 CJC (RNBx)

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

CHAIRMAN:
John G. Heyburn II
United States District Court
Western District of Kentucky

MEMBERS:
Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Kathryn H. Vratil
United States District Court
District of Kansas

David R. Hansen
United States Court of Appeals
Eighth Circuit

W. Royal Furgeson, Jr.
United States District Court
Northern District of Texas

Frank C. Damrell, Jr.
United States District Court
Eastern District of California

Barbara S. Jones
United States District Court
Southern District of New York

DIRECT REPLY TO:
Jeffery N. Lüthi
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D.C. 20002
Telephone: [202] 502-2800
Fax: [202] 502-2888
<http://www.jpml.uscourts.gov>

August 17, 2010

Terry Nafisi, Clerk
Ronald Reagan Federal Building
& U.S. Courthouse
411 West Fourth Street
Santa Ana, CA 92701-4516

Re: MDL No. 2172 -- IN RE: Toyota Motor Corp. Hybrid Brake Marketing, Sales Practices, and
Products Liability Litigation

Dear Ms. Nafisi:

Attached as a separate document is a certified copy of a transfer order that the Judicial Panel on Multidistrict Litigation issued today in the above-captioned matter. The order is directed to you for filing. Rule 1.5 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 428 (2001), states "A transfer or remand pursuant to 28 U.S. C. § 1407 shall be effective when the transfer or remand order is filed in the office of the clerk of the district court of the transferee district."

Today we are also serving an information copy of the order on the transferor court(s). The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred [transferor court]."

Rule 1.6(a), pertaining to transfer of files, states "the clerk of the transferor district court shall forward to the clerk of the transferee district court the complete original file and a certified copy of the docket sheet for each transferred action." **With the advent of electronic filing, many transferee courts have found that it is not necessary to request the original file. Some transferee courts will send their certified copy of the Panel order with notification of the newly assigned transferee court case number and inform the transferor courts that they will copy the docket sheet via PACER. Others may request a certified copy of the docket sheet and a copy of the complaint (especially if it was removed from state court). You should be specific as to the files you would like to receive from the transferor courts and if no files will be necessary, you should make that clear. Therefore, Rule 1.6(a) will be satisfied once a transferor court has complied with your request.**

You may find Chapter 7 of Volume 4 of the Clerks Manual, United States District Courts helpful in managing the MDL docket.

The Panel Clerk's Office maintains the only statistical accounting of multidistrict litigation traffic in the federal courts. Therefore, we would appreciate your cooperation in keeping the Panel advised of the progress of this litigation. We are particularly interested in receiving the docket numbers assigned to each transferred action by your court; the caption and docket numbers of all actions originally filed in your district; and copies of orders regarding appointment of liaison counsel, settlements, dismissals, state court remands, and reassignments to other judges in your district.

Your attention is also directed to Panel Rule 7.6, regarding termination and remand of transferred actions. Upon notification from your court of a finding by the transferee judge suggesting to the Panel that Section 1407 remand of a transferred action is appropriate, this office will promptly file a conditional remand order.

Attached to this letter, for your information, is a copy of the Panel Service List and a listing of the transferor court clerks with respect to this order.

Very truly,

Jeffery N. Lüthi
Clerk of the Panel

By Tammie R. Brooks
Tammie R. Brooks
Case Administrator

Attachments (Transfer Order is a Separate Document)

cc: Transferee Judge: Judge Cormac J. Carney
Chief Judge Transferee District: Judge Audrey B. Collins

**Judicial Panel on Multidistrict Litigation - Panel Service List
for
MDL 2172 - IN RE: Toyota Motor Corp. Hybrid Brake Marketing, Sales Practices, and**

***** Report Key and Title Page *****

Please Note: This report is in alphabetical order by the last name of the attorney. A party may not be represented by more than one attorney. See Panel rule 5.2(c).

Party Representation Key

- * Signifies that an appearance was made on behalf of the party by the representing attorney.
 - # Specified party was dismissed in some, but not all, of the actions in which it was named as a party.
- All counsel and parties no longer active in this litigation have been suppressed.

This Report is Based on the Following Data Filters

Docket: 2172 - Toyota Motor Corp. Hybrid Brake Marketing, SP and PL
For Open Cases

Judicial Panel on Multidistrict Litigation - Panel Service List

Page 1

Docket: 2172 - IN RE: Toyota Motor Corp. Hybrid Brake Marketing, Sales Practices, and Products Liability Litigation

Status: Transferred on 08/17/2010

Transferee District: CAC Judge: Carney, Cormac J.

Printed on 08/17/2010

ATTORNEY - FIRM**REPRESENTED PARTY(S)**

Abrams, Jill S. ABBEY SPANIER RODD & ABRAMS LLP 212 East 39th Street New York, NY 10016	=>Phone: (212) 889-3700 Fax: (212) 684-5191 Email: jabrams@abbeyspanier.com Kramer, Jessica M.*
Alexander, Vahn FARUQI & FARUQI LLP 1901 Avenue of the Stars Second Floor Los Angeles, CA 90067	=>Phone: (310) 461-1426 Fax: (310) 461-1427 Email: valexander@faruqilaw.com Del Real, Aleksandra
Cho, Darlene M. LOEB & LOEB LLP 10100 Santa Monica Blvd. Suite 2200 Los Angeles, CA 90067	=>Phone: (310) 282-2000 Fax: (310) 282-2200 Email: dcho@loeb.com Toyota Motor North America, Inc., Lexus
General Motors, LLC, C/O CT CORPORATION SYSTEM 111 Eighth Avenue New York, NY 19801	=> General Motors, LLC
Godino, Marc L. GLANCY BINKOW & GOLDBERG LLP 1801 Avenue of the Stars Suite 311 Los Angeles, CA 90067	=>Phone: (310) 201-9150 Fax: (310) 201-9160 Email: mgodino@glancylaw.com Choi, Michael
Johnson, Jennifer Weber GRESHAM PC 2311 Cedar Springs Road Suite 200 Dallas, TX 75201	=>Phone: (214) 420-9995 Fax: (214) 526-5525 Email: jjohnson@greshampc.com Scholten, Michael*
Lester, Jr., Charles T. ERIC C DETERS & ASSOCIATES PSC 5247 Madison Pike Independence, KY 41051	=>Phone: (859) 363-1900 Fax: (859) 363-1444 Email: clester@ericdeters.com Stadler, Christine*
Mallow, Michael L. LOEB & LOEB LLP 10100 Santa Monica Boulevard Suite 2200 Los Angeles, CA 90067	=>Phone: (310) 282-2287 Fax: (310) 919-3883 Email: mmallow@loeb.com Toyota Motor Corp.*; Toyota Motor Engineering & Manufacturing North America, Inc.*; Toyota Motor Manufacturing Kentucky, Inc.*; Toyota Motor North America, Inc.*; Toyota Motor Sales U.S.A., Inc.*
Miles, III, Wilson Daniel BEASLEY ALLEN CROW METHVIN PORTIS & MILES PC Post Office Box 4160	=>Phone: (334) 269-2343 Fax: (334) 954-7555 Email: dee.miles@beasleyallen.com Griffin, Johnny E.*

Note: Please refer to the report title page for complete report scope and key.

ATTORNEY - FIRM

REPRESENTED PARTY(S)

Montgomery, AL 36103

Schwartz, Michael A.
HORWITZ HORWITZ & PARADIS
405 Lexington Avenue
61st Floor
New York, NY 10174

=>Phone: (212) 986-4500 Fax: (212) 986-4501 Email: mschwartz@hhplawny.com
Creighton, Lisa*; Ramirez, Miriam*

Zipin, Philip B.
ZIPIN LAW FIRM LLC
8403 Colesville Road
Suite 610
Silver Spring, MD 20910

=>Phone: (301) 587-9373 Fax: (301) 587-9397 Email: pzipin@zipinlaw.com
Scott, Bridgette

**IN RE: TOYOTA MOTOR CORP. HYBRID
BRAKE MARKETING, SALES PRACTICES,
AND PRODUCTS LIABILITY LITIGATION**

MDL No. 2172

INVOLVED CLERKS LIST

Debra P. Hackett, Clerk
U.S. District Court
P.O. Box 711
Montgomery, AL 36101-0711
ALMDml_Civil Docclerks

Felicia C. Cannon, Clerk
U.S. Courthouse, 2nd Floor
6500 Cherrywood Lane
Greenbelt, MD 20770-1285
MDDdb_BALJPMLorders/MDD/04/USCOURTS

Karen S. Mitchell, Clerk
1452 Earle Cabell Federal Building & U.S. Courthouse
1100 Commerce Street
Dallas, TX 75242-1310
MDL TXND/TXND/05/USCOURTS

Leslie G. Whitmer, Clerk
P.O. Box 1073
Covington, KY 41012-1073
intake kyed/KYED/06/USCOURTS

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

CHAIRMAN:
John G. Heyburn II
United States District Court
Western District of Kentucky

MEMBERS:
Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Kathryn H. Vratil
United States District Court
District of Kansas

David R. Hansen
United States Court of Appeals
Eighth Circuit

W. Royal Furgeson, Jr.
United States District Court
Northern District of Texas

Frank C. Damrell, Jr.
United States District Court
Eastern District of California

Barbara S. Jones
United States District Court
Southern District of New York

DIRECT REPLY TO:

Jeffery N. Lüthi
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D.C. 20002

Telephone: [202] 502-2800
Fax: [202] 502-2888
<http://www.jpml.uscourts.gov>

August 17, 2010

Honorable Cormac J. Carney
U.S. District Judge
1053 Ronald Regan Federal Building
& U.S. Courthouse
411 West Fourth Street
Santa Ana, CA 92701

Re: MDL No. 2172 -- IN RE: Toyota Motor Corp. Hybrid Brake Marketing, Sales Practices, and Products
Liability Litigation

Dear Judge Carney:

Attached are: (i) a letter directed to the Clerk of your district advising that the above-referenced litigation has been transferred to you under 28 U.S.C. § 1407 and (ii) a copy of the related transfer order.

As you may know, this office maintains all multidistrict litigation statistics and submits them to the Administrative Office for inclusion in the Annual Report of the Director. Consequently, once yearly we will verify the actual number and status of the actions assigned to you, including actions added to the docket either by transfer of tag-along actions or additional related actions originally filed in your district. You will receive a copy of our annual inquiry to your Clerk.

You may use our Citrix remote access server to access our database for information regarding assigned multidistrict litigation. Our database contains transferor and transferee information for your multidistrict litigation. It identifies counsel who made appearances in the transferor districts, counsel who filed appearances before the Panel and counsel assigned by you as liaison counsel. It tracks each individual action from the date of transfer to termination either by dismissal, remand to transferor district, remand to state court, etc. You may access the server on a Windows based personal computer with DCN access. To use the server, please feel free to contact our Systems Administrator, Al Ghorzi, to establish a password and receive instructional information.

Your attention is directed to Rule 7.6 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 436-38 (2001), dealing with termination and remand of actions transferred by the Panel. Specifically, the rule states, in part, the following:

(a) Actions terminated in the transferee district court by valid judgment, including but not limited to summary judgment, judgment of dismissal and judgment upon stipulation, shall not be remanded by the Panel and shall be dismissed by the transferee district court....

(b) Each action transferred only for coordinated or consolidated pretrial proceedings that has not been terminated in the transferee district court shall be remanded by the Panel to the transferor district for trial....

(c) The Panel shall consider remand of each transferred action or any separable claim, cross-claim, counterclaim or third-party claim at or before the conclusion of coordinated or consolidated pretrial proceedings on...suggestion of the transferee district court....

We will promptly act upon any written notices from you that remand of actions or separable claims transferred under Section 1407 is appropriate.

If you appoint liaison counsel, in your pretrial order outlining liaison counsel's responsibilities, please consider reinforcing Panel Rule 5.2(e), which provides:

If following transfer of any group of multidistrict litigation, the transferee district court appoints liaison counsel, this Rule [Panel Rule 5.2, Service of Papers Filed Before the Panel] shall be satisfied by serving each party in each affected action and all liaison counsel. Liaison counsel designated by the transferee district court shall receive copies of all Panel orders concerning their particular litigation and shall be responsible for distribution to the parties for whom he or she serves as liaison counsel.

Thanks for your help. Feel free to contact this office if we may be of assistance to you.

Very truly,

Jeffery N. Lüthi
Clerk of the Panel

By Jammie R. Brooks
Tammie R. Brooks
Case Administrator

Attachments (Separate Documents)

cc: Clerk, United States District Court
for the Central District of California