

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

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

MEMBERS:
Judge J. Frederick Motz
United States District Court
District of Maryland

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

Judge Kathryn H. Vratil
United States District Court
District of Kansas

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

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

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September 24, 2008

Bruce Rifkin, Clerk
U.S. Courthouse, Lobby Level
700 Stewart Street
Seattle, WA 98101

FILED
LODGED
RECEIVED
MAIL
SEP 26 2008
AT SEATTLE
CLERK U.S. DISTRICT COURT
BY WESTERN DISTRICT OF WASHINGTON
DEPUTY

Re: MDL No. 1972 -- IN RE: Hawaiian and Guamanian Cabotage Antitrust Litigation

(See Attached CTO-3)

Dear Mr. Rifkin:

I am enclosing a certified copy and one additional copy of a conditional transfer order filed by the Panel in the above-captioned matter on September 8, 2008. As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), transmittal of the order has been stayed 15 days to give any party an opportunity to oppose the transfer. The 15-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

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."

A list of involved counsel is attached.

Very truly,

Jeffery N. Lüthi
Clerk of the Panel

By Dana L. Stewart
Dana L. Stewart
Deputy Clerk

Attachment

cc: Transferee Judge: Judge Thomas S. Zilly
Transferor Judge: Judge Joseph C. Spero
Transferor Clerk: Richard W. Wieking



08-MD-01972-RCPT

INVOLVED COUNSEL LIST (CTO-3)

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Inasmuch as no objection is pending at this time, the stay is lifted.

JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

SEP - 8 2008

FILED CLERK'S OFFICE

SEP 24 2008

UNITED STATES JUDICIAL PANEL on MULTIDISTRICT LITIGATION

CLERK'S OFFICE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE: HAWAIIAN AND GUAMANIAN CABOTAGE ANTITRUST LITIGATION

CV8 1457-z

Brian Foster v. Horizon Lines, Inc., et al., N.D. California, C.A. No. 3:08-3877

MDL No. 1972

CONDITIONAL TRANSFER ORDER (CTO-3)

On August 13, 2008, the Panel transferred six civil actions to the United States District Court for the Western District of Washington for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. See ___ F.Supp.2d ___ (J.P.M.L. 2008). With the consent of that court, all such actions have been assigned to the Honorable Thomas S. Zilly.

It appears that the action on this conditional transfer order involves questions of fact that are common to the actions previously transferred to the Western District of Washington and assigned to Judge Zilly.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), this action is transferred under 28 U.S.C. § 1407 to the Western District of Washington for the reasons stated in the order of August 13, 2008, and, with the consent of that court, assigned to the Honorable Thomas S. Zilly.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Western District of Washington. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

A CERTIFIED TRUE COPY

SEP 24 2008

ATTEST FOR THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

[Handwritten signature]

[Handwritten signature] Jeffrey N. Lüthi Clerk of the Panel

Inasmuch as no objection is pending at this time, the stay is lifted.

SEP 24 2008

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JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

SEP - 8 2008

FILED
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UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: HAWAIIAN AND GUAMANIAN CABOTAGE
ANTITRUST LITIGATION**

Brian Foster v. Horizon Lines, Inc., et al.,
N.D. California, C.A. No. 3:08-3877

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FOR THE PANEL:


Jeffrey N. Lüthi
Clerk of the Panel