

A CERTIFIED TRUE COPY  
 ATTEST  
 By Teresa Bishop on Sep 09, 2010  
 FOR THE UNITED STATES  
 JUDICIAL PANEL ON  
 MULTIDISTRICT LITIGATION

UNITED STATES  
 JUDICIAL PANEL ON  
 MULTIDISTRICT LITIGATION

Aug 25, 2010

UNITED STATES JUDICIAL PANEL  
 on  
 MULTIDISTRICT LITIGATION

FILED  
 CLERK'S OFFICE

IN RE: PHOTOCROMIC LENS  
 ANTITRUST LITIGATION

MDL No. 2173

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-1)

On August 6, 2010, the Panel transferred five civil actions to the United States District Court for the Middle District of Florida for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* F.Supp.2d (J.P.M.L. 2010). With the consent of that court, all such actions have been assigned to the Honorable James D. Whittemore.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Middle District of Florida and assigned to Judge Whittemore.

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), these actions are transferred under 28 U.S.C. § 1407 to the Middle District of Florida for the reasons stated in the order of August 6, 2010, and, with the consent of that court, assigned to the Honorable James D. Whittemore.

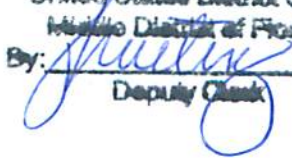
This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Middle District of Florida. The transmittal of this order to said Clerk shall be stayed 14 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 14-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:



Jeffery N. Lüthi  
 Clerk of the Panel

Inasmuch as no objection is pending at this time, the stay is lifted.  
 Sep 09, 2010  
 CLERK'S OFFICE  
 UNITED STATES  
 JUDICIAL PANEL ON  
 MULTIDISTRICT LITIGATION

certify the foregoing to be a true and correct copy of the original.  
 SHERRY L. LOESCH, Clerk  
 United States District Court  
 Middle District of Florida  
 By:   
 Deputy Clerk

**IN RE: PHOTOCROMIC LENS  
ANTITRUST LITIGATION**

MDL No. 2173

**SCHEDULE CTO-1 - TAG-ALONG ACTIONS**

<u>DIST. DIV.</u>	<u>C.A. #</u>	<u>CASE CAPTION</u>
CALIFORNIA NORTHERN		
CAN 3	10-1984	John Donohoe v. Transitions Optical, Inc.
CAN 3	10-2738	Eric Terrell v. Transitions Optical, Inc., et al.
CAN 3	10-3099	Cary'l O'Keefe v. Transitions Optical, Inc.
DISTRICT OF COLUMBIA		
DC 1	10-835	Carmel Mountain Vision Care v. Transitions Optical, Inc., et al.
DELAWARE		
DE 1	10-635	Insight Equity AP X LP v. Transitions Optical, Inc.
FLORIDA SOUTHERN		
FLS 1	10-21518	Gary Steven Eyes, Inc. v. Transitions Optical, Inc., et al. ✓
FLS 1	10-21739	Optical Supply, Inc. v. Transitions Optical, Inc., et al. ✓
KANSAS		
KS 2	10-2328	DeWayne Blake v. Transitions Optical, Inc.
TEXAS NORTHERN		
TXN 3	10-881	Sickbert Family Eye Care, LLC, et al. v. Essilor Laboratories of America, Inc., et al.
WASHINGTON WESTERN		
WAW 2	10-730	Pennachio & Fishman, M.D., P.A. v. Transitions Optical, Inc., et al.
WAW 2	10-761	Point of View, Inc. v. Transitions Optical, Inc., et al.
WAW 2	10-1044	Dr. Robert A. Sherman, P.C. v. Transitions Optical, Inc., et al.
WAW 2	10-1046	Metropolitan Optical, Inc. v. Transitions Optical, Inc., et al.

**IN RE: PHOTOCROMIC LENS  
ANTITRUST LITIGATION**

MDL No. 2173

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**IN RE: PHOTOCROMIC LENS  
ANTITRUST LITIGATION**

MDL No. 2173

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**IN RE: PHOTOCROMIC LENS  
ANTITRUST LITIGATION**

MDL No. 2173

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