

**BEFORE THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**

In re:

WEBLOYALTY PRIVACY LITIGATION
_____ /

MDL Docket No. _____

**MASSACHUSETTS PLAINTIFFS' MOTION TO TRANSFER AND COORDINATE OR
CONSOLIDATE ACTIONS UNDER 28 U.S.C. § 1407**

In Re: Webloyalty.com, Inc., Marketing and Sales Practices Litigation

Doc. 12

**LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP**

Paul J. Geller
David J. George
Stuart A. Davidson
Michael L. Greenwald
120 E. Palmetto Park Road, Suite 500
Boca Raton, FL 33432
Telephone: (561) 750-3000

LEE & AMTZIS, P.L.

Eric A. Lee
5550 Glades Road, Suite 401
Boca Raton, FL 33431
Telephone: (561) 981-9988

PHILLIPS & GARCIA, LLP

Carlin J. Phillips
Andrew J. Garcia
13 Ventura Drive
North Dartmouth, MA 02747
Telephone: (508) 998-0800

Counsel for Massachusetts Plaintiffs

Pursuant to 28 U.S.C. § 1407 and the Rules of Procedure on Multidistrict Litigation, plaintiffs in the actions styled *Kuefler v. Webloyalty.com, Inc. and Fandango, Inc. d/b/a Fandango.com*, CASE NO. 06-CA-11620-JLT, United States District Court for the District of Massachusetts, *Krouse v. Webloyalty.com, Inc. and Priceline.com, Inc. d/b/a Priceline.com*, CASE NO. 06-CA-11834-JLT, United States District Court for the District of Massachusetts, and *Staaf v. Webloyalty.com, Inc., Nelson Shane Garrett, Individually and d/b/a JustFlowers.com and Giftbasketsasap.com*; and *Maxim O. Khokhlov, Individually and d/b/a JustFlowers.com and Giftbasketsasap.com*, CASE NO. 06-CA-11835-JLT, United States District Court for the District of Massachusetts (collectively, the “Massachusetts Plaintiffs” or “Movants”) file this Motion and respectfully move for an Order transferring all related pending actions against Webloyalty.com, Inc., and its related retail partners, including the actions listed on Schedule of Actions, to the District of Massachusetts.

As set forth below and in the accompanying Memorandum, the Massachusetts Plaintiffs believe the actions listed on the accompanying Schedule of Actions satisfy the requirements for consolidation and coordination because they concern common questions of fact and law and consolidation or coordination will serve the interests of efficiency and convenience.

In support of this motion, Movants state as follows:

1. Movants are the plaintiffs in the following cases: *Kuefler v. Webloyalty.com, Inc. and Fandango.com*, CASE NO. 06-CA-11620-JLT; *Krouse v. Webloyalty.com, Inc. and Priceline.com, Inc. d/b/a Priceline.com*, CASE NO. 06-CA-11834-JLT; and *Staaf v. Webloyalty.com, Inc., Nelson Shane Garrett, Individually and d/b/a JustFlowers.com and Giftbasketsasap.com*; and *Maxim O. Khokhlov, Individually and d/b/a JustFlowers.com and Giftbasketsasap.com*, CASE NO. 06-CA-

11835-JLT, all of which are currently pending in the United States District Court for the District of Massachusetts.

2. Movants are currently aware of one other pending class action containing similar factual allegations and seeking similar relief against defendant Webloyalty.com, Inc. (“Webloyalty”). That case, *Melo v. Webloyalty.com, Inc. and ValueClick, Inc. d/b/a 123Inkjets.com*, Case No. CV06-06329, is currently pending in the United States District Court for the Central District of California (the “*Melo* Action”).

3. Accompanying Movant’s Motion is a Rule 7.2(a)(ii) Schedule of Actions listing all related actions of which Movant is aware. True and correct copies of the complaints in Movants’ actions and the complaints in each of the related actions are attached to the accompanying Schedule of Actions, filed herewith.

4. As described in greater detail in the accompanying Memorandum, the factual allegations in each of the actions contain similar allegations regarding Webloyalty’s and its e-commerce clients’ conduct in connection with the sales of Webloyalty’s “Reservation Rewards” program and other similar products. All related actions assert claims under the Electronic Communications Privacy Act – Interception of Electronic Communications, 18 U.S.C. §2510, *et seq.* (the “ECPA”), common law tort actions as well as state deceptive trade practices causes of action.

5. Each action contends that Webloyalty, through its “Coupon Click Fraud” scheme, engaged – with the assistance of its e-commerce clients – in fraudulent and deceptive practices to sell its “Reservation Rewards” discount products to unwitting consumers who made legitimate online purchases from various web retailers, including defendants Priceline.com, Inc. (“Priceline”), Fandango.com, Inc. (“Fandango”), and Justflowers.com (“JustFlowers”). This scheme included the

unauthorized transfer and/or interception of private credit and debit card account information by the defendant web retailers to Webloyalty.

6. This fraudulent scheme is perpetuated when consumers enter into online transactions with one of Webloyalty's 75 or more e-commerce clients, including defendants Priceline, Fandango, and JustFlowers. At the time of check-out, a "pop-up" window appears on the consumer's computer screen that promises a \$10 cash back reward from the web retailer on the consumer's next purchase. Once the consumer clicks the "pop-up" window and enters their e-mail address to redeem their free \$10 discount, their personal information, including their credit or debit card number, is automatically transferred to and/or intercepted by Webloyalty. Webloyalty then automatically bills the consumer's credit card a flat monthly fee of up to \$10.00 for a membership in its "discount club" on a purported 30-day trial basis. Webloyalty then completes its "bait and switch" by using a "negative option" sales tactic whereby it allegedly e-mails consumers to notify them that they can only cancel their "membership" by contacting Webloyalty within 30 days, or they will be charged a recurring monthly membership fee on their credit or debit card account.

7. Consumers' credit or debit accounts are then billed month after month for this "membership program," of which consumers had no knowledge and never accepted. In addition, the "membership program" does not provide consumers with any cognizable benefits.

8. Webloyalty retains the consumer payments and then pays its web retailer clients (*i.e.*, defendants Fandango, Priceline, and JustFlowers) a "per customer" fee for each consumer who allegedly "signs up," resulting in substantial revenues for both Webloyalty and its e-commerce clients. Hundreds, if not thousands, of consumers have complained to Webloyalty and local, state and federal consumer protection agencies about the deceptive nature of its sales of its "Reservation Rewards" discount club product and its unauthorized access to their credit card information. Despite

these complaints, Webloyalty continues to automatically enroll new consumers in its Reservation Rewards discount club and to charge these consumers' credit and debit card accounts for its Reservation Rewards product, reaping millions of dollars of ill-gotten gains.

9. A centralization of all actions in the District of Massachusetts will be for the convenience of parties and witnesses under 28 U.S.C. § 1407 and will save Defendants the burden of having to defend virtually identical actions in multiple states. Witnesses will also be spared the possibility of being required to testify in several locales.

10. Because each of these related cases arises from a virtually identical set of operative facts relating to Defendants' conduct, discovery conducted in each of the actions proposed for consolidation will be substantially similar, and will involve the same or similar documents and witnesses.

11. Absent transfer of all of these cases to a single forum for coordinated and consolidated proceedings, there is a substantial risk of inconsistent and conflicting pretrial rulings on discovery and other key issues, such as class certification. Coordination and consolidation will promote the just and efficient conduct of the actions, because it will allow one court to address Defendants' ongoing conduct.

12. Centralization in the District of Massachusetts will also promote the just and efficient conduct of this litigation under 28 U.S.C. § 1407. Specifically, three cases are already pending before Judge Tauro in the District of Massachusetts. These cases were all filed before the *Melo* Action. Moreover, as the presiding judge in *In re Pharmatrak, Inc. Privacy Litigation*, 292 F. Supp. 2d 263 (D. Mass. 2003), Judge Tauro has extensive experience with the ECPA and is uniquely positioned to handle these matters.

13. These actions have all been filed on or after September 11, 2006, and are still in their nascent stages. Movants are not aware of any discovery conducted to date, and know of no initial disclosures that have been made in any of these cases. A transfer of these related cases will result in only one judge supervising discovery and resolving any subsequent motions, including motions for class certification.

14. Since all actions are in the beginning stage of the litigation, no prejudice or inconvenience would result from transfer, coordination and/or consolidation.

15. As Webloyalty is based in nearby Connecticut, the District of Massachusetts is the most appropriate forum for centralization because it is a readily accessible venue. In addition, Movant is aware of four cases currently pending. Of these four cases, three are already on file in the District of Massachusetts. This further indicates that the District of Massachusetts is a convenient and appropriate forum.

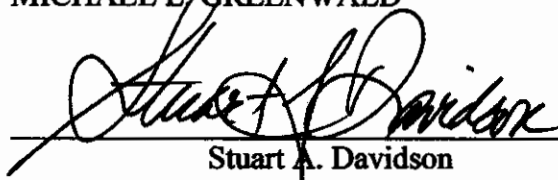
16. A comparison of the relative MDL case loads of potential transferee districts demonstrates that the District of Massachusetts is a suitable forum. According to the Distribution of Pending MDL Dockets as of October 30, 2006, while there are 12 pending MDL proceedings in that district, Judge Tauro has only one and has the experience to handle multiple MDLs at one time. (Distribution of Pending MDL Dockets as of September 8, 2006, Ex. A.).

17. For these reasons, and as set forth more fully in the accompanying memorandum, Movants respectfully request that the Panel enter an Order consolidating and coordinating the actions identified on the accompanying Schedule together with any related actions subsequently filed or presently unknown to Movants for proceedings in the District of Massachusetts.

Respectfully submitted,

DATED: November 1, 2006

LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
PAUL J. GELLER
DAVID J. GEORGE
STUART A. DAVIDSON
MICHAEL L. GREENWALD


Stuart A. Davidson

120 East Palmetto Park Road, Suite 500
Boca Raton, FL 33432
Telephone: 561/750-3000
661/750-3364 (fax)

PHILLIPS & GARCIA, LLP
CARLIN J. PHILLIPS
ANDREW J. GARCIA
13 Ventura Drive
North Dartmouth, MA 02747
Telephone: 508/998-0800
508/998-0919 (fax)

LEE & AMTZIS, P.L.
ERIC A. LEE
5550 Glades Road, Suite 401
Boca Raton, FL 33431
Telephone: 561/ 981-9988
561/981-9980 (fax)

Attorneys for Massachusetts Plaintiffs

EXHIBIT A

DISTRIBUTION OF PENDING MDL DOCKETS
(AS OF SEPTEMBER 8, 2006)

ARE	D.J. William R. Wilson, Jr.	MDL-1507 In re Prempro Products Liability Litigation	3,117	3,692
AZ	Sr.J. Paul G. Rosenblatt Sr.J. Roger G. Strand	MDL-1541 In re Allstate Insurance Co. Fair Labor Standards Act Litigation MDL-972 In re Diamond Benefits Life Insurance Company & American Universal Insurance Company Contracts Litigation	4 1	5 10
CAC	D.J. A. Howard Matz Sr.J. Mariana R. Pfaelzer D.J. Manuel L. Real D.J. Manuel L. Real D.J. Christina A. Snyder Sr.J. Dickran M. Tevrizian, Jr. D.J. Stephen V. Wilson	MDL-1610 In re Conesco Life Insurance Co. Cost of Insurance Litigation MDL-1574 In re Paxil Products Liability Litigation MDL-1601 In re StarMed Health Personnel, Inc., Fair Labor Standards Act Litigation MDL-1737 In re American Honda Motor Co., Inc., Oil Filter Products Liability Litigation MDL-1671 In re Reformulated Gasoline (RFG) Antitrust & Patent Litigation MDL-1475 In re Heritage Bonds Litigation MDL-1745 In re Live Concert Antitrust Litigation	19 145 3 5 11 2 20	21 148 6 5 12 9 20
CAN	D.J. Sandra Brown Armstrong D.J. Charles R. Breyer D.J. Jeremy D. Fogel D.J. Jeremy D. Fogel D.J. Phyllis J. Hamilton D.J. Martin J. Jenkins D.J. Marilyn Hall Patel D.J. Marilyn Hall Patel C.J. Vaughn R. Walker C.J. Vaughn R. Walker D.J. James Ware D.J. James Ware D.J. Jeffrey S. White D.J. Ronald M. Whyte D.J. Ronald M. Whyte	MDL-1781 In re Cintas Corp. Overtime Pay Arbitration Litigation MDL-1699 In re Bextra and Celebrex Marketing, Sales Practices and Products Liability Litigation MDL-1257 In re Cable News Network and Time Magazine "Operation Tailwind" Litigation MDL-1654 In re Compression Labs, Inc., Patent Litigation MDL-1486 In re Dynamic Random Access Memory (DRAM) Antitrust Litigation MDL-1648 In re Rubber Chemicals Antitrust Litigation MDL-1369 In re Napster, Inc., Copyright Litigation MDL-1770 In re Wells Fargo Home Mortgage Overtime Pay Litigation MDL-1606 In re Deep Vein Thrombosis Litigation MDL-1791 In re National Security Agency Telecommunications Records Litigation MDL-1527 In re Cisco Systems, Inc., Securities & Derivative Litigation MDL-1665 In re Acacia Media Technologies Corp. Patent Litigation MDL-1761 In re Ditropan XL Antitrust Litigation MDL-1423 In re Cygnus Telecommunications Technology, LLC, Patent Litigation MDL-1754 In re Apple iPod nano Products Liability Litigation	71 1000 1 10 42 10 1 4 53 20 2 22 6 15 8	71 1050 8 10 44 13 19 4 78 20 2 22 6 30 8
CAS	D.J. Napoleon A. Jones, Jr. D.J. Jeffrey T. Miller C.J. Robert H. Whaley (WAE)	MDL-1296 In re Alliance Equipment Lease Program Securities Litigation MDL-1751 In re Jamster Marketing Litigation MDL-1405 In re California Wholesale Electricity Antitrust Litigation	1 4 5	27 4 30

District		JUDGE		LITIGATION		Actions		Total	
						Pending		Number of	
								Actions	
CO	D.J. Robert E. Blackburn D.J. Wiley Y. Daniel	MDL-1788	In re Qwest Communications International, Inc., Securities & "ERISA" Litigation (No. II)	28	28	2	2	28	2
CT	Sr.J. Alfred V. Covello Sr.J. Peter C. Dorsey Sr.J. Peter C. Dorsey Sr.J. Peter C. Dorsey D.J. Alvin W. Thompson D.J. Stefan R. Underhill D.J. Stefan R. Underhill	MDL-1568 MDL-1505 MDL-1542 MDL-1642 MDL-1463 MDL-1631 MDL-1649	In re Parcel Tanker Shipping Services Antitrust Litigation In re Cardiac Devices Qui Tam Litigation In re Ethylene Propylene Diene Monomer (EPDM) Antitrust Litigation In re Polychloroprene Rubber (CR) Antitrust Litigation In re Xerox Corp. Securities Litigation In re Publication Paper Antitrust Litigation In re Helicopter Crash Near Wendle Creek, British Columbia, on August 8, 2002	9 34 15 9 22 28 4	9 34 15 9 22 28 4	17 35 15 9 22 31 4	17 35 15 9 22 31 4	17	35
DC	D.J. John D. Bates C.J. Thomas F. Hogan C.J. Thomas F. Hogan C.J. Thomas F. Hogan D.J. Name Withheld D.J. Richard J. Leon D.J. Richard J. Leon	MDL-1772 MDL-1285 MDL-1290 MDL-1686 MDL-1515 MDL-1668	In re Series 7 Broker Qualification Exam Scoring Litigation In re Vitamin Antitrust Litigation In re Lorazepam & Clorazepate Antitrust Litigation In re Iraq and Afghanistan Detainees Litigation UNDER SEAL In re Nifedipine Antitrust Litigation In re Federal National Mortgage Association Securities, Derivative & "ERISA" Litigation	19 4 2 4 2 6 7	19 4 2 4 2 6 7	19 84 14 4 30 10 18	19 84 14 4 30 10 18	19	84
DE	D.J. Joseph J. Farnan, Jr. D.J. Gregory M. Sleet	MDL-1717 MDL-1660	In re Intel Corp. Microprocessor Antitrust Litigation In re PharmaStem Therapeutics, Inc., Patent Litigation	74 6	74 6	74 6	74 6	74	6
FLM	D.J. Henry Lee Adams, Jr. D.J. Anne C. Conway D.J. James S. Moody, Jr. Sr.J. Harvey E. Schlesinger D.J. James D. Whittemore	MDL-1698 MDL-1769 MDL-1626 MDL-1624 MDL-1656	In re American General Life & Accident Insurance Co. Retiree Benefits "ERISA" Litigation In re Seroquel Products Liability Litigation In re Accutane Products Liability Litigation In re GMAC Insurance Management Corp. Overtime Pay Litigation In re CP Ships Ltd. Securities Litigation	80 163 20 2 7	80 163 20 2 7	80 163 24 2 7	80 163 24 2 7	80	163
FLN	Sr.J. Maurice M. Paul	MDL-1519	In re The Progressive Corporation Insurance Underwriting & Rating Practices Litigation	8	8	8	8	8	8
FLS	D.J. Federico A. Moreno	MDL-1334	In re Managed Care Litigation	6	6	6	6	122	122
GAS	C.J. William T. Moore, Jr.	MDL-1677	In re NovaStar Home Mortgage Inc. Mortgage Lending Practices Litigation	3	3	3	3	3	3
IAS	C.J. Ronald E. Longstaff	MDL-1733	In re Teflon Products Liability Litigation	21	21	21	21	21	21

District	JUDGE	LITIGATION		Actions		Total Number of Actions		
				Pending	Number of			
ILN	Sr.J. Marvin E. Aspen Sr.J. Marvin E. Aspen D.J. Elaine E. Bucklo D.J. David H. Coar D.J. David H. Coar D.J. Robert W. Gettleman Sr.J. John F. Grady Sr.J. John F. Grady Sr.J. John F. Grady Sr.J. George W. Lindberg D.J. Charles R. Norgle, Sr. D.J. Amy J. St. Eve D.J. James B. Zagej D.J. James B. Zagej	MDL-1425	In re Aimster Copyright Litigation	11	11	11		
		MDL-1715	In re Ameritrust Mortgage Co. Mortgage Lending Practices Litigation	160	163	163		
		MDL-1784	In re McDonald's French Fries Litigation	9	9	9		
		MDL-1536	In re Sulfuric Acid Antitrust Litigation	7	7	7		
		MDL-1783	In re JP Morgan Chase & Co. Securities Litigation	3	3	3		
		MDL-1350	In re Trans Union Corp. Privacy Litigation	14	15	15		
		MDL-986	In re "Factor VIII or IX Concentrate Blood Products" Products Liability Litigation	82	335	335		
		MDL-1521	In re Wireless Telephone 911 Calls Litigation	10	10	10		
		MDL-1703	In re Sears, Roebuck & Co. Tools Marketing and Sales Practices Litigation	6	7	7		
		MDL-1773	In re Air Crash Near Athens, Greece, on August 14, 2005	5	5	5		
		MDL-1604	In re Ocwen Federal Bank FSB Mortgage Servicing Litigation	56	57	57		
		MDL-1778	In re Ocean Financial Corp. Prescreening Litigation	3	3	3		
		MDL-899	In re Mortgage Escrow Deposit Litigation	1	75	75		
		MDL-1392	In re General Motors Corporation Vehicle Paint Litigation (No. III)	2	3	3		
		ILS	C.J. G. Patrick Murphy C.J. G. Patrick Murphy	MDL-1562	In re General Motors Corp. Dex-Cool Products Liability Litigation	6	11	11
				MDL-1748	In re Profler Products Liability Litigation	4	4	4
		INN	D.J. Rudy J. Lozano C.J. Robert L. Miller, Jr.	MDL-1767	In re H&R Block Mortgage Corp. Prescreening Litigation	3	3	3
MDL-1700	In re FedEx Ground Package System, Inc., Employment Practices Litigation (No. II)			35	41	41		
INS	D.J. Sarah E. Barker D.J. David F. Hamilton D.J. John D. Tinder	MDL-1373	In re Bridgestone/Firestone, Inc., Tires Products Liability Litigation	26	815	815		
		MDL-1313	In re AT&T Corp. Fiber Optic Cable Installation Litigation	35	35	35		
		MDL-1727	In re COBRA Tax Shelters Litigation	3	3	3		
KS	C.J. John W. Lungstrum C.J. John W. Lungstrum D.J. Kathryn H. Vratil	MDL-1468	In re Universal Service Fund Telephone Billing Practices Litigation	63	68	68		
		MDL-1616	In re Urethane Antitrust Litigation	30	30	30		
		MDL-1721	In re Cessna 208 Series Aircraft Products Liability Litigation	6	6	6		
LAE	D.J. Eldon E. Fallon D.J. Eldon E. Fallon D.J. Martin L.C. Feldman D.J. Martin L.C. Feldman D.J. Martin L.C. Feldman D.J. Ivan L.R. Lemelle D.J. Sarah S. Vance	MDL-1355	In re Propulsid Products Liability Litigation	361	473	473		
		MDL-1657	In re Vioxx Marketing, Sales Practices and Products Liability Litigation	6,206	6,210	6,210		
		MDL-1371	In re Monumental Life Insurance Company Industrial Life Insurance Litigation	11	14	14		
		MDL-1390	In re Life Insurance Co. of Georgia Industrial Life Insurance Litigation	112	133	133		
		MDL-1395	In re Western & Southern Life Insurance Co. Industrial Life Insurance Litigation	7	8	8		
		MDL-1632	In re High Sulfur Content Gasoline Products Liability Litigation	18	19	19		
		MDL-1643	In re Educational Testing Service PLT 7-12 Test Scoring Litigation	29	29	29		

District	JUDGE	LITIGATION		Actions		
				Pending	Total Number of Actions	
MA	D.J. Nancy Gertner	MDL-1354	In re Citigroup, Inc., Capital Accumulation Plan Litigation	5	15	
	D.J. Nancy Gertner	MDL-1753	In re Standard Automotive Corp. Retiree Benefits "ERISA" Litigation	2	2	
	Sr.J. Edward F. Harrington	MDL-1143	In re Mutual Life Insurance Company of New York Premium Litigation	3	23	
	D.J. Patti B. Saris	MDL-1456	In re Pharmaceutical Industry Average Wholesale Price Litigation	2	100	
	D.J. Patti B. Saris	MDL-1629	In re Neuronfin Marketing, Sales Practices and Products Liability Litigation	35	193	
	D.J. Patti B. Saris	MDL-1713	In re Bank of America ATM Fee Litigation	3	3	
	D.J. Richard G. Stearns	MDL-1430	In re Lupron Marketing and Sales Practices Litigation	2	17	
	D.J. Joseph L. Tauro	MDL-1790	In re Volkswagen and Audi Warranty Extension Litigation	4	4	
	D.J. Douglas P. Woodlock	MDL-1543	In re Carbon Black Antitrust Litigation	1	16	
	D.J. Douglas P. Woodlock	MDL-1704	In re M3Power Razor System Marketing & Sales Practices Litigation	1	26	
	D.J. Rya W. Zobel	MDL-1380	In re Xcelera.com Inc. Securities Litigation	2	20	
	D.J. Rya W. Zobel	MDL-1461	In re Shell Oil Products Co. Dealer Franchise Litigation	1	3	
	MD	D.J. Catherine C. Blake	MDL-1421	In re Wireless Telephone Radio Frequency Emissions Products Liability Litigation	3	19
		D.J. Catherine C. Blake	MDL-1539	In re Royal Ahold N.V. Securities & "ERISA" Litigation	37	37
		D.J. Andre M. Davis	MDL-1110	In re Second Chance Body Armor, Inc., Advertising Litigation	2	9
		D.J. Andre M. Davis	MDL-1518	In re Allegheny Energy, Inc., Securities Litigation	17	17
C.J. Benson Everett Legg		MDL-1387	In re ProteGen Sling and Vesica System Products Liability Litigation	8	584	
D.J. J. Frederick Motz		MDL-1332	In re Microsoft Corp. Windows Operating Systems Antitrust Litigation	12	116	
D.J. J. Frederick Motz,		MDL-1586	In re Mutual Funds Investment Litigation	428	437	
D.J. Andre M. Davis and D.J. Catherine C. Blake						
D.J. D. Brock Hornby		MDL-1361	In re Compact Disc Minimum Advertised Price Antitrust Litigation	2	56	
D.J. D. Brock Hornby		MDL-1532	In re New Motor Vehicles Canadian Export Antitrust Litigation	27	28	
MIE	C.J. Bernard A. Friedman	MDL-1718	In re Ford Motor Co. Speed Control Deactivation Switch Products Liability Litigation	20	21	
	D.J. Gerald E. Rosen D.J. Gerald E. Rosen	MDL-1725 MDL-1749	In re Delphi Corp. Securities, Derivative & "ERISA" Litigation In re General Motors Corp. Securities & Derivative Litigation	24 5	25 5	
MN	D.J. Michael J. Davis	MDL-1431	In re Baycol Products Liability Litigation	2,316	9,010	
	D.J. Donovan W. Frank	MDL-1708	In re Guidant Corp. Implantable Defibrillators Products Liability Litigation	494	505	
	Sr.J. Paul A. Magnuson	MDL-1328	In re Monosodium Glutamate Antitrust Litigation	1	14	
	Sr.J. Paul A. Magnuson	MDL-1724	In re Viagra Products Liability Litigation	52	52	
	C.J. James M. Rosenbaum	MDL-1726	In re Medtronic, Inc., Implantable Defibrillators Products Liability Litigation	229	229	
	D.J. John R. Tunheim	MDL-1396	In re St. Jude Medical, Inc., Silzone Heart Valves Products Liability Litigation	29	56	

District	JUDGE	LITIGATION	Actions		Total Number of Actions	
			Pending	Number of		
MOE	D.J. Jean C. Hamilton Sr.J. Stephen N. Limbaugh D.J. Rodney W. Sippel	MDL-1702 In re Air Crash Near Kirksville, Missouri, on October 19, 2004	6		11	
		MDL-1672 In re Express Scripts, Inc., Pharmacy Benefits Management Litigation	8		11	
		MDL-1736 In re Celexa and Lexapro Products Liability Litigation	20		20	
MOW	D.J. Richard E. Dorr	MDL-1786 In re H&R Block, Inc., Express IRA Marketing Litigation	14		14	
NCE	Sr.J. W. Earl Britt Sr.J. Malcolm J. Howard	MDL-1132 In re Exterior Insulation Finish System (EIFS) Products Liability Litigation	2		109	
		MDL-1634 In re Peanut Crop Insurance Litigation	17		17	
NCM	D.J. James A. Beaty, Jr.	MDL-1622 In re Cotton Yarn Antitrust Litigation	9		9	
NCW	C.J. Richard L. Voorhees	MDL-1516 In re Polyester Staple Antitrust Litigation	15		34	
NH	D.J. Paul J. Barbadoro	MDL-1335 In re Tyco International, Ltd., Securities, Derivative and "ERISA" Litigation	13		101	
NJ	Sr.J. Harold A. Ackerman C.J. Garrett E. Brown, Jr.	MDL-1687 In re Ford Motor Co. E-350 Van Products Liability Litigation (No. II)	5		5	
		MDL-1471 In re Compensation of Managerial, Professional and Technical Employees Antitrust Litigation	4		4	
	D.J. Stanley R. Chesler	MDL-1658 In re Merck & Co., Inc., Securities, Derivative & "ERISA" Litigation	2		35	
		MDL-1777 In re SFBC International, Inc., Securities & Derivative Litigation	14		14	
	D.J. Joseph A. Greenaway, Jr.	MDL-1419 In re K-Dur Antitrust Litigation	1		44	
	D.J. Faith S. Hochberg	MDL-1663 In re Insurance Brokerage Antitrust Litigation	38		39	
	Sr.J. John C. Lifland	MDL-1384 In re Gapabentin Patent Litigation	15		17	
	Sr.J. John C. Lifland	MDL-1479 In re Neuronin Antitrust Litigation	22		22	
	D.J. Jose L. Linares	MDL-1730 In re Hypodermic Products Antitrust Litigation	7		8	
	D.J. William J. Martini	MDL-1763 In re Human Tissue Products Liability Litigation	55		55	
	D.J. Jerome B. Simandle	MDL-1514 In re Electrical Carbon Products Antitrust Litigation	5		25	
	Sr.J. William H. Walls	MDL-1292 In re Cendant Corporation Securities Litigation	3		18	
	D.J. Susan D. Wigenton	MDL-1550 In re IDT Corp. Calling Card Terms Litigation	4		5	
	NV	D.J. Kent J. Dawson Sr.J. Lloyd D. George C.J. Philip M. Pro C.J. Philip M. Pro	MDL-1619 In re Musha Cay Litigation	3		3
			MDL-1357 In re NOS Communications, Inc., Billing Practices Litigation	7		8
			MDL-1566 In re Western States Wholesale Natural Gas Antitrust Litigation	3		29
MDL-1735 In re Wal-Mart Wage and Hour Employment Practices Litigation			12		15	

District		JUDGE		LITIGATION		Actions		Total
						Pending	Number of	Actions
NYE	D.J. Carol Bagley Amon	MDL-1775	In re Air Cargo Shipping Services Antitrust Litigation	78	78			78
	D.J. Raymond J. Dearie	MDL-1613	In re Nigeria Charter Flights Contract Litigation	12	12			13
	D.J. John Gleeson	MDL-1575	In re Visa/MasterCard Antitrust Litigation	6	6			8
	D.J. John Gleeson	MDL-1720	In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation	50	50			50
	Sr.J. Thomas C. Platt, Jr.	MDL-799	In re Air Disaster at Lockerbie, Scotland, on December 21, 1988	37	37			297
	Sr.J. Charles P. Sifton	MDL-1689	In re Air Crash Near Woodbury, Connecticut, on December 20, 2002	8	8			8
	Sr.J. Arthur D. Spatt	MDL-1208	In re Sterling Foster & Co., Inc., Securities Litigation	6	6			13
	Sr.J. David G. Trager	MDL-1738	In re Vitamin C Antitrust Litigation	8	8			8
	Sr.J. Jack B. Weinstein	MDL-381	In re "Agent Orange" Products Liability Litigation	4	4			627
	Sr.J. Jack B. Weinstein	MDL-1596	In re Zyprexa Products Liability Litigation	1,437	1,437			1,439

District	Judge	LITIGATION	Actions Pending	Total Number of Actions
NYS	Sr.J. Harold Baer, Jr.	MDL-1661 In re Rivastigmine Patent Litigation	4	5
	D.J. Deborah A. Batts	MDL-1714 In re Rhodia S.A. Securities Litigation	4	4
	D.J. Richard A. Berman	MDL-1628 In re Pineapple Antitrust Litigation	6	10
	D.J. Charles L. Brieant	MDL-1368 In re High Pressure Laminate Antitrust Litigation	12	37
	D.J. Charles L. Brieant	MDL-1508 In re Medco Health Solutions, Inc., Pharmacy Benefits Management Litigation	6	18
	D.J. Richard C. Casey	MDL-1570 In re Terrorist Attacks on September 11, 2001	22	23
	D.J. Denise Cote	MDL-1487 In re WorldCom, Inc., Securities & "ERISA" Litigation	28	177
	D.J. Denise Cote	MDL-1513 In re Wireless Telephone Services Antitrust Litigation	3	8
	D.J. George B. Daniels	MDL-1379 In re Literary Works in Electronic Databases Copyright Litigation	3	5
	Sr.J. Kevin Thomas Duffy	MDL-1443 In re America Online, Inc., Community Leaders Litigation	3	3
	Sr.J. Thomas P. Griesa	MDL-1336 In re Abercrombie & Fitch Co. Securities Litigation	20	20
	Sr.J. Thomas P. Griesa	MDL-1644 In re Elevator and Escalator Antitrust Litigation	2	24
	D.J. Richard J. Holwell	MDL-1771 In re "A Million Little Pieces" Litigation	11	11
	D.J. Barbara S. Jones	MDL-1291 In re Omeprazole Patent Litigation	6	22
	D.J. Lewis A. Kaplan	MDL-1348 In re Rezulin Products Liability Litigation	1,095	1,864
	D.J. Lewis A. Kaplan	MDL-1653 In re Parmalat Securities Litigation	16	16
	Sr.J. John F. Keenan	MDL-1484 In re Merrill Lynch & Co., Inc., Research Reports Securities Litigation	22	176
	Sr.J. John F. Keenan	MDL-1789 In re Fosamax Products Liability Litigation	33	33
	Sr.J. Shirley Wohl Kram	MDL-1495 In re Enterprise Mortgage Acceptance Co., LLC, Securities Litigation	2	13
	Sr.J. Shirley Wohl Kram	MDL-1500 In re AOL Time Warner Inc. Securities & "ERISA" Litigation	57	72
	Sr.J. Shirley Wohl Kram	MDL-1739 In re Grand Theft Auto Video Game Consumer Litigation (No. II)	6	6
	Sr.J. Shirley Wohl Kram	MDL-1744 In re Marsh & McLennan Companies, Inc., Securities Litigation	9	9
	D.J. Gerard E. Lynch	MDL-1472 In re Global Crossing Ltd. Securities and "ERISA" Litigation	5	89
	D.J. Gerard E. Lynch	MDL-1630 In re Global Crossing Limited Securities Litigation	1	9
	Sr.J. Lawrence M. McKenna	MDL-1529 In re Adelphia Communications Corp. Securities & Derivative Litigation (No. II)	71	71
	D.J. Colleen McMahon	MDL-1695 In re Veeco Instruments Inc. Securities Litigation	13	13
	D.J. Colleen McMahon	MDL-1755 In re Bayou Hedge Funds Investment Litigation	6	6
	Sr.J. Richard Owen	MDL-1688 In re Pfizer Inc. Securities, Derivative & "ERISA" Litigation	30	30
	Sr.J. Richard Owen	MDL-1706 In re Doral Financial Corp. Securities Litigation	24	24
	D.J. William H. Pauley III	MDL-1409 In re Currency Conversion Fee Antitrust Litigation	4	33
D.J. Loretta A. Preska	MDL-1659 In re Nortel Networks Corp. Securities Litigation	29	29	
D.J. Loretta A. Preska	MDL-1780 In re Digital Music Antitrust Litigation	11	11	
D.J. Jed S. Rakoff	MDL-1598 In re Ephedra Products Liability Litigation	580	767	
D.J. Jed S. Rakoff	MDL-1740 In re Canon U.S.A., Inc., Digital Camera Products Liability Litigation	3	4	
D.J. Shira Ann Scheindlin	MDL-1358 In re Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation	145	157	

District	Judge	Litigation	Actions		Total Number of Actions
			Pending	Number of	
NYS (cont.)	D.J. Shira Ann Scheindlin	MDL-1428 In re Ski Train Fire in Kaprun, Austria, on November 11, 2000	12	25	37
	D.J. Shira Ann Scheindlin	MDL-1554 In re Initial Public Offering (IPO) Securities Litigation	355	470	825
	Sr.J. John E. Sprizzo	MDL-1153 In re Bennett Funding Group, Inc., Securities Litigation (No. II)	29	66	95
	Sr.J. John E. Sprizzo	MDL-1499 In re South African Apartheid Litigation	13	14	27
	Sr.J. John E. Sprizzo	MDL-1584 In re Federal Home Loan Mortgage Corp. Securities & Derivative Litigation (No. II)	6	8	14
	D.J. Sidney H. Stein	MDL-1603 In re OxyContin Antitrust Litigation	58	58	116
	D.J. Sidney H. Stein	MDL-1696 In re Sierra Wireless, Inc., Securities Litigation	9	9	18
	Sr.J. Robert W. Sweet and Sr.J. John F. Keenan*	MDL-1448 In re Air Crash at Belle Harbor, New York, on November 12, 2001	344	365	709
		* Judge Keenan is assigned to actions in which Judge Sweet is recused.			
	OHN	D.J. Peter C. Economus	MDL-1561 In re Travel Agent Commission Antitrust Litigation	2	3
D.J. James S. Gwin		MDL-1481 In re Meridia Products Liability Litigation	2	125	127
Sr.J. David A. Katz		MDL-1742 In re Ortho Evra Products Liability Litigation	219	219	438
D.J. Donald C. Nugent		MDL-1488 In re Ford Motor Co. Panther Platform/Fuel Tank Design Products Liability Litigation	4	31	35
D.J. Kathleen McDonald O'Malley		MDL-1401 In re Sulzer Orthopedics Inc. Hip Prosthesis and Knee Prosthesis Products Liability Litigation	5	434	439
D.J. Kathleen McDonald O'Malley		MDL-1490 In re Commercial Money Center, Inc., Equipment Lease Litigation	34	38	72
D.J. Kathleen McDonald O'Malley		MDL-1535 In re Welding Fume Products Liability Litigation	5,165	11,318	16,483
D.J. Gregory L. Frost		MDL-1638 In re Foundry Resins Antitrust Litigation	14	19	33
Sr.J. James L. Graham		MDL-1565 In re National Century Financial Enterprises, Inc., Investment Litigation	21	22	43
D.J. Edmund A. Sargus, Jr.		MDL-1315 In re SmarTalk TeleServices, Inc., Securities Litigation	21	21	42
OKW	D.J. Stephen P. Friot	MDL-1564 In re Farmers Insurance Co., Inc., FCRA Litigation	9	12	21
	D.J. Joe L. Heaton	MDL-1600 In re General Motors Corp. "Piston Slap" Products Liability Litigation	2	13	15
OR	Sr.J. Robert E. Jones	MDL-1439 In re Farmers Insurance Exchange Claims Representatives' Overtime Pay Litigation	3	12	15

District	JUDGE	LITIGATION		Total Number of Actions	
		Actions Pending	Actions Closed		
PAE	C.J. Harvey Bartle III	MDL-1203	In re Diet Drugs (Phentermine/Fenfluramine/Dexfenfluramine) Products Liability Litigation	14,200	19,917
	D.J. Ronald L. Buckwalter	MDL-1014	In re Orthopedic Bone Screw Products Liability Litigation	1	3,085
	D.J. Ronald L. Buckwalter	MDL-1741	In re Isologen, Inc., Securities & Derivative Litigation	5	5
	D.J. Stewart Dalzell	MDL-1682	In re Hydrogen Peroxide Antitrust Litigation	1	33
	D.J. Legrome D. Davis	MDL-1684	In re Plastics Additives Antitrust Litigation (No. II)	9	9
	Sr.J. Jan E. DuBois	MDL-1261	In re Linerboard Antitrust Litigation	10	20
	Sr.J. John P. Fullam	MDL-1782	In re Pharmacy Benefit Managers Antitrust Litigation	6	6
	D.J. James T. Giles	MDL-875	In re Asbestos Products Liability Litigation (No. VI)	35,036	110,850
	D.J. Bruce W. Kauffman	MDL-969	In re Unisys Corp. Retiree Medical Benefit "ERISA" Litigation	8	14
	D.J. Mary A. McLaughlin	MDL-1712	In re American Investors Life Insurance Co. Annuity Marketing and Sales Practices Litigation	14	14
	Sr.J. Thomas N. O'Neill, Jr.	MDL-1402	In re Microcrystalline Cellulose Antitrust Litigation	10	17
	D.J. Timothy J. Savage	MDL-1675	In re ACE Limited Securities Litigation	4	4
	D.J. Timothy J. Savage	MDL-1768	In re Methyl Methacrylate (MMA) Antitrust Litigation	13	13
	Sr.J. Norma L. Shapiro	MDL-1244	In re Graphite Electrodes Antitrust Litigation (No. II)	1	25
	D.J. Richard Barclay Surrick	MDL-1426	In re Automotive Refinishing Paint Antitrust Litigation	62	63
	PAM	D.J. Thomas I. Vanaskie	MDL-1556	In re Pressure Sensitive Labelstock Antitrust Litigation	11
PAW	C.J. Donetta W. Ambrose	MDL-1091	In re Metropolitan Life Insurance Co. Sales Practices Litigation	6	148
	D.J. Gary L. Lancaster	MDL-1674	In re Community Bank of Northern Virginia Mortgage Lending Practices Litigation	6	6
SC	D.J. G. Ross Anderson, Jr.	MDL-1612	In re The Thaxton Group Inc. Securities Litigation	4	6
	Sr.J. Solomon Blatt, Jr.	MDL-1595	In re Electrical Receptacle Products Liability Litigation	1	9
	D.J. Cameron McGowan Currie	MDL-1429	In re American General Life & Accident Insurance Co. Industrial Life Insurance Litigation	69	135
TNE	D.J. David C. Norton	MDL-1785	In re Bausch & Lomb Inc. Contact Lens Solution Products Liability Litigation	10	10
	Sr.J. Matthew J. Perry, Jr.	MDL-865	In re Showa Denko K.K. L-Tryptophan Products Liability Litigation (No. II)	1	973
TNM	C.J. Curtis L. Collier	MDL-1552	In re UnumProvident Corp. Securities, Derivative & "ERISA" Litigation	23	28
	C.J. Todd J. Campbell	MDL-1760	In re Aredia and Zometa Products Liability Litigation	109	109
	Sr.J. John T. Nixon	MDL-1537	In re Nortel Networks Corp. "ERISA" Litigation	6	6
TNW	D.J. Aleta A. Trauger	MDL-1457	In re Allstate Insurance Co. Underwriting and Rating Practices Litigation	6	11
	D.J. J. Daniel Breen	MDL-1551	In re Reciprocal of America (ROA) Sales Practices Litigation	13	13

District		JUDGE		LITIGATION		Actions Pending		Total Number of Actions
TXE	D.J. Leonard E. Davis	MDL-1512	In re Electronic Data Systems Corp. Securities & "ERISA" Litigation	4	29			
	D.J. T. John Ward	MDL-1530	In re Fleming Companies Inc. Securities & Derivative Litigation	22	22			
TXN	C.J. A. Joe Fish	MDL-1578	In re UICI "Association-Group" Insurance Litigation	15	28			
	D.J. Sidney A. Fitzwater	MDL-1214	In re Great Southern Life Insurance Company Sales Practices Litigation	1	25			
TXS	D.J. Vanessa D. Gilmore	MDL-1646	In re Testmasters Trademark Litigation	1	6			
	D.J. Melinda Harmon	MDL-1422	In re Waste Management, Inc., Securities Litigation	1	7			
	D.J. Melinda Harmon	MDL-1446	In re Enron Corp. Securities, Derivative & "ERISA" Litigation	128	195			
	D.J. Lynn N. Hughes	MDL-1609	In re Service Corporation International Securities Litigation	1	4			
UT	D.J. Dale A. Kimball	MDL-1546	In re Medical Waste Services Antitrust Litigation	1	8			
VAE	D.J. Leonie M. Brinkema	MDL-1705	In re Xybernaut Corp. Securities Litigation	10	10			
WAW	D.J. Barbara Jacobs Rothstein	MDL-1407	In re Phenylpropanolamine (PPA) Products Liability Litigation	557	3,363			
WVS	D.J. Joseph R. Goodwin	MDL-1477	In re Serzone Products Liability Litigation	8	177			
WY	C.J. William F. Downes	MDL-1293	In re Natural Gas Royalties Qui Tam Litigation	75	83			