Herrera et al V. Toyota Motor Sales U.S.A., Inc. et al

DOC. 26

# A CERTIFIED TRUE COPY ATTEST

By Debbie Nguyen on Sep 09, 2010

FOR THE UNITED STATES JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

# UNITED STATES JUDICIAL PANEL on MULTIDISTRICT LITIGATION

# IN RE: TOYOTA MOTOR CORP. UNINTENDED ACCELERATION MARKETING, SALES PRACTICES, AND PRODUCTS LIABILITY LITIGATION

(SEE ATTACHED SCHEDULE)

#### UNITED STATES JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

Aug 25, 2010

FILED CLERK'S OFFICE

8:10-m1-02151 JVS(FMX) MDL No. 2151 FILED - SOUTHERN DIVISION CLERK, U.S. DISTRICT COURT 10000 SEP - 9 2010 TRAL DISTRICT OF CALIFORNIA CÈ DEPUTY BY

## CONDITIONAL TRANSFER ORDER (CTO-9)

On April 9, 2010, the Panel transferred six civil actions to the United States District Court for the Central District of California for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* F.Supp.2d. (J.P.M.L. 2010). Since that time, 156 additional actions have been transferred to the Central District of California. With the consent of that court, all such actions have been assigned to the Honorable James V. Selna.

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

Pursuant to Rule 7.4 of the <u>Rules of Procedure of the Judicial Panel on Multidistrict Litigation</u>, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Central District of California for the reasons stated in the order of April 9, 2010, and, with the consent of that court, assigned to the Honorable James V. Selna.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Central District of California. 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.

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

FOR THE PANEL:

Jeffery N. Lüthi Clerk of the Panel

I hereby attest and certify on  $\frac{9/13/10}{10}$  that the foregoing document is full, true and correct copy of the original on file in my office, and in my legal custody.

CLERK U.S. DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

Rolls Royce Paschal
DEPUTY CLERK



Dockets.Justia.com

MDL No. 2151

# **SCHEDULE CTO-9 - TAG-ALONG ACTIONS**

# DIST. DIV. C.A. # CASE CAPTION

FLORI	DA S	OUTHERN	
FLS	1	10-22785	Georges Vincent, et al. v. Toyota Motor Sales U.S.A., Inc. et al. kAcubro 1363 JVS (Filex)
FLS	9	10-80912	Edward Kline v. Stewart Agency, Inc. /SACVIO-01364 JVS(FUOx)
FLS	9	10-80929	Mary Patricia Ryan v. Morse Operations, Inc. /SACVIO-01365 -SVS (FWX)
ILLINC	DIS NO	ORTHERN	
ILN	1	10-4302	Willette Green v. Toyota Motor Sales, U.S.A., Inc. /SACVID-01366 JUS (FMOR)
ILN	1	10-4350	Ed Izenstark v. Toyota Motor Sales, U.S.A., Inc., et al. /54010-01367 Jus (FNQ)
LOUIS	IANA	EASTERN	
LAE	2	10-1995	Brenda A. Whaley, et al. v. Toyota Motor Corp., et al. /\$4010 - 01368 511 (tax)
LOUIS	IANA	WESTERN	
LAW		10-896	Michael Barzare, et al. v. Toyota Motor Sales U.S.A., Inc., et al./5'4010-61369
MARYLAND			
MD	8	10-1773	Ann Keller, et al. v. Toyota Motor Sales U.S.A., Inc./SACVID-01370 JUS (FMOX)
MICHIGAN EASTERN			
MIE	-2	<del>10-12563</del>	Michael Peterson v. Toyota Motor Sales U.S.A., Inc. Opposed 09/08/2010
NEVAI	DA		
NV	2	10-924	Wilma Herrera, et al. v. Toyota Motor Sales U.S.A., Inc., et al./SACNIO -0137-1 SVS (FMOX)
OHIO N	VORT	HERN	
OHN	1	10-1251	Joseph Buccier v. Toyota Motor Sales U.S.A., Inc./SACVID-01372 JUCFMOX)
OHN	1	10-1339	G&M Motors, Inc. v. Toyota Motor Sales U.S.A., Inc., et al/SACVID-01373 JUS (500)
OHIO S	SOUT	HERN	
OHS	1	10-364	Burnell Meeks v. Toyota Motor Sales U.S.A., Inc./SACVID-01374 JVJ (FMOX)
PENNSYLVANIA MIDDLE			
PAM	1	10-1327	Lisa A. Labar, etc. v. Toyota Motor Corp., et al. SACV/0-01375 JVS (FMDX)

# MDL No. 2151 - Schedule CTO-9 - Tag-Along Actions (Continued)

#### **<u>DIST.</u>** <u>DIV.</u> <u>C.A.#</u> **CASE CAPTION**

#### PENNSYLVANIA WESTERN

N Robert Elmes v. Toyota Motor Manufacturing Kentucky, Inc., et al/S401/0-01376 JVS (FM0x) PAW 2 08-1300

#### **TEXAS SOUTHERN**

WVS 2

Brenda Bishop v. Gulf States Toyota, Inc., et al./SACV10~01377 JVS (FMOX) TXS 4 10-2477

#### WEST VIRGINIA SOUTHERN

Lana K. Pittman, et al. v. Toyota Motor Manufacturing, West/SACV10-01378 Virginia, Inc., et al. JVS (FMOX) 10-761

## 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

September 9, 2010

#### 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

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

## Re: MDL No. 2151 -- IN RE: Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation

(See Attached CTO-9)

Dear Ms. Nafisi:

Attached as a PDF document is a certified copy of a conditional transfer order filed by the Panel in the above-captioned matter on <u>August 25, 2010</u>. As stipulated in Rule 7.4(a) of the <u>Rules of Procedure of the Judicial Panel on Multidistrict Litigation</u>, 199 F.R.D. 425, 435-36 (2001), transmittal of the order has been stayed 14 days to give any party an opportunity to oppose the transfer. The 14-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, judges and clerks are attached.

Very truly,

Jeffery N. Lüthi Clerk of the Panel

Bv

Debbie Nguyen Case Administrator

Attachments (Conditional Transfer Order is a Separate Document)

cc: Transferee Judge: Judge James V. Selna

JPML Form 36A

MDL No. 2151

## **PANEL SERVICE LIST (CTO-9)**

Wylie A. Aitken AITKEN AITKEN & COHN 3 MacArthur Place Suite 800 Santa Ana, CA 92707 **connie@aitkenlaw.com** 

Dawn M. Barrios BARRIOS KINGSDORF & CASTEIX LLP 701 Poydras Street Suite 3650 New Orleans, LA 70139-3650 **barrios@bkc-law.com** 

Philip John Berenz ROBERT A LANGENDORF PC 134 North LaSalle St. Suite 1515 Chicago, IL 60602 philberenz@yahoo.com

Mark N. Bodin MCGLINCHEY STAFFORD PLLC 601 Poydras Street 12th Floor New Orleans, LA 70130 **mbodin@mcglinchey.com** 

Mark Howard Boyle DONOHUE BROWN MATHEWSON & SMYTH LLC 140 South Dearborn Street Suite 800 Chicago, IL 60603 mark.boyle@dbmslaw.com

Kevin B. Burgess HAMILTON BURGESS YOUNG & POLLARD P.O. Box 959 Fayetteville, WV 25840-0959 kburgess@hamiltonburgess.com Gerald Cleary PAPPAS HUBBARD O'CONNOR FILDES SECARAS PC 150 North Michigan Ave. Suite 3300 Chicago, IL 60601 gcleary@phofs.com

Andrew B. Cooke FLAHERTY SENSABAUGH & BONASSO PLLC P.O. Box 3843 Charleston, WV 25338-3843 acooke@fsblaw.com

Kenneth B. Fenelon, Jr. VUJASINOVIC & BECKCOM PLLC 1001 Texas Ave. Suite 1020 Houston, TX 77002 Kenneth@vbattorneys.com

Vincent Galvin, Jr. BOWMAN & BROOKE 1741 Technology Drive San Jose, CA 95110 vincent.galvin@bowmanandbrooke.com

Lisa Gilford ALSTON & BIRD LLP 333 South Hope Street 16th Floor Los Angeles, CA 90071 **lisa.gilford@alston.com** 

Jason A. Golden MONTGOMERY RENNIE & JONSON 36 East Seventh Street Suite 2100 Cincinnati, OH 45202 jgolden@mrjlaw.com

#### MDL No. 2151 - Panel Service List (CTO-9) (Continued)

Michael J. Grady LAW OFFICE OF MICHAEL GRADY 50 W. Montgomery Avenue Suite 100 Rockville, MD 20850 grady.law@hotmail.com

Gregory A. Harrison DINSMORE & SHOHL LLP 1900 Chemed Center 255 East Fifth Street Cincinnati, OH 45202 harrison@dinslaw.com

Kathleen F. Hobson KATHLEEN F HOBSON LLC 1100 Poydras Street Suite 2900 #142 New Orleans, LA 70163 kathleen@khobson.com

Greg W. Marsh LAW OFFICES OF GREG W MARSH 731 South 7th Street Las Vegas, NV 89101 gwm4253@aol.com

Kelly M. Marzullo DLA PIPER US LLP 6225 Smith Avenue Baltimore, MD 21209 kelly.marzullo@dlapiper.com

John W. McTiernan CAROSELLI BEACHLER MCTIERNAN & CONBOY 322 Boulevard of the Allies Eighth Floor Pittsburgh, PA 15222 jmctiernan@cbmclaw.com

Craig Murphy MURPHY & MURPHY LAW OFFICES 10191 Park Run Drive Suite 100 Las Vegas, NV 89145 craig@nvpilaw.com Gretchen M. Nelson KREINDLER & KREINDLER LLP 707 Wilshire Blvd. Suite 5070 Los Angeles, CA 90017 gnelson@kreindler.com

Colvin G. Norwood, Jr. MCGLINCHEY STAFFORD PLLC 601 Poydras Street 12th Floor New Orleans, LA 70130 wnorwood@mcglinchey.com

Anthony P. Polce POLCE & SZUBA 40600 Ann Arbor Road Suite 200 Plymouth, MI 48170 **apolce@polceszuba.com** 

Jason S. Remer REMER & GEORGES-PIERRE PLLC 11900 Biscayne Blvd. Suite 288 North Miami, FL 33181 jremer@rgpattorneys.com

James P. Ryan MORROW MORROW RYAN & BASSETT P.O. Drawer 1787 Opelousas, LA 70571-1787 jamesr@mmrblaw.com

Andrew Samtoy DWORKEN & BERNSTEIN CO LPA 60 South Park Place Painesville, OH 44077 asamtoy@dworkenlaw.com

William E. Schaefer LAW OFFICE OF JOHN P HENDRZAK 3773 Corporate Center Parkway Suite 180 Center Valley, PA 18034 william.schaefer@zurichna.com

#### MDL No. 2151 - Panel Service List (CTO-9) (Continued)

James D. Scharville KAHN & ASSOCIATES LLC 55 Public Square Suite 650 Cleveland, OH 44113 **dscharville@kahnandassociates.com** 

Carl R. Schiffman SCHIFFMAN & WOJDOWSKI 1300 Fifth Avenue Pittsburgh, PA 15219 SchifWojdo@hotmail.com

Chad Michael Sizemore MONTGOMERY RENNIE & JONSON 36 East Seventh Street Suite 2100 Cincinnati, OH 45202 csizemore@mrjlaw.com

Brian W. Smith SMITH & VANTURE LLP 1615 Forum Place West Palm Beach, FL 33401 bws@smithvanture.com

Michael Ross Tein LEWIS TEIN 3059 Grand Avenue Suite 340 Coconut Grove, FL 33133 tein@lewistein.com

Clem C. Trishchler PIETRAGALLO BOSICK & GORDON One Oxford Centre 38th Floor Pittsburgh, PA 15219 cct@pietragallo.com

James Karl Viehman HARTLINE DACUS BARGER DREYER & KERN LLP 6688 N. Central Expressway Suite 1000 Dallas, TX 75206 kviehman@hdbdk.com Jasper D. Ward, IV BAHE COOK CANTLEY & JONES PLC 239 South Fifth Street Suite 700 Louisville, KY 40202 jasper@bccjlaw.com

Elizabeth A. Wells BURDGE LAW OFFICE 2299 Miamisburg Centerville Road Dayton, OH 45459 **beth@ohiolemonlaw.com** 

MDL No. 2151

## **INVOLVED JUDGES LIST (CTO-9)**

Hon. Michael R. Barrett U.S. District Judge 815 Potter Stewart U.S.Courthouse 100 East Fifth Street Cincinnati, OH 45202

Hon. Alan N. Bloch Senior U.S. District Judge 8370 U.S. Post Office & Courthouse 700 Grant Street Pittsburgh, PA 15219

Hon. James I. Cohn U.S. District Judge 203F U.S. Courthouse 299 East Broward Blvd. Fort Lauderdale, FL 33332

Hon. Christopher C. Conner U.S. District Judge United States District Court P.O. Box 847 Harrisburg, PA 17108

Hon. Bernard A: Friedman Senior U.S. District Judge 100 Theodore Levin U.S. Courthouse 231 West Lafayette Boulevard Detroit, MI 48226

Hon. Joseph R. Goodwin Chief Judge, U.S. District Court U.S. District Court P.O. Box 2546 Charleston, WV 25329-2546

Hon. James S. Gwin U.S. District Judge 18A Carl B. Stokes U.S. Courthouse 801 West Superior Avenue Cleveland, OH 44113 Hon. Lynn N. Hughes U.S. District Judge 11122 Bob Casey U.S. Courthouse 515 Rusk Avenue Houston, TX 77002

Hon. Adalberto Jordan
U.S. District Judge
C. Clyde Atkins U.S. Courthouse
8th Floor
301 North Miami Avenue
Miami, FL 33128

Hon. Harry D. Leinenweber Senior U.S. District Judge Everett McKinley Dirksen U.S. Courthouse 219 South Dearborn Street Chicago, IL 60604

Hon. Mary Ann Vial Lemmon U.S. District Judge C-406 U.S. Courthouse 500 Poydras Street New Orleans, LA 70130

Hon. James C. Mahan U.S. District Judge 6085 Lloyd D. George U.S. Courthouse 333 Las Vegas Boulevard South Las Vegas, NV 89101-7065

Hon. Tucker L. Melancon Senior U.S. District Judge 4700 U.S.Courthouse 800 Lafayette Street Lafayette, LA 70501

Hon. Solomon Oliver, Jr.U.S. District Judge17A Carl B. Stokes U.S. Courthouse801 W. Superior AvenueCleveland, OH 44113

# MDL No. 2151 - Involved Judges List (CTO-9) (Continued)

Hon. Kenneth L. Ryskamp Senior U.S. District Judge 416 Federal Building & U.S. Courthouse 701 Clematis Street West Palm Beach, FL 33401

Hon. Amy J. St. Eve U.S. District Judge 1260 Everett McKinley Dirksen U.S. Courthouse 219 South Dearborn Street Chicago, IL 60604

Hon. Roger W. Titus U.S. District Judge U.S. Courthouse 6500 Cherrywood Lane Suite 255A Greenbelt, MD 20770

MDL No. 2151

### **INVOLVED CLERKS LIST (CTO-9)**

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

Steven M. Larimore, Clerk Federal Courthouse Square 301 North Miami Avenue Miami, FL 33128-7788

Steven M. Larimore, Clerk Paul G. Rogers Federal Bldg. & Courthouse 701 Clematis Street 2nd Floor West Palm Beach, FL 33401

Michael W. Dobbins, Clerk Everett McKinley Dirksen U.S. Courthouse 219 South Dearborn Street Chicago, IL 60604

Loretta G. Whyte, Clerk U.S. District Court 500 Poydras Street Room C-151 New Orleans, LA 70130

Tony R. Moore, Clerk 2100 U.S. Courthouse 800 Lafayette Street Lafayette, LA 70501

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

David J. Weaver, Clerk 814 Theodore Levin U.S. Courthouse 231 West Lafayette Boulevard Detroit, MI 48226 Lance S. Wilson, Clerk Lloyd D. George U.S. Courthouse 333 Las Vegas Boulevard, South Las Vegas, NV 89101

Geri M. Smith, Clerk United States District Court 2-161 Carl B. Stokes U.S. Courthouse 801 West Superior Avenue Cleveland, OH 44113

James Bonini, Clerk 324 Potter Stewart U.S. Courthouse 100 East Fifth Street Cincinnati, OH 45202

Mary E. D'Andrea, Clerk P.O. Box 983 Harrisburg, PA 17108-0983

Robert V. Barth, Jr., Clerk U.S. District Court P.O. Box 1805 Pittsburgh, PA 15230-1805

David J. Bradley, Clerk United States District Court P.O. Box 61010 Houston, TX 77208-1010

Teresa Deppner, Clerk Post Office Box 2546 Charleston, WV 25329-2546