

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SACV 11-00100 JVS(FMOx)

IN RE: Toyota Motor Corp.
Unintended Acceleration Marketing,
Sales Practices, and Products Liability
Litigation

Member Case in No.
8:10ML 02151 JVS (FMOx)

This document relates to:

ORDER REMANDING CASES TO
TRANSFEROR COURTS

- 8:11-cv-00100 Bartlett
- 8:10-cv-00604 Fox
- 8:10-cv-01371 Herrera
- 8:10-cv-01771 Messinger
- 8:10-cv-01004 Rookard
- 8:10-cv-00998 Sims
- 8:10-cv-01916 Welch

On October 14, 2011, the United States Judicial Panel on Multidistrict Litigation (“JPML”) issued its Order Denying Transfer in Dennis Gloyna, et al. v. Toyota Motor Manufacturing North America, Inc., et al., Case No. 2:11-11 (E.D. Ky.). (See In re: Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation, Case No. 2151 (J.P.M.L. Oct. 14, 2011 (Docket No. 334) (copy attached).) The Gloyna action arose out of a collision involving a 2001 Toyota Avalon, a make and model of vehicle which is not alleged

1 to use an electronic throttle control system (“ETCS”). (*Id.* at 1.) In denying
 2 transfer, the JPML reasoned that, through amended pleadings and discovery, the
 3 focus of the current MDL has narrowed primarily to claims implicating the use of
 4 ETCS. (*Id.*)

5 Thereafter, this Court identified a number of cases currently pending on the
 6 present multidistrict litigation (“MDL”) docket that likewise involve vehicles that
 7 are not alleged to use an ETCS.

8 Consistent with the JPML’s Order Denying Transfer in the Gloyna action,
 9 and because the focus of the present MDL has been narrowed to issues common to
 10 vehicle models that feature ETCS, the Court hereby remands the following actions
 11 to the district courts from which they were transferred:

Plaintiff Name	C.D. Cal. Case No.	Transferor Court and Case No.
Lisa Bartlett	8:11-100	3:10-6817 (D.N.J.)
Lucille Fox	8:10-604	7:10-2166 (S.D.N.Y.)
Wilma Herrera	8:10-1371	2:10-924 (D.Nev.)
Jeffrey Messinger	8:10-1771	2:10-976 (S.D. W.Va.)
Nancy Leach Rookard	8:10-1004	3:10-224 (E.D. Tenn.)
Mack Sims	8:10-998	2:10-1427 (E.D. La.)
Amelia Welch	8:10-1916	10-4276 (D. Minn.)

12 **IT IS SO ORDERED.**

13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 DATED: October 27, 2011

JAMES V. SELNA
 UNITED STATES DISTRICT JUDGE