

MDL 1793

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

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DOCKET NO. 1793

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BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

**IN RE INTERNATIONAL AIR TRANSPORTATION SURCHARGE
ANTITRUST LITIGATION**

**BEFORE WM. TERRELL HODGES,* CHAIRMAN, D. LOWELL JENSEN,*
J. FREDERICK MOTZ,* ROBERT L. MILLER, JR., KATHRYN H.
VRATIL,* DAVID R. HANSEN* AND ANTHONY J. SCIRICA, JUDGES OF
THE PANEL**

TRANSFER ORDER

This litigation currently consists of fifteen actions listed on the attached Schedule A and pending in six districts as follows: five actions in the Northern District of California, four actions in the Eastern District of New York, three actions in the Eastern District of Pennsylvania, and one action each in the Northern District of Illinois, the Southern District of New York, and the Western District of Washington.¹ All responding plaintiffs and defendants agree upon centralization, with the only differences among them concerning the choice of transferee district. Additional suggested transferee forums are the Southern District of Florida, the Northern District of Illinois, the Eastern and Southern Districts of New York, and the Eastern District of Pennsylvania.

On the basis of the papers filed and hearing session held, the Panel finds that the actions in this litigation involve common questions of fact, and that centralization under Section 1407 in the Northern District of California will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. Each of the actions now before the Panel is brought to recover for violations of antitrust laws arising in the context of an alleged conspiracy to fix or

*Judge Vratil took no part in the disposition of this matter. Additionally, in light of the fact that Judges Hodges, Jensen, Motz and Hansen could be members of the putative class(es) in this litigation, each of them has filed with the Clerk of the Panel a formal renunciation of any claim they he might have as a putative class member, thereby removing any basis for disqualification on that ground. Alternatively, to the extent that their disqualification should be determined for any reason to survive the renunciation, the Panel invokes the "rule of necessity" in order to provide the forum created by the governing statute, 28 U.S.C. § 1407. See *In re Wireless Telephone Radio Frequency Emissions Products Liability Litigation*, 170 F.Supp.2d 1356, 1357-58 (J.P.M.L. 2001).

¹Parties have notified the Panel of other related actions recently filed in the Central and Northern Districts of California, the District of Connecticut, the Southern District of Florida, the Northern District of Illinois, the District of Maryland, the District of Massachusetts, the Eastern and Southern Districts of New York, the Eastern District of Pennsylvania, the Southern District of Texas, and the Eastern District of Virginia. In light of the Panel's disposition of this docket, these actions will be treated as potential tag-along actions in accordance with Panel and local court rules. See Rules 7.4 and 7.5, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001).

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maintain prices on international passenger air travel to or from the United States. Centralization under Section 1407 is necessary in order to eliminate duplicative discovery, prevent inconsistent pretrial rulings (especially with respect to class certification matters), and conserve the resources of the parties, their counsel and the judiciary.

We conclude that the Northern District of California is an appropriate forum in this docket for the following reasons: i) the MDL-1793 actions in that district (which comprise the largest number of actions and potential tag-along actions pending in any single district in this docket) are already proceeding apace before an able judge experienced in the management of complex and multidistrict litigation; and ii) the district is well equipped with the resources that this complex antitrust docket is likely to require.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, the actions listed on Schedule A and pending outside the Northern District of California are transferred to the Northern District of California and, with the consent of that court, assigned to the Honorable Charles R. Breyer for coordinated or consolidated pretrial proceedings with the actions pending in that district.

FOR THE PANEL:



Wm. Terrell Hodges
Chairman

SCHEDULE A

MDL-1793 -- In re International Air Transportation Surcharge Antitrust Litigation

Northern District of California

Kambiz Pahlavan v. British Airways, PLC, et al., C.A. No. 3:06-3905
Alfred T. Martini v. British Airways, PLC, et al., C.A. No. 3:06-3907
Corissa A. McDill v. British Airways, PLC, et al., C.A. No. 3:06-3940
Corinne Weber v. British Airways, PLC, et al., C.A. No. 3:06-3945
Matthew Graham v. British Airways, PLC, et al., C.A. No. 3:06-3959

Northern District of Illinois

Ryan McGovern, et al. v. AMR Corp., et al., C.A. No. 1:06-3444

Eastern District of New York

Michael McNamara v. British Airways, PLC, et al., C.A. No. 1:06-3105
John C. Gornik v. British Airways, PLC, et al., C.A. No. 1:06-3139
Kenneth R. Manyin v. British Airways, PLC, et al., C.A. No. 1:06-3144
Mark Levy, et al. v. British Airways, PLC, et al., C.A. No. 1:06-3152

Southern District of New York

Susana Saldana, et al. v. American Airlines, Inc., et al., C.A. No. 1:06-4887

Eastern District of Pennsylvania

Anne R. Rossi v. British Airways, PLC, et al., C.A. No. 2:06-2736
Teresa Willstaedt v. British Airways, PLC, et al., C.A. No. 2:06-2751
Stephen Collins v. British Airways, PLC, et al., C.A. No. 2:06-2759

Western District of Washington

Nicholas L. Jenkins v. British Airways, PLC, et al., C.A. No. 2:06-903