

**MDL 1817**

JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

**RELEASED FOR PUBLICATION**

**FEB 15 2007**

**DOCKET NO. 1817**

FILED  
CLERK'S OFFICE

**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**IN RE CERTAINTEED CORP. ROOFING SHINGLE PRODUCTS LIABILITY  
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 two actions in the Eastern District of Pennsylvania and one action each in the Northern District of Illinois, Southern District of Iowa, Western District of Kentucky, Eastern District of Michigan, District of Minnesota, and Western District of Wisconsin as listed on Schedule A.<sup>1</sup> Before the Panel is a motion, pursuant to 28 U.S.C. § 1407, brought by plaintiff in one Eastern District of Pennsylvania action for coordinated or consolidated pretrial proceedings of these actions in the Eastern District of Pennsylvania. Common defendant CertainTeed Corp. (CertainTeed) supports the motion for transfer. Plaintiffs in the second Eastern District of Pennsylvania action also support the motion, but, in the event the Panel should decline to order transfer to the Eastern District of Pennsylvania, also suggest the Southern District of Iowa or the District of Minnesota as an appropriate transferee district.

On the basis of the papers filed and hearing session held, the Panel finds that these eight actions involve common questions of fact, and that centralization of the actions under Section 1407 in the Eastern District of Pennsylvania will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. The MDL-1817 actions are overlapping putative class actions brought on behalf of owners of buildings with allegedly defective roofing shingles manufactured, warranted, and distributed by CertainTeed. Plaintiffs assert claims of negligence and products liability, among other causes of action, arising from the affected roofing shingles and the resultant property damage alleged. Centralization under Section 1407 is necessary in order to eliminate duplicative

---

\* Judges Hodges and Jensen took no part in the decision of this matter.

<sup>1</sup> The Panel has been notified of five related actions. In light of the Panel's disposition of this docket, these actions will be treated as potential tag-along actions. See Rules 7.4 and 7.5, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001).

**OFFICIAL FILE COPY** IMAGED FEB 15 2007

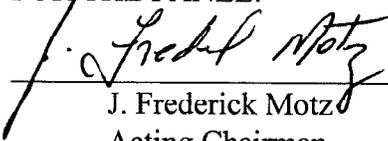
**PLEADING NO. 12**

discovery; prevent inconsistent pretrial rulings, particularly with respect to issues of class certification; and conserve the resources of the parties, their counsel and the judiciary.

Given the agreement of all moving and responding parties to transfer under Section 1407 to the Eastern District of Pennsylvania, this district stands out as an appropriate transferee forum for this litigation. This district encompasses the headquarters of the common defendant and its business unit responsible for shingle products, while two of the eight actions, both of which are putative nationwide class actions, are already pending there before one judge. Centralization in this forum also permits the Panel to effect the Section 1407 assignment to an experienced transferee judge who can steer this litigation on a steady and expeditious course.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, the actions listed on Schedule A and pending outside the Eastern District of Pennsylvania are transferred to the Eastern District of Pennsylvania and, with the consent of that court, assigned to the Honorable Louis H. Pollak for coordinated or consolidated pretrial proceedings with the actions pending there and listed on Schedule A.

FOR THE PANEL:

  
\_\_\_\_\_  
J. Frederick Motz  
Acting Chairman

## SCHEDULE A

### MDL-1817 -- In re CertainTeed Corp. Roofing Shingle Products Liability Litigation

#### Northern District of Illinois

*Dawn Lynn Johnson v. CertainTeed Corp.*, C.A. No. 1:06-4864

#### Southern District of Iowa

*Dean Conrad v. CertainTeed Corp.*, C.A. No. 4:06-420

#### Western District of Kentucky

*Tina Fitzner v. CertainTeed Corp.*, C.A. No. 3:06-488

#### Eastern District of Michigan

*David Butz, et al. v. CertainTeed Corp.*, C.A. No. 2:06-14357

#### District of Minnesota

*Gerald Brenden, et al. v. CertainTeed Corp.*, C.A. No. 0:06-3579

#### Eastern District of Pennsylvania

*Catherine Barrett v. CertainTeed Corp.*, C.A. No. 2:06-4117  
*Roger Dunker, et al. v. CertainTeed Corp.*, C.A. No. 2:06-4243

#### Western District of Wisconsin

*Nancy Hollis, et al. v. CertainTeed Corp.*, C.A. No. 3:06-525