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**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

IN RE: TABLE SAW PRODUCTS LIABILITY LITIGATION

MDL No. 2079

ORDER DENYING TRANSFER

Before the entire Panel^{*}: Plaintiffs in 42 actions¹ pending in the Central District of California, Eastern District of California, Northern District of California, Northern District of Illinois (six actions), District of Massachusetts (23 actions), District of Nevada, District of New Jersey (five actions), Eastern District of New York, District of South Carolina, Eastern District of Texas, and Southern District of Texas, as listed on Schedule A, have moved, pursuant to 28 U.S.C. § 1407, to centralize those actions in the District of Massachusetts. Responding defendants all oppose centralization.²

On the basis of the papers filed and hearing session held, we will deny plaintiffs' motion. The 42 constituent actions all arise from accidents in which the subject plaintiffs were injured by table saws, and all plaintiffs advance a theory that those saws are defective because, *inter alia*, they lack "flesh detection" technology (also known as "SawStop" technology). These common issues, however, are overshadowed by the non-common ones. Each action arises from an individual accident that occurred under necessarily unique circumstances. Multiple different saws made by multiple different manufacturers were involved in the various accidents. No defendant is sued in all actions, and several entities, including Emerson Electric Co., Hitachi Koki USA, Ltd., Sears Roebuck & Co., and Woodstock International, Inc., are named in, at most, two or three of them. A significant number of the actions are substantially advanced, and, indeed, the fact discovery period will soon close in many of them. Other actions were only recently commenced. The proponents of centralization have failed to persuade us that, given these circumstances, transfer under Section 1407 would serve the convenience of the parties and witnesses or further the just and efficient conduct of this litigation at the present time. *See* 28 U.S.C. § 1407(a). Alternatives to transfer exist that may

* Judge Heyburn took no part in the disposition of this matter.

¹ Although the motion, as filed, encompassed 43 actions, one action pending in the District of South Carolina was dismissed. The parties have notified the Panel of nine additional related actions.

² Black & Decker Corp.; Black & Decker (U.S.) Inc.; Delta Machinery Corp.; DeWalt Industrial Tool Co.; Emerson Electric Co.; Hitachi Koki USA, Ltd.; Home Depot U.S.A., Inc.; One World Technologies, Inc.; Power Tools Specialists, Inc.; Rexon Industrial Corp.; Robert Bosch Tool Corp.; Ryobi Technologies, Inc.; Sears Roebuck & Co.; Techtronic Industries North America, Inc.; WMH Tool Group, Inc.; and Woodstock International, Inc.

minimize whatever possibilities could arise of duplicative discovery and/or inconsistent pretrial rulings.³ See, e.g., *In re Eli Lilly and Co. (Cephalexin Monohydrate) Patent Litigation*, 446 F.Supp. 242, 244 (J.P.M.L. 1978); see also *Manual for Complex Litigation, Fourth*, § 20.14 (2004).

IT IS THEREFORE ORDERED that the motion, pursuant to 28 U.S.C. § 1407, for centralization of these 42 actions is denied.

PANEL ON MULTIDISTRICT LITIGATION



Robert L. Miller, Jr.
Acting Chairman

John G. Heyburn II, Chairman* Kathryn H. Vratil
David R. Hansen W. Royal Furgeson, Jr.
Frank C. Damrell, Jr.

³ The record indicates that the parties have already reached a number of discovery-sharing agreements covering most, if not all, of the subject actions.

SCHEDULE A

Central District of California

Vitaly Petrenko v. One World Technologies, Inc., et al., C.A. No. 5:08-758

Eastern District of California

David DeCristoforo, Jr. v. Rexon Industrial Corp., et al., C.A. No. 2:08-933

Northern District of California

Brendan Schmidt, et al. v. Pentair, Inc., et al., C.A. No. 3:08-4589

Northern District of Illinois

Jaroslav Wielgus v. Ryobi Technologies, Inc., et al., C.A. No. 1:08-1597
Brandon Stollings v. Ryobi Technologies, Inc., et al., C.A. No. 1:08-4006
Ruslan Lebedev v. Ryobi Technologies, Inc., et al., C.A. No. 1:08-4484
Zdzislaw Ptak v. Black & Decker Corp., et al., C.A. No. 1:08-6212
Henrichas Sinkevicius v. Techtronic Industries Co., Ltd., et al., C.A. No. 1:09-1738
Konrad Mielcarek v. Techtronic Industries Co., Ltd., et al., C.A. No. 1:09-2379

District of Massachusetts

Carlos Osorio v. One World Technologies, Inc., et al., C.A. No. 1:06-10725
Michael P. Staruski v. Black & Decker Corp., et al., C.A. No. 1:06-10735
Eduardo Olivera v. Makita USA, Inc., C.A. No. 1:06-10736
Riccardo DiBona v. Pentair, Inc., et al., C.A. No. 1:06-10737
Ross MacDonald v. Emerson Electric Co., et al., C.A. No. 1:06-10925
Andrew Bidgood v. Ryobi Technologies, Inc., et al., C.A. No. 1:06-12040
John Padre, Jr. v. Emerson Electric Co., et al., C.A. No. 1:07-11294
Thomas White v. Pentair, Inc., et al., C.A. No. 1:07-12043

MDL No. 2079 Schedule A (Continued)

District of Massachusetts (Continued)

Ian Eddery v. Black & Decker Corp., et al., C.A. No. 1:08-10849
Neil Resca v. Robert Bosch Tool Corp., et al., C.A. No. 1:08-11142
Martin Santos v. Ryobi Technologies, Inc., et al., C.A. No. 1:08-11700
Shaun Maloney v. Techtronic Industries North America, Inc., et al., C.A. No. 1:08-11888
James Miles v. WMH Tool Group, Inc., C.A. No. 1:08-12017
Jeremiah Bernier v. One World Technologies, Inc., et al., C.A. No. 1:08-12083
Matthew Beers v. One World Technologies, Inc., et al., C.A. No. 1:09-10010
Glenn Robert White v. One World Technologies, Inc., et al., C.A. No. 1:09-10011
Walter F. Bellaconis, Jr. v. Robert Bosch Tool Corp., C.A. No. 1:09-10091
Sujan Khadge v. Robert Bosch Tool Corp., C.A. No. 1:09-10092
Luis Santiago v. One World Technologies, Inc., et al., C.A. No. 1:09-10768
Michael Burke v. Techtronic Industries Co., Ltd., et al., C.A. No. 1:09-10797
Robert Grey v. Techtronic Industries Co., Ltd., et al., C.A. No. 1:09-10799
Roger Gallant v. WMH Tool Group, Inc., et al., C.A. No. 1:09-10821
Omar Rosalis v. WMH Tool Group, Inc., et al., C.A. No. 1:09-10822

District of New Jersey

Carl Fransen v. One World Technologies, Inc., et al., C.A. No. 2:08-5101
Mamady Sangare v. Ryobi Technologies, Inc., et al., C.A. No. 2:09-303
Lawrence A. Strelec v. Techtronic Industries Co., Ltd., et al., C.A. No. 2:09-742
Christopher Helmes v. Techtronic Industries Co., Ltd., et al., C.A. No. 2:09-883
Osbaldo Martinez v. Techtronic Industries Co., Ltd., et al., C.A. No. 2:09-2167

District of Nevada

Steven Hildebrand v. Black & Decker Corp., et al., C.A. No. 2:09-871

Eastern District of New York

Mario Lopez v. Techtronic Industries Co., Ltd., et al., C.A. No. 1:09-1270

MDL No. 2079 Schedule A (Continued)

District of South Carolina

Deusdete Cunha Barbosa v. Hitachi Koki USA, Ltd., C.A. No. 2:09-1285

Eastern District of Texas

Lloyd Frazier v. Woodstock International, Inc., C.A. No. 6:09-227

Southern District of Texas

Thomas Ortega v. Black & Decker Corp., et al., C.A. No. 4:09-1550