

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: MUTUAL FUNDS INVESTMENT LITIGATION

Kaveh S. Shahi, et al. v. Putnam Investments,)
D. Maryland, C.A. No. 1:04-02605) MDL No. 1586
(D. Vermont, C.A. No. 1:04-00023))

ORDER DENYING REMAND

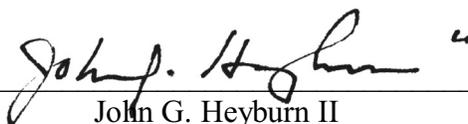
Before the Panel: Pursuant to Panel Rules 10.1 and 10.3, plaintiffs Kaveh S. Shahi and Leslie S. Shahi move for an order remanding this action (*Shahi*) to the District of Vermont, the transferor court. Defendant Putnam U.S. Holdings 1, LLC (“Putnam Investments”) opposes the motion.

After considering all arguments of counsel, we conclude that remand is not appropriate at this time, and therefore will deny plaintiffs’ motion. In considering the question of Section 1407 remand, we have consistently accorded great weight to the transferee judge’s determination that remand of a particular action at a particular time is appropriate, as that judge has supervised the day-to-day pretrial proceedings in the MDL. *See In re Holiday Magic Sec. & Antitrust Litig.*, 433 F. Supp. 1125, 1126 (J.P.M.L. 1977). The transferee judge’s suggestion of remand to the Panel, *see* Rule 10.1(b), is an indication that the judge perceives his role under Section 1407 to have ended. *See In re: Columbia/HCA Healthcare Corp. Qui Tam Litig. (No. II)*, 560 F. Supp. 2d 1349, 1350 (J.P.M.L. 2008).

The transferee judge has not issued a suggestion of remand as to *Shahi*. As Panel Rule 10.3(a) states, we are “reluctant to order remand absent the suggestion of the transferee judge.” A party moving for remand without such a suggestion “bears a strong burden of persuasion.” *In re Air Crash Disaster in the Ionian Sea on Sept. 8, 1974*, 438 F. Supp. 932, 934 (J.P.M.L. 1977). We conclude that plaintiffs have not met that burden here.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, the motion for Section 1407 remand of this action is denied.

PANEL ON MULTIDISTRICT LITIGATION



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