UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: FAMILY DOLLAR STORES, INC., WAGE AND HOUR EMPLOYMENT PRACTICES LITIGATION MDL No. 1932

ORDER DENYING REMAND

Before the Panel:* Pursuant to Rule 10.3, plaintiffs in two actions, which are listed on Schedule A and which were previously transferred, respectively, from the Southern District of Florida and the Northern District of Georgia to the Western District of North Carolina for inclusion in MDL No. 1932, move for an order remanding their actions to the respective transferor courts. Responding defendants Family Dollar Stores of Florida, Inc., and Family Dollar Stores of Georgia, Inc., oppose the motion.

After considering all argument of counsel, we conclude that remand is not appropriate at this time, and therefore we will deny plaintiffs' motion. In considering the question of Section 1407 remand, we consistently afford great weight to the transferee judge's determination that remand of a particular action at a particular time is appropriate, given that the 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), obviously indicates that the judge perceives their 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). Here, no suggestion of remand has been issued by the transferee judge.

The Honorable Graham C. Mullen, in his capacity as transferee judge, has become thoroughly familiar with the issues in this litigation, and he is in the best position to determine the future course of the actions in this MDL. This is a complex MDL that has involved the review of collective action allegations and the resolution of separate summary judgment motions pertaining to dozens of individual Store Managers employed at Family Dollar stores in several states. Moreover, the pace of the litigation undoubtedly has slowed due to the need for significant judicial attention in resolving numerous discovery disputes and other pretrial motions, which plaintiffs bemoan but share (at the very least) a portion of the responsibility. Pretrial motion practice is yet to be completed as to some of the last remaining plaintiffs. Moving plaintiffs have failed to offer any persuasive reasons why we should depart from our long-standing practice of deferring to the discretion of the transferee judge and order remand in the absence of a suggestion of remand.

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* *Judge Ellen Segal Huvelle took no part in the decision of this matter.*

IT IS THEREFORE ORDERED that the motion for Section 1407 remand of these actions is denied.

PANEL ON MULTIDISTRICT LITIGATION

John G. Heyburn II
Chairman

Marjorie O. Rendell
Lewis A. Kaplan
R. David Proctor
Charles R. Breyer
Sarah S. Vance

IN RE: FAMILY DOLLAR STORES, INC., WAGE AND HOUR EMPLOYMENT PRACTICES LITIGATION MDL No. 1932

SCHEDULE A

Southern District of Florida

SAMUEL, ET AL. v. FAMILY DOLLAR STORES OF FLORIDA, INC., C.A. No. 0:11-62560 (W.D. North Carolina C.A. No. 12-1951)

Northern District of Georgia

LAPIERRE v. FAMILY DOLLAR STORES OF GEORGIA, INC., C.A. No. 3:14-00043 (W.D. North Carolina C.A. No. 14-1954)