

**UNITED STATES JUDICIAL PANEL**  
**on**  
**MULTIDISTRICT LITIGATION**

**IN RE: FAMILY DOLLAR STORES, INC., WAGE  
AND HOUR EMPLOYMENT PRACTICES LITIGATION**

MDL No. 1932

**ORDER DENYING TRANSFER**

**Before the Panel:**\* Defendant Family Dollar Stores of Florida, Inc. (Family Dollar) moves under 28 U.S.C. 1407(c) to transfer five actions pending in the Southern District of Florida to the Western District of North Carolina for inclusion in MDL No. 1932. Plaintiffs in the actions, which are listed on Schedule A, oppose the motion.

The actions now before us are undoubtedly factually related to the MDL proceedings, given that they involve the issue of misclassification of Family Dollar Store Managers. In fact, some of the plaintiffs previously attempted to opt in to actions pending in the MDL. Based on our review of the progress of this litigation, however, and in close consultation with the transferee judge, we conclude that transferring these actions to MDL No. 1932 is not necessary to achieve the just and efficient conduct of this litigation. *See* 28 U.S.C. § 1407(a).

We previously have observed, “multidistrict litigation is not static.” *See* MDL No. 1769, *In re: Seroquel Prods. Liab. Litig.*, Order Vacating Conditional Transfer Order, at 1 (Feb. 5, 2010) (J.P.M.L. doc. no. 344). The relative merits of transferring new tag-along actions to an MDL can change over time, as the transferee court completes its primary tasks. The point at which the advantages of continuing to transfer tag-along actions outweigh the disadvantages is never absolutely clear. *See id.* Yet, after a certain point, the benefits of transfer should not be assumed to continue. *Id.* We are of the opinion that this MDL has reached that point.

Thus, after considering the argument of counsel, we deny defendant’s motions to transfer. The Panel ordered centralization in this docket in April 2008. *See In re: Family Dollar Stores, Inc., Wage and Hour Litig. Employment Pracs. Litig.*, 545 F. Supp. 2d 1363 (J.P.M.L. 2008). In its current posture, virtually all common pretrial matters have been addressed, and the litigation has focused on individual issues as presented in cross motions for summary judgment. In his capacity as the transferee judge, Judge Graham C. Mullen has expended considerable effort in resolving these motions. As a result, only two individual actions remain in the MDL. Adding more cases to this MDL proceeding at this time, in our view, would delay the resolution of this MDL unnecessarily.

In reaching this conclusion, we observe that the presiding judges in the five actions may find useful guidance in Judge Mullen’s pretrial rulings. Further, although we deny transfer, we nevertheless

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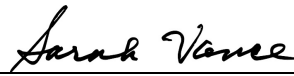
\* Judge Charles R. Breyer did not participate in the decision of this matter.

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encourage the parties to pursue alternative approaches, should the need arise, to minimize the potential for duplicative discovery and inconsistent pretrial rulings. *See, e.g., In re Eli Lilly and Co. (Cephalexin Monohydrate) Pat. Litig.*, 446 F.Supp. 242, 244 (J.P.M.L. 1978); *see also* MANUAL FOR COMPLEX LITIG., FOURTH, § 20.14 (2004).

IT IS THEREFORE ORDERED that the motions for transfer of the actions listed on Schedule A are DENIED.

PANEL ON MULTIDISTRICT LITIGATION



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Sarah S. Vance  
Chair

Marjorie O. Rendell  
Ellen Segal Huvelle  
Catherine D. Perry

Lewis A. Kaplan  
R. David Proctor

**IN RE: FAMILY DOLLAR STORES, INC., WAGE  
AND HOUR EMPLOYMENT PRACTICES LITIGATION**

MDL No. 1932

**SCHEDULE A**

Southern District of Florida

BEDFORD v. FAMILY DOLLAR STORES OF FLORIDA, INC., S.D. Florida,  
C.A. No. 0:14-61993

SANFORD v. FAMILY DOLLAR STORES OF FLORIDA, INC., S.D. Florida,  
C.A. No. 0:14-61994

RANDALL v. FAMILY DOLLAR STORES OF FLORIDA, INC., S.D. Florida,  
C.A. No. 0:14-62285

MCGEE v. FAMILY DOLLAR STORES OF FLORIDA, INC., S.D. Florida,  
C.A. No. 2:14-14370

MARTONE v. FAMILY DOLLAR STORES OF FLORIDA, INC., S.D. Florida,  
C.A. No. 2:14-14371