

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

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

Andrea Samuel, et al. v. Family Dollar Stores of Florida, Inc.,        )  
S.D. Florida, C.A. No. 0:11-62560                                                )        MDL No. 1932

**TRANSFER ORDER**

**Before the Panel:**\* Pursuant to Panel Rule 7.1, plaintiffs in an action pending in the Southern District of Florida (*Samuel*) move to vacate our orders that conditionally transferred their action to MDL No. 1932. Defendant Family Dollar Stores of Florida, Inc. opposes the motion.

After considering all arguments of counsel, we find that *Samuel* involves common questions of fact with the actions previously transferred to MDL No. 1932, and that transfer will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. Moreover, transfer is warranted for reasons set out in our order directing centralization. In that order, we held that the Western District of North Carolina was an appropriate Section 1407 forum for actions sharing factual questions arising from allegations that Family Dollar Stores, Inc.'s store managers are entitled to overtime pay under the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* See *In re Family Dollar Stores, Inc., Wage and Hour Litig. Employment Pracs. Litig.*, 545 F.Supp. 2d 1363 (J.P.M.L. 2008). This action contains FLSA claims brought by former Family Dollar Store managers, who contend that they were erroneously classified as exempt from overtime requirements, and clearly falls within the MDL's ambit.

In opposing transfer, plaintiffs argue, *inter alia*, that their action is directed at Family Dollar Stores of Florida, Inc., but not its parent company, Family Dollar Stores, Inc., which is the primary defendant in the centralized proceedings. We respectfully disagree that this distinction merits denial of transfer. Instead, we are persuaded that this action will benefit from the framework provided by the centralized proceedings for discovery and motion practice. Further, we note that we have previously transferred an action naming only Family Dollar Stores of Florida, Inc., to the MDL. See Conditional Transfer Order No. 11, Doc. No. 86 (June 1, 2011) (transferring *Hamilton v. Family Dollar Stores of Fla., Inc.*, C.A. No. 0:11-cv-60856, S.D. Fla.). To the extent plaintiffs contend that their action should not be transferred because it is subject to Eleventh Circuit precedent, the Panel has long held that, when determining whether to transfer an action under Section 1407, it does not consider what law the transferee court might apply. See *In re Gen. Motors Class E Stock Buyout Sec. Litig.*, 696 F.Supp. 1546, 1547 (J.P.M.L. 1988).

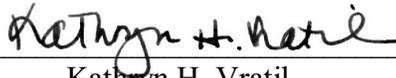
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\* Judge John G. Heyburn II did not participate in the decision of this matter.

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IT IS THEREFORE ORDERED that pursuant to 28 U.S.C. § 1407, this action is transferred to the Western District of North Carolina and, with the consent of that court, assigned to the Honorable Graham C. Mullen for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



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Kathryn H. Vratil  
Acting Chairman

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