

**UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION**

**IN RE: CHECKING ACCOUNT OVERDRAFT LITIGATION**

Imani House, LLC, et al. v. Regions Financial Corporation	)	
N.D. Georgia, No. 1:12-00270	)	
Todd Byrd, et al. v. SunTrust Bank,	)	MDL No. 2036
W.D. Tennessee, No. 2:12-02314	)	

**ORDER VACATING CONDITIONAL TRANSFER ORDERS**

**Before the Panel:** Pursuant to Rule 7.1, defendants Regions Financial Corporation (Regions) and SunTrust Bank separately move to vacate the Panel’s orders conditionally transferring their respective actions (*Imani House* and *Byrd*) to the Southern District of Florida for inclusion in MDL No. 2036. No party responded to Regions’ motion. The *Byrd* plaintiffs responded in support of SunTrust’s motion.

After considering all argument of counsel, we will grant these unopposed motions. With respect to *Imani Bank*, Regions argues, without contradiction, that the disposition of its pending motion to compel arbitration is controlled by *Hough v. Regions Fin. Corp.*, 672 F.3d 1224 (11<sup>th</sup> Cir. 2012), wherein the Court of Appeals for the Eleventh Circuit held that other Regions customers were compelled to arbitrate overdraft claims similar or identical to those of the *Imani House* plaintiffs. With the agreement of plaintiffs, *Imani House* is currently administratively stayed pending the conclusion of all appellate proceedings in *Hough* (including the filing, if any, of a petition for a writ of *certiorari*). Accordingly, transferring *Imani House* at this juncture would serve little, if any, purpose, as the stay would almost certainly remain in place.<sup>1</sup>

With respect to *Byrd*, we note that although we previously transferred a similar action (*Buffington*) against SunTrust to the MDL, the Eleventh Circuit has since held, as it did in *Hough*, that those plaintiffs also are compelled to arbitrate their overdraft claims. *See Buffington v. SunTrust Banks*, 459 F. App’x 855 (11<sup>th</sup> Cir. 2012). There is thus no ongoing litigation in the MDL involving SunTrust. Moreover, SunTrust represents that it participated in only minimal discovery in the MDL during the period of *Buffington*’s pendency therein. In these circumstances, we conclude that transfer of *Byrd* would not necessarily serve the purposes of our governing statute. *See* 28 U.S.C. § 1407(a).

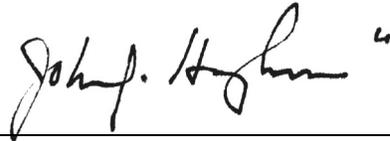
---

<sup>1</sup> In the event that *certiorari* is granted and the Eleventh Circuit’s decision reversed, the parties should re-notify the Panel of the pendency of the action as a potential tag-along.

- 2 -

IT IS THEREFORE ORDERED that the Panel's conditional transfer orders designated as "CTO-45" and "CTO-46" are vacated insofar as they relate to these actions.

PANEL ON MULTIDISTRICT LITIGATION



---

John G. Heyburn II  
Chairman

Kathryn H. Vratil  
Barbara S. Jones  
Marjorie O. Rendell

W. Royal Furgeson, Jr.  
Paul J. Barbadoro  
Charles R. Breyer