

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: TOYOTA MOTOR CORP. UNINTENDED
ACCELERATION MARKETING, SALES PRACTICES,
AND PRODUCTS LIABILITY LITIGATION**

Scott E. Casey, et al. v. Toyota Motor Sales USA, Inc.,)
et al., N.D. Texas, C.A. No. 3:11-3043)

MDL No. 2151

ORDER VACATING CONDITIONAL TRANSFER ORDER

Before the Panel:* Pursuant to Panel Rule 7.1, plaintiffs in this Northern District of Texas action (*Casey*) move to vacate our order that conditionally transferred this action to MDL No. 2151. Defendants CTS Corp., Toyota Motor Corp., Toyota Motor Engineering and Manufacturing North America, Inc., Toyota Motor Manufacturing Indiana Inc., and Toyotetsu America Inc. (collectively Toyota) oppose the motion to vacate and favor inclusion of this action in MDL No. 2151.

The Panel originally centralized in MDL No. 2151 actions sharing questions of fact arising from an alleged defect in certain Toyota vehicles that causes sudden, unintended acceleration. *See In re: Toyota Motor Corp. Unintended Acceleration Mktg., Sales Practices, and Prods. Liab. Litig.*, 704 F. Supp. 2d 1379, 1381 (J.P.M.L. 2010). The parties now before the Panel strongly contest whether this action shares sufficient factual questions with the actions in the MDL such that transfer would promote the just and efficient conduct of this action and the litigation as a whole.

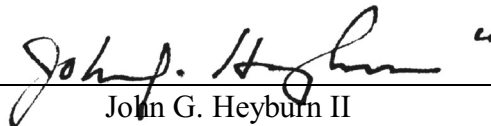
Plaintiffs insist that their action alleges defects in the braking system of the subject Toyota vehicle that are unrelated to unintended acceleration, while defendants claim that plaintiffs' theory of the defects in the braking system are inevitably tied to the question of whether the subject vehicle was also experiencing unintended acceleration at the time of the incident. Whether plaintiffs can continue to successfully avoid any overlapping discovery and pretrial proceedings with MDL No. 2151 may be questionable. Regardless, proceedings in *Casey* are advanced to the point that we are persuaded that transfer would not promote the just and efficient conduct of this action. Discovery is nearly complete in *Casey*, including expert discovery. Consequently, after considering all argument of counsel, we conclude that inclusion of this action in MDL No. 2151 would not necessarily serve the convenience of the parties and witnesses or promote the just and efficient conduct of the litigation.

* Certain Panel members who could be members of the putative classes in this docket have renounced their participation in these classes and have participated in the decision.

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IT IS THEREFORE ORDERED that the Panel's conditional transfer order designated as "CTO-55" is vacated.

PANEL ON MULTIDISTRICT LITIGATION



A handwritten signature in black ink, reading "John G. Heyburn II", is positioned above a horizontal line. The signature is written in a cursive style with a double underline at the end.

John G. Heyburn II
Chairman

Kathryn H. Vratil
Paul J. Barbadoro
Charles R. Breyer

W. Royal Furgeson, Jr.
Marjorie O. Rendell
Lewis A. Kaplan