

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

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

MDL No. 2151

TRANSFER ORDER

Before the Panel: * *Pro se* plaintiff in the action listed on Schedule A (*Richard*) moves under Panel Rule 7.1 to vacate our order conditionally transferring the action to MDL No. 2151. Defendants Toyota Motor Sales USA, Inc., and Toyota Motor Engineering and Manufacturing North America, Inc. (together, Toyota) oppose the motion to vacate.

After considering the argument of counsel, we find this action involves common questions of fact with the actions previously transferred to MDL No. 2151, and that transfer under 28 U.S.C. § 1407 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. Like many of the already-centralized actions, *Richard* involves factual questions 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).

In support of the motion to vacate, plaintiff argues, *inter alia*, that (1) her action is unique because she alleges personal injury rather than economic damages, (2) the claims date for the MDL No. 2151 settlement has passed, (3) Toyota improperly notified the Panel of *Richard* as a potential tag-along action, and (4) transfer would cause her inconvenience and undue delay. Plaintiff alleges that her vehicle experienced sudden, unintended acceleration, resulting in a crash. Despite plaintiff's arguments otherwise, there are a number of personal injury actions that have been and are pending in MDL No. 2151. Toyota has identified a similar personal injury action that was transferred by the Panel from Indiana to the MDL, and that, like *Richard*, involved a Toyota Prius. The settlement to which plaintiff refers was a class settlement of claims involving economic loss, not personal injury. The personal injury actions in MDL No. 2151 have gone forward, and many have been resolved through an intensive settlement program (ISP).

Toyota was obligated under Panel Rule 7.1(a) to notify the Panel of the *Richard* action. Plaintiff asserts that Toyota has violated the Health Insurance Portability and Accountability Act by attaching the complaint to its notice to the Panel. But the information in the complaint is a matter

* Judge Lewis A. Kaplan and Judge Catherine D. Perry took no part in the decision of this matter.

-2-

of public record, as the complaint was not filed under seal in the Southern District of Indiana and is publicly available.

The Panel has held repeatedly that, while transfer of a particular action might inconvenience some parties to that action, such a transfer often is necessary to further the expeditious resolution of the litigation taken as a whole. *See, e.g., In re: Crown Life Premium Litig.*, 178 F. Supp. 2d 1365, 1366 (J.P.M.L. 2001). Indeed, transfer may benefit plaintiff by providing her access to the common discovery already produced in the litigation. Toyota represents that liaison counsel in the MDL has assisted other *pro se* plaintiffs in navigating the ISP process.

IT IS THEREFORE ORDERED that the action listed on Schedule A is transferred to the Central District of California and, with the consent of that court, assigned to the Honorable James V. Selna for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



Sarah S. Vance
Chair

Marjorie O. Rendell
Ellen Segal Huvelle

Charles R. Breyer
R. David Proctor

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AND PRODUCTS LIABILITY LITIGATION**

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SCHEDULE A

Southern District of Indiana

RICHARD v. TOYOTA MOTOR CORP., ET AL., C.A. No. 1:15-01931