

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

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

Jerry W. Lee, et al. v. Toyota Motor Sales, U.S.A., Inc.,)	
et al., S.D. Mississippi, C.A. No. 3:13-00148)	
Mary Caldwell v. Toyota Motor Sales, U.S.A., Inc., et al.,)	MDL No. 2151
S.D. Mississippi, C.A. No. 3:13-00149)	

TRANSFER ORDER

Before the Panel:* Pursuant to Panel Rule 7.1, plaintiffs in these Southern District of Mississippi actions move to vacate our order that conditionally transferred their respective actions to MDL No. 2151. Responding defendants Toyota Motor Engineering & Manufacturing North America, Inc., Toyota Motor North America, Inc., and Toyota Motor Sales, U.S.A., Inc. (collectively Toyota) oppose the motions and favor inclusion of these actions in MDL No. 2151.

After considering all argument of counsel, we find these actions involve common questions of fact with the actions previously transferred to MDL No. 2151, 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 Central District of California was an appropriate Section 1407 forum for actions sharing 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). These actions involve injuries from Toyota vehicles that allegedly experienced sudden, unintended acceleration, and clearly fall within the MDL's ambit.

In support of their motions to vacate, plaintiffs argue that these actions were improperly removed and plaintiffs' motions to remand to state court are pending. The Panel often has held that

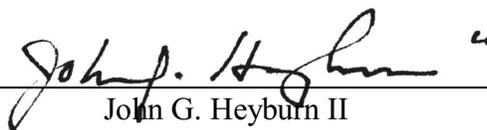
* Certain Panel members who could be members of the putative classes in this docket have renounced their participation in these classes and have participated in the decision.

-2-

jurisdictional issues do not present an impediment to transfer.¹ *See, e.g., In re: Prudential Ins. Co. of Am. Sales Practices Litig.*, 170 F. Supp. 2d 1346, 1347-48 (J.P.M.L. 2001).

IT IS THEREFORE ORDERED that pursuant to 28 U.S.C. § 1407, these actions are 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 occurring there in this docket.

PANEL ON MULTIDISTRICT LITIGATION



John G. Heyburn II

Chairman

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

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

¹ Moreover, under Panel Rule 2.1(d), the pendency of a conditional transfer order does not limit the pretrial jurisdiction of the court in which the subject action is pending. Between the date a remand or other motion is filed and the date the Panel finalizes transfer of the action to the MDL, a court wishing to rule upon that motion generally has adequate time to do so.