

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: CAMP LEJEUNE, NORTH CAROLINA
WATER CONTAMINATION LITIGATION

MDL No. 2218

TRANSFER ORDER

Before the Panel:* Plaintiff in the action listed on Schedule A (*Rivera*) moves under Panel Rule 7.1 to vacate our order conditionally transferring the action to MDL No. 2218. Defendant the United States opposes 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. 2218, 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, *Rivera* involves factual questions arising from alleged death or injuries due to contaminated drinking water on the Marine Corps Base at Camp Lejeune, North Carolina. *See In re: Camp Lejeune, North Carolina Water Contamination Litig.*, 763 F. Supp. 2d 1381, 1381 (J.P.M.L. 2011).

In support of the motion to vacate, plaintiff argues that her action is unique because the MDL No. 2218 actions concern water contamination in the Tarawa Terrace area of Camp Lejeune, while *Rivera* alleges separate contamination in the Hadnot Point area and a government cover up of that contamination. Contrary to plaintiff's arguments, several MDL No. 2218 actions include allegations of contamination at Hadnot Point. *See, e.g., Edwards* Compl. at ¶ 50, 1:11-cv-00786 (transferred from the Northern District of Alabama as part of the Panel's initial order of centralization in this litigation). In fact, plaintiff's counsel represents another plaintiff in an action transferred to MDL No. 2218 without objection in 2011, which includes allegations of contamination in the Hadnot Point area. *See Wright* Compl. at ¶ 31, 1:11-cv-02992. Similarly, actions already in the MDL allege, as *Rivera* does, a cover up by the United States. *See, e.g., Edwards* Compl. at ¶ 53. Pretrial proceedings in the MDL No. 2218 actions to date appear to involve the contamination of the Camp Lejeune water supply generally, without focus on any particular area.

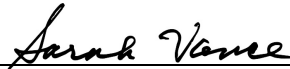
Plaintiff also argues that her action should not be included in centralized proceedings because she advances a unique legal theory with respect to the North Carolina statute of repose. But Section 1407 transfer does not require a complete identity or even a majority of common factual and legal issues. *See, e.g., In re: Satyam Computer Servs., Ltd., Sec. Litig.*, 712 F. Supp. 2d 1381, 1382 (J.P.M.L. 2010).

* Judge Charles R. Bryer took no part in the decision of this matter.

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IT IS THEREFORE ORDERED that the action listed on Schedule A is transferred to the Northern District of Georgia and, with the consent of that court, assigned to the Honorable Thomas W. Thrash, Jr., for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



Sarah S. Vance

Chair

Marjorie O. Rendell
Ellen Segal Huvelle
Catherine D. Perry

Lewis A. Kaplan
R. David Proctor

**IN RE: CAMP LEJEUNE, NORTH CAROLINA
WATER CONTAMINATION LITIGATION**

MDL No. 2218

SCHEDULE A

Eastern District of North Carolina

RIVERA v. UNITED STATES OF AMERICA, C.A. No. 5:15-00402