

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: TRIBUNE COMPANY FRAUDULENT
CONVEYANCE LITIGATION**

EGI-TRB LLC, et al. v. ABN AMRO Clearing Chicago LLC,)
et al., N.D. Illinois, C.A. No. 1:12-01315) MDL No. 2296

TRANSFER ORDER

Before the Panel:* Pursuant to Panel Rule 7.1, plaintiffs move to vacate our order conditionally transferring their action to MDL No. 2296. Scottrade, Inc., filed a brief in opposition to plaintiffs' motion, but has since been dismissed from the action.

In opposing transfer, plaintiffs cite their motion for remand to state court, which is currently pending before the Northern District of Illinois court. As we have frequently held, however, the pendency of such a motion is generally not a sufficient reason to warrant vacating a conditional transfer order. Panel Rule 2.1(d) expressly provides that the pendency of a conditional transfer order does not limit the pretrial jurisdiction of the putative transferor court. Between the date a remand motion is filed and the date the Panel finalizes transfer of the action to the MDL, a court wishing to rule upon a remand motion generally has adequate time in which to do so. Plaintiffs can present their pending motion to the transferee judge. *See, e.g., In re Ivy*, 901 F.2d 7 (2d Cir. 1990); *In re Prudential Ins. Co. of America Sales Practices Litig.*, 170 F. Supp. 2d 1346, 1347-48 (J.P.M.L. 2001).

After considering all argument of counsel, we find that this action involves common questions of fact with actions in this litigation previously transferred to MDL No. 2296, 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 original order directing centralization. In that order, we held that the Southern District of New York was an appropriate Section 1407 forum for actions "aris[ing] out of [Tribune Company's] 2007 leveraged buyout (LBO), its 2008 Chapter 11 bankruptcy filing, and the impact of the LBO and bankruptcy on the Tribune's

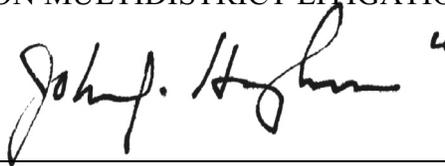
* Judge Kathryn H. Vratil took no part in the decision of this matter. More than two other Panel members have interests that would normally disqualify them under 28 U.S.C. § 455 from participating in the decision of this matter. Accordingly, the Panel invoked the Rule of Necessity and all Panel members, with the exception of Judge Vratil, participated in the decision of this matter in order to provide the forum created by the governing statute, 28 U.S.C. § 1407. *See In re Adelpia Commc'ns Corp. Sec. & Derivative Litig.*, 273 F. Supp. 2d 1353 (J.P.M.L. 2003); *In re Wireless Tel. Radio Frequency Emissions Prods. Liab. Litig.*, 170 F. Supp. 2d 1356 (J.P.M.L. 2001).

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creditors.” *See In re Tribune Co. Fraudulent Conveyance Litig.*, — F. Supp. 2d —, 2011 WL 6740260, at *1 (J.P.M.L. Dec. 19, 2011). A review of plaintiffs’ complaint leaves no doubt that this action shares factual issues with the earlier-transferred actions. Indeed, plaintiffs make no argument to the contrary.

IT IS THEREFORE ORDERED that pursuant to 28 U.S.C. § 1407, this action is transferred to the Southern District of New York, and, with the consent of that court, assigned to the Honorable William H. Pauley III for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION

A handwritten signature in black ink, reading "John G. Heyburn II", positioned above a horizontal line.

John G. Heyburn II
Chairman

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

Barbara S. Jones
Marjorie O. Rendell