

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: STERICYCLE, INC., STERISAFE
CONTRACT LITIGATION**

MDL No. 2455

TRANSFER ORDER

Before the Panel: Plaintiffs in the three Middle District of Tennessee actions listed on the attached Schedule A move under Panel Rule 7.1 to vacate our order conditionally transferring the actions to the Northern District of Illinois for inclusion in MDL No. 2455. Defendant Stericycle, Inc., opposes the motion.

In support of their motion to vacate, the plaintiffs principally argue that their actions were improperly removed, and their motions for remand to state court are pending. The Panel often has held that jurisdictional issues do not present an impediment to transfer, as plaintiffs can present their arguments regarding those issues to the transferee judge.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).

After considering the argument of counsel, we find that these actions involve common questions of fact with actions transferred to MDL No. 2455, and that transfer will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. Like the actions in the MDL, these actions involve factual issues arising from Stericycle's alleged imposition of unauthorized and unjustified service charge increases, fees and surcharges on its customers. *See In re: Stericycle, Inc., Steri-safe Contract Litig.*, 959 F. Supp. 2d 1356, 1356 (J.P.M.L. 2013).

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 motion is filed and the date that transfer of the action to the MDL is finalized, a court generally has adequate time to rule on a remand motion if it chooses to do so.

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IT IS THEREFORE ORDERED that the actions listed on Schedule A are transferred to the Northern District of Illinois, and, with the consent of that court, assigned to the Honorable Milton I. Shadur for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION

A handwritten signature in cursive script, reading "Sarah S. Vance".

Sarah S. Vance
Chair

Marjorie O. Rendell
Lewis A. Kaplan
R. David Proctor

Charles R. Breyer
Ellen Segal Huvelle
Catherine D. Perry

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SCHEDULE A

Middle District of Tennessee

CARTER, ET AL. v. STERICYCLE, INC., C.A. No. 3:16-03278
HILLSBORO ANIMAL HOSPITAL, LLC. v. STERICYCLE, INC.,
C.A. No. 3:16-03279
MACQUARRIE v. STERICYCLE, INC., C.A. No. 3:16-03280