

**UNITED STATES JUDICIAL PANEL**  
**on**  
**MULTIDISTRICT LITIGATION**

**IN RE: INTRAMTA SWITCHED ACCESS  
CHARGES LITIGATION**

MDL No. 2587

**TRANSFER ORDER**

**Before the Panel:** Plaintiff Sprint Communications Company L.P. (Sprint) and numerous defendants move under Panel Rule 7.1 to vacate the Panel's orders conditionally transferring a total of eight actions, which are listed on the attached Schedule A, to MDL No. 2587.

As to two District of South Dakota actions, defendant local exchange carriers (LECs)<sup>1</sup> move to vacate the Panel's order conditionally transferring the actions; plaintiff Sprint in the District of South Dakota *Sprint* action also seeks to vacate the conditional transfer as to that action. Plaintiffs MCI Communications Services, Inc., and Verizon Select Services Inc. (Verizon) oppose the motion to vacate as to the District of South Dakota *Verizon* action. These motions and all other motions are opposed by the Windstream LEC defendants<sup>2</sup> in other MDL No. 2587 actions, as well as MDL No. 2587 defendant CenturyLink, Inc. and the AT&T LEC defendants.<sup>3</sup>

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<sup>1</sup> Alliance Communications Cooperative, Inc.; RC Communications, Inc.; Venture Communications Cooperative; Western Telephone Company; Brookings Municipal Utilities d/b/a Swiftel Communications; Fort Randall Telephone Company; Golden West Telecommunications Cooperative, Inc.; James Valley Cooperative Telephone Company; Jefferson Telephone Company, LLC; Northern Valley Communications, LLC; Santel Communications Cooperative, Inc.; and TrioTel Communications, Inc. (the South Dakota LECs). Defendants Farmers Mutual Telephone Company and Knology Community Telephone, Inc., did not join the motion to vacate.

<sup>2</sup> Forty-five Windstream commonly-owned affiliates are defendants in 22 actions that were either transferred or subject to one of the CTOs. Windstream opposes motions to vacate that have been filed in eight actions, though Windstream is party only to the S.D. Ohio action filed by Verizon.

<sup>3</sup> BellSouth Telecommunications, LLC; Illinois Bell Telephone Company; Indiana Bell Telephone Company, Inc.; The Ohio Bell Telephone Company; Wisconsin Bell, Inc.; AT&T Communications of Texas, LLC; AT&T Communications of Virginia, LLC; Teleport Communications of America, LLC; Teleport Communications Atlanta, Inc.; Teleport Communications Group, Inc.; Pacific Bell Telephone Company; Michigan Bell Telephone Company; Southwestern Bell Telephone Company; Nevada Bell Telephone Company; T.C.G. of South Florida, Inc.; and AT&T Communications of New York, Inc.

- 2 -

As to two Southern District of Ohio actions, defendant LECs<sup>4</sup> also move to vacate the Panel's order conditionally transferring their actions to MDL No. 2587. Plaintiff Sprint supports the motion to vacate as to the Southern District of Ohio *Sprint* action. Plaintiff Verizon opposes the motion to vacate as to the Southern District of Ohio *Verizon* action.

Finally, Sprint moves to vacate the Panel's orders conditionally transferring to MDL No. 2587 the three actions pending in the Eastern District of Missouri and the action in the District of North Dakota. The Verizon LEC defendants in the three Eastern District of Missouri actions join the motions as to those actions.

After considering the argument of counsel, we find these actions involve common questions of fact with the actions previously transferred to MDL No. 2587, 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. Moreover, transfer is warranted for the reasons set out in our order directing centralization. In that order, we held that the Northern District of Texas was an appropriate transferee forum for actions sharing allegations that defendant LECs improperly billed plaintiffs Verizon and Sprint for switched access charges for IntraMTA calls—calls originated and terminated in the same major trading area. *See In re: IntraMTA Switched Access Charges Litig.*, \_\_\_ F. Supp. 3d \_\_\_, 2014 WL 7263472 (J.P.M.L. Dec. 16, 2014). Like the MDL actions, these eight actions are brought by Sprint or Verizon against varying defendants and involve similar alleged injuries and legal claims.

The LEC defendants in the District of South Dakota and the Southern District of Ohio actions and Sprint in the District of North Dakota action, argue that centralization in the MDL will inconvenience them because they are smaller than LEC defendants such as Century Link. When we decided to centralize this litigation, we rejected similar arguments made by various non-CenturyLink LECs. We wrote:

Several smaller LEC defendants argue that centralization will be inconvenient. We find that the sheer number of parties and courts involved here favors Section 1407 centralization rather than informal coordination. Moreover, while transfer of a particular action might inconvenience some parties to that action, such transfer often is necessary to further the expeditious resolution of the litigation taken as a whole.

*In re: IntraMTA*, 2014 WL 7263472 at \*2 (citations omitted). Transfer of these five actions is consistent with the Panel's original transfer order. Further, transfer also will allow for the streamlined resolution of Sprint and Verizon's similar claims against multiple LECs, given that the MDL has quickly grown to encompass Sprint and Verizon's claims against numerous non-CenturyLink entities, which are defendants in the dozens of actions against non-CenturyLink LECs that have been transferred to the MDL. Our observation that centralization "will lessen the risk of inconsistent pretrial rulings on, for

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<sup>4</sup> Chillicothe Telephone Co., Minford Telephone Company, and Cincinnati Bell Telephone Company LLC (the Ohio LECs).

-3-

example, whether certain legal issues in this litigation should be referred to the Federal Communications Commission,” *Id.*, applies to these actions with equal force.

Sprint and Verizon – the principal plaintiffs in MDL No. 2587 – oppose transfer of the three Eastern District of Missouri actions that Sprint has brought against Verizon. Sprint and Verizon argue that they are exploring a global settlement of the claims that they have brought against each other in the Eastern District of Missouri actions. We find it more efficient to transfer these clearly factually related actions to the transferee court, where they can proceed alongside the two related actions containing similar claims that are already pending in MDL No. 2587. *See MCI Communications Services Inc. v. ACN Communications Services*, E.D. Texas, C.A. No. 3:14-cv-04561 (originally filed in N.D. Ga.); *Sprint Communications Company L.P. v. Southwestern Bell Telephone Company, et al.*, E.D. Texas, C.A. No. 3:15-cv-114 (originally filed in E.D. Missouri). The parties are free, of course, to proceed with their settlement negotiations in N.D. Texas. Moreover, if he deems it appropriate, the transferee judge can recommend Section 1407 remand of these cases in advance of other actions. *See In re: ClassicStar Mare Lease Litig.*, 528 F. Supp. 2d 1345, 1347 (J.P.M.L. 2007).

IT IS THEREFORE ORDERED that these actions are transferred to the Northern District of Texas and, with the consent of that court, assigned to the Honorable Sidney A. Fitzwater for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



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Sarah S. Vance  
Chair

Marjorie O. Rendell  
Charles R. Breyer  
R. David Proctor

Lewis A. Kaplan  
Ellen Segal Huvelle  
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**SCHEDULE A**

Eastern District of Missouri

SPRINT COMMUNICATIONS COMPANY L.P. v. PACIFIC BELL TELEPHONE  
COMPANY, ET AL., C.A. No. 4:14-01750  
SPRINT COMMUNICATIONS COMPANY L.P. v. VERIZON NEW ENGLAND, INC.,  
ET AL., C.A. No. 4:14-01831  
SPRINT COMMUNICATIONS COMPANY L.P. v. VERIZON FLORIDA LLC,  
C.A. No. 4:14-01941

District of North Dakota

SPRINT COMMUNICATIONS COMPANY, L.P. v. DAKOTA CENTRAL  
TELECOMMUNICATIONS COOPERATIVE, INC., ET AL., C.A. No. 4:14-00065

Southern District of Ohio

SPRINT COMMUNICATIONS COMPANY L.P. v. CHILLICOTHE TELEPHONE  
COMPANY, ET AL., C.A. No. 2:14-00610  
MCI COMMUNICATIONS SERVICES, INC., ET AL. v. THE CHILLICOTHE TELEPHONE  
COMPANY, ET AL., C.A. No. 2:14-01457

District of South Dakota

SPRINT COMMUNICATIONS COMPANY, L.P. v. ALLIANCE COMMUNICATIONS  
COOPERATIVE, INC., ET AL., C.A. No. 4:14-04099  
MCI COMMUNICATIONS SERVICES, INC., ET AL. v. ALLIANCE COMMUNICATIONS  
COOPERATIVE, INC., ET AL., C.A. No. 4:14-04139