

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: TAKATA AIRBAG PRODUCTS
LIABILITY LITIGATION

MDL No. 2599

ORDER DENYING REMAND

Before the Panel:* Plaintiff in the action (*Reid*) listed on the attached Schedule A moves under Panel Rule 10.3 for Section 1407 remand of the action to the Eastern District of Texas. Responding defendants Ford Motor Company, TK Holdings Inc., and Highland Industries Inc. oppose the motion.

After considering the argument of counsel, we deny plaintiff's motion. The parties' arguments regarding Section 1407 remand are devoted entirely to the merits of plaintiff's pending motion for remand to state court. But the Panel has no authority to rule on whether *Reid* was properly removed. *See In re Ivy*, 901 F.2d 7, 9 (2d Cir. 1990) ("Section 1407 does not empower the MDL Panel to decide questions going to the jurisdiction or the merits of a case . . ."). The parties can present their arguments to the transferee judge, the Honorable Federico A. Moreno. *See In re: Prudential Ins. Co. of Am. Sales Practices Litig.*, 170 F. Supp. 2d 1346, 1347 (J.P.M.L. 2001) ("[R]emand motions can be presented to and decided by the transferee judge.").

We also note that plaintiff filed this Section 1407 motion without first seeking a suggestion of remand from Judge Moreno. As Panel Rule 10.3(a) counsels, we are "reluctant to order remand absent the suggestion of the transferee judge." Indeed, a party moving for Section 1407 remand without such a suggestion "bears a strong burden of persuasion." *In re: Air Crash Disaster in Ionian Sea on Sept. 8, 1974*, 438 F. Supp. 932, 934 (J.P.M.L. 1977). Plaintiff has not met that burden here.

IT IS THEREFORE ORDERED that the motion for Section 1407 remand of *Reid* is denied.

PANEL ON MULTIDISTRICT LITIGATION



Sarah S. Vance
Chair

Charles R. Breyer
Catherine D. Perry

R. David Proctor

* Judge Marjorie O. Rendell, Judge Lewis A. Kaplan, and Judge Ellen Segal Huvelle took no part in the decision of this matter.

**IN RE: TAKATA AIRBAG PRODUCTS
LIABILITY LITIGATION**

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SCHEDULE A

Eastern District of Texas

REID v. TAKATA CORPORATION, ET AL., C.A. No. 1:15-00335