

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

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

MDL No. 2599

TRANSFER ORDER

Before the Panel:* Plaintiffs in the District of New Mexico action listed on the attached Schedule A (*Bustos*) move under Panel Rule 7.1 to vacate our order conditionally transferring the action to the Southern District of Florida for inclusion in MDL No. 2599. Responding defendant Ford Motor Company opposes the motion.

After considering the arguments of counsel, we find that *Bustos* involves common questions of fact with actions transferred to MDL No. 2599, and that transfer will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. The actions in the MDL “share factual questions arising from allegations that certain Takata-manufactured airbags are defective in that they can violently explode and eject metal debris, resulting in injury or even death.” *See In re: Takata Airbag Prods. Liab. Litig.*, 84 F. Supp. 3d 1371, 1372 (J.P.M.L. 2015). The *Bustos* action plainly involves those same questions, as plaintiffs allege that their decedent suffered severe and fatal injuries due to a purportedly defective restraint system, including the airbag, in his 2012 Ford Mustang, when it was struck by another vehicle in January 2016.

In opposition to transfer, plaintiffs principally raise jurisdictional objections to transfer. 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. *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).

Plaintiffs also contend that transfer will delay the resolution of their action, because the parties are in New Mexico, the accident at issue occurred in New Mexico, the bulk of the witnesses are in New Mexico, and certain discovery issues already have been ruled upon in the case. To the contrary, transfer almost certainly will inure to plaintiffs’ benefit, given the numerous other actions against Ford that have been involved in the MDL, the transferee judge’s familiarity with the issues, and the substantial discovery that has occurred in the centralized proceedings.

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

- 2 -

IT IS THEREFORE ORDERED that the *Bustos* action is transferred to the Southern District of Florida, and, with the consent of that court, assigned to the Honorable Federico A. Moreno for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



Sarah S. Vance

Chair

Marjorie O. Rendell
R. David Proctor

Charles R. Breyer
Catherine D. Perry

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

MDL No. 2599

SCHEDULE A

District of New Mexico

BUSTOS, ET AL. v. LUCERO, ET AL., C.A. No. 1:18-00058