

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: LUMBER LIQUIDATORS CHINESE-MANUFACTURED
FLOORING PRODUCTS MARKETING, SALES PRACTICES
AND PRODUCTS LIABILITY LITIGATION**

MDL No. 2627

TRANSFER ORDER

Before the Panel: Plaintiffs in the District of New Jersey action (*Hesney*), which is listed on the attached Schedule A, move under Panel Rule 7.1 to vacate the Panel's order conditionally transferring the action to MDL No. 2627. Defendant Lumber Liquidators, Inc., opposes the motion.

After considering the argument of counsel, we find that this action involves common questions of fact with the actions previously transferred to MDL No. 2627, 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 discussed in our order directing centralization. In that order, we held that the Eastern District of Virginia was an appropriate Section 1407 forum for actions sharing factual questions concerning the sale and marketing of Chinese-manufactured laminate flooring sold by defendant Lumber Liquidators. Despite being marketed as compliant with regulations of the California Air Resources Board and other applicable regulations, plaintiffs alleged that their laminate flooring emits illegal and unsafe levels of formaldehyde, a known carcinogen. *See In re: Lumber Liquidators Chinese-Manufactured Flooring Products Marketing, Sales Practices and Products Liability Litigation*, 109 F. Supp. 3d 1382 (J.P.M.L. 2015). This action involves allegations regarding the formaldehyde emissions from Chinese-manufactured laminate flooring installed in plaintiffs' home, and it clearly falls within the MDL's ambit.

Plaintiffs contend that the alleged formaldehyde exposure from defendants' flooring caused plaintiff husband to develop sinus nasal undifferentiated carcinoma, a rare cancer typically caused by formaldehyde exposure. While the typical MDL No. 2627 plaintiff seeks economic or statutory damages, defendants state that approximately 30 MDL actions involve allegations of personal injuries. Transfer of *Hesney* thus will allow the parties, their counsel and the judiciary to take advantages of the many efficiencies associated with transfer, including the avoidance of inconsistent pretrial rulings and duplicative discovery obligations. Further, transfer ensures that pretrial proceedings will be conducted in a streamlined manner leading to the just and expeditious resolution of all actions to the overall benefit of the parties.

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IT IS THEREFORE ORDERED that this action is transferred to the Eastern District of Virginia and, with the consent of that court, assigned to the Honorable Anthony J. Trenga for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



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

District of New Jersey

HESNEY, ET AL. V. LUMBER LIQUIDATORS, INC., C.A. No. 2:16-cv-04716