

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: GEICO TELEPHONE CLAIM
REPRESENTATIVES FAIR LABOR STANDARDS ACT
(FLSA) AND WAGE AND HOUR LITIGATION**

MDL No. 2746

ORDER DENYING TRANSFER

Before the Panel: Defendant Government Employees Insurance Company (GEICO) moves under 28 U.S.C. § 1407 to centralize pretrial proceedings in this litigation in the Eastern District of New York. This litigation consists of 149 actions pending in two districts, as listed on Schedule A. All plaintiffs oppose centralization of these actions.


On the basis of the papers filed and hearing session held, we conclude that centralization is not necessary for the convenience of the parties and witnesses or to further the just and efficient conduct of the litigation. These actions share allegations that GEICO fails to pay its telephone claim representative (TCR) employees wages for overtime in violation of the Fair Labor Standards Act. But the disparate procedural posture of these cases suggests that centralization would not result in an efficient outcome for this litigation. The 148 actions pending in the Eastern District of New York stem from the decertification of a collective action that has been pending since 2009. *See Harper v. GEICO*, C.A. No. 2:09-2254 (E.D.N.Y.). The parties to that action engaged in common discovery and pretrial motions practice, and a trial in *Harper* was scheduled to begin in September 2016. That action, along with the 148 actions that stem from it, now has been stayed pending mediation among all the Eastern District of New York plaintiffs and GEICO. In contrast, the Eastern District of Virginia *Clinton* action is in its nascent stages.

GEICO argues that a decision on certification of a collective action in the Eastern District of Virginia *Clinton* action could conflict with the decertification ruling in the *Harper* action. But *Clinton* proposes a much narrower collective class of TCRs limited to GEICO's Virginia Beach, Virginia location, than the decertified *Harper* action, which proposed a collective class of all TCRs employed by GEICO nationwide. Further, while *Clinton* will require pretrial motion practice regarding certification of a collective class, the individual actions in the Eastern District of New York will not, further increasing the procedural disparity among the actions. Given the advanced state of proceedings in those individual actions, that all actions are before two judges, and that there are only two groups of plaintiffs' counsel in all actions, informal coordination of the new Eastern District of Virginia action with the actions pending in the Eastern District of New York is feasible and a preferable alternative to centralization. *See In re: Dollar Tree Stores, Inc., Fair Labor Standards Act (FLSA) & Wage & Hour Litig.*, 829 F. Supp. 2d 1376, 1377 (J.P.M.L. 2011).

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IT IS THEREFORE ORDERED that the motion for centralization of these actions is denied.

PANEL ON MULTIDISTRICT LITIGATION



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Lewis A. Kaplan

R. David Proctor

Charles R. Breyer

Ellen Segal Huvelle

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**IN RE: GEICO TELEPHONE CLAIM
REPRESENTATIVES FAIR LABOR STANDARDS ACT
(FLSA) AND WAGE AND HOUR LITIGATION**

MDL No. 2746

SCHEDULE A

Eastern District of New York

ALGEA v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-01787

AULOV v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-01788

SCHOLL v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-01807

TENNENT v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-01809

BEHM v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-01815

BERNARD v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-01817

BROUSSARD v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-01827

DAVIS v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-01834

DANIELS v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-01854

BUTCHER v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-01860

CARACCIOLA v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-01863

CLINE v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-01874

BANK v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-01970

CARR v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-01971

CHAMBERS v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-01972

COPELAND v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-01974

CURRAN v. GOVERNMENT EMPLOYEES INSURANCE COMPANY
C.A. No. 2:16-01976

CROSBY v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-01977

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Eastern District of New York (Cont.)

DAVIS v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-01981

DEGOUVILLE v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-01983

BOARD v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-01990

DEAN v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-01991

DEODENE v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02076

EVANS v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02078

FLOYD v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02081

FULLER v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02083

GRIFFITH v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02084

HARVIN v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02086

HATTON v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02088

HAYES v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02092

BAKER v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02127

EISENBERG v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02129

IEZZA v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02131

JACOBS v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02132

JEDLICA v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02135

JOHNSON v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02136

KELLY v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02138

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MDL No. 2746 Schedule A (Continued)

Eastern District of New York (Cont.)

KUEHL v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02140

KUROV v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02142

LAUER v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02147

PICKETT v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02150

DRAPER MALLORY v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02160

HER v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02161

HERNANDEZ v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02162

HOYT v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02168

HUNT v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02169

MCCORMICK v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02173

MECABE v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02174

SAUNDERS v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02181

CALDERON v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02200

MCFADDEN v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02202

FELICIANO v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02237

FIGERT v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02242

HARRIS v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02246

HODGES v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02248

HARNED v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02306

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MDL No. 2746 Schedule A (Continued)

Eastern District of New York (Cont.)

HUFF v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02308

HUTTO v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02310

LUPO v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02341

MAGUIRE v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02344

MARLAR v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02347

MATTHEWS v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02351

MCCARTHY v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02352

MORROW v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02355

NYILAS v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02358

PATTERSON v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02361

BENJAMIN v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02406

BOWLIN v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02415

MYERS v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02416

PELLER v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02421

NELSON v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02423

RAK v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02424

ROBERTS v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02426

ROSS v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02428

JOSEPH v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02443

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MDL No. 2746 Schedule A (Continued)

Eastern District of New York (Cont.)

LEWIS-LAROSSA v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02444

MADISON-CONNER v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02445

MORALES v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02448

SCOTT v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02451

SIMPKIN v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02657

SKELTON v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02701

SMITH v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02702

SMITH v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02704

SMITH v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02705

KIRKLAND v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02734

MCCUMBER v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02736

SOMRA v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02738

SPENCER v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02739

SULLIVAN v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02761

TANNER v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02764

TORRES v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02766

VAN ORDEN v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02767

VELEZ v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02768

VOTTO v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02776

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MDL No. 2746 Schedule A (Continued)

Eastern District of New York (Cont.)

WAISOME v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02778

WARD v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02779

WELDON v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02782

SCHOTT v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02832

BANWARTH v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02882

ERDODY v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02884

HILL v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02885

ISAAC v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02887

KNOECK v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02889

RUTH v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02891

SIMMONS v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02898

TRUONG v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02900

WEST v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02902

WHITELY v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02903

WILLIAMS v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02904

WILLIAMS v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02912

WINTERS v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02915

WRIGHT v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02916

YOUNG v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02917

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ZINNO v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02918

RICKARDS v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02962

POTTINGER v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-02965

MIDDLEBROOKS v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-03003

MULLINS v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-03005

NAZARI v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-03007

AKERS v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-03030

ANDERSON v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-03031

DUBE v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-03032

GREER v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-03041

HERNANDEZ v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-03044

KEGHLIAN v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-03046

RILEY DIXON v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-03047

NESMITH v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-03055

NOMIKOS v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-03056

OBLAK v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-03088

RODRIGUEZ v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-03091

ROMERO v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-03104

SALIM v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-03106

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MDL No. 2746 Schedule A (Continued)

Eastern District of New York (Cont.)

TILLMAN v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-03109
YANCEY v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-03111
FORESMAN v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-03194
ACOSTA v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-03196
HOFFMAN v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-03198
MCDONALD v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-03200
ATKINSON v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-03204
MICHALIC v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-03280
MORGAN v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-03281
NANCE v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-03286
O'MALLEY v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-03289
RAMSEY v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-03304
MAY v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-03307
SOTO v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-03308
WHIDDON v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-03309
DOLFO v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-03312

Eastern District of Virginia

CLINTON, ET AL. v. GOVERNMENT EMPLOYEES INSURANCE COMPANY,
C.A. No. 2:16-00430