

Jul 06, 2011

FILED
CLERK'S OFFICE

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

GENERAL ORDER
AMENDING PANEL RULES 3.2(d), 5.1(a), AND 7.2(b)
AND MAKING OTHER TECHNICAL REVISIONS TO THE RULES

IT IS HEREBY ORDERED that the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation are amended as follows:

3.2(d) Courtesy Copy of Specified Pleadings. Counsel shall serve the Clerk of the Panel, for delivery within 1 business day of filing, with a courtesy paper copy of any of the following pleadings ~~within 1 business day of their filing~~: (i) a motion to transfer and its supporting brief; (ii) a response to a show cause order; (iii) a motion to vacate a conditional transfer order or a conditional remand order; (iv) any response, ~~or reply~~, supplemental information or interested party response related to those the pleadings listed in (i), (ii) and (iii); and (v) a corporate disclosure statement. No courtesy copies of any other pleadings are required. Courtesy copies of pleadings totaling 10 pages or less (including any attachments) may be faxed to the Panel. * * * (NOTE: The remainder of the rule regarding marking of courtesy copies and the mailing address is not affected.)

5.1(a) Requirements. ~~Any nongovernmental corporate party shall file a statement listing (i) all its parent, subsidiary, and other affiliate corporations, (ii) any publicly held company that owns 10% or more of the party's stock, and (iii) any publicly owned corporation, not a party to the matter, that has a financial interest in the outcome of the matter (e.g., by reason of insurance, a franchise agreement, or an indemnity agreement) and describing the nature of that interest. A corporation is an affiliate for purposes of this Rule if it controls, is under the control of, or is under common control with a publicly owned corporation. A nongovernmental corporate party must file a disclosure statement that: (1) identifies any parent corporation and any publicly held corporation owning 10% or more of its stock; or (2) states that there is no such corporation.~~

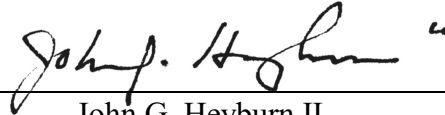
7.2(b). Failure to Serve. Failure to serve one or more of the defendants in a potential tag-along action with the complaint and summons as required by Rule 4 of the Federal Rules of Civil Procedure does not preclude transfer of such action under Section 1407. Such failure, however, may constitute grounds for denying the proposed transfer where prejudice can be shown. ~~The inability failure of the Clerk of the Panel to serve a CTO on all plaintiffs or defendants or their counsel shall not void the transfer but may constitute grounds for the Clerk to reinstate the CTO or for the aggrieved party to seek § 1407(c) remand as to such party where prejudice is shown.~~

IT IS FURTHER ORDERED that non-substantive technical revisions have been made to the following rules for clarity and/or consistency:

Rules 4.1(c), 6.2(d), 6.2(e), 7.1(a), 7.1(e), 10.2(a), 10.2(d), 10.3(c) and 25.2.

IT IS FURTHER ORDERED that these rule changes are effective July 6, 2011.

PANEL ON MULTIDISTRICT LITIGATION



John G. Heyburn II
Chairman

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