

**UNITED STATES JUDICIAL PANEL**  
**on**  
**MULTIDISTRICT LITIGATION**

**IN RE: TOYOTA MOTOR CORP. UNINTENDED  
ACCELERATION MARKETING, SALES PRACTICES,  
AND PRODUCTS LIABILITY LITIGATION**

MDL No. 2151

**TRANSFER ORDER**

**Before the Panel:**\* Plaintiff in the District of New Mexico *Maestas* action listed on the attached Schedule A moves under Panel Rule 7.1 to vacate the Panel’s order conditionally transferring the action to MDL No. 2151. Defendants Toyota Motor Corporation, Toyota Motor Sales, U.S.A., Inc., Toyota Motor Manufacturing, Indiana, Inc., Toyota Motor North America, Inc., and Toyota Motor Engineering & Manufacturing North America, Inc. (together, Toyota) oppose the motion to vacate.

After considering the arguments of counsel, we find that this action involves common questions of fact with the actions transferred to MDL No. 2151, 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. Plaintiff does not dispute that, like many of the already-centralized actions, the complaint in *Maestas* involves factual questions arising from an alleged defect in certain Toyota vehicles that causes sudden, unintended acceleration. *See In re Toyota Motor Corp. Unintended Acceleration Mktg., Sales Practices, and Prods. Liab. Litig.*, 704 F. Supp. 2d 1379, 1381 (J.P.M.L. 2010).

In support of his motion to vacate, plaintiff argues that his action is different from the MDL No. 2151 actions because most of his claims relate to non-unintended acceleration defects. He also alleges that the action was improperly removed to federal court, and that, because the case was in an advanced posture, it can proceed more efficiently in New Mexico state court.

We do not find these arguments persuasive. While plaintiff’s amended complaint includes allegations that the subject vehicle experienced defects in the airbag and seatbelt systems, plaintiff also alleges that the decedent experienced unintended acceleration and that Toyota vehicles have a “dangerous propensity ... to accelerate suddenly and intentionally....” *Maestas* Compl. at ¶ 101. The action, therefore, falls squarely within the MDL’s ambit. We have held that transfer of cases that allege both unintended acceleration and additional defects is appropriate. *See* Transfer Order, MDL No. 2151 (J.P.M.L. Nov. 30, 2010), ECF No. 177 (“Though plaintiff also alleges two defects in his vehicle that are not related to sudden, unintended acceleration, transfer under Section 1407 does not require a complete identity or even a majority of common factual or legal issues as a

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\* Judge Matthew F. Kennelly took no part in the decision of this matter.

prerequisite to transfer.”). If, after close scrutiny, the transferee judge determines that this action does not belong in the MDL, he can suggest that it be remanded with a minimum of delay. *See* Panel Rules 10.1-10.3. *See also* Suggestion of Remand, MDL No. 2151, ECF No. 342 (J.P.M.L. Nov. 7, 2011) (suggesting remand of actions outside the scope of MDL No. 2151, consistent with a prior Panel ruling).

We consistently have held that “jurisdictional objections, including objections to removal, are not relevant to transfer,” even where “plaintiffs assert that the removals were patently improper.” *In re Ford Motor Co. DPS6 PowerShift Transmission Prods. Liab. Litig.*, 289 F. Supp. 3d 1350, 1352 (J.P.M.L. 2018). Plaintiffs can present their remand arguments to the transferee court.<sup>1</sup>

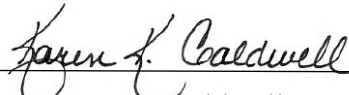
Plaintiff argues that proceedings in *Maestas* were advanced before removal, and the action would proceed more efficiently in state court. But vacatur would result in the action proceeding in the District of New Mexico, where the case was only recently removed, not in state court. Plaintiff argues that transfer would be inconvenient, and that he can benefit from the discovery already produced in the MDL without the need for Section 1407 transfer. We repeatedly have held that transfer of a particular action often is necessary to further the expeditious resolution of the litigation taken as a whole, even if it might inconvenience some parties to that action. *See, e.g., In re Crown Life Ins. Co. Premium Litig.*, 178 F. Supp. 2d 1365, 1366 (J.P.M.L. 2001). Transfer may benefit plaintiff by providing him access to the common discovery already produced in the MDL and will ensure consistent rulings on pretrial matters. The intensive settlement program administered in the transferee court appears to be highly successful, leading to the resolution of most MDL plaintiffs’ claims.

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<sup>1</sup> Panel Rule 2.1(d) expressly provides that the pendency of a conditional transfer order does not limit the pretrial jurisdiction of the court in which the subject action is pending. Between the date a remand motion is filed and the date that transfer of the action to the MDL is finalized, a court generally has adequate time to rule on a remand motion if it chooses to do so.

IT IS THEREFORE ORDERED that the action listed on Schedule A is transferred to the Central District of California and, with the consent of that court, assigned to the Honorable James V. Selna for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION

A handwritten signature in cursive script, reading "Karen K. Caldwell", is positioned above a horizontal line.

Karen K. Caldwell

Chair

Nathaniel M. Gorton  
Roger T. Benitez  
Madeline Cox Arleo

David C. Norton  
Dale A. Kimball

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**SCHEDULE A**

District of New Mexico

MAESTAS v. TOYOTA MOTOR CORP., ET AL., C.A. No. 1:24-01024