

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: Plaintiffs in the action listed on Schedule A move under Panel Rule 7.1 to vacate our order that conditionally transferred their action (*Daugherty*) to the Central District of California for inclusion in MDL No. 2151. Defendant Toyota Motor North America (Toyota) opposes the motion to vacate.

After considering the argument of plaintiffs and 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. Plaintiffs do not dispute that, like many of the already-centralized actions, the complaint in *Daugherty* 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).

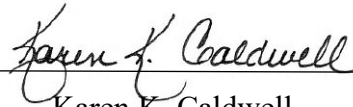
In support of the motion to vacate, plaintiffs argue that federal court jurisdiction is lacking, transfer would burden and inconvenience them, and plaintiffs can benefit from the discovery already produced in the MDL without the need for Section 1407 transfer. The Panel has held repeatedly that transfer 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 plaintiffs by providing them access to the common discovery already produced in the litigation and will ensure consistent rulings on pretrial matters. Plaintiffs argue that the MDL is a “black hole.” But the intensive settlement program administered in the transferee court appears to be highly successful, leading to the resolution of most plaintiffs’ claims. Plaintiffs argue that the Eastern District of Washington is better situated to apply relevant state law. But it is “within the very nature of coordinated or consolidated pretrial proceedings in multidistrict litigation for the transferee judge to be called upon to apply the law of more than one state.” *In re CVS Caremark Corp. Wage & Hour Emp’t Practices Litig.*, 684 F. Supp. 2d 1377, 1379 (J.P.M.L. 2010) (quotation omitted).

The Panel consistently has 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.¹

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



Karen K. Caldwell
Chair

Nathaniel M. Gorton
David C. Norton
Dale A. Kimball

Matthew F. Kennelly
Roger T. Benitez
Madeline Cox Arleo

¹ 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.

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

MDL No. 2151

SCHEDULE A

Eastern District of Washington

DAUGHERTY, ET AL. v. TOYOTA MOTOR SALES USA INC., C.A. No. 2:24-00067