

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

**IN RE: NATIONAL HOCKEY LEAGUE
PLAYERS' CONCUSSION INJURY LITIGATION**

MDL No. 2551

ORDER VACATING CONDITIONAL TRANSFER ORDER

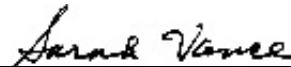
Before the Panel: Defendant National Hockey League moves under Panel Rule 7.1 to vacate our order conditionally transferring the action listed on Schedule A (*Ewen*) to the District of Minnesota for inclusion in MDL No. 2551. The *Ewen* plaintiff supports the motion.

After considering the arguments of counsel, we grant the motion. This MDL was created in August 2014, and is significantly advanced. Common discovery proceeded in the transferee court for several years, and the court denied class certification last year. According to the parties, only six of the 139 total claims involved in the MDL remain. Of these, two were transferred to the MDL under Section 1407. The transferee judge has before her a motion for suggestion of Section 1407 remand of those transferred claims, as well as motions to dismiss or transfer the other four claims that were directly filed in the transferee district. The *Ewen* plaintiff is represented by members of the MDL No. 2551 plaintiffs' executive committee and will have access to common discovery produced in the MDL. Given these circumstances, as well as the parties' uniform opposition to transfer, vacatur is warranted at this time. If the transferee judge denies the motion for a suggestion of remand and determines that the MDL instead should continue in the District of Minnesota, the parties should inform the Panel and we will determine whether to transfer *Ewen* at that time.

IT IS THEREFORE ORDERED that the Panel's conditional transfer order designated as "CTO-6" is vacated.

- 2 -

PANEL ON MULTIDISTRICT LITIGATION



Sarah S. Vance
Chair

Lewis A. Kaplan
R. David Proctor
Karen K. Caldwell

Ellen Segal Huvelle
Catherine D. Perry
Nathaniel M. Gorton

**IN RE: NATIONAL HOCKEY LEAGUE
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MDL No. 2551

SCHEDULE A

Central District of California

EWEN v. NATIONAL HOCKEY LEAGUE, ET AL., C.A. No. 2:19-03656