

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: LUMBER LIQUIDATORS CHINESE-MANUFACTURED
FLOORING PRODUCTS MARKETING, SALES PRACTICES
AND PRODUCTS LIABILITY LITIGATION**

MDL No. 2627

TRANSFER ORDER

Before the Panel:* Plaintiffs in the Eastern District of New York action (*Chaudhary*) listed on the attached Schedule A move under Panel Rule 7.1 to vacate the Panel’s order conditionally transferring their action to MDL No. 2627. Defendant Lumber Liquidators, Inc., opposes the motion.

After considering the argument of counsel, we find that this action involves common questions of fact with the actions previously transferred to MDL No. 2627, 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. Moreover, transfer is warranted for the reasons discussed in our order directing centralization. In that order, we held that the Eastern District of Virginia was an appropriate Section 1407 forum for actions sharing factual questions concerning the sale and marketing of Chinese-manufactured laminate flooring by defendant Lumber Liquidators. Plaintiffs alleged that their laminate flooring emits illegal and unsafe levels of formaldehyde, a known carcinogen, despite being marketed as compliant with regulations of the California Air Resources Board and other applicable regulations. *See In re: Lumber Liquidators Chinese-Manufactured Flooring Products Marketing, Sales Practices and Products Liability Litigation*, 109 F. Supp. 3d 1382 (J.P.M.L. 2015). Plaintiffs in *Chaudhary* bring claims concerning alleged injuries arising from the installation of Lumber Liquidators Chinese-manufactured laminate flooring, which plaintiffs allege emitted excessive levels of benzene and formaldehyde. This action clearly falls within the MDL’s ambit.

Plaintiffs oppose transfer, arguing that transfer will cause them inconvenience and hardship, particularly because travel to the transferee court will be costly. These arguments do not weigh heavily against transfer. In deciding issues of Section 1407 transfer, the Panel looks to the overall convenience of the parties and witnesses in the litigation as a whole.¹ The transferee court has presided over several personal injury cases and is deeply familiar with this litigation, which is nearing conclusion. Plaintiffs are unlikely to endure the personal inconvenience of traveling to the transferee district, “since Section

* Judge Karen K. Caldwell did not participate in the decision of this matter.

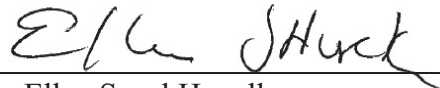
¹ *See In re: Watson Fentanyl Patch Prods. Liab. Litig.*, 883 F. Supp. 2d 1350, 1351-52 (J.P.M.L. 2012) (“While we are aware that centralization may pose some inconvenience to some parties, in deciding issues of transfer under Section 1407, we look to the overall convenience of the parties and witnesses, not just those of a single plaintiff or defendant in isolation.”).

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1407 transfer is for pretrial proceedings only, there is usually no need for the parties and witnesses to travel to the transferee district for depositions or otherwise.” *See In re: Cygnus Telecommunications Tech., LLC, Patent Litig.*, 177 F. Supp. 2d 1375, 1376 (J.P.M.L. 2001).

IT IS THEREFORE ORDERED that this action is transferred to the Eastern District of Virginia and, with the consent of that court, assigned to the Honorable Anthony J. Trenga for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



Ellen Segal Huvelle
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SCHEDULE A

Eastern District of New York

CHAUDHARY, ET AL. v. LUMBER LIQUIDATOR, INC., ET AL., C.A. No. 1:19-5812