

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: CENTURYLINK SALES PRACTICES
AND SECURITIES LITIGATION**

MDL No. 2795

TRANSFER ORDER

Before the Panel: Plaintiff and defendants in a shareholder derivative action pending in the Western District of Louisiana (*Palkon*) separately move under Panel Rule 7.1 to vacate our order conditionally transferring the action to the District of Minnesota for inclusion in MDL No. 2795. The action is listed on the attached Schedule A. The State of Oregon, which is the lead plaintiff in the securities class action in the MDL, opposes the motions.

After considering the arguments of counsel, we find that *Palkon* involves common questions of fact with the consumer actions transferred to MDL No. 2795, and that transfer will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. The actions in the MDL “share factual questions arising from allegations that [CenturyLink and its affiliates] . . . engaged in a range of deceptive or otherwise improper practices, such as billing subscribers for telephone lines or services that the subscribers did not request, billing subscribers higher rates than the rates quoted during sales calls, imposing early termination fees when subscribers cancelled the services due to the higher-than-quoted rates, charging for periods of service before the service was connected or products received, and failing to process subscribers’ service cancellation requests in a timely manner.” *In re: CenturyLink Residential Customer Billing Disputes Litig.*, 280 F. Supp. 3d 1383, 1384(J.P.M.L. 2017). *Palkon* plainly involves those same questions, and, indeed, is substantially similar to three other derivative actions (*Flanders*, *Ault*, and *Barbree*) that we recently transferred to the MDL over those parties’ objections. *See* Transfer Order (J.P.M.L. Oct. 3, 2018) (ECF No. 176).

The moving parties’ arguments in support of vacatur are essentially the same as those raised by the parties in *Flanders*, *Ault*, and *Barbree*. We reject them for the same reasons we ordered transfer of those actions. *See id.*

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IT IS THEREFORE ORDERED that the *Palkon* action is transferred to the District of Minnesota, and, with the consent of that court, assigned to the Honorable Michael J. Davis for inclusion in the coordinated or consolidated pretrial proceedings.

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

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SCHEDULE A

Western District of Louisiana

PALKON v. CENTURYLINK, INC., ET AL., C.A. No. 3:18-00998