

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: HARD DISK DRIVE SUSPENSION ASSEMBLIES
ANTITRUST LITIGATION**

MDL No. 2918

TRANSFER ORDER

Before the Panel: Plaintiff in one action in the Eastern District of Michigan moves under 28 U.S.C. § 1407 to centralize this litigation in that district or, alternatively, the Southern District of New York. This litigation currently consists of four actions pending in two districts, as listed on Schedule A. Since the filing of the motion, the Panel has been notified of 19 related federal actions.¹

All responding parties support centralization, but disagree on the transferee district. The responding defendants² support centralization in the Eastern District of Michigan. Plaintiffs in two actions on the motion (*Integrity Financial* and *CMP Consulting*) and four potential tag-along actions also support the Eastern District of Michigan. Plaintiffs in the other action on the motion (*Cimino*) and seven potential tag-along actions support the District of Minnesota. And plaintiffs in four potential tag-along actions support the Northern District of California or, alternatively, the District of Minnesota.

On the basis of the papers filed and the hearing session held, we find that these actions involve common questions of fact, and that centralization will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. All actions share complex factual questions arising from allegations that defendants engaged in a conspiracy to fix, raise, maintain, or stabilize the price of hard disk drive suspension assemblies sold in the United States and abroad from May 2008 through at least April 2016.³ The record indicates that discovery is likely to be international in scope and will include a significant number of nonparties. Centralization will

¹ The related actions are pending in the Northern District of California, the Eastern District of Michigan, and the District of Minnesota. These and any other related actions are potential tag-along actions. *See* Panel Rules 1.1(h), 7.1 and 7.2.

² The responding defendants are NHK International Corporation, Hutchinson Technology Inc., and Headway Technologies, Inc. The other defendants named in this litigation are Magnecomp Precision Technology Public Co. Ltd.; NAT Peripheral (Dong Guan) Co., Ltd.; NAT Peripheral (H.K.) Co., Ltd.; NHK Spring Co. Ltd.; NHK Spring (Thailand) Co., Ltd.; NHK Spring Precision (Guangzhou) Co., Ltd.; SAE Magnetics (H.K.) Ltd.; and TDK Corporation.

³ Hard disk drive suspension assemblies are a component of hard disk drives in electronics such as computers, gaming consoles, and stand-alone electronic storage devices.

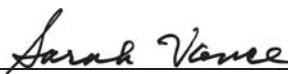
-2-

eliminate duplicative discovery; prevent inconsistent pretrial rulings, especially with respect to class certification and *Daubert* motions; and conserve the resources of the parties, their counsel and the judiciary.

We conclude that the Northern District of California is an appropriate transferee forum. Defendant Headway Technologies, Inc., has its headquarters in this district, and third-party discovery is expected to take place from two hard disk drive manufacturers headquartered there. Thus, common documents and witnesses likely will be located in this district. Plaintiffs in four potential tag-along actions support this district. Judge Maxine M. Chesney, who presides over those actions, is an experienced transferee judge with the ability and willingness to manage this litigation efficiently. We are confident she will steer this matter on a prudent course.

IT IS THEREFORE ORDERED that the actions listed on Schedule A and pending outside the Northern District of California are transferred to the Northern District of California and, with the consent of that court, assigned to the Honorable Maxine M. Chesney for 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

**IN RE: HARD DISK DRIVE SUSPENSION ASSEMBLIES
ANTITRUST LITIGATION**

MDL No. 2918

SCHEDULE A

Eastern District of Michigan

ELMAZI v. TDK CORPORATION, ET AL., C.A. No. 3:19-12244

INTEGRITY FINANCIAL SERVICES OF TAMPA BAY, INC., ET AL. v.
NHK SPRING CO. LTD., ET AL., C.A. No. 3:19-12258

CMP CONSULTING SERVICES, INC. v. NHK SPRING CO. LTD., ET AL.,
C.A. No. 3:19-12337

Southern District of New York

CIMINO, ET AL. v. HEADWAY TECHNOLOGIES, INC., ET AL., C.A. No. 1:19-07428