

BEFORE THE UNITED STATES JUDICIAL PANEL ON
MULTI-DISTRICT LITIGATION

In re: Lumber Liquidators Durability Marketing
and Sales Practices Litigation

MDL No.

**MOTION OF PLAINTIFFS JESUS ABAD, KEN SOLORIO, JULIE SOLORIO, CRAIG
WEISS, STEVE COTTINGTON, PATTY COTTINGTON, CRAIG LYZNICK, AND
KAREN LYZNICK FOR TRANSFER AND CENTRALIZATION PURSUANT TO
28 U.S.C. § 1407**

In accordance with 28 U.S.C. § 1407, Plaintiffs Jesus Abad, Ken Solorio, Julie Solorio, Craig Weiss, Steve Cottingham, Patty Cottingham, Craig Lyznick, and Karen Lyznick (collectively, “Plaintiffs”) respectfully move the Judicial Panel on Multidistrict Litigation for an order transferring and centralizing the Actions listed in the Schedule of Actions (attached hereto) to the United States District Court for the Central District of California. In support of this motion, Plaintiffs incorporate by reference the accompanying memorandum of law and aver the following:

1. This motion involves: *Abad, et al. v. Lumber Liquidators, Inc.*, No. 2:15-cv-03795-GW (C.D. Cal.), *Ryan v. Lumber Liquidators, Inc.*, No. 2:16-cv-5287 (transfer imminent to D. Nev.); *Hensley v. Lumber Liquidators, Inc.*, No. 2:16-cv-5283 (transfer imminent to W.D. Ky.); *Dunkin v. Lumber Liquidators, Inc.*, No. 2:16-cv-5276 (E.D. Mo.); *Hotaling et al v. Lumber Liquidators, Inc.*, No. 2:16-cv-5302 (transfer imminent to N.D.N.Y.); *Bennett v. Lumber Liquidators, Inc.*, No. 2:16-cv-5299 (transfer imminent to W.D.N.C.); *Manzo v. Lumber Liquidators, Inc.*, No. 2:16-cv-5289 (transfer imminent to D.N.J.); *Leonard et al v. Lumber Liquidators, Inc.*, No. 2:16-cv-5286 (transfer imminent to N.D. Ohio); *Strong v. Lumber Liquidators, Inc.*, No. 2:16-cv-5283 (transfer imminent to E.D. Okla.); *Webster v. Lumber*

Liquidators, Inc., No. 2:16-cv-5398 (transfer imminent to N.D. Ga.); *McPherson v. Lumber Liquidators, Inc.*, No. 2:16-cv-5409 (transfer imminent to W.D. Pa.); *Kunicki v. Lumber Liquidators, Inc.*, No. 2:16-cv-5413 (transfer imminent to D. Mass.); *Goodling v. Lumber Liquidators, Inc.*, No. 2:16-cv-5414 (transfer imminent to W.D. La.); *Jackson v. Lumber Liquidators, Inc.*, No. 2:16-cv-5406 (transfer imminent to S.D. W.Va.); *Green v. Lumber Liquidators, Inc.*, No. 8:16-cv-2142 (M.D. Fla.); and *Bolin v. Lumber Liquidators, Inc.*, No. 3:16-cv-590 (S.D. Miss.).

2. The Actions involve common questions of fact that are sufficiently numerous and complex to warrant centralization. All of the cases are premised on similar factual allegations involving a common defect affecting the durability of laminate flooring products (the “Products”), which Defendant Lumber Liquidators, Inc. (“Defendant”) advertises and markets as being more durable than they actually are. These actions involve similar class definitions that vary only by state¹ and bring nearly identical causes of action.² In each case, the court will be asked to determine substantially similar factual issues. Each of these actions is a putative class action that seeks to represent persons who purchased Defendant’s Products based on its misleading durability marketing.

3. All of the named Plaintiffs in the Actions originally were included in the Third Amended Complaint filed in the *Abad* action. However, citing the challenges of managing the litigation as one case seeking a national class, or alternatively as thirty-two (32) subclasses, the District Court *sua sponte* exercised its discretion under Federal Rule of Civil Procedure 21 to

¹ Each case seeks a national class under the Magnuson-Moss Warranty Act claim, and alternatively seeks a statewide class.

² Every case brings causes of action for breach of implied warranty, fraudulent concealment, violation of the Magnuson-Moss Warranty Act, and for each state’s consumer protection statute prohibition unfair and deceptive trade practices. A handful of states bring additional, state-specific causes of action.

“drop” all non-California plaintiffs from that single action, with leave to re-file separate complaints in the same court. The court then ordered that the clerk transfer out all re-filed complaints to their respective forums within a period of ten days. The court indicated that the Actions are appropriate for MDL centralization. *Abad*, Case 15-cv-03795-GW, Dkt. No. 135 (July 7, 2016 Order) at 2; Dkt. No. 124 (June 2, 2016 transcript) at 5-6.

4. No discovery or initial disclosures have been made in any of the Actions. With the exception of *Abad*, the first-filed action, Defendant has not responded in any action. Other than *Abad*, no substantive rulings yet have been made in any case.

5. Discovery in each case will be substantially identical because many allegations, parties, and witnesses will be nearly identical. Discovery as to many issues common to all Plaintiffs can and should be centralized in a single proceeding, to avoid the inefficiencies and duplication of efforts likely to arise with the Actions pending in sixteen (16) different districts.

6. Centralization will prevent duplicative discovery, eliminate the possibility of inconsistent pretrial rulings (particularly on class action issues), conserve judicial resources, reduce the costs of litigation, minimize the inconvenience to the parties and witnesses, and allow the actions to proceed efficiently to trial. Centralization will also provide a single forum to which future tag-along actions may be transferred to streamline subsequent proceedings and promote judicial economy. Further, centralization will result in development of a consistent law of the case and the fair and economical adjudication of the actions.

7. For these reasons, transfer and centralization of these actions will promote the convenience of the parties and witnesses and the just and efficient conduct of the action pursuant to 28 U.S.C. § 1407.

8. Plaintiffs respectfully submit that the Panel should enter an order transferring the Actions, as well as any future tag-along actions, to Judge George H. Wu presiding in the Central District of California in Los Angeles for centralization of pretrial proceedings. The Central District of California is the superior forum because it has a judiciary well experienced yet relatively less burdened with pending multidistrict litigation.

9. Judge Wu is a well-respected and experienced judge and is well fitted to preside over such MDL proceedings. He currently has two other MDL matters pending before him and has indicated on the record that the Actions are appropriate for MDL centralization.

10. WHEREFORE, Plaintiffs respectfully request the Panel to order the transfer and centralization of the Actions listed in the Schedule of Actions and any future tag-along actions to Judge Wu in the Central District of California.

This motion is based on the filed Memorandum in support of this motion, the filed pleadings and papers, and any such matters as may be presented to the Panel at the time of the hearing.

Dated: July 28, 2016

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BEFORE THE UNITED STATES JUDICIAL PANEL ON
MULTI-DISTRICT LITIGATION

In re: Lumber Liquidators Durability Marketing
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MDL No.

**MEMORANDUM OF LAW IN SUPPORT OF MOTION OF PLAINTIFFS JESUS
ABAD, KEN SOLORIO, JULIE SOLORIO, CRAIG WEISS, STEVE COTTINGTON,
PATTY COTTINGTON, CRAIG LYZNICK, AND KAREN LYZNICK FOR
TRANSFER AND CENTRALIZATION PURSUANT TO 28 U.S.C. § 1407**

Pursuant to 28 U.S.C. § 1407 and the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, Plaintiffs Jesus Abad, Ken Solorio, Julie Solorio, Craig Weiss, Steve Cottingham, Patty Cottingham, Craig Lyznick, and Karen Lyznick (collectively, “Plaintiffs”) respectfully submit this Memorandum of Law in Support of their Motion for Transfer and Centralization of the sixteen (16) actions (the “Actions”)¹ to the Central District of California.

I. INTRODUCTION

This litigation involves a common defect regarding the durability of Chinese-manufactured laminate flooring products (the “Products”), which are advertised, marketed, and sold by Defendant Lumber Liquidators, Inc. (“Defendant”). Plaintiffs in these related cases allege that Defendant falsely and explicitly described the Products as meeting an industry standard for durability — the “AC3” standard, also known as Abrasion Criteria 3 or Abrasion Class 3, which is considered in the industry as suitable for general residential use. As revealed by extensive laboratory testing, the Products do not meet the AC3 standard and are not durable; rather, the Products are prone to scratching, wearing, chipping, fading, warping, and staining in a manner that would not meet the AC3 standard or be suitable for their intended usage.

¹ See Schedule of Actions, attached, for a complete listing of the sixteen actions.

This Panel previously declined to include Plaintiffs' cases as part of *In re: Lumber Liquidators Chinese-Manufactured Flooring Products Marketing, Sales Practices and Products Liability*, MDL No. 1:15-md-2627 ("MDL 2627"). The central issue in MDL 2627 concerns formaldehyde emissions from Lumber Liquidators' Chinese-manufactured laminate flooring. In contrast, the central defect in Plaintiffs' cases concern the durability of Lumber Liquidators' Chinese-Manufactured laminate flooring. Lumber Liquidators previously sought to include Plaintiffs' cases as a part of MDL 2627. *See* Exhibit 1 at 2. After this Panel consolidated the actions in MDL 2627, this Panel denied including the durability issue as a part of MDL 2627. *See* MDL No. 2627 (J.P.M.L. June 16, 2015), Dkt. No. 315 ("The Clerk of the Panel has determined the listed action(s) is not appropriate for inclusion in this MDL. *See* Rule 7.1(b)(i). . . . Associated Cases: MDL No. 2627, CAC/2:15-cv-03795").

Fourteen of these actions were originally a part of the same class action complaint filed in the Central District of California before the Honorable Judge George H. Wu: *Abad, et al. v. Lumber Liquidators, Inc.*, No. 2:15-cv-3795-GW. This action included representatives from thirty-two (32) states. *See Abad*, No. 15-cv-03795-GW, Dkt. No. 113 (Third Amended Compl.). Defendant filed a motion to dismiss; however, the court declined to rule on the merits of that motion. During the hearing of Defendant's motion to dismiss Plaintiff's Third Amended Complaint, Judge Wu indicated that the case would be more appropriately managed as a MDL than in a single action. *See* Exhibit 2 at 5-6.

Then, on July 7, 2016, the court *sua sponte* exercised its discretion under Federal Rule of Civil Procedure 21 to "drop" each non-California plaintiff from the single complaint with leave to re-file separate complaints, one for each state, in that district. *See Abad*, No. 2:15-cv-03795-GW-JPR, Dkt. No. 135. Under the court's July 7 order, upon re-filing separate complaints the

court would then transfer each non-California plaintiff pursuant to 28 U.S.C. § 1404(a) to the district court located in their respective places of residence.

To date, thirteen (13) of the thirty-one (31) non-California plaintiffs have re-filed their complaints pursuant to the court's July 7 order²: *Ryan v. Lumber Liquidators, Inc.*, No. 2:16-cv-5287 (D. Nev.); *Hensley v. Lumber Liquidators, Inc.*, No. 2:16-cv-5283 (W.D. Ky.); *Dunkin v. Lumber Liquidators, Inc.*, No. 2:16-cv-5276 (E.D. Mo.); *Hotaling, et al. v. Lumber Liquidators, Inc.*, No. 2:16-cv-5302 (N.D.N.Y.); *Bennett v. Lumber Liquidators, Inc.*, No. 2:16-cv-5299 (W.D.N.C.); *Manzo v. Lumber Liquidators, Inc.*, No. 2:16-cv-5289 (D.N.J.); *Leonard, et al. v. Lumber Liquidators, Inc.*, No. 2:16-cv-5286 (N.D. Ohio); *Strong v. Lumber Liquidators, Inc.*, No. 2:16-cv-5283 (E.D. Okla.); *Webster v. Lumber Liquidators, Inc.*, No. 2:16-cv-5398 (N.D. Ga.); *McPherson v. Lumber Liquidators, Inc.*, No. 2:16-cv-5409 (W.D. Pa.); *Kunicki v. Lumber Liquidators, Inc.*, No. 2:16-cv-5413 (D. Mass.); *Goodling v. Lumber Liquidators, Inc.*, No. 2:16-cv-5414 (W.D. La.); and *Jackson v. Lumber Liquidators, Inc.*, No. 2:16-cv-5406 (S.D. W.Va.). Under the court's July 7 order the clerk of court has ten (10) days from the date of re-filing to initiate transfer of these actions. Transfer of these thirteen (13) actions to their thirteen respective states is imminent.

Each of the thirteen (13) actions is a putative class action, and each alleges substantively similar classes consisting of consumers from the states in which each Plaintiff resides. *See Abad*, 2:15-cv-3795, Complaint ¶ 199, (alleging a California class); *Ryan*, 2:16-cv-5287, Complaint ¶ 92 (alleging a Nevada class); *Hensley*, 2:16-cv-5283 Complaint ¶ 92 (alleging a Kentucky class); *Dunkin*, 2:16-cv-5276, Complaint ¶ 92, (alleging a Missouri class); *Hotaling*, 2:16-cv-5302, Complaint ¶ 94 (alleging a New York class); *Bennett*, 2:16-cv-5299, Complaint ¶ 92

² Under the July 7 Order, the California Plaintiffs are not required to re-file their complaint.

(alleging a North Carolina class); *Manzo*, 2:16-cv-5289, Complaint ¶ 92 (alleging a New Jersey class); *Leonard*, 2:16-cv-5286, Complaint ¶ 94 (alleging an Ohio class); *Strong*, 2:16-cv-5283, Complaint ¶ 92 (alleging an Oklahoma class); *Webster*, 2:16-cv-5398, Complaint ¶ 91 (alleging a Georgia class); *McPherson*, 2:16-cv-5409, Complaint ¶ 92 (alleging a Pennsylvania class); *Kuniki*, 2:16-cv-5413, Complaint ¶ 92 (alleging a Massachusetts class); *Goodling*, 2:16-cv-5409, Complaint ¶ 91 (alleging a Louisiana class); and *Jackson*, 2:16-cv-5406, Complaint ¶ 91 (alleging a West Virginia class). As previously discussed, each action alleges a common defect regarding the exterior durability of Defendant's laminate flooring and has nothing to do with formaldehyde emissions.

The remaining non-California plaintiffs anticipate re-filing separate complaints within the next month. After all the non-California plaintiffs re-file their complaints, district courts in thirty-two (32) separate states will have pending class actions that contain identical claims against Defendant for a common defect in the Products.

Following Judge Wu's July 7 order, several additional complaints have been filed that allege the same durability defect claim against Lumber Liquidators for their laminate flooring: *Green v. Lumber Liquidators, Inc.*, 8:16-cv-2142 (M.D. Fla.) and *Bolin v. Lumber Liquidators, Inc.*, 3:16-cv-590 (S.D. Miss.). It is anticipated that numerous other complaints will be filed against Lumber Liquidators alleging similar durability claims.

II. ARGUMENT

Every action listed above names Lumber Liquidators, Inc. as the sole Defendant. There also is substantial overlap between the causes of action: each lawsuit alleges violations of state consumer protection and unfair competition statutes, violations of the Magnuson-Moss Warranty Act, 15 U.S.C. § 2301, *et seq.*, as well as breach of implied warranty and fraudulent

concealment. Each action also prays for similar relief including damages and declaratory and injunctive relief.

The actions listed above involve common issues of fact and a common defect, so that centralization will promote the convenience of the parties and witnesses and the just and efficient conduct of the litigation. *See* 28 U.S.C. § 1407. Transfer and centralization will mitigate the possibility of inconsistent rulings, including rulings regarding class certification, and will promote judicial economy by providing a single forum to which future tag-along actions can be transferred. Accordingly, Plaintiffs respectfully move this Panel for transfer to the Central District of California, the most favorable district for centralization.

A. THESE ACTIONS AND ANY TAG-ALONG ACTIONS ARE APPROPRIATE FOR TRANSFER AND CENTRALIZATION PURSUANT TO 28 U.S.C. § 1407(a)

Transfer and centralization is permitted if civil actions pending in different districts “involv[e] one or more common questions of fact” and this Panel determines that transfer will further “the convenience of parties and witnesses and will promote the just and efficient conduct of such actions.” 28 U.S.C. § 1407(a). “The objective of transfer is to eliminate duplication in discovery, avoid conflicting rulings and schedules, reduce litigation cost, and save the time and effort of the parties, the attorneys, the witnesses, and the courts.” *Manual for Complex Litigation*, § 20.131 (4th ed. 2004). Transfer and centralization for pretrial proceedings would achieve those objectives in the instant litigation, and therefore are appropriate here.

i. The Actions Involve Common, Numerous, and Complex Questions of Fact

Like another set of cases involving Defendant’s alleged false advertising of laminate flooring that was recently granted MDL transfer, the Actions involve overlapping factual issues in dispute, overlapping class definitions (thus involving a risk of conflicting rulings), and the same defendant. *See In re: Lumber Liquidators Chinese-Manufactured Flooring Products*

Mktg., Sales Practices and Products Liability Litig., 109 F. Supp. 3d 1382 (J.P.M.L. 2015).³

The Actions are based upon identical facts concerning identical conduct by Defendant.

The factual questions common to the actions are numerous and complex, including:

- Whether Defendant's durability labeling and marketing of the Products is true or false, in light of testing that revealed the Products are less durable and do not meet the AC3 standard that was advertised;
- Whether Defendant's durability labeling and marketing of the Products is likely to deceive a reasonable consumer;
- Whether Defendant breached various express and implied warranties regarding the Products;
- Whether Plaintiffs are entitled to a judgment declaring that the practices of Defendant are unlawful;
- Whether Defendant is liable for damages, and the proper measure of such damages; and
- Whether Plaintiffs and Class Members are entitled to injunctive relief to enjoin Defendant from engaging in false advertising going forward.

Each action concerns the same Defendant, the same Products, the same defect, and the same conduct. Each action arises from substantially the same events, and involves substantively comparable proposed classes. Under similar circumstances, the Panel granted centralization and transfer of *In re: Lumber Liquidators Chinese-Manufactured Flooring Products Marketing, Sales Practices and Products Liability Litigation*, which centralized ten actions based on the fact that “[a]ll actions involve common factual questions regarding whether Lumber Liquidators falsely represented that its Chinese-manufactured laminate flooring [complied with formaldehyde emissions standards].” 109 F. Supp. 3d at 1383. Similarly, the allegations in the present cases identified *supra* involve common factual questions regarding the durability of

³ However, as discussed *supra*, this Panel found the common defects alleged in Plaintiffs' cases were materially different than those in MDL 2627 and denied Lumber Liquidators' request to consolidate those claims as part of MDL 2627.

Lumber Liquidators' Chinese-manufactured laminate flooring. Similar to MDL 2627, the cases here will require complex discovery (most likely involving expert testimony) to determine whether the actual durability of the Products make Defendant's durability advertising and marketing misleading and unlawful.

ii. MDL Transfer and Centralization Will Further the Convenience of the Parties and the Witnesses and Will Promote the Just and Efficient Conduct of These Actions.

Resolution of these common issues in a single forum would further the convenience of all parties and witnesses. *See* 28 U.S.C. § 1407(a). Because all Actions involve similar allegations and factual questions, Plaintiffs in the actions will require depositions of the same persons and discovery of the same documents. Defendant will likely raise the same discovery objections and seek the same protective orders or privileges in each case. Absent centralization and transfer, all parties will be subjected to duplicative discovery and witnesses will face multiple, redundant depositions. *See In re: Lumber Liquidators Chinese-Manufactured Flooring Products Mktg., Sales Practices and Products Liability Litig.*, 109 F. Supp. 3d at 1383 (“Centralization will eliminate duplicative discovery”); *In re Uranium Indus. Antitrust Litig.*, 458 F. Supp. 1223, 1230 (J.P.M.L. 1978) (“[Plaintiffs] will have to depose many of the same witnesses, examine many of the same documents, and make many similar pretrial motions in order to prove their . . . allegations. The benefits of having a single judge supervise this pretrial activity are obvious.”).

Centralization will mitigate these problems by enabling a single judge to manage discovery and the parties to coordinate their efforts. This will reduce litigation costs and minimize inconvenience to the parties and witnesses, to the benefit of litigants, third parties, and the courts. *See In re Enfamil Lipil Mktg. and Sales Practices Litig.*, 764 F. Supp. 2d 1356, 1357 (J.P.M.L. 2011) (“Centralizing the actions will allow for the efficient resolution of common

issues and prevent unnecessary or duplicative pretrial burdens from being placed on the common parties and witnesses.”); *In re: Lumber Liquidators Chinese-Manufactured Flooring Products Mktg., Sales Practices and Products Liability Litig.*, 109 F. Supp. 3d at 1383 (“Centralization will . . . conserve the resources of the parties, their counsel and the judiciary.”).

Additionally, many of the same pretrial disputes are likely to arise in each action. Likewise, due to the similar causes of action in each complaint, Defendant will likely assert the same defenses, as well as file motions to dismiss and summary judgment on the same claims based on the same arguments in each action. Centralization is therefore necessary to prevent inconsistent pretrial rulings on many central issues, which would present significant problems due to the substantial consistency in factual and legal allegations among all Actions. *See In re: Lumber Liquidators Chinese-Manufactured Flooring Products Mktg., Sales Practices and Products Liability Litig.*, 109 F. Supp. 3d at 1383 (“Centralization will . . . avoid inconsistent pretrial rulings (including on issues of class certification and *Daubert* motion practice) . . .”).

In addition, the pending cases plus any tag-along cases that may be filed are sufficiently numerous (sixteen filed) and geographically diverse (in sixteen districts). Thus, centralization will promote just and efficient conduct of these actions. *Compare, e.g., id.* at 1382 (ten actions pending in seven districts).

By eliminating the risk of duplicative discovery and the corresponding risk of repetitive and inconsistent pretrial rulings, centralization will foster judicial economy and fairness. It will permit the actions to be effectively and efficiently managed while conserving the resources of the parties, attorneys, and judicial system.

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iii. Defendant and the Central District of California Do Not Object to Consolidation

Plaintiffs, Defendant, and Judge Wu from the Central District of California all agree that these cases should be centralized and transferred as an MDL. Defendant previously sought to have Plaintiffs' cases transferred as a tag-along action as part of MDL 2627. *See* Exhibit 1 at 2. Prior to filing the present Memorandum, Plaintiffs' counsel requested Defendant's position on centralization; in response, Defendant stipulated to centralization of Plaintiffs' cases as part of an MDL but declined to agree on a specific forum or judge.

Likewise, Judge Wu has also indicated that Plaintiffs' cases are better managed as a MDL. Before Judge Wu's July 7 order that *sua sponte* dropped all of the non-California Plaintiffs, the Court noted the difficulties of managing Plaintiffs' cases as one national class action or as one case with thirty-two (32) sub-classes. *See* Exhibit 2. Thus, all parties agree that Plaintiffs' cases are better managed as part of an MDL.

B. THE CENTRAL DISTRICT OF CALIFORNIA IS AN APPROPRIATE AND OPTIMAL TRANSFERREE FORUM.

Plaintiffs respectfully submit that the Central District of California is the superior forum for the centralized action. In choosing an appropriate forum, this Panel considers: (1) where the largest number of cases is pending; (2) where discovery has occurred; (3) where cases have progressed furthest; (4) the site of the occurrence of the common facts; (5) where the cost and inconvenience will be minimized; and (6) the experience, skill, and caseloads of available judges. *Manual for Complex Litigation*, § 20.132 (4th ed. 2004). In light of these criteria, the Central District of California is the most appropriate forum for the transfer and centralization of these actions, primarily because it has a judiciary well experienced yet relatively less burdened

with pending multidistrict litigation. Judge George H. Wu⁴ would be an excellent choice to preside over this litigation.

The first and second factors are not as relevant here because all of the cases are in different districts and discovery has not yet occurred in any case.

The third factor weighs in favor of the Central District of California because the *Abad* action has progressed much further than the other Actions. Numerous motions to dismiss by Defendant have already been filed and briefed, and the case has been pending there for 14 months, whereas the other Actions were all filed within the last month.

As to the fourth factor, the Products are sold throughout the United States, so no one specific location is the dominant site of common facts. At the very least, the fifth factor is neutral and no other district is favored for the purposes costs pertaining to the convenience of the parties and potential witnesses.

As to the sixth factor, the MDL docket in the Central District of California combines a relative lack of congestion with judges well experienced in managing complex multidistrict litigation such as this. Specifically, Judge Wu is currently managing two MDLs⁵ and has managed a total of seven MDLs. In addition to having experience managing complex litigation, Judge Wu has also managed the present action and understands the issues involved. Lastly, despite the Central District of California having twelve pending MDLs, it is still better suited than the District of New Jersey, which has 17 pending MDLs.

⁴ Currently presiding over the *Abad* action and, as described in the introduction, previously presided over all Plaintiffs' claims when they were included in the *Abad* action.

⁵ See J.P.M.L., MDL Statistics Report – Distribution of Pending MDL Dockets by District, May 16, 2016, *available at* http://www.jpml.uscourts.gov/sites/jpml/files/Pending_MDL_Dockets_By_District-May-16-2016.pdf (last visited July 18, 2016).

When considered together, these factors support transfer and centralization in the Central District of California.

III. CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that their motion be granted and that the Panel order transfer of the Actions listed in the attached Schedule of Actions, plus any future tag-along actions, to the Central District of California for consolidated pretrial proceedings before Judge George H. Wu pursuant to 28 U.S.C. § 1407.

Dated: July 28, 2016

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