

Index

APPEAL AND REVIEW

- Panel decisions, § 11:1
- Review by Panel, § 3:10, 11:2 to 11:4
- Transferee court decisions, § 11:5

APPELLATE PROCEEDINGS

- Transfer of multicircuit administrative appeals, § 3:18

ATTORNEYS' FEES AND COSTS

- Procedure, § 4:33

CHOICE OF LAW

- Generally, § 9:18

CLASS ACTIONS

- Multidistrict transfer compared, § 5:11

COMMENCEMENT OF PANEL PROCEEDINGS

- By Panel, § 4:4
- By parties, § 4:4

CONSOLIDATION

- Multidistrict transfer compared, § 5:10

COORDINATING COMMITTEE FOR MULTIPLE LITIGATION

- Generally, § 2:1

COORDINATION

- Management of transferred cases, § 9:18

DECISION

- Generally, § 4:27
- Transfer, appropriateness of, § 5:61

EFFECT OF TRANSFER

- Generally, § 4:30, 9:1 et seq.
- Transferor court, § 9:1

EXPERIENCE

- Selection of transferer judge, § 7:15

FACTORS AFFECTING TRANSFER

- Conflicting class actions, § 5:24
- Conflicting pretrial rulings, § 5:27
- Conservation of parties' resources, § 5:29
- Coordination with other litigation, § 5:25
- Docket conditions, § 5:21
- Duplicative discovery, § 5:26
- Expedite litigation, § 5:28
- Multiple actions pending in transferee district, § 5:23

FACTORS AFFECTING TRANSFER—Cont'd

- Need to expedite litigation, § 5:28
- Number of actions, § 5:18
- Other litigation, § 5:25
- Potentially conflicting class actions, § 5:24
- Size of actions, § 5:19
- Views of parties, § 5:20
- Views of transferee judge, § 5:22

FACTORS MILITATING AGAINST TRANSFER

- Generally, § 5:30
- Ability to manage cases without transfer, § 5:33
- Advancement of cases towards trial, § 5:35
- Availability of other relief, § 5:32
- Avoidance of end-run of trial judges, § 5:36
- Denial of section 1404(x) motion, § 5:37
- Improper purpose for motion, § 5:38
- Opposition of parties, § 5:34

FACTORS REJECTED BY PANEL

- Alternatives to transfer, § 5:53
- Burden on single party, § 5:47
- Differences in actions or types of actions, § 5:44, 5:45
- Differences in progress of actions, § 5:46
- Effect on settlement, § 5:48
- Limitations of venue, § 5:42
- Merits of action, § 5:51
- Motions pending in transferor court, § 5:40
- Non-identical parties, § 5:43
- Pendency of motions in transferor court, § 5:40
- Possibility of adverse rulings, § 5:41
- Possibility of transfer under section 1404(a), § 5:49
- Possibility that transfer would cause additional filings, § 5:50
- Progress of actions, § 5:46
- Types of actions, § 5:45

HEARING

- Oral argument, § 4:23
- Request, § 4:22
- Right to, § 4:21

HISTORY

- Judicial Panel on Multidistrict Litigation, § 2:1
- Multidistrict venue statute, § 2:1

JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

- Constitutionality, § 3:5
- Jurisdiction, § 3:1
- Membership, § 2:4
- Rules. See Rules, Judicial Panel on Multidistrict Litigation
- Transfer in absence of jurisdiction, § 3:4

INDEX

JUDICIAL RESOURCES

As factor, affecting transfer, § 5:29

JURISDICTION

Conditional transfer orders, § 3:1

Judicial Panel on Multidistrict Litigation, § 3:1

Transfer in absence of, § 3:4

LAW OF CASE DOCTRINE

Effect on reconsideration, § 9:3

LEGISLATIVE HISTORY

28 U.S.C.A. § 1407, § 2:3

MANAGEMENT OF TRANSFERRED CASES

Generally, § 9:9 *et seq.*

Coordination with other litigation, § 9:18

Discovery, § 9:12

Lead and liaison counsel, § 9:15

Manual for Complex Litigation, § 9:11

Motion practice, § 9:13

Pretrial conferences, § 9:14

Settlement, § 9:16

Supervision by Panel, § 9:10

MANUAL FOR COMPLEX LITIGATION

Relationship to origins of Panel, § 2:6

Use in management of cases, § 9:11

MOTION FOR TRANSFER

Contents, § 4:8

Effect of filing, § 3:15

Response, § 4:18

Withdrawal, § 4:28

MOTION PRACTICE IN TRANSFERRED CASES

Generally, § 9:13

MULTIPLE JUDGES

Selection of transferer judge, § 7:14

PANEL

See Judicial Panel on Multidistrict Litigation

PARTIAL REMAND

Generally, § 10:14

PARTIAL TRANSFER

Authority, § 5:58

Policy, § 9:8

Reasons, § 5:59

Reluctance to order, § 9:8

POWER TO TRANSFER

Compared to venue, § 3:4, 5:9

POWER TO TRANSFER—Cont'd

Limitations

Generally, § 3:6 et seq.

Entire actions only, § 3:9

Federal cases only, § 3:13

Multidistrict cases only, § 3:13

No review function, § 3:10

No substantive involvement by Panel, § 3:11

Pending actions only, § 3:8

Statutory criteria for transfer, § 5:2 et seq.

PROCEDURE

Affidavits, § 4:14

Commencement of proceedings, § 4:4 decision, 4:27

Filing, § 4:7

Form of papers, § 4:9

Implementation of transfer, § 4:12, 4:31

Motion practice before Panel, § 4:25

Notice, § 4:5

Notice of motion, § 4:11

Oral argument, § 4:23

Reconsideration and rehearing, § 4:29

Remand, § 4:33

Request, § 4:22

Responding to transfer proceedings, § 4:19

Right to, § 4:21

Rules governing, § 4:1

Rules of Procedure of Judicial Panel on Multidistrict Litigation, § 4:34

Schedule of actions, § 4:13

Service, § 4:6

Taxation of costs, § 4:33

Time limits, § 4:26

Time table of panel deadlines, § 4:35

Withdrawal of motion, § 4:28

RECONSIDERATION

By transferee court, § 9:3

Rehearing by Panel, § 4:29

REGIONAL RAIL REORGANIZATION ACT OF 1973

Appointment of special court members, § 3:1

Power of appointment, § 3:17

Statute authorizing, § 3:19

REMAND

Generally, § 10:6

Alternative to transfer, § 5:53

Appellate court, § 10:13

District, § 10:16

Effect, § 10:5

Factors affecting decision

Generally, § 10:8 et seq.

INDEX

REMAND—Cont'd

- Factors affecting decision—Cont'd
 - Dissatisfaction with transferee court rulings, § 10:11
 - Transferee court rulings, § 10:11
 - Views of transferee judge, § 10:10
- Frequency, § 10:4
- Part of action, § 10:14
- Power, § 10:3
- Prior rulings, effect of, § 10:17
- Procedure, § 4:32, 10:6
- Reluctance to order, § 10:7
- Single action, § 10:15
- Statutory role, § 10:1
- Transferee court order, § 10:12
- Upon initial transfer, § 10:2

REQUIREMENTS FOR TRANSFER

- Generally, § 5:2

RETRANSFER

- Generally, § 8:7

RULES

- Judicial Panel on Multidistrict Litigation
 - Authority for adoption, § 3:16
 - Initial adoption, § 2:5
 - Text of rules, § 3:19

SELECTION OF TRANSFeree DISTRICT

- Generally, § 6:1
- Factors affecting choice
 - Generally, § 6:4
 - Advancement of cases on dockets, § 6:16
 - Balancing of factors, § 6:23
 - Centrality, § 6:7
 - Coordination with other federal proceedings, § 6:12
 - Coordination with state court proceedings, § 6:13
 - Docket conditions, § 6:17
 - Experience of judge, § 6:15
 - Issues, familiarity of judges with, § 6:14
- Jurisdiction, § 6:20
- Limitations on choices, § 6:2
- Location of evidence, § 6:20
- Pendency of motions, § 6:21
- Place of tort, § 6:6
- Place of trial, § 6:19
- Preference of parties, § 6:18
- Size of actions, § 6:9
- Tag-along actions, § 8:7
- Transfer under § 1404(a), § 6:11
- Venue of pending actions, § 6:8

SELECTION OF TRANSFEREE JUDGE

Generally, § 7:1

Factors considered

Generally, § 7:4

Ability of judge, § 7:11

Advancement of cases, § 7:9

Docket conditions, § 7:8

Familiarity of judge with litigation, § 7:6

Handling of related cases, § 7:6

Possibility of remand, § 7:12

Preference of parties, § 7:7

Relation to selecting district, § 7:5

MDL experience, § 7:15

Multiple judges, assignment, § 7:14

Statutory basis, § 7:2

Successor judge, assignment, § 7:13

SETTLEMENT

Motions to enforce, § 9:13

STATUTE

Criteria for transfer, § 5:2 to 7

TAG-ALONG ACTIONS

Generally, § 8:1 et seq.

After completion of previously transferred actions, § 8:6

Conditional transfer orders, § 4:24

Effect on pending actions, § 8:5

Issues relating to

Actions of transferee court, § 8:4

Familiarity of judge with issues, § 8:4

Invalid arguments relating to, § 8:4

Relatedness, § 8:4

Similarity of status, § 8:4

Need for special procedures, § 8:2

Panel treatment, § 8:1

Procedure governing, § 4:24, 8:3

Selection of transferee district, § 8:7

Timing of transfer, § 8:6

TAXATION OF COSTS

Generally, § 4:33

TIME LIMITS

Generally, § 4:26

TRANSFER

Class actions compared, § 5:11

Consolidation compared, § 5:10

Constitutionality, § 3:5

Deciding whether transfer appropriate, § 5:61

Effect, § 4:30, 9:1 et seq.

Factors favoring. See Factors Affecting Transfer

INDEX

TRANSFER—Cont'd

- Factors militating against. See Factors Militating Against Transfer
- Finality, § 5:60
- Implementation, § 4:30
- Multiple district, § 5:59
- Power to Transfer, this index
- Pretrial proceedings only, § 3:2
- Purposes, § 3:3
- Timing, § 5:56
- Types of actions transferred, § 5:12 to 15
- Unserved defendants, § 3:4
- Venue compared, § 3:4, 5:9

TRANSFeree COURT

- Choice of law, § 9:3, 9:18
- Disposition in, § 9:19 to 9:26
 - Consent to trial in transferee district, § 9:24
 - Consolidation, § 9:13, 9:26
 - On motion, § 9:21
 - Remand compared, § 9:20
 - Settlement, § 9:22
 - Transfer for trial, § 3:14, 9:25
- Jurisdiction, § 9:6
- Law of the case, § 9:3
- Motion practice, § 9:13
- Motions to enforce settlement, § 9:13
- Panel deference to, § 2:6, 9:4
- Powers, § 9:5 et seq.
- Role, § 9:2
- Venue, analogized, § 9:7

TRANSFEROR COURT

- Status of pretransfer orders, § 9:3

VENUE

- Power of transferee court, § 9:7
- Transfer compared, § 3:4, 5:9