

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

Oct 20, 2008

FILED
CLERK'S OFFICE

**IN RE: FEDEX GROUND PACKAGE SYSTEM, INC.,
EMPLOYMENT PRACTICES LITIGATION (NO. II)**

Kenneth Rascon v. FedEx Ground Package System, Inc., et al.,)
D. Colorado, C.A. No. 1:08-2101)
Rob Campbell v. FedEx Ground Package Systems, Inc.,)
D. Nevada, C.A. No. 3:08-234)

MDL No. 1700

CONDITIONAL TRANSFER ORDER (CTO-27)

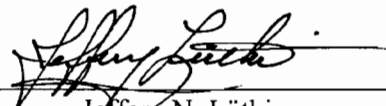
On August 10, 2005, the Panel transferred 15 civil actions to the United States District Court for the Northern District of Indiana for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* 381 F.Supp.2d 1380 (J.P.M.L. 2005). Since that time, 50 additional actions have been transferred to the Northern District of Indiana. With the consent of that court, all such actions have been assigned to the Honorable Robert L. Miller, Jr.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Northern District of Indiana and assigned to Judge Miller.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Northern District of Indiana for the reasons stated in the order of August 10, 2005, and, with the consent of that court, assigned to the Honorable Robert L. Miller, Jr.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Northern District of Indiana. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:



Jeffery N. Lüthi
Clerk of the Panel

RULE 5.2: SERVICE OF PAPERS FILED

(a) All papers filed with the Clerk of the Panel shall be accompanied by proof of previous or simultaneous service on all other parties in all actions involved in the litigation. Service and proof of service shall be made as provided in Rules 5 and 6 of the Federal Rules of Civil Procedure. The proof of service shall indicate the name and complete address of each person served and shall indicate the party represented by each. If a party is not represented by counsel, the proof of service shall indicate the name of the party and the party's last known address. The proof of service shall indicate why any person named as a party in a constituent complaint was not served with the Section 1407 pleading. The original proof of service shall be filed with the Clerk of the Panel and copies thereof shall be sent to each person included within the proof of service. After the "Panel Service List" described in subsection (d) of this Rule has been received from the Clerk of the Panel, the "Panel Service List" shall be utilized for service of responses to motions and all other filings. In such instances, the "Panel Service List" shall be attached to the proof of service and shall be supplemented in the proof of service in the event of the presence of additional parties or subsequent corrections relating to any party, counsel or address already on the "Panel Service List."

(b) The proof of service pertaining to motions for transfer of actions pursuant to 28 U.S.C. §1407 shall certify that copies of the motions have been mailed or otherwise delivered for filing to the clerk of each district court in which an action is pending that will be affected by the motion. The proof of service pertaining to a motion for remand pursuant to 28 U.S.C. §1407 shall certify that a copy of the motion has been mailed or otherwise delivered for filing to the clerk of the Section 1407 transferee district court in which any action affected by the motion is pending.

(c) Within eleven days of filing of a motion to transfer, an order to show cause or a conditional transfer order, each party or designated attorney shall notify the Clerk of the Panel, in writing, of the name and address of the attorney designated to receive service of all pleadings, notices, orders and other papers relating to practice before the Judicial Panel on Multidistrict Litigation. Only one attorney shall be designated for each party. Any party not represented by counsel shall be served by mailing such pleadings to the party's last known address. Requests for an extension of time to file the designation of attorney shall not be granted except in extraordinary circumstances.

(d) In order to facilitate compliance with subsection (a) of this Rule, the Clerk of the Panel shall prepare and serve on all counsel and parties not represented by counsel, a "Panel Service List" containing the names and addresses of the designated attorneys and the party or parties they represent in the actions under consideration by the Panel and the names and addresses of the parties not represented by counsel in the actions under consideration by the Panel. After the "Panel Service List" has been received from the Clerk of the Panel, notice of subsequent corrections relating to any party, counsel or address on the "Panel Service List" shall be served on all other parties in all actions involved in the litigation.

(e) If following transfer of any group of multidistrict litigation, the transferee district court appoints liaison counsel, this Rule shall be satisfied by serving each party in each affected action and all liaison counsel. Liaison counsel designated by the transferee district court shall receive copies of all Panel orders concerning their particular litigation and shall be responsible for distribution to the parties for whom he or she serves as liaison counsel.

**IN RE: FEDEX GROUND PACKAGE SYSTEM, INC.
EMPLOYMENT PRACTICES LITIGATION (NO. II)**

MDL No. 1700

INVOLVED COUNSEL LIST (CTO-27)

George A. Barton
LAW OFFICES OF
GEORGE A BARTON PC
800 West 47th Street
Suite 700
Kansas City, MO 64112

Evelyn L. Becker
O'MELVENY & MYERS LLP
1625 Eye Street, N.W.
Washington, DC 20006-4001

Edward John Efkeman
Federal Express Corporation
3620 Hacks Cross Road
Building B, 3rd Floor
Memphis, TN 38125

Clayton D. Halunen
HALUNEN & ASSOCIATES
220 South Sixth Street
Suite 2000
Minneapolis, MN 55402

Robert I. Harwood
HARWOOD FEFFER LLP
488 Madison Avenue
8th Floor
New York, NY 10022-5726

Susan Heaney Hilden
LITTLER MENDELSON PC
50 West Liberty Street
Suite 400
Reno, NV 89501

Steven Matthew Kelso
WHEELER TRIGG KENNEDY LLP
1801 California Street
Suite 3600
Denver, CO 80202

Shannon Liss-Riordan
PYLE ROME LICHTEN EHRENBERG
& LISS-RIORDAN PC
18 Tremont Street
5th Floor
Boston, MA 02108

Carla D. Macaluso
JACKSON LEWIS LLP
220 Headquarters Plaza
7th Floor, East Tower
Morristown, NJ 07960

Brian R. Morris
18603 Wedge Parkway
No. L-50
Reno, NV 89511

Beth A. Ross
LEONARD CARDER LLP
1188 Franklin Street
Suite 201
San Francisco, CA 94109

Dan S. Smith
DAN SOLOMON SMITH LLC
339 Main Street
Suite 2D
Orange, NJ 0705

MDL No. 1700 - Involved Counsel List (CTO-27) (Continued)

Richard Tanenbaum
1131 McDonald Avenue
Brooklyn, NY 11230

Donald R. Taylor
TAYLOR DUNHAM & BURGESS
301 Congress Avenue
Suite 1050
Austin, TX 78701

Edith A. Thomas
LAW OFFICE OF EDITH A THOMAS
214 North Ridge Drive
Suite B
Fallbrook, CA 92028

Matthew T. Tobin
SIEGEL BARNETT & SCHUTZ
P.O. Box 1286
Sioux Falls, SD 57101-1286

Ronald L. Wilcox
HILL & ROBBINS PC
1441 18th Street
Suite 100
Denver, CO 80202

UNITED STATES JUDICIAL PANEL

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on

MULTIDISTRICT LITIGATION

CHAIRMAN:
Judge John G. Heyburn II
United States District Court
Western District of Kentucky

MEMBERS:
Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Kathryn H. Vratil
United States District Court
District of Kansas

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

DIRECT REPLY TO:

Jeffery N. Lüthi
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D.C. 20002

Telephone: [202] 502-2800
Fax: [202] 502-2888
<http://www.jpml.uscourts.gov>

October 20, 2008

TO INVOLVED COUNSEL

Re: MDL No. 1700 -- IN RE: FedEx Ground Package System, Inc., Employment Practices Litigation (No. II)

(See Attached CTO-27)

Dear Counsel:

Attached hereto is a copy of a conditional transfer order filed today by the Panel involving the above-captioned matter. This matter is transferred pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001). Copies of Rule 5.2, dealing with service, and Rules 7.4 and 7.5, regarding "tag-along" actions, are attached for your convenience.

Inasmuch as there is an unavoidable time lag between notification of the pendency of the tag-along action and the filing of a conditional transfer order, counsel are required by Rule 7.4(b) to notify this office **BY FACSIMILE**, at (202) 502-2888, of any official changes in the status of the tag-along action. These changes could involve dismissal of the action, remand to state court, transfer to another federal court, etc., as indicated by an order filed by the district court. Your cooperation would be appreciated.

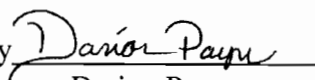
NOTICE OF OPPOSITION DUE ON OR BEFORE: November 4, 2008 (12 noon EST)
(Facsimile transmission is suggested.)

If you are considering opposing this conditional transfer order, please review Rules 7.4 and 7.5 of the Panel Rules before filing your Notice of Opposition.

A list of involved counsel is attached.

Very truly,

Jeffery N. Lüthi
Clerk of the Panel

By 
Darion Payne
Deputy Clerk

RECEIVED

OCT 22 2008

HILL & ROBBINS, P.C.

Attachments