

**CHECKLIST FOR FILING A NEW MDL MOTION
FOR 28 U.S.C. § 1407 TRANSFER**

**COURT RULES FOR THE
UNITED STATES JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION**

- Motion must consist of at least two actions with common questions of fact pending in two different federal district courts.
- Motion shall be captioned “BEFORE THE UNITED STATES JUDICIAL PANEL ON MULTIDISTRICT LITIGATION” followed by a brief descriptive caption of the new litigation. (Rule 3.2) *See Sample M-1.*
- Final page of each pleading shall contain the name, street address, email address and phone number of the attorney and shall include the name of each party represented.
- Brief (memorandum) in support of motion may not exceed 20 pages. *See Sample M-2.*
- Schedule of Actions must include the complete name of each action, listing the full names of each party (do not shorten with “etc.” or “et al.”) and shall also include any additional parties such as movants, intervenors, etc.; the district court and division; the civil action number; and the judge assigned for each action. *See Sample M-3.*
- Proof of Service shall indicate service of papers on the clerk of each district court that may be affected by the motion and shall include the name and address of each attorney served and the party represented by each. Double check the proof of service against the schedule of actions to make sure each party has been listed with counsel or, if counsel are unknown, serve the party directly. If unable to obtain the address of a party, you must state so in the proof of service. (Rule 4.1) *See Sample M-4.*
- Excessive exhibits are not helpful and generally do little to assist the Panel in ruling on a motion for transfer. Exhibits should be provided separately from the motion papers. DO NOT include as exhibits copies of the Panel’s own orders.
- Provide the Panel with one courtesy copy of those pleadings listed on Rule 3.2(d) within one business day of filing. This will facilitate processing of the motion papers.
- An Oral Argument Statement is not required, however, one may be submitted with the motion papers.

FORMAT FOR NEW MOTION FOR 28 U.S.C. § 1407 TRANSFER

**COURT RULES FOR THE
UNITED STATES JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

Rule 6.1: Motion Practice

**BEFORE THE
UNITED STATES JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**

In re John Doe Litigation MDL-_____

**MOTION OF PLAINTIFFS FOR TRANSFER OF
ACTIONS TO THE NORTHERN DISTRICT OF
CALIFORNIA PURSUANT TO 28 U.S.C. § 1407 FOR
COORDINATED OR CONSOLIDATED PRETRIAL
PROCEEDINGS**

Plaintiffs Billy Jones, John Jones, Bill Smith in the N.D. California action listed above, and plaintiffs Karen Jones, Susan Jones, Bill Smith in the S.D. Ohio action, respectfully move this Panel , pursuant to 28 U.S.C. §1407 . . .

Atty Name
Address, Email Address, Phone
Counsel for plaintiffs: *YOU MUST NAME*
ALL PARTIES REPRESENTED

A separate schedule of actions is required.

Averments in any motion seeking action by the Panel shall be in numbered paragraphs, each limited to a single factual averment.

Last page should contain name, street address, email address and telephone number of attorney or party in active charge of case and should name the parties represented.

FORMAT FOR BRIEF IN SUPPORT OF NEW MOTION
FOR 28 U.S.C. § 1407 TRANSFER

COURT RULES FOR THE
UNITED STATES JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

Rule 6.1: Motion Practice

BEFORE THE UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

In re John Doe Litigation MDL-_____

BRIEF IN SUPPORT PLAINTIFFS' MOTION FOR TRANSFER
OF ACTIONS PURSUANT TO TO 28 U.S.C. § 1407

BACKGROUND:

Plaintiffs Billy Jones, John Jones, Bill Smith in the N.D.
California action and plaintiffs Karen Jones, Susan Jones, Bill Smith
in the S.D. Ohio action filed their complaints . . .

ARGUMENTS:

Transfer of these actions to the Northern District of California
is appropriate because . . .

Atty Name
Street Address, Email Address, Phone
Counsel for plaintiffs: *YOU MUST NAME
ALL PARTIES REPRESENTED*

Brief is limited to 20 pages.

Background of the litigation and factual
and legal contentions of the movant shall
be concisely stated in separate parts of the
brief with citation of applicable authorities.

Last page should contain name, street
address, email address and telephone
number of attorney or party in active
charge of case and should name the parties
represented.

Exhibits shall be provided separately from
the accompanying pleading.

FORMAT FOR NEW MOTION SCHEDULE

**BEFORE THE UNITED STATES JUDICIAL PANEL ON MULTIDISTRICT LITIGATION
MDL-___ – In re John Doe Litigation**

SCHEDULE OF ACTIONS

Case Captions	Court	Civil Action No.	Judge
Plaintiffs: Bill Jones, Tom Jones, Susan Jones Movant: Sharon Smith Defendants: Smith Corp.; Jones & Jones; Mary Jones Corp.; Johnson & Smith, Inc.	N.D. California (Bky. Court, Advy.)	1:04-12345	Jack J. Jones
Plaintiffs: Mary S. Smith, Executer of the Estate of John Smith; Mary S. Smith, on Behalf of Minor Child Susan Smith, and Mary S. Smith, Individually Intervenor: State of New York Defendants: Smith Corp.; Jones & Jones; Mary Jones Corp.; Johnson & Smith, Inc.	D. Delaware	1:05-00001	William Justice

For each action on the Schedule you must include:

Complete name of action, do not use “et al.” or “etc.”

Individuals that have been added to the docket sheet such as Movants or Intervenors are considered parties by the Panel and should be identified within your case caption.

District court.

Please group cases by “district “ in ascending order.

Division & civil action number.

Within each district list cases in ascending order by civil action number.

Name of judge assigned.

A copy of the complaint and docket sheet for each action listed on the Schedule must be provided as an exhibit.

PROOF OF SERVICE FOR MOTION FOR 28 U.S.C. § 1407 TRANSFER

**BEFORE THE UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION**

In re John Doe Litigation MDL-_____

Proof of Service

I hereby certify that a copy of the foregoing Motion, Brief, Schedule of Actions and this Certificate of Service was served by [Email, Overnight Delivery, First Class Mail, Hand Delivery . . .] on Month Day, Year, to the following:

Clerk, Northern District California
San Francisco, CA

Clerk, Southern District of Ohio
Cincinnati, Ohio

William Smith, Esq.
Smith, Smith & Smith
One Main Street
San Francisco, CA 22222
Email Address (*if known*)

**Counsel for Plaintiffs: Andrea Resnick, Gary Bunker,
John Haley, Amy Latham, and Kevin Simpson**
N.D. California, No. 1:04-12345

John Johnson, Esq.
Johnson, Johnson & Johnson
Two Brown Street, Room 1
San Francisco, CA 22222
Email Address (*if known*)

**Counsel for Plaintiffs: Andrea Resnick, Gary Bunker,
John Haley, Amy Latham, and Kevin Simpson**
D. Delaware, C.A. No. 1:05-00001

Joe Jones, Esq.
Jones, Smith & Johnson
Three Green Street
San Antonio, TX 22433
Email Address (*if known*)

Counsel for Defendant: Johnson & Smith

*. . . and continue for the rest of the actions, including
counsel for Movants or Intervenors where appropriate.*

Rule 4.1 requires a proof of service on all other parties in all actions involved in the litigation. The proof of service shall indicate the name, complete street address and email address (if known) of each person served and shall indicate the party represented by each. Parties not represented by counsel shall be served at the party's last known address.

Service of a common defendant may be listed just once; however, organization of certificate of service should track organization of schedule of actions, so that counsel are listed in a district by district and case by case basis.

Individuals that have been added to the docket sheet as Movants or Intervenors are considered parties by the Panel and should be included on your certificate of service.