



UNITED STATES JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

PRO SE MDL GUIDEBOOK

July 2011

This guidebook is intended to be an informative and practical resource for understanding the basic procedures of the Judicial Panel on Multidistrict Litigation. The statements in this guidebook do not constitute legal advice and may not be cited as legal authority. This guidebook does not take the place of the [Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation](#). All parties using this guidebook remain responsible for complying with all applicable rules of procedure. If there is any conflict between this guidebook and the applicable rules, the rules govern.



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GENERAL INFORMATION

How do I file documents with the Panel?

Pro se filers are not permitted to file documents through the Panel's electronic filing system. Documents must be prepared on paper and mailed to the Clerk of the Panel for filing. Upon receipt, and if deemed compliant, the Clerk's Office will docket Pro Se filings to the Panel's electronic filing system and the documents will become part of the public record.

How do I file documents containing personally identifiable information?

If a document filed contains personally identifiable information, the filing party is required to file a redacted copy for the public record along with the unredacted sealed document. The redacted document will be filed and the sealed unredacted document will be retained by the Panel.

Does the Panel charge a filing fee?

No. The Panel does not charge a filing fee.

Can I make an appointment to speak to someone in the Clerk's Office?

No appointment is needed to speak to a staff member. The Clerk's Office is open for business from 9:00am - 4:00pm, Monday - Friday (except federal and court holidays). Litigants may contact the Office by telephone or in person anytime during the day. Litigants are advised, however, that the Court closes promptly at 4:00pm and all questions should be directed to the Office well before that time.

May I write/call/submit filings to the members of the Panel directly?

No. The Court requires that all correspondence and filings from all litigants be directed/submitted to the Clerk's Office. Litigants are encouraged to follow this rule to ensure the prompt processing of their papers. Any papers submitted elsewhere will not be recognized by the Panel.

My corporation is involved in a case before the Panel, can I file papers on behalf of the corporation?

No. Only individuals can appear *pro se*. A person who is not an attorney may appear *pro se* but may not represent a corporation, even if the person is the sole owner of the corporation. The corporation must be represented by a lawyer.



Can the Clerk's Office give legal advice?

No. Legal advice should be given only by lawyers to their clients. The staff of the Clerk's Office consists of court employees and are prohibited by law from giving legal advice.

What kind of cases should be brought before the Panel?

Under the Judicial Panel on Multidistrict Litigation's governing statute, 28 U.S.C. § 1407, cases before the Panel must be pending in federal court. The cases must also share questions of fact with either (1) cases in previously centralized MDL matters or (2) one or more other cases pending in different districts, for a motion to create a new MDL. A more detailed explanation of these two types of MDL proceedings may be found on the Panel's [website](#).

My papers are due today, but I can't get to the courthouse until after 4:00pm, what can I do?

As soon as you know you will not be able to make the filing deadline, you should notify the Clerk's Office by phone for instructions on what to do. If you cannot submit your papers during the Panel's normal business hours, you may fax them to 202-502-2888; however, if your documents are over 25 pages you must contact the Clerk's Office on the next business day before faxing for permission and/or other filing instructions. Please do not "break up" large documents into several faxes. Your papers will be considered timely by the Clerk's Office and filed on the next business day.

You may also fax a Request for Extension of Time to ask for additional time to submit your documents. The request must include a date by when your document will be received by the Clerk's Office. Submission of a Request for Extension of Time does not guarantee the request will be granted. The Clerk of the Panel reserves the right deny, grant in part or grant fully any Requests for Extension of Time submitted to the Panel. All parties involved in the cases subject to the request will be notified of the Clerk's decision.

I don't have a computer or a typewriter, can I write my papers in long-hand?

Yes, Papers may be handwritten on 8-1/2'' x 11'' paper and must be legible.

Can I file my papers electronically?

No. *Pro se* litigants must file documents on paper.

Can I speak to the Panel judges about my case?

Unless appearing at a Panel hearing before the Panel judges, all communication to the Panel judges must be done in writing and submitted to the Clerk's Office.



Will the Panel judges answer my letter?

Generally, the Clerk's Office will respond to procedural requests, such as extensions of time, that are made in the form of a letter.

Will my letters be filed and placed in the Panel's official file?

Generally, letters are not filed or placed in the court file. It is the Clerk of the Panel's decision whether or not to have the letter made part of the Panel's official file.

Will Clerk's Office accept faxes?

Yes. Generally, *Pro se* litigants may fax documents to the Clerk's Office at 202-502-2888; however, if your documents are over 25 pages, please contact the Clerk's Office before faxing for permission and /or other filing instructions. Please do not "break up" large documents into several faxes.

I do not speak English, what do I do?

The federal courts do not have the resources to provide free interpreters for litigants in civil cases. To conduct business at the Panel, you should have a trusted family member or friend assist you by interpreting for you.

I am hearing-disabled, will the Panel provide an American Sign Language (ASL) signer for me?

Under the Americans with Disabilities Act, the Panel will provide an ASL signer for court proceedings free of charge to those who request it. You should contact the Clerk's Office for more information about this service.

MOTION PRACTICE

How do I file a Motion to Transfer?

Motions by *pro se* litigants must be submitted to the Clerk's Office. The complete filing must include an a recommended MDL caption, blank MDL number field (for pending motions to transfer to create an MDL), filing party information, the Motion, a Memorandum in Support, Schedule of Actions (a list of case(s) you want the Panel to centralize or transfer), Proof of Service and the docket sheet and complaint for each action listed on the Schedule of Actions. Optional documents, such as Declarations, Oral Argument Statements and other items that you want to support your motion may also be included. All documents and exhibits must be clearly



identified and numbered when necessary. The filer's name, address and signature must also appear on each prepared document. A courtesy copy of the motion must also be submitted. If you would like a received-stamped copy of your motion, a third copy and postage paid return envelope must be included.

How do I file a Response to a Motion to Transfer?

Pro se litigants must submit their Response to a Motion to Transfer to the Clerk's Office. Failure to respond to a motion will be treated as that party's acquiescence to the motion. The response should state whether the filer supports or opposes the motion and must include the MDL caption, MDL number, filing party name, case caption and Proof of Service. Optional documents, such as a separate Memorandum in Support, Declarations, Oral Argument Statements and other items that you want to support your response may also be included. All documents and exhibits must be clearly identified and numbered when necessary. The filer's name, address and signature must also appear on each prepared document. If you would like a received-stamped copy of your filing, a third copy and postage paid return envelope must be included.

Can I file additional documents to supplement my original filing?

Yes. Parties are encouraged to file supplemental pleadings to provide new information or update the Panel on the status of a case. The filing must be titled Supplemental Information and shall meet the filing requirements as set forth in the Panel Rules. A courtesy copy of the filing must also be submitted. If the filing party would like a received-stamped copy of their filing, a third copy and postage paid return envelope must be included.

SERVICE OF PLEADINGS

How should I notify other parties of my filing?

The Proof of Service shall provide a service list with the full name of each party included on the district court's docket sheet and the complaint, including opt-in plaintiffs not listed on the docket sheet. In actions where there are 25 or more plaintiffs listed on the docket sheet, list the first named plaintiff with the reference "et al." if all the plaintiffs are represented by the same attorney(s).

The Proof of Service shall indicate the name and manner of service. 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 complaint was not served with the Section 1407 pleading.



What if I cannot afford to mail my filing to other parties?

If completing service proves to be a financial burden, *pro se* filers may submit a letter or motion to the Clerk of the Panel asking the JPML to complete service requirements to involved case participants on the *pro Se* filer's behalf.

PANEL HEARINGS AND DECISIONS

What is a Panel Hearing?

The Panel holds bi-monthly hearing sessions to determine pending matters (motions). Hearing sessions consist of matters that will be argued orally and those that will be decided based on papers (filings) submitted.

Where are Panel Hearings held and do I have to attend?

The Panel Chairman determines the time, place and agenda for each hearing session. The Clerk of the Panel gives appropriate notice to counsel for all parties. The Panel may continue its consideration of any scheduled matters. It is not mandatory to attend the hearing session and parties may waive oral argument if they choose. The Panel will not arrange or pay for any parties to attend the Panel hearing.

How will I be notified of the Panel's decision?

Pro Se parties will be notified by mail as soon as the decision is filed. Parties may also phone the Clerk's Office during business hours to inquire about their case.

If my case is transferred can I continue to represent myself in the transferee court?

Pro Se parties can continue to represent themselves in the transferee court. Parties should familiarize themselves with that court's Local rules and adhere to any deadlines set by the transferee court.

TAG-ALONG ACTIONS

What is a tag-along action?

A tag-along case that involves common questions of fact with either (1) actions on a pending motion to transfer to create an MDL or (2) actions previously transferred to an existing MDL, and which the Panel would consider transferring under Section 1407.

How do I inform the Panel that my case may be related to an MDL?

Pro se filers should send the Clerk of the Panel a Notice of Potential Tag-Along Action



containing the Panel heading, MDL name and number, case caption(s), a copy of each docket sheet and complaint, and a Proof of Service.

CONDITIONAL TRANSFER ORDERS

What is a Conditional Transfer Order?

A Conditional Transfer Order (CTO) is an order entered by the Clerk of the Panel that conditionally transfers tag-along actions to a previously designated transferee district court for the reasons set forth in the Panel's previous orders and opinions. The CTO is served on all parties involved in all cases pertaining to the order and stayed for a period of 7 days to allow the parties opportunity to oppose transfer of their action(s).

How do I oppose transfer of my case(s)?

Parties opposing transfer of a case on a Conditional Transfer Order must file a Notice of Opposition to CTO with the Clerk of the Panel. The Notice of Opposition must have the Panel heading, MDL name and number, and the case caption(s) being opposed. Parties must include a brief statement saying that they oppose transfer of their case(s). In order to meet the 7-day filing period, you may fax your notice of opposition to the Clerk's Office at 202-502-2888.

Upon receiving the Notice of Opposition, the Clerk of the Panel will issue a briefing schedule instructing the opposing parties to file their Motion to Vacate and Brief in Support by the date specified. Failure to file the required Motion and Brief will be considered a withdrawal of the opposition to said CTO and the case will be transferred.

What happens after I oppose transfer?

The case will be scheduled for a Panel hearing session and the issue of transfer will be decided by the Panel judges.

TERMINATION AND REMAND OF ACTIONS

What does it mean when my case is remanded?

When a case is remanded, it is sent back to the original district court. This usually occurs after the transferee judge suggests remand back to the original district court, but may also occur on the Panel's own initiative.

What is a Conditional Remand Order?

A Conditional Remand Order (CRO) is an order entered by the Clerk of the Panel that conditionally remands a previously transferred action back to its original district. Upon the



suggestion of the transferee judge or the Panel's own initiative, the Clerk of the Panel shall enter a conditional order remanding the action or actions to the transferor district court. The Clerk of the Panel shall serve this order on each party to the litigation but shall not send the order to the clerk of the transferee district court for 7 days from the entry thereof to allow parties opportunity to oppose remand of their action(s). In order to meet the 7-day filing period, you may fax your notice of opposition to the Clerk's Office at 202-502-2888.

The Panel may, on its own initiative, also enter an order that the parties show cause why a matter should not be remanded. Unless otherwise stated by the Panel, parties to the action(s) have 21 days to file a response to the Panel's order to show cause. Please see Panel Rule 8.1 for specific instructions on how to respond to an order to show cause.

How do I oppose remand of my case(s)?

Parties opposing remand of a case on a Conditional Remand Order must file a Notice of Opposition to CRO with the Clerk of the Panel. The Notice of Opposition must have the Panel heading, MDL name and number, and the case caption(s) being opposed. Parties must include a brief statement saying that they oppose remand of their case(s).

Upon receiving the Notice of Opposition, the Clerk of the Panel will issue a briefing schedule instructing the opposing parties to file their Motion to Vacate and Brief in Support by the date specified. Failure to file the required Motion and Brief will be considered a withdrawal of the opposition to said CRO and the case will be remanded.

What happens after I oppose remand?

The case(s) will be scheduled for a Panel hearing session and the issue of remand will be decided by the Panel judges.

Can I file a Motion to Remand my case(s)?

If the Clerk of the Panel does not enter a CRO, a party may file a motion to remand the action to its original district pursuant to the Panel Rules. Because the Panel is reluctant to order remand without a suggestion of remand from the transferee judge, motions filed must comply with the filing procedures outlined in Rule 10.3 of the Panel Rules.