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AUG 10 2005

ATTEST
FOR THE JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

United States District Court
District of Connecticut
FILED AT BRIDGEPORT
8-22-2005
Kevin F. Rowe, Clerk
By: Deputy Clerk

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION
FILED
AUG 10 2005
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U.S. DISTRICT COURT

DOCKET NO. 1631

3:05cv1339 (SRU)

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE PUBLICATION PAPER ANTITRUST LITIGATION

Jorine Lowry v. International Paper Co., et al., **D. Maine, C.A. No. 2:05-63**
Beth Mahoney v. International Paper Co., et al., **D. New Hampshire, C.A. No. 1:05-120**
Shelly Smith, et al. v. International Paper Co., et al., **D. Vermont, C.A. No. 2:05-93**

BEFORE WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN, D. LOWELL JENSEN, J. FREDERICK MOTZ, ROBERT L. MILLER, JR., KATHRYN H. VRATIL AND DAVID R. HANSEN, JUDGES OF THE PANEL*

TRANSFER ORDER

Before the Panel is a motion brought, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), by plaintiffs in three actions pending, respectively, in the District of Maine, District of New Hampshire, and District of Vermont. These plaintiffs seek to vacate the Panel's order conditionally transferring their actions to the District of Connecticut for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket. Defendants International Paper Co.; Norske Skog (USA) Inc.; Norske Skog Canada (USA) Inc.; Norske Skog North America, LLC; S.D. Warren Co.; and Stora Enso North America Corp. oppose the motion and urge inclusion of the actions in the MDL-1631 proceedings.

On the basis of the papers filed and hearing session held, the Panel finds that these three actions involve common questions of fact with the actions in this litigation previously transferred to the District of Connecticut, and that transfer of these actions to the District of Connecticut for inclusion in the coordinated or consolidated pretrial proceedings in that district will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. The Panel further finds that transfer of these actions is appropriate for reasons expressed by the Panel in its original order directing centralization in this docket. In that order, the Panel held that the District of Connecticut was a proper Section 1407 forum for actions brought by parties allegedly injured by a conspiracy to fix and maintain the prices for publication paper. *See In re Publication Paper Antitrust Litigation*, 346 F.Supp.2d 1370 (J.P.M.L. 2004). The pending motions for remand to state court can be presented to and decided by the transferee court. *See, e.g., In re Ivy*, 901 F.2d 7 (2nd Cir. 1990); *In re Prudential Insurance Company of America Sales Practices Litigation*, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001).

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* Judge Motz took no part in the decision of this matter.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, these actions are transferred to the District of Connecticut and, with the consent of that court, assigned to the Honorable Stefan R. Underhill for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

FOR THE PANEL:

Wm. Terrell Hodges
Chairman