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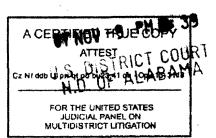
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2007 Nov-13 PM 03:54 U.S. DISTRICT COURT N.D. OF ALABAMA



SOUTHERN DISTRICT OF MISSISSIPPI FILED

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WHEN ALE DEPUTY

UNITED STATES JUDICIAL PANEL

On

MULTIDISTRICT LITIGATION

UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

23;35 qn - Opw13- 3118

FILED CLERK'S OFFICE

IN RE: WAYNE FARMS LLC FAIR LABOR STANDARDS ACT LITIGATION

MDL No. 1872

06-2095

TRANSFER ORDER

Before the entire Panel: Common defendant Wayne Farms LLC (Wayne Farms) has moved, pursuant to 28 U.S.C. § 1407, for coordinated or consolidated pretrial proceedings of this litigation in the Southern District of Mississippi. Plaintiffs in all actions support the motion.

This litigation currently consists of twelve actions listed on Schedule A and pending in four districts as follows: four actions each in the Middle District of Alabama and the Northern District of Alabama, and two actions each in the Northern District of Georgia and the Southern District of Mississippi.

After considering all argument of counsel, we find that these twelve actions involve common questions of fact, and that centralization under Section 1407 in the Southern District of Mississippi will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. All actions share factual questions arising out of similar allegations that certain Wayne Farms employees are entitled to compensation under the Fair Labor Standards Act (FLSA), 29 U.S.C. § 201, et seq. Centralization under Section 1407 will eliminate duplicative discovery; prevent inconsistent rulings on pretrial motions, including those with respect to certification of collective actions; and conserve the resources of the parties, their counsel and the judiciary.

Given that the actions are pending in nearby federal judicial districts in Alabama, Georgia, and Mississippi, any of the involved districts would be convenient for the parties and witnesses. We are persuaded that the Southern District of Mississippi is an appropriate transferee forum for this litigation. The Southern District of Mississippi has been advancing the actions efficiently with a large number of potential claimants. Additionally, all parties support centralization in this district.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, the actions listed on Schedule A and pending outside the Southern District of Mississippi are transferred to the Southern District of Mississippi and, with the consent of that court, assigned to the Honorable Keith Starrett for coordinated or consolidated pretrial proceedings with the actions pending there and listed on Schedule A.

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PANEL ON MULTIDISTRICT LITIGATION

John G. Heyburn II Chairman

D. Lowell Jensen Robert L. Miller, Jr. David R. Hansen J. Frederick Motz Kathryn H. Vratil Anthony J. Scirica

A TRUE COPY, I HEREBY CERTIFY.
J. T. NOBLAN, CLERK

BY:

DEPUTY CLERK

Case 2:07-md-01872-KS-MTP Document 1

Filed 11/05/2007

Page 3 of 3

IN RE: WAYNE FARMS LLC FAIR LABOR STANDARDS ACT LITIGATION

MDL No. 1872

SCHEDULE A

Middle District of Alabama

Samuel Adams, et al. v. Wayne Farms LLC, C.A. No. 1:06-950 Sonya P. Adams, et al. v. Wayne Farms LLC, C.A. No. 1:07-296 Darren Anderson, et al. v. Wayne Farms LLC, C.A. No. 2:06-951 Amos Akings, et al. v. Wayne Farms LLC, C.A. No. 2:07-297

Northern District of Alabama

Jimmy W. Belue, et al. v. Wayne Farms LLC, C.A. No. 4:06-2095 Robert Thomas Dunn, et al. v. Wayne Farms LLC, C.A. No. 4:07-647 James E. Bolden, et al. v. Wayne Farms LLC, C.A. No. 5:06-2096 Pamela M. Allen, et al. v. Wayne Farms LLC, et al., C.A. No. 5:07-639

Northern District of Georgia

Christie Norman, et al. v. Wayne Farms LLC, C.A. No. 1:07-1154 Joey Tate, et al. v. Wayne Farms LLC, C.A. No. 2:07-55

Southern District of Mississippi

April Agee, et al. v. Wayne Farms LLC, et al., C.A. No. 2:06-268 Eula M. Keyes, et al. v. Wayne Farms LLC, C.A. No. 2:07-29

UNITED STATES DISTRICT COURT

OFFICE OF THE CLERK
SOUTHERN DISTRICT OF MISSISSIPPI
PECFIVED Jackson, Mississippi

₩ NOV -9 PM 18: 39 November 6, 2007

J. T. Noblin CLERK

245 E. Capitol St., Suite 316 Jackson, MS 39201

TELEPHONE (601) 965-4439 4 6 CIOTOLO

H.S. DISTRICT COURT N.D. OF ALABAMA DIVISIONS

SOUTHERN at Gulfport 2012 15th Street, Suite 403 Zip 39501

HATTIESBURG at Hattiesburg 701 Main St., Suite 200 Zip 39401

JACKSON at Jackson 245 E. Capitol, Suite 316 Zip 39201

EASTERN & WESTERN at Jackson 245 E. Capitol, Suite 316 Zip 39201

Perry D. Mathis, Clerk U. S. District Court 140 Hugo L. Black U.S. Courthouse 1729 5th Avenue North Birmingham, AL 35203

RE: MDL No. 1872 -- IN RE: Wayne Farms LLC Fair Labor Standards Act Litigation

Title Case(s):	Your Case Number(s):	New Case Number(s):	00
Jimmy W. Belue, et al v. Wayne Farms	C.A. No. 4:06-2095	C.A. No. 2:07cv1004KS-MTP	RDP
Robert Thomas Dunn, et al v. Wayne Farms	C.A. No. 4:07-647	C.A. No. 2:07cv1005KS-MTP	ROP.
James E. Bolden, et al v. Wayne Farms	C.A. No. 5:06-2096	C.A. No. 2:07cv1006KS-MTP	TPT
Pamela M. Allen, et al v. Wayne Farms	C.A. No. 5:07-639	C.A. No. 2:07cv1006KS-MTP C.A. No. 2:07cv1007KS-MTP	市

Dear Clerk:

Enclosed is a certified copy of the Transfer Order from the Judicial Panel on Multidistrict Litigation transferring the above entitled actions to the Southern District of Mississippi, Hattiesburg Division. The cases have been assigned to Honorable Keith Starrett for coordinated or consolidated pretrial processing pursuant to 28 USC §1407.

If the cases are electronically filed, please e-mail the PDF documents, as separate files, including a PDF copy of the docket sheet to **interdistricttransfer_mssd@mssd.uscourts.gov**. If cases were not electronically filed, please provide certified copies of the docket sheet, complaint with any amendments. We appreciate your prompt attention to this matter.

Sincerely yours,

I. NUBLIN, CLERK

Deputy Clerk

Enclosure