

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE DOMESTIC AIRLINE TRAVEL
ANTITRUST LITIGATION

MDL DOCKET NO. 2656

**MOTION OF PLAINTIFF STATE-BOSTON RETIREMENT SYSTEM IN SUPPORT OF
THE TRANSFER TO AND CONSOLIDATION
OR COORDINATION OF RELATED ANTITRUST ACTIONS
IN THE EASTERN DISTRICT OF NEW YORK FOR PRETRIAL PROCEEDINGS**

Plaintiff State-Boston Retirement System (“State-Boston”) respectfully moves this MDL Panel, pursuant to 28 U.S.C. § 1407, for an order transferring and centralizing for consolidated or coordinated pretrial proceedings in the United States District Court for the Eastern District of New York ten class actions alleging anticompetitive conduct relating to the domestic passenger air transportation industry. In support of its motion, State-Boston states:

1. To date, ten antitrust class actions have been filed against defendants American Airlines, Delta Air Lines, United Airlines, and Southwest Airlines (the “Related Actions”). The ten actions, set forth in the accompanying Schedule of Related Actions, are pending in five districts: three cases in the Eastern District of New York; two cases in the Southern District of New York; two cases in the Northern District of California; two in the District of Columbia; and one in the Northern District of Illinois.

2. Centralization of the Related Actions will promote the goals of 28 U.S.C. § 1407 by conserving judicial resources, reducing litigation costs, preventing potentially inconsistent pretrial rulings, eliminating duplicative discovery, and permitting the cases to proceed more efficiently. The Related Actions are proposed class actions that arise out of Defendants’ conspiracy to restrain trade in the market for air passenger transportation services in the United States. All of the Related Actions allege that Defendants conspired to fix, maintain, and/or

stabilize the prices of domestic air passenger transportation through their collective actions to reduce and/or maintain capacity in the industry.

3. The Related Actions are in their early stages. No responsive pleadings or dispositive motions have been filed nor has any discovery been conducted. Centralization of these actions at this early stage will allow the transferee court to efficiently resolve the common factual and legal issues and address overlapping discovery related to these issues.

4. The Related Actions should be transferred and consolidated or coordinated in the Eastern District of New York for the following reasons:

- All Defendants have significant business operations in and around the Eastern District of New York, including two defendants (American and Delta) who have hubs in airports located within the territorial boundaries of the Eastern District of New York, and another (United) which has a hub in nearby Newark, New Jersey;
- Given the Defendants' significant business operations in and around the Eastern District of New York, it is likely that relevant documents and witnesses will be found in and around the Eastern District of New York;
- The Eastern District of New York is convenient for all parties in the Related Actions because they are located near airports with direct service to New York City-area airports;
- The Eastern District of New York has a relatively low volume of pending MDLs currently before it, making it well-suited to devote the resources necessary to manage this litigation; and
- The Eastern District of New York has demonstrated considerable expertise in the management of complex antitrust cases, including those, which, like this case, involve allegations of anticompetitive conduct in the airline industry.

5. This motion is based on the accompanying Memorandum of Law and Schedule of Related Actions filed concurrently with this motion.

WHEREFORE, State-Boston respectfully requests that the MDL Panel order that the Related Actions pending outside the Eastern District of New York, which are listed in the

accompanying Schedule of Actions, as well as any cases that may be subsequently filed asserting related or similar claims, be transferred to the Eastern District of New York for consolidated or coordinated pretrial proceedings.

Dated: July 7, 2015

Respectfully submitted,

/s/ Jay L. Himes

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