BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

In Re: AUTO BODY SHOP LITIGATION MDL DOCKET NO._____

MOVANT PLAINTIFFS' MOTION TO TRANSFER PURSUANT TO 28 U.S.C. § 1407

Movant Plaintiffs hereby respectfully move the Judicial Panel on Multidistrict Litigation ("the Panel") for an order pursuant to 28 United States Code § 1407 transferring related actions pending in multiple different federal district courts (identified in the concurrently filed schedule of actions) to the United States District Court for the Southern District of Mississippi for coordinated or consolidated pretrial proceedings. Movants are comprised of All Plaintiffs in all actions set out below.

In support of this motion, and as fully explained in the accompanying memorandum, Plaintiffs state as follows:

1. Since January, 2014, five essentially identical causes of action (collectively, the "Actions") have been filed on behalf of Plaintiff auto body shops against numerous automobile insurers relating to the insurers' intentional refusal to fully and fairly compensate Plaintiffs for all work performed in repairing vehicles for which the defendants are responsible for payment, improperly suppressing labor rates, steering, and violations of the Sherman Antitrust Act.

The actions have been brought by numerous plaintiffs and are presently pending before five different district courts in different states (Mississippi, Tennessee, Utah, Florida and Indiana).

2. The actions are as follows[1]:

(A) *Capitol Body Shop, Inc., et al. v. State Farm Mutual Automobile Insurance Company, et al.*, Cause No. 3:14CV12, United States District Court for the Southern District of Mississippi, Northern Division-Jackson ("the Mississippi Case"). The original complaint was filed on 6 January, 2014. An amended complaint was filed on 4 March, 2014. The Mississippi Case is currently pending before the Honorable Carlton Reeves, United States District Judge.

(B) *A&E Auto Body, Inc., et al. v. 21st Century Centennial Insurance Company, et al.,* Cause No. 6:14-CV-00310, United States District Court for the Middle District of Florida, Orlando Division ("the Florida Case"). The original complaint was filed on 24 February 2014. The Florida case is currently pending before the Hon. Gregory A. Presnell, United States District Judge.

(C) *Indiana AutoBody Association, Inc, et al. v. State Farm Mutual Automobile Insurance Company, et al.,* Cause No. 1:14-CV-507, United States District Court for the Southern District of Indiana, Indianapolis Division ("the Indiana Case"). The original complaint was filed on 2 April 2014. The Indiana case is currently pending before the Honorable Tanya W. Pratt, United States District Judge.

(D) *Alpine Straightening Systems, Inc., d/b/a Alpine Body Shop, et al. v. State Farm Mutual Automobile Insurance Company, et al.,* Cause No. 2:14-CV-261, United States District Court for the District of Utah, Central Division ("the Utah Case"). The original complaint was filed on 10 April 14. A district judge has not yet been assigned to this matter as of the filing of this Motion.

(E) *Brewer Body Shop, LLC, et al. v. State Farm Mutual Automobile Insurance Company,*

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[1]Pursuant to the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, complete case information is included on the Schedule of Actions filed concurrently herewith.

et al., Cause No. 2:14-CV-02286, United States District Court for the District of Tennessee, Western District ("the Tennessee Case"). The original complaint was filed on 22 April 2014. The Tennessee Case is currently pending before the Honorable John T. Fowlkes, Jr., United States District Judge.

3. The Actions are based on nearly identical factual allegations, as the defendants in each action have acted consistently across the nation. They assert identical or nearly identical claims for relief seeking, *inter alia*, damages for failure to make full and complete payment for work performed, damages for improper suppression of labor rates, damages for improperly steering customers away from Plaintiffs' businesses, price-fixing and boycotting in violation of the Sherman Antitrust Act. Complaints also seek injunctive relief as well as damages.

4. As of the filing of this motion, none of the district courts in which the cases presently sit have held scheduling conferences or entered a scheduling order pursuant to Federal Rule of Civil Procedure 16 (b). Motions to dismiss and\or for judgment on the pleadings have been filed in the Florida Action. Responses have been filed thereto and are awaiting court action. However, because of the nature of the motions, Movants respectfully submit this is a matter best handled through multidistrict litigation as it is anticipated that similar or identical motions will be filed in every district. Unifying such matters would prevent inconsistent rulings of law.

5. Additionally, transfer for coordination or consolidation is appropriate because the actions include numerous questions of common fact, transfer will serve the convenience of the parties and witnesses, and will promote the just and efficient conduct of the actions as MDL will eliminate duplicative discovery, prevent duplicative motions, prevent conflicting pretrial rulings, (as noted immediately above), substantially conserve judicial resources, reduce the costs of litigation, and allow the Actions to proceed more efficiently to trial.

6. Movants seek transfer of the Florida, Tennessee, Indiana and Utah Actions to the District Court for the Southern District of Mississippi, Jackson, as the most appropriate transferee court under the circumstances. All Plaintiffs in all jurisdictions are represented by counsel located in Jackson, Mississippi. The Mississippi Action was first filed, all documents and discovery will flow through the Jackson office of counsel for Plaintiffs'. The Southern District of Mississippi is centrally located within the United States such that travel to and from the location should not present an undue hardship to the parties, counsel and\or witnesses and the Southern District of Mississippi, Jackson, has a completely modern, technologically advanced structure and infrastructure appropriate and useful to litigation of this type and nature.

7. Alternatively, in the event the Southern District of Mississippi is disfavored, Movants' respectfully request transfer of all Actions to the District Court for the Eastern District of Louisiana in New Orleans, Louisiana. The Eastern District of Louisiana has extensive experience with multidistrict litigation and, is similarly centrally located.

8. Movants' petition is based upon this motion, the memorandum filed currently here with, the schedule of actions filed concurrently herewith, pleadings and papers on file here in such matters as may be presented to the panel the time of hearing.

Respectfully submitted, this the 20th day of May, 2014.

/s/ Allison P. Fry
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ATTORNEYS FOR MOVANTS

Moving Plaintiffs:

The Mississippi Action:

CAPITOL BODY SHOP, INC.,
AUTOMOTIVE ALIGNMENT & BODY SERVICE, INC.,
D/B/A PITALO AUTO PAINT & BODY
ALEXANDER BODY SHOP, LLC,
B & W BODY SHOP, INC.,
BILL FOWLER'S BODYWORKS, INC.,
BOLDEN BODY SHOP, LLC,
CANTON COLLISION, LLC
CAPITOL BODY SHOP OF RIDGELAND, INC.,
CAPITOL BODY SHOP OF BYRAM, INC.,
CLINTON BODY SHOP, INC.,
CLINTON BODY SHOP OF RICHLAND, INC.,
CRYSTAL CAR CARE, INC.,
EAST MCCOMB BODY SHOP, INC.,
GEORGE CARR BUICK PONTIAC CADILLAC GMC, INC.
HYPERCOLOR AUTOMOTIVE RECONDITIONING, INC.,
D/B/A AUTOWORKS COLLISION SPECIALIST ,
LAKESHORE BODY SHOP, INC.,
PATRIOT AUTO BODY, LLC.,
PORTER'S BODY SHOP, INC.,
PROTOUCH COLLISION, LLC,
D/B/A BOLER-PHILLIPS BODY SHOP,
RIDGELAND BODY SHOP, INC.,
ROY ROGERS BODY SHOP, INC.,
SMITH BROTHERS BODY SHOP, INC.,
SMITH BROTHERS COLLISION CENTER, INC.,
WALKERS COLLISION CENTER, INC.,
MARK COOK AND BARRY LEWIS, INDIVIDUALLY AND
D/B/A EUROPEAN COACHWORKS, LTD.

The Florida Action:

A & E AUTO BODY, INC.,
AMERICAN PAINT & BODY, INC.
AUTO & COACH WORKS OF CENTRAL
FLORIDA, INC.,
AUTO BODY CONCEPTS, INC.
COLLISION CONCEPTS OF DELRAY, LLC,
ELITE EURO CARS COLLISION
SERVICES, INC.
EXPRESS PAINT & BODY,
GUNDER'S AUTO CENTER, INC.,
JUSTICE COLLISION, LLC,
LONG WHOLESALE CONSULTANTS,
MARSHALLS BODY MASTERS
OLD DIXIE PAINT AND BODY, LLC,
ORLANDO AUTO BODY, INC.,
QUALITY COLLISION REPAIR, INC.,
REGAL PONTIAC, INC.,
SPS BUSINESS INVESTMENTS, INC.,
STEWART AGENCY INC., D/B/A/ EARL
STEWART TOYOTA OF NORTH PALM BEACH
STEWART AUTO REPAIR, INC.,
STEWART COLLISION GROUP, LLC, D/B/A
BERNIE'S BODY SHOP

The Indiana Action:

THE INDIANA AUTO BODY ASSOCIATION, INC.
GARY CONNS COLLISION CENTER, INC.
CROSS PAINT & BODY SHOP, INC.
DAN T. GRATZ BODY SHOP, INC.
DECKER & VICKERY, INC.
ENNEKING'S AUTO BODY, INC.
EXCEL AUTO BODY, INC.
JON'S BODY SHOP, INC
MAIN STREET BODY SHOP, INC.
MINTON BODY SHOP, INC.
PRESTIGE AUTO BODY REPAIR, INC.
KNJ LLC, D/B/A QUALITY COLLISION, INC.
SOUTHLAKE COLLISION CENTER, INC.
TEAM 150, INC.
THURMAN BODY SHOP, LLC

The Utah Action:

ALPINE STRAIGHTENING SYSTEMS, INC.
D/BA ALPINE BODY SHOP
A.F. COLLISION REPAIR, INC.
PERKS AUTO REPAIR, INC.
JENSON ENTERPRISES, INC.
B&B AUTO BODY & PAIN, INC.
LINDON COLLISION CENTER, LLC

The Tennessee Action:

BREWER BODY SHOP, LLC
AAA COLLISION CENTER, LLC
ICON COLLISION SERVICES, LLC