A CERTIFIED TRUE COPY
ATTEST
By Denise Morgan-Stone on Sep 08, 2010
FOR THE UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION
Aug 24, 2010
FILED
CLERK'S OFFICE

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: BANK OF AMERICA WAGE AND HOUR EMPLOYMENT PRACTICES LITIGATION

Alvin Rutherford v. Bank of America Corp.,)
S.D. Florida, C.A. No. 0:10-61118) MDL No. 2138

CONDITIONAL TRANSFER ORDER (CTO-2)

On April 14, 2010, the Panel transferred ten civil actions to the United States District Court for the District of Kansas for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* F.Supp.2d. (J.P.M.L. 2010). Since that time, two additional actions have been transferred to the District of Kansas. With the consent of that court, all such actions have been assigned to the Honorable John W. Lungstrum.

It appears that the action on this conditional transfer order involves questions of fact that are common to the actions previously transferred to the District of Kansas and assigned to Judge Lungstrum.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), this action is transferred under 28 U.S.C. § 1407 to the District of Kansas for the reasons stated in the order of April 14, 2010, and, with the consent of that court, assigned to the Honorable John W. Lungstrum.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of Kansas. The transmittal of this order to said Clerk shall be stayed 14 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 14-day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is pending at this time, the stay is lifted.
Sep 08, 2010
CLERK'S OFFICE
UNITED STATES
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

FOR THE PANEL:

Jeffery N. Lüthi
Clerk of the Panel

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

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Western District of Kentucky

MEMBERS:
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Northern District of Indiana

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September 8, 2010

Timothy M. O'Brien, Clerk
259 Robert J. Dole U.S. Courthouse
500 State Avenue
Kansas City, KS 66101-2430

Re: MDL No. 2138 -- IN RE: Bank of America Wage and Hour Employment Practices Litigation

(See Attached CTO-2)

Dear Mr. O'Brien:

Attached as a PDF document is a certified copy of a conditional transfer order filed by the Panel in the above-captioned matter on August 24, 2010. As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), transmittal of the order has been stayed 14 days to give any party an opportunity to oppose the transfer. The 14-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

A list of involved counsel is attached.

Very truly,

Jeffery N. Lüthi
Clerk of the Panel

By Denise Morgan-Stone
Denise Morgan-Stone
Case Administrator

Attachments (Conditional Transfer Order is a Separate Document)

cc: Transferee Judge: Judge John W. Lungstrum

IN RE: BANK OF AMERICA WAGE AND HOUR EMPLOYMENT PRACTICES LITIGATION MDL No. 2138

PANEL SERVICE LIST (CTO-2)

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