

And Now A Word From The Panel: MDL Hubs

By **Alan Rothman** (March 26, 2025)

This article is part of a bimonthly column that "rides the circuit" with the Judicial Panel on Multidistrict Litigation as it meets at venues around the country. This installment reviews how the presence of an airport hub has been among the arguments made in favor of the choice of a particular MDL venue.



Alan Rothman

With spring in the air, the panel is once again scheduled to hold its March hearing session on opening day in the U.S. This month, the panel flies into Charlotte, North Carolina, one of the largest hubs and among the Top 10 busiest airports in the country,[1] but still in a state without a major league baseball team.

As readers of this column may recall, the presence of an airport hub has at times been one of the arguments offered in support of a particular MDL venue.[2] But more on venue later in this column.

For purposes of this hearing session, there will be plenty of practitioners heading into Charlotte as the panel considers a robust 10 new MDL petitions, bringing the number of new petitions heard in this new year to a whopping 18 in total.

Looking back on the panel's January hearing session held in Miami, Florida, the panel began the year ruling on eight new petitions. The panel granted three of the petitions and denied five of the petitions, to begin the year with a .375 average — not a bad "batting average," but a marked dip from the panel's sizzling .758 average in 2024. The new MDL proceedings from the January hearing session are venued in Florida (a product liability MDL) and New Jersey (two patent MDLs), respectively.

The overall number of pending MDL proceedings has dwindled down to a recent low watermark of 164 from 170 proceedings only two months ago at the beginning of the year.[3] The panel has already closed out nine MDL proceedings this year.[4] Product liability MDLs continue to dominate the MDL landscape, now surpassing 40% of the total number of MDL proceedings — 67 out of 164 MDLs.[5]

The number of actions in the 164 MDL proceedings fell to a total of 212,279 actions.[6] But as we remind our readers, the data as to number of actions are just civil actions. The figures do not reflect the total number of plaintiffs, including those in multiplaintiff actions, and do not include unfiled claimants, which would be valuable pieces of additional information to have in assessing the magnitude of the MDL world.

There are now 23 MDL proceedings that have more than 1,000 pending actions, 10 of which have more than 5,000 pending actions, all from among the product liability MDLs.[7]

MDL Hubs

In a stroll down memory lane, there was a time when airport hubs were a staple of MDL venue briefing, and airport-based arguments earned three of this column's Top 10 slots for venue arguments — at least for creativity — back in 2014.[8]

#9: Airport Hubs

- According to MDL No. 2522, Document No. 91, "The Minneapolis-St. Paul International Airport ranks 16th in the nation in the number of travelers served with over 400,000 landings and takeoffs annually."

#5: More About Airports

- According to MDL No. 2522, Document No. 1, "Gulfport is easily accessible by plane. Accordingly, convenience weights in favor of transferring and consolidating these actions in the United States District Court for the Middle District of Louisiana."

#4: And Yet More About Airports

- According to MDL No. 2504, Document No. 22, "Reno-Tahoe International Airport was named the Second Most Efficient Airport in North America by the Air Transport Research Society in 2011."

But in thinking about MDLs and airport hubs, a quick survey of the geographic locations of the current MDL proceedings is in order. A few highlights of that survey, and observations as to where the hubs of MDL activity reside, are below:

- A majority (91) of the 164 MDL proceedings are concentrated in a total of six states, which have their share of airport hubs as well. This includes 25 in California; 16 in New York; 15 in Illinois; 12 in Florida; 12 in New Jersey; and 11 in Pennsylvania.
- During 2024, the panel showed a willingness to establish new MDL proceeding in cities with both less MDL and air traffic, including states that had no other pending MDL proceedings.[9]
- There are currently 12 states with only one MDL proceeding: Alabama, Arkansas, Arizona, Indiana, Iowa, Kansas, Montana, New Hampshire, Oklahoma, Utah, West Virginia and Wisconsin.
- Seventeen states do not currently have any pending MDL proceedings: Alaska, Colorado, Connecticut, Hawaii, Idaho, Kentucky, Maine, Mississippi, Nebraska, Nevada, North Dakota, Oregon, Rhode Island, South Dakota, Vermont, Washington and Wyoming.

PANEL TRIVIA CORNER

January Trivia Question

When was the last time the Pro Bowl was held in Florida on the weekend following a panel hearing session held in Florida?

Answer to January Trivia Question

January 2018. The panel hearing session was held on Thursday, Jan. 25, in Miami, Florida, and the Pro Bowl was held on Sunday, Jan. 28, in Orlando, Florida.

March Trivia Question

When was the last time the panel met on opening day in a city with a baseball game that day, and where?

Like to venture a guess as to this month's trivia question? Have tidbits of panel trivia that you would like to be featured in an upcoming column? Please do not hesitate to drop me a note at arothman@sidley.com.

Will the panel improve its batting average for 2025? Will the pace of new MDL petitions continue to gain steam? Will product liability MDLs further increase their share of MDL proceedings? Where will the panel send the next round of new MDL proceedings?

Stay tuned for the next edition of *And Now a Word from the Panel*, when the panel returns to a state and city with a major league baseball team — Milwaukee, Wisconsin — for its May 29 hearing session.

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[1] See <https://www.bts.gov/content/passengers-boarded-top-50-us-airports>.

[2] See "And Now a Word from the Panel: Top 10 Venue Arguments," Law360 (July 29, 2014).

[3] https://www.jpml.uscourts.gov/sites/jpml/files/Pending_MDL_Dockets_By_District-March-3-2025.pdf.

[4] https://www.jpml.uscourts.gov/sites/jpml/files/Recently_Terminated_MDLs-January-1-2025-March-3-2025.pdf.

[5] https://www.jpml.uscourts.gov/sites/jpml/files/Pending_MDL_Dockets_By_Type-March-3-2025.pdf.

[6] https://www.jpml.uscourts.gov/sites/jpml/files/Pending_MDL_Dockets_By_Actions_Pending-March-3-2025.pdf.

[7] *Id.*

[8] See n.2, *supra* (cites omitted).

[9] See "And Now a Word from the Panel: The MDL Map," Law360 (Sept. 25, 2024).