

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MAINE**

<b>IN RE NEW MOTOR VEHICLES</b>		
<b>CANADIAN EXPORT ANTITRUST</b>		<b>MDL DOCKET No. 1532</b>
<b>LITIGATION</b>		

**ORDER ON MOTION FOR LIMITED INTERVENTION**

Certain Tennessee plaintiffs have a pending Tennessee state court lawsuit based upon the same conduct challenged in this federal multidistrict (MDL) proceeding. They move for a second time for limited intervention in the federal proceeding under Federal Rule of Civil Procedure 24. I thought that I had previously made clear to them that I would not permit intervention on their unilateral terms. On December 8, 2004, I denied their motion to intervene for discovery purposes only, and explained why. In re New Motor Vehicles Canadian Exp. Antitrust Litig., 225 F.R.D. 62 (D. Me. 2004). Undeterred, they have filed a second motion, but this time they want to intervene solely to seek dismissal of any Tennessee claims the MDL plaintiffs have made in the federal proceeding (or in the alternative, to limit any classes or subclasses eventually certified so as to exclude any Tennessee claims).

The motion for limited intervention is **DENIED** once again. If these Tennessee plaintiffs wish to move to intervene generally in the MDL lawsuit, with whatever consequences ensue, I will entertain their arguments. But I will not

countenance this kind of hit-and-run effort or let it create additional delay, expense and attorney fees by requiring the current parties to respond to the motion.<sup>1</sup>

**So ORDERED.**

**DATED THIS 7TH DAY OF MARCH, 2005**

/s/D. BROCK HORNBY  
**D. BROCK HORNBY**  
**UNITED STATES DISTRICT JUDGE**

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<sup>1</sup> The Tennessee plaintiffs remain free to seek class certification and pursue their suit in Tennessee state court. That is a matter between them and the Tennessee judge, at least unless and until I certify a class that includes Tennessee claims. Moreover, if ultimately I do not certify a class that includes Tennessee claims, then these plaintiffs may continue to proceed as they wish in state court. Even if I do certify a class that includes Tennessee claims, they may still go forward in state court by asking to be excluded from that MDL class. All that is “unprotected” is the plaintiffs’ (bluntly, their lawyers’) interest in who represents any class that is certified, i.e., the lawyers in the MDL lawsuit or the lawyers for the Tennessee state court plaintiffs.

**U.S. DISTRICT COURT  
DISTRICT OF MAINE (PORTLAND)  
CIVIL DOCKET FOR CASE #: 2:03-MD-1532-DBH**

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