

**BEFORE THE JUDICIAL PANEL  
ON MULTIDISTRICT LITIGATION**

**In re: Auto Body Shop Antitrust Litigation**

**MDL No. 2557**

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**SUGGESTION OF REMAND**

*Capitol Body Shop, Inc., et al. v. State Farm Mutual Automobile Insurance Company, et al.,*  
Case No. 6:14-cv-6000-Orl-31TBS (M.D. Florida)  
(Originally Case No. 3:14-cv-00012 (S.D. Miss.); transferred pursuant to JPML Transfer  
Order Doc. 167.

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Pursuant to 28 U.S.C. § 1407 and Rule 10.1(b) of the rules governing the U.S. Judicial Panel on Multidistrict Litigation, the undersigned transferee judge recommends that this action be remanded by the panel to the United States District Court for the Southern District of Mississippi. In support of this suggestion, I offer the following rationale.

This case was originally filed on January 7, 2014, in the United States District Court for the Southern District of Mississippi, Case No. 3:14-cv-12 (S.D. Miss.). On August 12, 2014, this case, among others, was transferred to me for coordinated pretrial proceedings. Doc. 77. On February 22, 2016, I dismissed with prejudice the federal (antitrust) claims in Plaintiffs' Second Amended Complaint. Doc. 116. On May 27, 2016, I confirmed the Report and Recommendation of United States Magistrate Judge Smith and dismissed Plaintiffs' state law claims with prejudice, and the case was closed.

On June 14, 2016, Plaintiffs filed a Notice of Appeal with the Eleventh Circuit Court of Appeals (Doc. 132). On June 17, 2020, the appellate court issued its mandate (Doc. 141) affirming the dismissal of Plaintiffs' antitrust claims and all of their state law claims except for

claims of tortious interference by two of the plaintiffs against one of the defendants. Doc. 140. The matter is now before me following remand from the Eleventh Circuit.

On June 18, 2020, I ordered the parties to confer and advise me how they would like me to proceed toward final resolution of this case (Doc. 142). In response, the defendants asked this Court to retain jurisdiction; Plaintiffs, however, suggested that the case be sent back to the panel for remand to the United States District Court for the Southern District of Mississippi. Doc. 143.

This case is one of 27 cases that have been actively litigated before me over the past six years. The case is still at the pleading stage, no discovery has commenced, no motions are pending, and only two distinct state law claims remain.

Accordingly, I believe the just and efficient handling of the remaining state law claims will best be served by remand to the United States District Court for the Southern District of Mississippi, from which it was originally transferred. Since no federal claims remain, that court may decide that it is prudent to decline to exercise jurisdiction over the state law claims.

Respectfully submitted,



  
GREGORY A. PRESNELL  
UNITED STATES DISTRICT JUDGE

(MDL TRANSFEREE COURT)

**DATED:** August 13, 2020