

Aug 25, 2010

FILED
CLERK'S OFFICE

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

**IN RE: PHOTOCROMIC LENS
ANTITRUST LITIGATION**

MDL No. 2173

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-1)

On August 6, 2010, the Panel transferred five civil actions to the United States District Court for the Middle District of Florida for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* F.Supp.2d (J.P.M.L. 2010). With the consent of that court, all such actions have been assigned to the Honorable James D. Whittemore.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Middle District of Florida and assigned to Judge Whittemore.

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), these actions are transferred under 28 U.S.C. § 1407 to the Middle District of Florida for the reasons stated in the order of August 6, 2010, and, with the consent of that court, assigned to the Honorable James D. Whittemore.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Middle District of Florida. 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.

FOR THE PANEL:



Jeffery N. Lüthi
Clerk of the Panel

**IN RE: PHOTOCROMIC LENS
ANTITRUST LITIGATION**

MDL No. 2173

SCHEDULE CTO-1 - TAG-ALONG ACTIONS

DIST. DIV. C.A. # CASE CAPTION

CALIFORNIA NORTHERN

CAN 3 10-1984 John Donohoe v. Transitions Optical, Inc.
CAN 3 10-2738 Eric Terrell v. Transitions Optical, Inc., et al.
CAN 3 10-3099 Caryl O'Keefe v. Transitions Optical, Inc.

DISTRICT OF COLUMBIA

DC 1 10-835 Carmel Mountain Vision Care v. Transitions Optical, Inc., et al.

DELAWARE

DE 1 10-635 Insight Equity AP X LP v. Transitions Optical, Inc.

FLORIDA SOUTHERN

FLS 1 10-21518 Gary Steven Eyes, Inc. v. Transitions Optical, Inc., et al.
FLS 1 10-21739 Optical Supply, Inc. v. Transitions Optical, Inc., et al.

KANSAS

KS 2 10-2328 DeWayne Blake v. Transitions Optical, Inc.

TEXAS NORTHERN

TXN 3 10-881 Sickbert Family Eye Care, LLC, et al. v. Essilor Laboratories of
America, Inc., et al.

WASHINGTON WESTERN

WAW 2 10-730 Pennachio & Fishman, M.D., P.A. v. Transitions Optical, Inc., et
al.
WAW 2 10-761 Point of View, Inc. v. Transitions Optical, Inc., et al.
WAW 2 10-1044 Dr. Robert A. Sherman, P.C. v. Transitions Optical, Inc., et al.
WAW 2 10-1046 Metropolitan Optical, Inc. v. Transitions Optical, Inc., et al.