

BEFORE THE UNITED STATES JUDICIAL PANEL  
ON MULTIDISTRICT LITIGATION

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IN RE: BLUE CROSS BLUE SHIELD )  
ANTITRUST LITIGATION )

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MDL No.: 2406

**AMENDED RESPONSE OF PLAINTIFF HILDA JARREAU  
TO THE MOTION OF GC ADVERTISING, L.L.C. AND CB  
ROOFING, L.L.C.'S PURSUANT TO 28 U.S.C. § 1407 TO TRANSFER  
FOR CONSOLIDATED AND COORDINATED PRETRIAL PROCEEDINGS**

NOW INTO COURT, through undersigned counsel, comes Hilda Jarreau, individually and on behalf of all persons similarly situated, who hereby submits this Amended Memorandum in Response to the Motion of GC Advertising, L.L.C. and CB Roofing, L.L.C. (hereinafter referred to as "GC/CB"), pursuant to 28 U.S.C. § 1407 to Transfer for Consolidated and Coordinated Pretrial Proceedings to the United States District Court for the Northern District of Alabama.<sup>1</sup>

Previously, in the original response in support of consolidation (Rec. Doc. No. 75), Plaintiff opposed GC/CB's Motion to Transfer these cases to the Northern District of Alabama, and instead, proposed that these cases be transferred and consolidated to the United States District Court for the Eastern District of Louisiana.<sup>2</sup> Further, Plaintiff concurred as GC/CB argued, that there are ample grounds for coordinating and consolidating the cases pursuant to 28 U.S.C. § 1407.

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<sup>1</sup> This action is entitled *Hilda Jarreau, individually and on behalf of all others similarly situated v. Louisiana Health Service and Indemnity Company D/B/A Blue Cross Blue Shield of Louisiana*, No. 3:12-cv-00421, pending in the United States District Court for the Middle District of Louisiana.

<sup>2</sup> Plaintiff notes that the petition of "GC/CB" sets forth adequate arguments for consolidation and transfer for all related and tag-along actions pending in this litigation. Therefore, to avoid needless duplication, Plaintiff will adopt those arguments and simply supplement them briefly.

Plaintiff herein, through undersigned counsel, now desires to withdraw her proposal that these cases be transferred and consolidated to the Eastern District of Louisiana, and, instead, respectfully requests the Panel to transfer and consolidate all of the related actions to the United States District Court for the Northern District of Alabama, Birmingham Division, for coordinated pre-trial proceedings before the Honorable R. David Proctor. The “center of gravity” of this litigation is unquestionably the Northern District of Alabama, since the vast majority of the related actions are currently pending before Judge Proctor, and Blue Cross and Blue Shield of Alabama has by far the highest concentration of market share in the country at 90% within the state of Alabama.

In the interim, since Plaintiffs’ filing of the original response in support of the Eastern District of Louisiana, it has become apparent to counsel for Mover herein that Judge Proctor has presently pending before him all of the cases that have been filed in the state of Alabama, and further, that he has been extremely pro-active in managing those cases pending a determination by this Panel as to whether or not consolidation and transfer is appropriate under 28 U.S.C. § 1407.

Furthermore, Judge Proctor has clearly expressed a considerable interest in undertaking the management of this litigation. While undersigned counsel has not had an opportunity to appear before Judge Proctor, all counsel with whom undersigned counsel has conferred, have held Judge Proctor in high regard. Judge Proctor has the expertise, knowledge and track record to successfully handle this potential MDL litigation as demonstrated by his resolution of the *In Re Total Body Formula* litigation.

Mover shows that her counsel are currently counsel of record in eight other related actions in this litigation as set forth in Exhibit B and other antitrust and complex litigations.

For the foregoing reasons, Plaintiff respectfully requests that the Panel consolidate and coordinate all actions pending in this pending MDL litigation to Judge Proctor in the United States District Court for the Northern District of Alabama, for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407.

Respectfully submitted on this 21<sup>st</sup> Day of November, 2012.

**BY COUNSEL:**

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 21<sup>ST</sup> day of November, 2012, a copy of the foregoing pleading was electronically filed with the Judicial Panel on Multidistrict Litigation by using the CM/ECF system which will send notice of electronic filing to all parties of record.

/s/ Patrick W. Pendley  
**PATRICK W. PENDLEY**