

108TH CONGRESS
1ST SESSION

H. R. 1768

To amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 11, 2003

Mr. SENSENBRENNER (for himself, Mr. SMITH of Texas, and Mr. COBLE) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Multidistrict Litigation
5 Restoration Act of 2003”.

6 **SEC. 2. MULTIDISTRICT LITIGATION.**

7 Section 1407 of title 28, United States Code, is
8 amended—

1 this Act, is further amended by adding at the end the fol-
2 lowing:

3 “(j)(1) In actions transferred under this section when
4 jurisdiction is or could have been based, in whole or in
5 part, on section 1369 of this title, the transferee district
6 court may, notwithstanding any other provision of this
7 section, retain actions so transferred for the determination
8 of liability and punitive damages. An action retained for
9 the determination of liability shall be remanded to the dis-
10 trict court from which the action was transferred, or to
11 the State court from which the action was removed, for
12 the determination of damages, other than punitive dam-
13 ages, unless the court finds, for the convenience of parties
14 and witnesses and in the interest of justice, that the action
15 should be retained for the determination of damages.

16 “(2) Any remand under paragraph (1) shall not be
17 effective until 60 days after the transferee court has
18 issued an order determining liability and has certified its
19 intention to remand some or all of the transferred actions
20 for the determination of damages. An appeal with respect
21 to the liability determination and the choice of law deter-
22 mination of the transferee court may be taken during that
23 60-day period to the court of appeals with appellate juris-
24 diction over the transferee court. In the event a party files
25 such an appeal, the remand shall not be effective until the

1 appeal has been finally disposed of. Once the remand has
2 become effective, the liability determination and the choice
3 of law determination shall not be subject to further review
4 by appeal or otherwise.

5 “(3) An appeal with respect to determination of puni-
6 tive damages by the transferee court may be taken, during
7 the 60-day period beginning on the date the order making
8 the determination is issued, to the court of appeals with
9 jurisdiction over the transferee court.

10 “(4) Any decision under this subsection concerning
11 remand for the determination of damages shall not be re-
12 viewable by appeal or otherwise.

13 “(5) Nothing in this subsection shall restrict the au-
14 thority of the transferee court to transfer or dismiss an
15 action on the ground of inconvenient forum.”.

16 (b) BASIS OF JURISDICTION.—Section 1369 of title
17 28, United States Code, is amended in subsections (a) and
18 (c)(4), by striking “75” and inserting “25”.

19 **SEC. 4. EFFECTIVE DATE.**

20 (a) SECTIONS 2 AND 3(b).— The amendments made
21 by section 2 and section 3(b) shall apply to any civil action
22 pending on or brought on or after the date of the enact-
23 ment of this Act.

24 (b) SECTION 3(a).—The amendments made by sec-
25 tion 3(a) shall be effective as if enacted in section

1 11020(b) of the Multiparty, Multiform Trial Jurisdiction
2 Act of 2002 (Public Law 107-273; 116 Stat. 1826 et
3 seq.).

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