

**BEFORE THE JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION**

IN RE OCEAN SHIPPING
ANTITRUST LITIGATION

MDL Docket No. _____

**MOTION OF PLAINTIFF BACPLAS, INC. FOR TRANSFER
OF RELATED ANTITRUST ACTIONS TO THE SOUTHERN
DISTRICT OF FLORIDA FOR CONSOLIDATED
PRETRIAL PROCEEDINGS PURSUANT TO 28 U.S.C. § 1407**

BacPlas Inc. (“BacPlas”), plaintiff in *BacPlac, Inc. v. Horizon Lines, Inc., et al.*, No. 08-21131 (S.D. Fla.), filed April 22, 2008, respectfully moves this Panel, pursuant to 28 U.S.C. § 1407, for an Order transferring all related actions¹ to the United States District Court for the Southern District of Florida, Judge Ursula Ungaro, the judge assigned the lowest-numbered related case, *C C I Limited Partnership v. Horizon Lines, Inc., et al.*, No. 08-21125 (S.D. Fla.).

In support of its motion, BacPlas avers as follows:

1. The actions for which consolidation and transfer are proposed all allege that certain providers of shipping services primarily by container and/or barge (hereinafter, “Domestic Noncontiguous Off Shore Trades Services”) between Puerto Rico and the United States, or its territories and possessions (hereinafter “Puerto Rico trade routes”) violated Section 1 of the Sherman Act, 15 U.S.C. § 1, by conspiring to allocate markets and customers and/or otherwise engage in anticompetitive conduct.

¹ Attached is a Schedule of Related Actions as of the date of this motion.

2. The actions for which consolidation and transfer are proposed assert substantially similar allegations, and thus involve “one or more common questions of fact,” including, *inter alia*, whether a conspiracy existed, who participated in the conspiracy, how the conspiracy was conducted, and what impact resulted from the conspiracy.

3. Consolidation and transfer of the actions will “promote the just and efficient conduct” of the actions by eliminating duplicative discovery, preventing inconsistent pretrial rulings and conserving the resources of the parties, their counsel and the judiciary.

4. Transfer of the actions to the Southern District of Florida is appropriate because several of the plaintiffs and most of the defendants in the related cases are located in Florida, and, thus, relevant witnesses and documents will be found in Florida.

5. Moreover, the Southern District of Florida is conveniently located and is easily accessible for the parties, counsel and witnesses. Thus, transfer of the actions to the Southern District of Florida will serve “the convenience of parties and witnesses.”

6. Transfer of the actions to the Southern District of Florida will promote the interests of justice because the district has capacity to handle a case such as this one. The Honorable Ursula Ungaro, to whom the lowest-numbered case is assigned, has served on the federal bench since 1992 and is eminently qualified to handle this litigation.

7. The Southern District of Florida is the most appropriate transferee court.

8. BacPlas makes this motion based on the accompanying “Memorandum of Plaintiff BacPlas, Inc. in Support of the Motion for Transfer of Related Antitrust Actions

to the Southern District of Florida for Consolidated Pretrial Proceedings Pursuant to 28
U.S.C. § 1407.”

Dated: April 23, 2008

Respectfully submitted,

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