action against medical device manufacturer and others involving alleged violations of federal securities laws and regulations); *George v. Duke Energy Retirement Cash Balance Plan*, 560 F. Supp. 2d 444 (D.S.C. 2008) (granting in part and denying in part summary judgment in class action brought under Employee Retire Income Security Act and Age Discrimination Act as a result of employer's conversion of tradition defined benefit plant to cash balance plan); *In re DNA Ex Post Facto Issues*, No. 299-cv-5555-RBH, 2007 WL 4443207 (D.S.C. Dec. 14, 2007) (denying motion for reconsideration of grant of summary judgment in lead case of mass tort litigation involving the South Carolina DNA Act); *Smith v. G. Joannou Cylce Co.*, No. 4:06-cv-01577-RBH, 2007 WL 3254771 (D.S.C. Nov. 1, 2007) (dismissing for lack of subject matter jurisdiction class action against bicycle manufacturer related to failure to provide warranty service).

While detailed statistics about the caseloads of the particular judges in the proposed forums are not available, the statistics that are available show that, as of March 31, 2009, Judge Harwell had only one civil case pending for more than three years and one motion pending for more than six months. (Civil Justice Reform Act District Summary Report at 26 (Exhibit D).) In contrast, according to those statistics, Judge Ivan L.R. Lemelle and Chief Judge Sarah S. Vance of the Eastern District of Louisiana had three and four cases, respectively, pending for more than three years, and many of the district judges in the Central District of California had more than ten cases pending for more than three years. (*Id.* at 31, 72.)

## IV.
## CONCLUSION

For the reasons set forth above, the Panel should transfer the Related Actions to the District of South Carolina, Spartanburg Division, for coordination or consolidation with the *Roberts* Action before the Honorable R. Bryan Harwell pursuant to 28 U.S.C. § 1407.