

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

In Re: Air Crash at Toronto
Pearson International Airport
on February 17, 2025

MDL No. 25-3155 (JWB/JFD)

**PRETRIAL ORDER NO. 6:
Related Cases and Direct-Filed Actions**

To clarify the status of certain related cases and address issues regarding cases directly filed in this District, **IT IS HEREBY ORDERED** as follows:

I. Related Cases

Pursuant to Pretrial Order No. 1, any actions filed in this District relating to this litigation were consolidated into one action for all pretrial purposes, and later-filed actions were to be consolidated automatically without further order. (Doc. No. 6 at 2.) Accordingly, the Clerk of Court shall relate the following cases to MDL No. 25-3155 and join them as members:

- Wallace/Badour, 25-cv-2306 (JWB/JFD)
- Garcia, 25-cv-2307 (JWB/JFD)
- Restuccia, 25-cv-2308 (JWB/JFD)
- Shefare, 25-cv-2309 (JWB/JFD)
- Sonley, 25-cv-2310 (JWB/JFD)
- Parovel, 25-cv-2429 (JWB/JFD)
- Stephens 25-cv-2430 (JWB/JFD)

Any stay previously entered in these cases is hereby lifted, subject to the requirements of the Pretrial Orders issued in this MDL.

II. Direct-Filed Actions

Based on the Consolidated List of All Known Cases (Doc. No. 39), certain actions

pending in this MDL were filed directly in this District, rather than transferred here from the Judicial Panel on Multidistrict Litigation under 28 U.S.C. § 1407.

Because direct filing provides procedural convenience but does not itself identify a transferor court or resolve venue issues attendant to *Lexecon Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26 (1998), this Order is issued to clarify the status of such actions and ensure a complete and accurate administrative record.

1. Direct-Filed Actions Confirmed

All plaintiffs who elected to file their actions directly in the District of Minnesota are deemed properly before this Court for all pretrial purposes administered in this MDL.

2. Adoption of Master Complaint for Damages

Each direct-filed plaintiff shall adopt the Master Complaint for Damages. The form and procedure for such adoption shall be proposed jointly by Plaintiffs' Leadership and Defendants and submitted for court approval. By no later than **December 4, 2025**, Plaintiffs' Leadership shall file the proposed opt-in mechanism—whether by short-form complaint, notice of adoption, or other standardized procedure—to ensure that each direct-filed plaintiff has a clear operative pleading. Upon adoption, the Master Complaint for Damages shall supersede any complaint previously filed by that plaintiff in this MDL. Defendants are not required to answer or otherwise respond to any individual pleading that is not adopted in accordance with the approved opt-in procedure.

3. Transferor Court Designation

To ensure a clear administrative record, the District of Minnesota is designated as the originating or transferor court for each action filed directly in the District of

Minnesota, solely for pretrial and administrative purposes. This designation enables uniform application of MDL pretrial procedures, including adoption of the Master Complaint for Damages and coordination of discovery obligations.

This designation does not constitute, require, or imply any waiver of *Lexecon* rights, nor does it predetermine the venue of any future trial. Trial venue remains reserved for later determination or voluntary waiver by the parties at the appropriate time.

4. Preservation of *Lexecon* Rights

Nothing in this Order affects, alters, waives, or limits any party's *Lexecon* rights or requires any party to consent to trial in this District. No request for waiver or consent is made or implied at this stage of the litigation.

5. Future Direct Filings

Any additional actions filed directly in the District of Minnesota for inclusion in this MDL shall be subject to this Order without further court action and shall be governed in the same manner as the direct-filed actions discussed above.

6. Tag-Along Actions Unaffected

This Order applies only to actions filed directly in the District of Minnesota. It does not alter the procedural posture or venue status of actions transferred into this MDL by the Judicial Panel on Multidistrict Litigation, including tag-along actions subject to Conditional Transfer Orders. Such actions retain their original filing districts as their transferor courts for all purposes, including trial venue and *Lexecon* rights.

Date: December 2, 2025

s/ Jerry W. Blackwell
JERRY W. BLACKWELL
United States District Judge