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MAY 31 2018

Clerk, US District Court
Western District of NC

**BEFORE THE JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION**

In re LAW SCHOOL ACCREDITATION)
LITIGATION) MDL Docket No. _____
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)
_____)

**MOTION FOR CONSOLIDATION OF LAW SCHOOL
ACCREDITATION ACTIONS IN THE WESTERN DISTRICT OF
NORTH CAROLINA PURSUANT TO 28 U.S.C. § 1407**

Pursuant to 28 U.S.C. § 1407, the American Bar Association (“ABA”), the ABA’s Council of the Section of Legal Education and Admissions to the Bar (“Council”), and the Accreditation Committee of the Section of Legal Education and Admissions to the Bar (“Accreditation Committee,” and together with the ABA and the Council, “Movants”) request the transfer of two cases—one pending in the U.S. District Court for the Middle District of Florida and the other in the District of Arizona—to the Western District of North Carolina for consolidation with a parallel action pending there before Judge Graham Mullen.

1. This litigation involves three largely identical lawsuits brought by InfiLaw Corporation (joined in each case by one of InfiLaw’s subsidiary law schools) challenging accreditation standards promulgated by, and decisions of, the ABA’s Council, which is the agency approved by the U.S. Department of Education to accredit law schools.

2. All three cases are in their infancy, having been filed between May 10, 2018 and May 24, 2018.

3. Absent consolidation, three district courts will have to decide identical factual and legal issues, including whether the ABA may be considered a state actor under the circumstances

presented; whether an asserted due process violation in the accreditation context can give rise to a claim for damages; and whether the challenged standards are unlawfully vague.

4. In addition, absent consolidation, three district courts will have to decide whether discovery is permitted in a challenge to an accreditation decision.

5. The risk of inconsistent rulings is only exacerbated by the potential for satellite litigation over preclusion, given the overlapping parties involved in each action.

6. Because the actions involve common questions of fact and law, and centralization pursuant to § 1407 in the Western District of North Carolina will serve the convenience of parties and witnesses, and promote the just and efficient conduct of this litigation, Movants hereby move this Panel to (1) transfer the Arizona and Florida actions to the Western District of North Carolina for pretrial purposes, and (2) order consolidated pretrial proceedings for the transferred actions with the related action already pending before the district court in North Carolina.

The detailed grounds for this motion are set forth in the accompanying brief.

Dated: May 30, 2018

Respectfully submitted,

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