

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

<p>JAMES LEMLEY, et al.,</p> <p style="padding-left: 40px;">Plaintiffs,</p> <p>vs.</p> <p>MIDWEST AUTOMATION, INC., et al.,</p> <p style="padding-left: 40px;">Defendants.</p>	<p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p> <p>*</p>	<p style="text-align: right;">CIVIL ACTION 08-00738-KD-B</p>
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ORDER

This matter is before the Court on review of the case file. Pending before the court are Defendant Black and Decker's Motion to Dismiss and Memorandum in Support (Docs. 25, 26), and Plaintiffs James and Tammy Lemley's Motion to Remand (Doc. 32). Defendants Robert Bosch Tool Corporation, WMH Tool Group, Inc., Irwin Industrial Tool Company, 3M Company, Midwest Automation, Inc., Midwest Group One and Orma Midwest have all filed motions to join in Black and Decker's Motion to Dismiss. (Docs. 30, 52, 62, 73 and 131). Also pending before the Court is Defendant Nordfab Products, Inc.'s Motion to Dismiss, or in the Alternative, For More Definite Statement and Memorandum in Support (Docs. 78, 79), and the motions of Defendants Irwin Tool Company, Black and Decker, Pentair, Inc., Masco Builder Cabinet Group, Legacy Cabinets, Inc. and Masco Retail Cabinet Group to join in Nordfab Product's Motion to Dismiss. (Docs. 91, 101, 105, 107, 109, and 111). In addition, Defendant Elmwood Kitchens' Motion for More Definite Statement and

Memorandum in Support (Docs. 84, 85), and the motions of Defendants Hood Industries, Inc., Legacy Cabinets, Inc., and Irwin Industrial Tool Company to join in Defendant Elmwood Kitchens' Motion for More Definite Statement are pending as well. (Docs. 88, 91, 102). Defendant Pentair, Inc. has also filed a Motion to Dismiss and Memorandum in Support. (Doc. 65).

After a careful review of the above-referenced motions, and the case file, the undersigned has determined that the issues raised in Plaintiff's Motion to Remand must be resolved before the Court takes up the issues presented in Defendants' various Motions to Dismiss because if Plaintiff's motion is granted, the Court would be deprived of jurisdiction over this action. Accordingly, in the interest of judicial economy, the undersigned will delay the entry of a briefing schedule for the various Motions to Dismiss, until *after* a ruling on the Motion to Remand.

DONE this **18th** day of **February, 2009**.

/s/ Sonja F. Bivins
UNITED STATES MAGISTRATE JUDGE