Pugh v. SmithKline Beecham Corporation Doc. 8

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

ALBERT PUGH, an individual,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	**CIVIL ACTION NO 09-0028-KD-B**
	)	
SMITHKLINE BEECHAM CORPORATION d/b/a GLAXOSMITHKLINE, a Pennsylvania Corporation,	)	
	)	
Defendant.	)	

ORDER

This matter is before the Court on defendant's unopposed Motion to Stay Proceedings and Extend Time to Respond to the Complaint (doc. 5). Defendant moves the Court to stay this matter pending the anticipated transfer, pursuant to 28 U.S.C. § 1407, to *In re Avandia® Marketing, Sales Practices & Products Liability Litigation*, MDL No. 1871, in the United States District court for the Eastern District of Pennsylvania, and for additional time to plead or otherwise respond to the complaint. Defendant states that plaintiff consents to the stay and the extension of time to respond.

Upon consideration, and for the reasons set forth in the motion, defendant's motion to stay is **GRANTED** and this action is **STAYED** pending transfer. Defendant's motion for extension of time to plead or otherwise respond in this court is **MOOT** since this action is now stayed. In the event that this action is not transferred or the stay is lifted, defendant may re-file his motion.

To the extent that defendant requests an extension of time to plead or otherwise respond to plaintiffs' complaint after transfer to the Eastern District of Pennsylvania, this court will no longer have jurisdiction over this action to grant such relief.

DONE and **ORDERED** this the 11th day of February, 2009.

s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE

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