

A CERTIFIED TRUE COPY  
ATTEST  
By Dana Stewart on Feb 23, 2009  
FOR THE UNITED STATES  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

U.S. DIST. COURT EAST DIST. WISC  
FILED  
FEB 23 2009  
AT O'CLOCK  
JON W. SANFILIPPO, CLERK M

UNITED STATES  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

Feb 05, 2009

FILED  
CLERK'S OFFICE

UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION

IN RE: LAWNMOWER ENGINE HORSEPOWER  
MARKETING AND SALES PRACTICES  
LITIGATION (NO. II)

MDL No. 1999

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-4)

On December 5, 2008, the Panel transferred 23 civil actions to the United States District Court for the Eastern District of Wisconsin for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. See \_\_\_ F.Supp.2d \_\_\_ (J.P.M.L. 2008). Since that time, 19 additional actions have been transferred to the Eastern District of Wisconsin. With the consent of that court, all such actions have been assigned to the Honorable Lynn S. Adelman.

It appears that the actions on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Eastern District of Wisconsin and assigned to Judge Adelman.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Eastern District of Wisconsin for the reasons stated in the order of December 5, 2008, and, with the consent of that court, assigned to the Honorable Lynn S. Adelman.

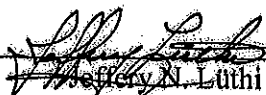
This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Wisconsin. The transmittal of this order to said Clerk shall be stayed 15 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 15-day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is  
pending at this time, the  
stay is lifted.

Feb 23, 2009

CLERK'S OFFICE  
UNITED STATES  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

FOR THE PANEL:

  
Gregory N. Luthi  
Clerk of the Panel

**IN RE: LAWNMOWER ENGINE HORSEPOWER  
MARKETING AND SALES PRACTICES  
LITIGATION (NO. II)**

MDL No. 1999

**SCHEDULE CTO-4 - TAG-ALONG ACTIONS**

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>
ALASKA AK 3 09-12	Brian Kruchoski v. Sears, Roebuck & Co., et al.
ALABAMA MIDDLE ALM 2 09-47	Harry M. Lynch, et al. v. Sears, Roebuck & Co., et al.
ARKANSAS EASTERN ARE 4 09-37	Abdallah Bishara v. Sears, Roebuck & Co., et al.
DISTRICT OF COLUMBIA DC 1 09-125	Humberto Gonzalez v. Sears, Roebuck & Co., et al.
KENTUCKY EASTERN KYE 5 09-22	Benjamin M. Keizer, et al. v. Sears, Roebuck & Co., et al.
NEW HAMPSHIRE NH 1 09-17	Gina H. Kunesh v. Sears, Roebuck & Co., et al.
SOUTH CAROLINA SC 0 09-150	Christopher Lee v. Sears, Roebuck & Co., et al.
UTAH UT 2 09-38	Adam E. Paulson v. Sears, Roebuck & Co., et al.
WEST VIRGINIA SOUTHERN WVS 2 09-10	John F. Lilly v. Sears, Roebuck & Co., et al.
WYOMING WY 2 09-11	Martin Marcus, et al. v. Sears, Roebuck & Co., et al.