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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GENESIS SPECIALTY TILE &
ACCESSORIES, LLC; ELEFThERIOS
EFSTRATIS; ELEFThERIOS D.
EFSTRATIS; PATRICIA E.
EFSTRATIS; JESSICA N.
EFSTRATIS; THOMAS A. JOHNSON;
NORA E. RUNDELL,

Plaintiffs,

v.

NO. CIV. S-11-2489 LKK/DAD

O R D E R

AMERUS LIFE INSURANCE
COMPANY OF IOWA; AVIVA LIFE
AND ANNUITY COMPANY f/k/a
AMERUS LIFE INSURANCE
COMPANY, a corporation;
RAYMOND F. OLMO, an individual,
R.F. OLMO & ASSOCIATES, INC.,
a corporation; MARSHALL
KATZMAN, an individual;
UNITED FINANCIAL GROUP, LTD,
a corporation; DAVID ZUCCOLOTTO;
and DOES 1 through 100,
inclusive,

Defendants.

_____ /

The U.S. Judicial Panel on Multidistrict Litigation ("JPML")
has conditionally transferred this case to the U.S. District Court

1 for the Northern District of Texas (Boyle, J.). In re Indianapolis
2 Life Ins. Co. IRS § 412 and § 419 Plans Life Ins. Marketing
3 Litigation, MDL No. 1983 (J.P.M.L. November 10, 2011) (Dkt. No. 1).
4 Plaintiff has filed an opposition to the transfer which, if timely
5 (as it appears to be), would stay the conditional transfer order.
6 See Dkt. No. 39 (November 17, 2011).

7 Pursuant to the JPML rules, the conditional JPML transfer
8 order

9 does not affect or suspend orders and pretrial
10 proceedings in any pending federal district
11 court action and does not limit the pretrial
12 jurisdiction of that court.

13 J.P.M.L. Rule 2.1(c). However, the district court may stay
14 proceedings in the case in the interests of judicial economy. See
15 Nichols v. DePuy Orthopaedics, Inc., 2011 WL 5335619 at *3 (N.D.
16 Cal. November 2, 2011).¹ Specifically, the court may stay
17 proceedings in order to avoid "the needless duplication of work and
18 the possibility of inconsistent rulings" that could occur if the
19 court ruled on the pending motions, including the remand motion.
20 See id.² The court notes that the JPML created this multidistrict
21

22 ¹ See also, Paul v. Aviva Life and Annuity Co., 2009 WL
23 2244766 (July 27, 2009) (in a case involved in this Multidistrict
24 Litigation, the court stayed all proceedings to conserve judicial
resources).

25 ² Contra, Stephens v. Kaiser Foundation Health Plan, ___ F.
26 Supp.2d ___, 2011 WL 3652775 (D. Md. August 18, 2011) (deciding
remand motion that was filed prior to conditional transfer, and
remanding case to state court).


1 litigation in 2008,³ and that the transferee court has had the
2 opportunity to familiarize itself with the legal issues involved
3 in these cases.⁴

4 Accordingly, all proceedings in this case are **STAYED**, and all
5 scheduled dates are **VACATED**. If this case is not ultimately
6 transferred, the parties shall file requests (or a joint request)
7 for a Status Conference within two weeks of the entry of the order
8 denying the transfer.

9 IT IS SO ORDERED.

10 DATED: November 23, 2011.

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LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT

22 ³ In re Indianapolis Life Ins. Co. IRS § 412 and § 419 Plans
23 Life Ins. Marketing Litigation, 581 F. Supp.2d 1364
(J.P.M.L. 2008).

24 ⁴ See, e.g., Ricupito v. Indianapolis Life Ins. Co., 2011 WL
25 3820970 (N.D. Tex. August 30, 2011) (Boyle, J.) (summary judgment
26 motion); and Hildebrandt v. Indianapolis Life Ins. Co., 2009 WL
2870024 (N.D. Tex. September 8, 2009) (Boyle, J.) (dismissal
motion).