

United States District Court  
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

THOMAS HIXSON,  
Plaintiff,

v.

ALLIS-CHALMERS CORPORATION  
PRODUCT LIABILITY TRUST, et al.,  
Defendants.

No. C-09-2187 MMC

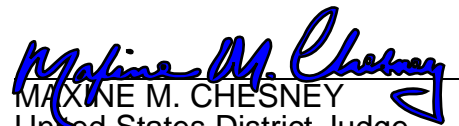
**ORDER DENYING DEFENDANT  
FOSTER WHEELER LLC'S  
APPLICATION FOR STAY; GRANTING  
PLAINTIFF'S MOTION TO REMAND;  
VACATING HEARING**

Before the Court are plaintiff's motion to remand, filed June 2, 2009, and defendant Foster Wheeler LLC's ("Foster Wheeler") application for an order staying all proceedings pending a decision by the Judicial Panel on Multidistrict Litigation as to whether to transfer the above-titled action, filed June 25, 2009. Having read and considered the papers filed in support of and in opposition to said motion and application, the Court deems the matters appropriate for decision thereon, hereby VACATES the hearing scheduled for July 10, 2009, hereby DENIES Foster Wheeler's application for an order staying all proceedings, and, in light of plaintiff's waiver and disclaimer (see Compl. at 3:13-15; see also Mot. at 3:19-5:12; Reply at 4:6-6:5), hereby GRANTS plaintiff's motion.

Accordingly, the above-titled action is hereby REMANDED to the Superior Court of the State of California in and for the County of San Francisco.

**IT IS SO ORDERED.**

Dated: July 2, 2009

  
MAXINE M. CHESNEY  
United States District Judge