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

MICHAEL D. NELSON,
Plaintiff,

No. C 09-02904 WHA

v.

MATRIXx INITIATIVES, INC., a
Delaware corporation, ZICAM LLC,
an Arizona limited liability company,
and DOES 1 through 25,
Defendants.

**ORDER GRANTING DEFENDANTS'
MOTION TO STAY PROCEEDINGS
PENDING RULING ON TRANSFER
AND CONSOLIDATION BY THE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION
AND VACATING HEARING**

In this action alleging statutory and common law claims arising from defendants' marketing and sale of its Zicam® brand of products, defendants move for a stay pending the ruling of the Judicial Panel on Multidistrict Litigation regarding transfer and consolidation of at least 27 similar cases. Plaintiff has not opposed this motion. As of September 17, 2009, federal courts had ordered the stay of proceedings pending a ruling on transfer and consolidation in nineteen other cases.

Having considered defendants' motion for stay and the lack of any opposition thereto, the Court hereby **GRANTS** defendants' motion. Accordingly, all proceedings in this action are hereby **STAYED** until the MDL panel rules on the requests for transfer and consolidation of all actions concerning similar allegations to those at issue here. If the panel grants the requests, the stay will remain in effect pending transfer of this action to the selected transferee court. If the

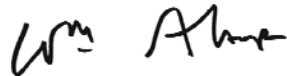
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panel denies the requests, the parties shall submit a status report within **TEN DAYS** of entry of the MDL panel's decision.

The hearing on the instant motion currently scheduled for October 1, 2009, is **VACATED**.

IT IS SO ORDERED.

Dated: September 21, 2009.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE