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

THE ANSCHUTZ CORPORATION,
Plaintiff,

No. C 09-03780 SI

ORDER

v.

MERRILL LYNCH AND CO., INC., et al.,
Defendants.

Plaintiff The Anschutz Corporation and defendant Deutsche Bank Securities, Inc. (“Deutsche Bank”) have submitted a joint letter seeking clarification from the Court regarding the status of this action after the December 1, 2009 Transfer Order by the Judicial Panel on Multidistrict Litigation (“MDL Panel”). In its Transfer Order, the MDL Panel transferred all claims regarding securities underwritten by defendant Merrill Lynch to the Southern District of New York, and simultaneously remanded to this Court the claims regarding securities underwritten by Deutsche Bank. *See* Transfer Order at 2-3 (Docket No. 90). Subsequently, the Court’s clerk entered a notation on the docket that this action has been closed, and the parties sought the Court’s guidance as to the present status of this action.

The Court agrees with plaintiff that the effect of the Transfer Order was to bifurcate the pre-trial proceedings in this case, with the claims arising from the Merrill Lynch-underwritten securities proceeding in the Southern District of New York and the claims arising from the Deutsche Bank-underwritten securities proceeding in this Court. Accordingly, the Court hereby orders as follows:

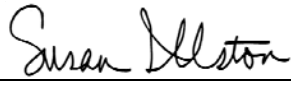
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- (1) The Clerk is directed to remove the "CLOSED" notation that appears on the docket.
- (2) Deutsche Bank's motion to transfer venue pursuant to 28 U.S.C. § 1404 (Docket #27) will be set for hearing by a separate Clerk's Notice.

IT IS SO ORDERED.

Dated: December 28, 2009



SUSAN ILLSTON
United States District Judge