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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

TIMOTHY VEST, et al.,

Plaintiffs,

No. C 11-00061 JSW

v.

ALLIED PACKING AND SUPPLY, INC., et
al.,

Defendants.

**ORDER RE MOTION TO STAY,
MOTION TO SHORTEN TIME,
AND EMERGENCY MOTION TO
REMAND**

On January 10, 2011, this matter was reassigned to the undersigned. On that same date, Plaintiffs filed a Motion to Shorten Time, in which they ask the Court to hear their Emergency Motion to Remand on an expedited schedule. Plaintiffs have renewed that request and have noticed their Motion to Remand for February 18, 2011. Plaintiffs argue that Defendant McDonnell Douglas Corporation (“MDC”) improperly removed this action in an effort to avoid a trial in state court, which is scheduled to commence on February 14, 2011.

MDC, in turn, filed a Motion to Stay, on the basis that this case is likely to be transferred to the pending Multidistrict Litigation No. 875, *In re Asbestos Litigation*, which is pending in the United States District Court for the Eastern District of Pennsylvania.¹ MDC has not yet noticed that motion for a hearing before this Court.²

¹ On January 11, 2011, the Judicial Panel on Multidistrict Litigation issued a Conditional Transfer Order, conditionally transferring this case to MDL No. 875. That order is not yet final.

² The Court notes that although MDC filed the motion a motion for administrative relief, pursuant to Northern District Civil Local Rule 7-11, the motion raises substantive matters that are not the appropriate subject of a motion for administrative relief.

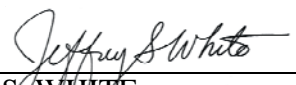
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Based on MDC's request that the Court stay this action pending transfer, the Court presumes that MDC opposes hearing Plaintiffs' Emergency Motion to Remand on an expedited basis. In light of the impending trial in state court, the Court finds good cause to grant Plaintiffs' motion to shorten time, in part. The Court also shall address MDC's motion to stay on an expedited basis.

Accordingly, Plaintiffs shall file their opposition to MDC's motion to stay by no later than January 18, 2011, and MDC shall file its opposition to the motion to remand by no later than January 18, 2011. The parties' reply briefs shall be due on January 25, 2011. The Court shall hold a hearing on the motions on February 4, 2011 at 9:00 a.m.

IT IS SO ORDERED.

Dated: January 11, 2011



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

See N.D. Civ. L.R. 7-11(a).