

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

PATSY ROOD, as WRONGFUL DEATH HEIR,
and as Successor-in-Interest to NORMAN ROOD,
deceased,

No. C 08-4925 SBA

Plaintiff,

ORDER
[Docket No. 25]

v.

GENERAL ELECTRIC COMPANY, et al.,

Defendants.

_____ /

Currently before the Court is the parties' Joint Motion and Stipulation to Stay Proceedings. [Docket No. 25]. In early December 2008, Defendants TODD SHIPYARDS CORPORATION and GENERAL ELECTRIC COMPANY filed a Notice to Tag Along Action regarding the pending Multidistrict Litigation ("MDL") in the Eastern District of Pennsylvania. Notice was mailed to the Judicial Panel on Multidistrict Litigation ("JPML") pursuant to 28 U.S.C. § 1407. As of its July 29, 1991 order, all asbestos personal injury cases pending in federal courts are transferred to the United States District Court for the Eastern District of Pennsylvania, for coordinated pretrial proceedings pursuant to 28 U.S.C. § 1407. The order applies to tag-along actions filed after January 17, 1991.

The parties agree it is likely the JPML will transfer this matter to the Eastern District of Pennsylvania, although the Clerk of the JPML has not yet entered a conditional transfer order or an order to show cause why the action should not be transferred, pursuant to JPML Rules 12 and 13.

JPML Rule 1.5 expressly provides that the pendency of a conditional transfer order does not in any way suspend orders and pretrial proceedings in the district court in which the action that is the subject of the conditional transfer order is pending. However, the Court has the discretion to stay proceedings pending a ruling on a transfer order. *In re Asbestos Products Liability Litigation*, 170 F.

1 Supp. 2d. 1348, 1349 n.1 (JPML 2001). Because the dates set forth in the Case Management
2 Scheduling Order are likely to pass before the Clerk of the JPML issues an order, the parties
3 parties request the Court vacate its Case Management Scheduling Order and stay the action pending
4 the outcome of the MDL Panel's decision on the merits of the transfer.

5 For good cause shown, this action is STAYED until the JPML rules on Defendants' pending
6 motion. The parties are ORDERED to inform the Court when the JPML ruling issues and this Court
7 shall, upon entry of the JPML's Order, take any required action.

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9 IT IS SO ORDERED.

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11 Dated: 1/13/09


SAUNDRA BROWN ARMSTRONG
United States District Judge

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