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3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA
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8 IN RE: KATRINA CANAL BREACHES
9 CONSOLIDATED LITIGATION

No. C 08-80007 MISC PJH

**ORDER OF REFERENCE AND
ORDER DENYING MOTION TO
REMIT**

10 _____/
11 Pursuant to Civil Local Rule 72-1, this matter is referred to a Magistrate Judge for
12 resolution of the motion of MRGO PSLC to quash the subpoena duces tecum issued by
13 Washington Group International, Inc., and motion to stay records production pending a
14 ruling on the motion to quash. The parties will be advised of the date and time of any
15 hearing by the assigned Magistrate Judge.

16 MRGO PSLC also seeks an order remitting this matter to the United States District
17 Court for the Eastern District of Louisiana, where the underlying action is pending. In
18 support of the motion, MRGO PSLC cites the 1970 Advisory Committee Notes to Federal
19 Rule of Civil Procedure 26(c). The court is aware that some courts have authorized such
20 transfers, while others have not. See Schwarzer, Tashima & Wagstaffe, Federal Civil
21 Procedure Before Trial (2007 ed.) § 11:2290 (citing In re Sealed Case, 141 F.3d 337, 343
22 (D.C. Cir. 1998); United States v. Star Scientific, Inc., 205 F.Supp. 2d 482, 486 & n.4 (D.
23 Md. 2002)). However, in the absence of Ninth Circuit authority, the court is unwilling to
24 grant the motion. Accordingly, the motion to remit is DENIED.

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26 **IT IS SO ORDERED.**

27 Dated: February 6, 2008

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PHYLLIS J. HAMILTON
United States District Judge