

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 08-80879 Civ-RYSKAMP/VITUNAC

NICHOLAS WEIL Derivatively on
Behalf of Nominal Defendant,
ARTHROCARE CORPORATION,

Plaintiff

v.

MICHAEL A. BAKER, BARBARA
D. BOYAN, TORD B. LENDAU,
TERRENCE E. GEREMSKI, PETER
L. WILSON, JAMES G. FOSTER
and DAVID F. FITZGERALD,

Defendants.

and

ARTHROCARE CORPORATION,

Nominal Defendant.

ORDER GRANTING TRANSFER AND GRANTING EXTENSION OF TIME

THIS CAUSE comes before the Court upon the parties' Stipulation Regarding Transfer to the Western District of Texas and Further Extending Time to Respond to the Complaint **[DE 12]** filed on September 29, 2008. After a review of the motion, the relevant portions of this docket, as well as review of the relevant portions of the docket in *McIlvaine v. Arthrocare Corp.*, 08-80343, a related case, it is hereby,

ORDERED AND ADJUDGED that:

- (1) The motion to transfer to the United States District Court for the Western District of Texas, Austin Division, filed pursuant to 28 U.S.C. § 1404(a), **[DE 9]** is GRANTED. This case could have been properly brought in the United States

District Court for the Western District of Texas, Austin Division and transfer is convenient for the parties and witnesses and is in the interest of justice.

- (2) ArthroCare's time to respond to the complaint is extended for an additional sixty days.
- (3) AthroCare's motion to dismiss the complaint **[DE 6]** is DENIED WITHOUT PREJUDICE.
- (4) Subject to the consent of the U.S. District Court for the Western District of Texas, Austin Division, this case shall be TRANSFERRED thereto, for consideration with the pending case entitled *Strong v. ArthroCare Corp.*, A 08 CA 574 SS (W.D. Texas)
- (5) The Clerk of the Court shall CLOSE this case and DENY any additional pending motions as MOOT.

DONE AND ORDERED in Chambers at West Palm Beach, Florida, this 1 day of

October, 2008.

/s/ Kenneth L. Ryskamp
KENNETH L. RYSKAMP
UNITED STATES DISTRICT JUDGE

Copies provided:
All counsel of record.