

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

GARY SPANO, et al.,

Plaintiffs,

v.

THE BOEING COMPANY, et al.,

Defendants.

No. 06-0743-DRH

ORDER

HERNDON, Chief Judge:

This matter comes before the Court for case management. On September 17, 2012, in a related case *Beesley v. Int'l Paper Co.*, **06-703-DRH (Doc. 511)**, the Court entered an Order denying the pending motions for summary judgment as the proper procedure is to decide first the class certification issue. Based on the same reasons stated in the *Beesley* Order, the Court **DENIES as premature** the pending motions for summary judgment (Docs. 368 & 370). Next, the Court will rule on the amended class certification motion (Doc. 309) and the alternative motion to pursue direct action for breach of fiduciary duties (Doc. 311). After those rulings, the Court will stay this matter until it is determined whether the parties will seek permission to appeal the Court's class certification order, and if so, until a decision on that

appeal is rendered. If no petition for permission to appeal is filed with the Clerk of the 7th Circuit within fourteen days of the date of the class certification order, the stay will be lifted.

IT IS SO ORDERED.

Signed this 19th day of September, 2012.

David R. Herndon
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David R. Herndon
Date: 2012.09.19
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**Chief Judge
United States District Court**