

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE)
LITIGATION)

MDL NO. 1456
CIVIL ACTION NO.
01-CV-12257-PBS

THIS DOCUMENT RELATES TO:)
All CLASS ACTIONS RELATING)
TO TRACK TWO DEFENDANTS)

*September 17, 2011,
After careful review of the
relevant portions of the record, the Court
adopts the report and recommendation and
allows the motion to withdraw. (Docket Entry
7503).
William A. Young
District Judge*

**REPORT AND RECOMMENDATION RE:
HEALTH CARE FOR ALL'S MOTION TO WITHDRAW AS CLASS 1
REPRESENTATIVE FOR TRACK 2 SETTLEMENT
(DOCKET ENTRY # 7503) 1**

June 8, 2011

BOWLER, U.S.M.J.

Health Care for All ("HCFA"), one of five associational class representatives of class 1 preliminarily designated for settlement purposes for track two, moves to withdraw as a class representative. (Docket Entry # 7503). "Named Consumer Plaintiffs,"² represented by Donald E. Haviland, Jr., Esq.

¹ Issues with respect to class certification, including amendment of a class certification order, are properly addressed as a report and recommendation under 28 U.S.C. § 636(b)(1)(B). See Nelson v. Nationwide Mortgage Corp., 659 F.Supp. 611, 619 (D.D.C. 1987) (magistrate judges "have no authority to rule on class action certification motions, 28 U.S.C. § 636(b)(1)(A), but such motions may be referred to a magistrate to . . . prepare proposed findings of fact and recommendations for disposition"); see, e.g., Kiobel v. Millson, 592 F.3d 78, 80 (2nd Cir. 2010).

² The named consumer plaintiffs are described in part infra. Counsel provides a more detailed description in an