

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

KEVIN LUCEY, ET AL.,)	
Plaintiffs)	
)	
v.)	C.A. NO. 10-cv-30163-MAP
)	
PRUDENTIAL INSURANCE COMPANY)	
OF AMERICA,)	
Defendant)	

ORDER RE: HEARING

February 10, 2011

PONSOR, D.J.

Counsel are scheduled to appear before this court for hearing on pending motions to dismiss (Dkt. No. 22), to stay (Dkt. No. 28), and to change venue (Dkt. No. 46), on March 18, 2011.

On February 4, 2011, the United States Judicial Panel on Multidistrict Litigation issued a Transfer Order transferring a similar case pending in the District of New Jersey, Phillips, et al. v. Prudential Insurance Company of America, et al., D.New Jersey, C.A. No. 2:10-05735, to this court for coordinated or consolidated pretrial proceedings. The Panel's action appears to render moot the pending motions to stay and to change venue. However, the pending Motion to Dismiss (Dkt. No. 22) has not been affected by the transfer, and a ruling on this motion may have an impact on the Phillips matter.

With this in mind, the court orders as follows:

1. Counsel for either party in the Phillips matter may file a memorandum supporting or opposing the pending Motion to Dismiss in the Lucey matter on or before February 28, 2011. Counsel should note that the court is not requiring the filing of a memorandum; the issues may already be adequately covered by the memoranda already filed. However, if counsel feel it necessary to supply the court with additional material or arguments, these may be filed by February 28, 2011.

2. Counsel in the Phillips matter will appear at the argument on the Motion to Dismiss at the date and time currently scheduled, March 18, 2011 at 3:00 p.m.

3. In order to insure that there are no delays in conveying the substance of this order to counsel in the Phillips matter, counsel in the Lucey matter will take steps to insure that the contents of this Order are conveyed to the attorneys for Plaintiffs and Defendants in the Phillips matter.

It is So Ordered.

/s/ Michael A. Ponsor
MICHAEL A. PONSOR
U. S. District Judge