

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

COUNTY OF RIO ARRIBA,

Plaintiff,

v.

No. 21-cv-1113 GBW/SMV

MCKINSEY & COMPANY, INC.,

Defendant.

ORDER

THIS MATTER is before the Court sua sponte. Defendant McKinsey & Company (“Defendant”) removed this matter to this Court on November 17, 2021. [Doc. 1]. On November 22, 2021, Defendant filed Defendant’s Motion for a Stay of Proceedings Pending Transfer for Consolidated Pretrial Proceedings Pursuant to 28 U.S.C. § 1407 and For Extension of Time to Respond to Complaint (the “Motion”). [Doc. 3].

In the Motion, Defendant states that the Judicial Panel on Multidistrict Litigation (“JPML”) created the McKinsey Multi-District Litigation (“MDL”) on June 7, 2021 in *In re: McKinsey & Company, Inc., National Prescription Opiate Consultant Litigation*, MDL No. 2996, pending before the Honorable Charles R. Breyer in the Northern District of California. [*Id.* at 2-3]. Defendant also states that it filed a Notice of Potential Tag-Along Action with the JPML on November 19, 2021, requesting that this case be transferred to the McKinsey MDL, and that it expects the JPML to issue a Conditional Transfer Order (“CTO”) in the next several days, with the CTO becoming effective within seven days thereafter. [*Id.* at 4]. If Plaintiff objects to the CTO, the JPML will resolve the objection after the parties have an opportunity for full briefing.

Defendant seeks a stay of proceedings “until the JPML transfers or declines to transfer this Action to the McKinsey MDL” and an extension of its Answer deadline of November 24, 2021. [*Id.* at 1, FN 1, and 4]. Plaintiff opposes the Motion. [*Id.* at 1, FN 2].

As the deadlines for Plaintiff County of Rio Arriba’s response to the Motion and Defendant’s reply have not yet passed, Defendant’s request for a stay of all proceedings is not ripe for decision. However, based on the record before it, and to save judicial and party resources, the Court FINDS good cause pursuant to Federal Rule of Civil Procedure 16(b)(2) to delay entry of a scheduling order at this time and to stay Defendant’s deadline to answer or otherwise respond to Plaintiff’s Complaint pending resolution of Defendant’s Motion in this Court, or as otherwise directed if the matter is transferred to the Northern District of California.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the deadline to answer or otherwise respond to Plaintiff’s Complaint shall be stayed pending resolution of Defendant’s Motion in this Court, or as otherwise directed if the matter is transferred to the Northern District of California.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge