

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK


----- X
BDO SEIDMAN LLP, :
 : 09 Civ. 3654 (VM)
 :
 : Plaintiff, :
 :
 : ORDER
 :
 : - against - :
 :
 : MARC S. KIRSCHNER, :
 :
 : Defendant. :
 :
----- X

VICTOR MARRERO, United States District Judge.

In accordance with the Transfer Order May 12, 2009 issued by the United States Panel on Multidistrict Litigation in connection with MDL No. 2021, the Clerk of Court is directed to transfer this case to the Western District of Pennsylvania pursuant to 28 U.S.C. § 1407.

SO ORDERED.

Dated: NEW YORK, NEW YORK
15 May 2009



VICTOR MARRERO
U.S.D.J.

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 5-15-09

May 12, 2009

FILED
CLERK'S OFFICE

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

**IN RE: LE-NATURE'S, INC.,
COMMERCIAL LITIGATION**

BDO Seidman, LLP v. Marc S. Kirshner,)
S.D. New York, C.A. No. 1:09-3654)


MDL No. 2021

ORDER LIFTING STAY OF CONDITIONAL TRANSFER ORDER

A conditional transfer order was filed in this action (*Seidman*) on April 17, 2009. Prior to expiration of that order's 15-day stay of transmittal, defendant in *Seidman* filed a notice of opposition to the proposed transfer. Defendant subsequently withdrew his notice of opposition.

IT IS THEREFORE ORDERED that the stay of the Panel's conditional transfer order designated as "CTO-1" filed on April 17, 2009, is LIFTED. This action is transferred to the Western District of Pennsylvania for inclusion in the coordinated or consolidated pretrial proceedings under 28 U.S.C. § 1407 being conducted by the Honorable Donetta W. Ambrose.

FOR THE PANEL:



Jeffery N. Lüthi
Clerk of the Panel

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

CHAIRMAN:
John G. Heyburn II
United States District Court
Western District of Kentucky

MEMBERS:
J. Frederick Motz
United States District Court
District of Maryland

Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Kathryn H. Vratil
United States District Court
District of Kansas

David R. Hansen
United States Court of Appeals
Eighth Circuit

W. Royal Furgeson, Jr.
United States District Court
Northern District of Texas

Frank C. Damrell, Jr.
United States District Court
Eastern District of California

DIRECT REPLY TO:

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May 12, 2009

J. Michael McMahon, Clerk
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: MDL No. 2021 -- IN RE: Le-Nature's, Inc., Commercial Litigation

(See Attached Order)

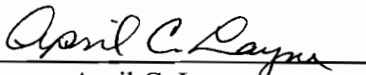
Dear Mr. McMahon:

A conditional transfer order was filed in the above matter on April 17, 2009. Prior to the expiration of that order's 15-day stay, opposition to the proposed transfer was filed and, pursuant to Rule 7.4(c) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435 (2001), the conditional transfer order was stayed until further order of the Panel. The opposition has now been withdrawn and I am therefore attaching as a separate PDF document a copy of today's order lifting the stay of the conditional transfer order and transferring the action pursuant to 28 U.S.C. § 1407. The order is directed to you for filing. A certified copy of this order has also been transmitted via email today to the Western District of Pennsylvania.

A list of involved counsel is attached.

Very truly,

Jeffery N. Lüthi
Clerk of the Panel

By 
April C. Layne
Docket Specialist

Attachment

cc: Transferor Judge: Judge Victor Marrero

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