IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

Case No. 4:10-cv-142-D

)
MARK DANIEL LYTTLE,)
) NOTICE OF DECISION BY THE
Plaintiff,) U.S. JUDICIAL PANEL ON
) MULTIDISTRICT LITIGATION
v.) BY ALL FEDERAL DEFENDANTS
)
UNITED STATES OF AMERICA, et al.,)
Defendants.)
)

NOTICE OF DECISION

Pursuant to this Court's Order of May 24, 2011 (Docket No. 42), all federal defendants in this action (the United States, Dashanta Faucette, Dean Caputo, and Robert Kendall) respectfully notify the Court that in an Order dated April 8, 2011, the United States Judicial Panel on Multidistrict Litigation ("MDL Panel") denied the federal defendants' "Motion for Transfer of Actions Pursuant to 28 U.S.C. § 1407 for Centralized Pretrial Proceedings." In light of the MDL Panel's Order and this Court's Order granting plaintiff's motion to amend his complaint, the federal defendants respectfully submit that a stay of this action is no longer necessary or appropriate. Instead, counsel for the federal defendants and the plaintiff are in the process of conferring on a date by which the federal defendants will answer or otherwise respond to plaintiff's amended complaint. The federal defendants expect to file a motion requesting leave of

¹ A copy of that Order is attached to this Notice.

² Before the MDL Panel issued its order, plaintiff's counsel informed counsel for the other parties to this action that plaintiff intended to seek leave to amend his complaint. Plaintiff filed his motion to amend on April 27, 2011 (Docket No. 40).

Court to answer or otherwise respond by the agreed-upon date once plaintiff has filed his amended complaint with the Court, per the Court's Order.

Respectfully submitted this 24th day of May 2011,

TONY WEST

Assistant Attorney General, Civil Division

C. SALVATORE D'ALESSIO, JR. Acting Director, Torts Branch

/s/ James R. Whitman

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CERTIFICATE OF SERVICE

I certify under penalty of perjury that on May 24, 2011, I electronically filed the foregoing "Notice of Decision" using the Court's CM/ECF system, which will send notification of such filing to the following counsel of record:

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