

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO.: 3:13-cv-00412-RJC-DSC**

**ANDRITZ HYDRO CORP. f/k/a VA TECH
HYDRO USA CORP. AND ANDRITZ
(USA) INC.,**

Plaintiffs,

v.

**PPL MONTANA, LLC and PPL ENERGY
SUPPLY, LLC**

Defendants.

ORDER

THIS MATTER is before the Court on Defendants’ “Motion to Transfer Venue for the Consolidation of Cases” (document #51) and the parties’ briefs and exhibits. See documents ##52, 54-57.

This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1), and is now ripe for the Court’s consideration.

Defendants’ Motion to Transfer Venue is based solely upon their claim that Plaintiffs violated the terms of a tolling agreement. The issues involving the tolling agreement and the proper venue for this matter are squarely presented in Defendants’ “Motion for Partial Summary Judgment to Enforce Tolling Agreement” (document #37) and “Plaintiffs’ Motion to Enjoin Prosecution of Later-Filed Action” (document #49). These Motions are pending before the presiding District Judge.

Accordingly, Defendants’ “Motion to Transfer Venue for the Consolidation of Cases” (document #51) is denied as duplicative of the other pending Motions. Denial is without

prejudice to Defendants' right to renew their Motion to Transfer Venue once the other Motions are resolved.

The Clerk is directed to send copies of this Order to counsel for the parties; and to the Honorable Robert J. Conrad, Jr.

SO ORDERED.

Signed: February 13, 2014



David S. Cayer
United States Magistrate Judge

