


IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

|                                |   |                           |
|--------------------------------|---|---------------------------|
| JOSEPH HOPKINS, et al.,        | ) | CASE NO. 13 CV 413        |
|                                | ) |                           |
| Plaintiffs,                    | ) |                           |
|                                | ) |                           |
| v.                             | ) | JUDGE DONALD C. NUGENT    |
|                                | ) |                           |
| ANHEUSER-BUSCH COMPANIES, LLC, | ) |                           |
|                                | ) |                           |
| Defendant.                     | ) | <u>MEMORANDUM OPINION</u> |
|                                | ) | <u>AND ORDER</u>          |

Before the Court is Plaintiffs’ Motion for Reconsideration of this Court’s Order dated April 18, 2013. In that Order the Court denied Plaintiffs’ Motion to Stay Pending Resolution of the Motion to Transfer and Consolidate Currently Pending Before the Judicial Panel on MultiDistrict Litigation. Plaintiffs complain that the Court made its ruling before Plaintiffs had an opportunity to timely file a Reply to the Defendant’s Opposition. Taking into consideration the points made, through the motion for reconsideration, in reply to Defendant’s Opposition, the Court finds that its decision remains the same. There is no harm to the parties in allowing this case to continue forward pending a decision by the Judicial Panel on MultiDistrict Litigation. The issues currently being briefed will not evaporate if the Panel finds that an MDL designation

is appropriate. Further, as a general rule, the filing of an MDL petition is not sufficient justification to stay proceedings in the case. JPML Rule 2.1(d). *See also*, Summary of Panel Rules Revised October 4, 2010. Finally, there will be no strain on judicial resources if the case is allowed to go forward. If the Panel designates this case as part of an MDL, the pending motion to dismiss will likely be addressed by the MDL Court assigned. If not, the briefing will be timely completed for this Court's review and prompt resolution. Plaintiffs' Motion for Reconsideration is, therefore, denied.

IT IS SO ORDERED.

  
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Donald C. Nugent  
United States District Judge

Date: June 10, 2013