

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

TERRY MARTIN, et al.,	:	
Plaintiffs,	:	Case No. 3:08cv00326
vs.	:	District Judge Walter Herbert Rice Magistrate Judge Sharon L. Ovington
BEHR DAYTON THERMAL PRODUCTS LLC, et al.,	:	
Defendants.	:	

ORDER

This case was previously consolidated with two other similar cases for the limited purpose of conducting discovery on class certification. (Doc. #60). The two other cases are captioned, *Kimberly Spears, et al. v. Chrysler LLC, et al.*, 3:08cv00331 (*Spears*) and *First Property Group, LTD, et al. v. Behr Dayton Thermal Products, LLC et al.*, 3:08cv00329 (*First Property Group*). Each of these three cases was later stayed and administratively processed under the automatic stay provision of bankruptcy code, 11 U.S.C. §362. The stay has since be lifted in *Spears* and *First Property Group*, except as to Defendant Chrysler LLC.

The presents case is before the Court upon Plaintiffs' Motion to Lift the Administrative Stay and permit discovery to continue (Doc. #82), Defendants' (except Chrysler LLC) Response (Doc. #86), and Plaintiffs' Reply (Doc. #87). Defendants take

no position, and thus do not oppose, lifting the administrative stay. (Doc. #86 at 1096).

In the absence of opposition by Defendants, Plaintiffs' Motion to Lift the Administrative Stay will be granted.

Defendants assert that several outstanding issues need to be resolved before the parties should be required to continue with discovery or enter into a revised Joint Case Management Order. Decisions resolving who will be appointed interim lead counsel and resolving the pending discovery motions will issue in near future.

Lastly, lifting the stay in the present case does not effect Defendant Chrysler LLC, which remains subject to bankruptcy protection and to the automatic stay provision of the bankruptcy code.

IT IS THEREFORE ORDERED THAT:

1. Plaintiffs' Motion to Lift the Administrative Stay (Doc. #82) is **GRANTED**, and the stay of this case is **LIFTED**, except as to Defendant Chrysler LLC;
2. The Clerk of Court is directed to **REOPEN** on the docket of the Court the present case – *Terry Martin, et al. v. Chrysler LLC, et al.*, 3:08cv00326; and
3. The present case remains consolidated with both *First Property Group*, 3:08cv00329 and *Spears*, 3:08cv00331 for the limited purpose of conducting discovery on class certification issues.

April 14, 2011

s/Sharon L. Ovington
Sharon L. Ovington
United States Magistrate Judge