IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

A.D. ALBERTON & : CIVIL ACTION MARK C. KESSLER : NO. 06-3755

:

Plaintiffs,

:

V •

:

COMMONWEALTH LAND TITLE

INSURANCE CO.

:

Defendant.

ORDER

AND NOW, this 26th day of January 2010, upon consideration of Plaintiff's oral motion to appoint Mark C. Kessler as class representative, it is hereby ORDERED that Plaintiffs' oral motion is GRANTED.

AND IT IS SO ORDERED.

S/Eduardo C. Robreno EDUARDO C. ROBRENO, J.

To the extent that Plaintiffs intend to pursue a separate theory of liability which implicates the potential conflict between the subclasses, Plaintiffs shall articulate such a theory to the Court at the time that the parties file a proposed schedule for submitting dispositive motions. See Alberton v. Commw. Land Title Ins. Co., 247 F.R.D. 469, 477 (E.D. Pa. 2008), rev'd on other grounds, Hunt v. U.S. Tobacco Co., 538 F.3d 217 (3d Cir. 2008).