

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

ALAN HEWITT,

Plaintiffs,

v.

Case No. 05-4090-JAR

MERCK & CO., et al.,

Defendants.

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**ORDER**

This matter comes before the court upon defendants' unopposed motion to stay proceedings pending a transfer decision by the Judicial Panel on Multidistrict Litigation (Doc. 8). The court finds the issue is ripe for decision and, having reviewed the filings, finds there to be good cause that this matter be stayed pending a transfer decision by the Judicial Panel on Multidistrict Litigation.

**IT IS THEREFORE ORDERED:**

1. That defendants' motion to stay proceedings pending a transfer decision by the Judicial Panel on Multidistrict Litigation (Doc. 8) is hereby GRANTED.

2. That this case shall be STAYED pending a transfer decision by the Judicial Panel on Multidistrict Litigation.

3. That defendants shall, within 20 days of the date of any decision of the Judicial Panel on Multidistrict Litigation regarding transfer of this matter, report such decision to the court. In the event of a denial of transfer, the court will schedule a status conference to plan the remainder of discovery and pretrial activities in this case. In the event of a grant of transfer, the stay in this case shall continue pending remand or resolution of this matter by the transferee court.

**IT IS SO ORDERED.**

Dated this 30<sup>th</sup> day of August, 2005, at Topeka, Kansas.

s/ K. Gary Sebelius  
K. Gary Sebelius  
U.S. Magistrate Judge