

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

ROBERT HULTEEN,)	
)	
Plaintiff,)	
)	
v.)	Case No. 05-4147-JAR
)	
MERCK & CO., INC., et al.,)	
)	
Defendant.)	

ORDER

This matter comes before the court upon the motion of defendant Merck & Co., Inc., (“Merck”) to stay proceedings pending a transfer decision by the Judicial Panel on Multidistrict Litigation (Doc. 8). Defendant Merck reports in its motion that counsel for plaintiff has been contacted regarding the instant motion, and that plaintiff does not oppose the requested stay.

Having reviewed defendant Merck’s motion, the court finds there to be good cause for it to be granted and this matter to be stayed pending a transfer decision by the Judicial Panel on Multidistrict Litigation.

IT IS THEREFORE ORDERED:

1. That defendant Merck’s motion to stay proceedings pending a transfer decision by the Judicial Panel on Multidistrict Litigation (Doc. 8) is hereby GRANTED.
2. That proceedings in this case are hereby STAYED pending a transfer decision by the Judicial Panel on Multidistrict Litigation.
3. That defendant Merck 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 set a scheduling conference to establish a schedule for completion of discovery and pretrial activities. In the event of a grant of transfer, the stay pursuant to this order shall continue pending remand or resolution of this matter by the transferee court.

IT IS SO ORDERED.

Dated this 6th day of January, 2006, at Topeka, Kansas.

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