

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JIMMIE HERSHEY, individually and on
behalf of all others similarly situated,,

Plaintiff,

vs.

Case No. 07-1300-JTM

EXXONMOBIL OIL CORPORATION,

Defendants.

MEMORANDUM AND ORDER

The Plaintiff has moved to consolidate the present action with *Farrar v. Mobil*, No. 08-1214-WEB. (Dkt. No. 41). However, Judge Brown remanded *Farrar* to state court on October 27, 2008. (Case No. 08-1214-WEB, Dkt. No. 27). The defendant in that action promptly petitioned the Tenth Circuit for review of the order of remand, but the Tenth Circuit has now denied the petition. *Mobil Oil Corp. v. Farrar*, No. 08-603 (10th Cir. Dec. 4, 2008).

IT IS ACCORDINGLY ORDERED this 19th day of December, 2008, that the plaintiff's Motion to Consolidate (Dkt. No. 41) is denied as moot.

s/ J. Thomas Marten
J. THOMAS MARTEN, JUDGE