

Apr 01, 2009

FILED
CLERK'S OFFICE

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: HONDA MFG. OF ALABAMA, LLC,
AND HONDA OF AMERICA MFG., INC.,
EMPLOYEE RETIREMENT INCOME
SECURITY ACT (ERISA) LITIGATION**

MDL No. 2038

(SEE ATTACHED SCHEDULE)

ORDER DEEMING MOTION MOOT

Before the Panel is a motion by Merrill Lynch & Co., Inc., Merrill Lynch, Pierce, Fenner & Smith Inc., & Merrill Lynch Bank & Trust Co., FSB, seeking centralization of the actions on the attached schedule, pursuant to 28 U.S.C. § 1407, in the Southern District of Ohio for coordinated or consolidated pretrial proceedings. The Panel has now been advised that the listed Northern District of Alabama action was dismissed pursuant to plaintiff's notice of voluntary dismissal by the Honorable Robert R. Armstrong, Jr., in an order signed on March 31, 2009, thus depriving this litigation of its multidistrict character.

IT IS THEREFORE ORDERED that the motion of Merrill Lynch & Co., Inc., Merrill Lynch, Pierce, Fenner & Smith Inc., & Merrill Lynch Bank & Trust Co., FSB, for transfer under 28 U.S.C. § 1407 is DEEMED MOOT.

FOR THE PANEL:


Jeffery N. Luthi
Clerk of the Panel

SCHEDULE A

MDL-2038 -- IN RE: Honda Mfg. of Alabama, LLC, and Honda of America Mfg., Inc., Employee Retirement Income Security Act (ERISA) Litigation

Northern District of Alabama

Reggie Duck v. Honda Mfg. of Alabama, LLC, et al., C.A. No. 1:08-2304

Southern District of Ohio

Joseph Shanks v. Honda of America Mfg., Inc., et al., C.A. No. 2:08-1059

Phillip M. Salyer, et al. v. Honda of America Mfg., Inc., et al., C.A. No. 2:08-1060