

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

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**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION
IN RE ETHYLENE PROPYLENE DIENE MONOMER (EPDM) ANTITRUST
LITIGATION**

Goodyear Tire & Rubber Co. v. Bayer AG, et al., N.D. Ohio, C.A. No. 5:04-853

**BEFORE WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN, D.
LOWELL JENSEN, J. FREDERICK MOTZ,* ROBERT L. MILLER, JR.,
KATHRYN H. VRATIL AND DAVID R. HANSEN, JUDGES OF THE PANEL**

ORDER VACATING CONDITIONAL TRANSFER ORDER

On June 14, 2004, the Panel issued an order, pursuant to 28 U.S.C. § 1407, conditionally transferring this action (*Goodyear*) to the District of Connecticut for inclusion in the centralized pretrial proceedings occurring there in this docket before Judge Peter C. Dorsey. Prior to expiration of that order's fifteen-day stay of transmittal, plaintiff in *Goodyear* filed a notice of opposition to the proposed transfer and the subsequent motion and brief to vacate the Panel's conditional transfer order. By order entered this day, the Panel has determined to transfer *Goodyear* to the District of Connecticut for assignment to Judge Dorsey as part of the additional Section 1407 proceedings to be centralized there before him in a new docket, MDL-1642. See *In re Polychloroprene Rubber (CR) Antitrust Litigation*, ___ F.Supp.2d ___ (J.P.M.L. 2005). Accordingly, the Panel will not now order transfer of *Goodyear* for inclusion in MDL-1542.

IT IS THEREFORE ORDERED that the Panel's conditional transfer order designated as "CTO-2" filed on June 14, 2004, is vacated.

FOR THE PANEL:



Wm. Terrell Hodges
Chairman

*Judge Motz took no part in the decision of this matter.