

FILED
U.S. DISTRICT COURT
2006 NOV -6 P 1:45
JUDICIAL PANEL
NORTHERN DISTRICT OF OHIO

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

JEFFREY VERNON MERKEY

CASE NO. 06-00839

Plaintiff,

JUDGE Dale A. Kimball

v.

**WITHDRAWAL OF NOTICE OF FILING
PLAINTIFFS' JOINT MOTION TO TRANSFER
AND CONSOLIDATION OF RELATED
ACTIONS TO THE NORTHERN DISTRICT OF
OHIO AND BRIEF IN SUPPORT THEREOF**

DELTA AIRLINES, ET AL.

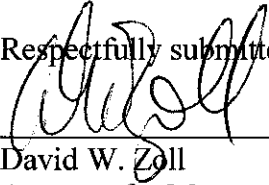
Defendants.

David W. Zoll (0008548)
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Pamela A. Borgess (0072789)
Zoll & Kranz, LLC
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As described more fully in the attached letter to the Judicial Panel on Multidistrict Litigation (the "Panel"), Plaintiffs Linda and Craig Rower; Amrita, Almah-Luce, Sarah and

Roger Drummer and Laura Snider; and Victoria Covington¹ (hereinafter "Movants") hereby withdraw the notice that they filed with this Court requesting the transfer of the *e. coli* litigation. The Motion for transfer has **not** been filed with the Panel.

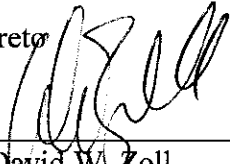
Respectfully submitted,



David W. Zoll
Attorney for Movants

CERTIFICATION

This is to certify that on November 1, 2006 a copy of the foregoing was sent to the persons appearing on the Service List attached hereto



David W. Zoll
Attorney for Movants

¹ These individuals are plaintiffs in *Rower, et al. v. Dole Food Company, Inc., et al.*, U.S. Dist. Court, Northern District of Ohio, Western Div., Civil Case No. 3:2006-cv-02449; *Drummer, et al. v. Dole Food Company, Inc.*, U.S. Dist. Court, Northern District of Ohio, Western Div., Civil Case No. 3:06-cv-02325; and *Covington v. Dole Food Company, Inc. et al.*, U.S. Dist. Court, Northern District of Ohio, Eastern Div., Civil Case No. 1:06-cv-02510-DAP.

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November 1, 2006

By next day air and fax to 202 502 2806

Clerk of the Panel
Att: Cathy Maida
Judicial Panel on Multidistrict Litigation
Thurgood Marshall Federal Judiciary Building
One Columbus Circle, NE
Room G-255, North Lobby
Washington, D.C. 20002-8004

In re: E. Coli 0157:H7 Litigation

Dear Sir/Madam:

This will confirm that we are requesting that the Plaintiffs' Joint Motion for Transfer and Consolidation of Related Actions and Consolidation of Related Actions to the Northern District of Ohio, tendered to you for filing last week, should **not** be filed, as we have determined not to proceed with the Petition.

As you know, the Joint Motion was not filed by you when received because of certain discrepancies.

Attached hereto is a Service List of all persons to whom copies of this letter are being sent, including all persons upon whom a copy of the Joint Motion was served, as well as copies of the Withdrawal of Notices being filed in the various districts.

Thank you.

Sincerely,


David W. Zoll

DWZ:sit

Enclosures

cc: Nicholas E. Phillips, Esq. and all persons on Attached Service List.



SERVICE LIST

Clerk of Courts List

Clerk of Courts
Northern District of Ohio, Toledo Division
114 United States Courthouse
1716 Spielbusch Avenue
Toledo, Ohio 43604-1363

Clerk of Courts
Northern District of Ohio, Cleveland Division
Carl B. Stokes United States Court House
801 West Superior Avenue
Cleveland, Ohio 44113-1830

Clerk of Courts
United States District Court
Western District of New York
2120 U.S. Courthouse
100 State Street
Rochester, NY 14614

Clerk of Courts
Eastern District of Wisconsin
Milwaukee Division
362 U.S. Courthouse & Federal Bldg.
517 East Wisconsin Avenue
Milwaukee, WI 53202

Clerk of Courts
Central District of Utah
U.S. District Courthouse
350 South Main Street
Salt Lake City, Utah 84101-2180

Clerk of Courts
District of Oregon (Portland)
Mark O. Hatfield U.S. Courthouse
1000 S.W. Third Avenue
Portland, OR 97204-2902

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Baltimore Division
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