

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

AS CAPTIONED IN

COMMONWEALTH COURT

: No. 664 M.D. 2003
: No. 665 M.D. 2003
: No. 666 M.D. 2003
: No. 667 M.D. 2003
: No. 668 M.D. 2003
: No. 669 M.D. 2003
: No. 670 M.D. 2003
: No. 671 M.D. 2003
: No. 672 M.D. 2003
: No. 674 M.D. 2003

RECEIVED AND FILED
COMMONWEALTH COURT
OF PA (PHILA)
2005 JAN 20 P 2:39

ORDER

AND NOW, this 20th day of January 2005 upon consideration of the cross-petitions for consolidation of cases, said Petitions are **GRANTED**; the Chief Clerk is directed to consolidate the following cases¹

Koken v. Ingram Micro, Inc., No. 664 M.D. 2003;
Koken v. P.L.D. Denis, No. 665 M.D. 2003;
Koken v. Mitsui & Co. (USA), Inc., No. 666 M.D. 2003;
Koken v. Compania Nacional De Seguros, No. 667 M.D. 2003;
Koken v. H.J. Heinz Co., et al., No. 668 M.D. 2003;
Koken v. Mutual Marine Office, Inc., No. 669 M.D. 2003;
Koken v. Lloyd's Syndicates Nos. 735, No. 670 M.D. 2003;
Koken v. Apple Computer, Inc., No. 671 M.D. 2003;
Koken v. Bigham, et al., No. 672 M.D. 2003;
Koken v. Pacific Life Insurance Co., No. 674 M.D. 2003

AND FURTHER, it appearing of record that in *Koken v. H.J. Heinz Co., et al.*, No. 668 M.D. 2003, the parties have requested reassignment of their

¹ *Koken v. Hiscox Syndicate No. 33*, No. 663 M.D. 2003 was discontinued.

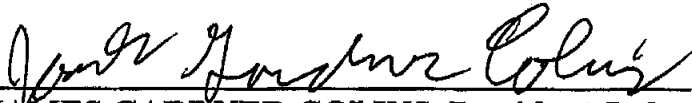
case from Referee Frank B. Tracy, Esq., and also in *Koken v. H.J. Heinz Co., et al.*, No. 668 M.D. 2003; *Koken v. Ingram Micro, Inc.*, No. 664 M.D. 2003; *Koken v. Mitsui & Co. (USA), Inc.*, No. 666 M.D. 2003; *Koken v. Apple Computer, Inc.*, No. 671 M.D. 2003, the parties have filed cross-motions for summary judgment; the Court, upon consideration of these requests and motions, **ORDERS** as follows:

1. *Koken v. H.J. Heinz Co., et al.*, No. 668 M.D. 2003 is removed from the referee and transferred back to President Judge Colins;

2. **AND FURTHER**, *Koken v. H.J. Heinz Co., et al.*, No. 668 M.D. 2003; *Koken v. Ingram Micro, Inc.*, No. 664 M.D. 2003; *Koken v. Mitsui & Co. (USA), Inc.*, No. 666 M.D. 2003; *Koken v. Apple Computer, Inc.*, No. 671 M.D. 2003 (collectively, *Heinz*), are before the Court on cross-motions for summary judgment, which motion(s) is only filed at the close of discovery and only when a case is ready to proceed to trial (*See Pa. R. Civ. Pro. 103*), therefore, the Court deems the parties in *Heinz* to have waived any further discovery, and the cross-motions for summary judgment shall be considered by the Court.

The parties in *Heinz* are further granted an additional 20 days from the date of this order in which to file a responsive brief with the Court.

The Liquidator is directed to serve a copy of this Order upon those listed on the Master Service List.



JAMES GARDNER COLINS, President Judge