

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 91-28

ANGELO GALBIATI, Individually
and/or as Personal Representative
of the Estate of MARISA CAVENAGHI,
her uncle, on behalf of himself
individually, the Estate and any
other person entitled to recover
herein; VANDA ARGIDO, ORNELIA
CAVENAGHI, ERMELINDA CAVENAGHI,
DONATELLA CAVENAGHI, MARIA G.
CAVENAGHI, REGINA CAVENAGHI,
GIAMPIERO P. CAVENAGHI and LIVIO
ANGELO CAVENAGHI,

Plaintiffs,

vs.

INDEPENDENT AIR, INC., a foreign
corporation; and I.A.L. AIR SERVICES,
INC., a Florida corporation,

Defendants.

91-0619-CIV-MORENO
91-0620-CIV-SPELLMAN
91-0621-CIV-NESBITT
91-0622-CIV-MORENO
91-0623-CIV-MORENO
91-0624-CIV-RYSKAMP
91-0625-CIV-SPELLMAN
91-0626-CIV-MARCUS
91-0627-CIV-NESBITT
91-0628-CIV-KEHOE
91-0629-CIV-MORENO
91-0630-CIV-NESBITT
91-0631-CIV-RYSKAMP
91-0632-CIV-MARCUS

CAROL BARATTO, as Personal Representative
of the Estate of OTTILIA BARATTO, his
sister, on behalf of himself, the Estate,
and any other person entitled to recover
herein; ERMINIA FRANCHESCHINI;
IVANA BARATTO; CARMEN BARATTO in
MERZ, and LAURA BARATTO in CAMIN

Plaintiffs,

vs.

AEROLINEAS DOMINICANAS a/k/a
DOMINAIR,

Defendants.

91-0634-CIV-MARCUS
91-0637-CIV-RYSKAMP
91-0636-CIV-KEHOE
91-0638-CIV-ATKINS
91-0639-CIV-MARCUS
91-0640-CIV-MORENO
91-0641-CIV-DAVIS
91-0642-CIV-KEHOE
91-0643-CIV-MARCUS
91-0644-CIV-RYSKAMP
91-0645-CIV-MARCUS
91-0646-CIV-SPELLMAN
91-0648-CIV-RYSKAMP
91-0650-CIV-SPELLMAN
91-0651-CIV-MARCUS
91-0652-CIV-SPELLMAN
91-0653-CIV-RYSKAMP
91-0654-CIV-MORENO

91-0655-CIV-MARCUS
91-0657-CIV-KEHOE
91-0658-CIV-KING
91-0660-CIV-NESBITT
91-0661-CIV-SPELLMAN
91-0662-CIV-KEHOE
91-0663-CIV-ATKINS
91-0664-CIV-MORENO
91-0665-CIV-MORENO
91-0666-CIV-KEHOE
91-0667-CIV-RYSKAMP
91-0668-CIV-KEHOE
91-0669-CIV-RYSKAMP
91-0670-CIV-KEHOE
91-0671-CIV-KING
91-0672-CIV-NESBITT
91-0673-CIV-DAVIS
91-0675-CIV-MARCUS
91-0676-CIV-MORENO
91-0677-CIV-MORENO
91-0678-CIV-KING
91-0679-CIV-KEHOE
91-0680-CIV-RYSKAMP
91-0681-CIV-RYSKAMP
91-0695-CIV-RYSKAMP
91-0697-CIV-MORENO
91-0702-CIV-MARCUS
91-0703-CIV-ATKINS
91-0704-CIV-RYSKAMP
91-0705-CIV-NESBITT
91-0706-CIV-MARCUS
91-0707-CIV-KEHOE
91-0708-CIV-MORENO
91-0709-CIV-ATKINS
91-0710-CIV-MORENO
91-0711-CIV-NESBITT
91-0712-CIV-RYSKAMP
91-0713-CIV-SPELLMAN
91-0714-CIV-SPELLMAN
91-0715-CIV-MORENO
91-0716-CIV-NESBITT
91-0717-CIV-KEHOE
91-0718-CIV-MARCUS
91-0719-CIV-MARCUS
91-0720-CIV-MORENO

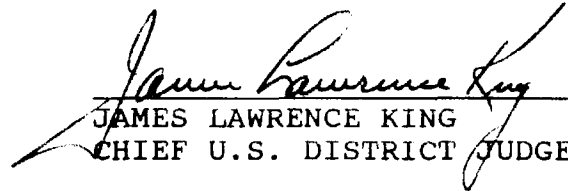
**ORDER OF CONSOLIDATION SOLELY
FOR THE PURPOSE OF ENTERTAINING
MOTION TO REMAND**

This matter has come before the Court as a result of a Motion to Remand filed by the Plaintiffs, under 28 U.S.C. §1447(c), in the above-captioned 78 cases. These cases all grow out of the crash of Independent Air Flight No. 1851 on February 8, 1989 on the Island of Santa Maria, Azors, Portugal. Presently pending in Florida State Court are 48 additional wrongful-death actions growing out of the same crash and brought against Defendants Independent Air, Inc. and I.A.L. Air Services, Inc. The Defendants have not attempted to remove these as they have been pending in Florida State Court more than thirty days, and thus, under 28 U.S.C. §1446(b), are no longer removable. Of the 78 actions now pending in this Court, 15 were brought by the Plaintiffs against Independent Air, Inc. and I.A.L. Services, Inc. and the other 63 were brought against Defendant Aerolineas Dominicanas a/k/a Dominair.

This Court finds that it would in the interest of judicial economy that all actions presently pending before this Court relating out of the crash of Independent Air Flight No. 1851 be consolidated solely for the purpose of ruling on Plaintiffs' Motion to Remand filed with the Court on April 5, 1991.

This Court recognizing that Rule 6(c) of the Local Rules of the Southern District of Florida provide that in transferring similar proceedings, in order to avoid duplication of judicial labor the reassignment should be to the lower numbered action. Therefore, these matters are hereby transferred to the Honorable James W. Kehoe for the limited purpose of resolving this issue and is done without undertaking the formal transfer of any of the pending actions.

DONE AND ORDERED in chambers, United States District Court, Federal Courthouse Square, Miami, Florida, this 10th day of April, 1991.


JAMES LAWRENCE KING
CHIEF U.S. DISTRICT JUDGE

cc: All United States District Judges
All Counsel on Service List
Clerk of Court

SERVICE LIST

Robert C. Owens, Esq.
Stearns Weaver, etc.
150 W. Flagler St.
Museum Tower
Miami, FL 33130

Stephen Fearon, Esq.
Condon & Forsyth
1251 Avenue of the Americas
New York, N.Y. 10020

John Schutty, Esq.
Condon & Forsyth
1251 Avenue of the Americas
New York, N.Y. 10020

Steven C. Marks, Esq.
Podhurst, Orseck, Josefsberg
25 West Flagler Street
Suite 800
Miami, FL 33130

Charles Krause, Esq.
Speiser Krause & Madole
9846 Lorene
San Antonio, Texas 78216

Gerard R. Lear, Esq.
Speiser, Krause, Madole & Lear
1216 Sixteenth Street, N.W.
Washington, D.C. 20036

Kenneth Nolan, Esq.
Speiser, Krause & Madole
200 Park Avenue
New York, New York 10167

Aaron S. Podhurst, Esq.
Podhurst, Orseck, Josefsberg
25 West Flagler Street
Suite 800
Miami, FL 33130