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Paul Hansmeier
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April 16, 2013

BY ECF

The Honorable Donovan W. Frank
United States District Judge
724 Federal Building
316 N. Robert Street
St. Paul, MN 55101

Re: Request for Reconsideration
Mooney v. Frito-Lay North America, Inc. & PepsiCo, Inc.
Case No. 0:13-cv-00648-DWF-JJG

Dear Judge Frank:

On behalf of Plaintiff Allan Mooney, I write regarding the Court's April 16, 2013 Order (Doc. No. 24) granting Defendants' motion to defer briefing and argument on Mooney's Motion to Remand to State Court (Doc. No. 14).

Plaintiff wishes to submit a response in opposition to Defendants' Motion to Defer (Doc. No. 20). Plaintiff's counsel was finishing the final draft of his response when the April 16 Order issued. Plaintiff therefore presents his request to be heard as a letter request for reconsideration under D. Minn. L.R. 7.1(j).

The Court, through its clerk, contacted Plaintiff's counsel on Friday, April 12, 2013 to ask whether Plaintiff would be submitting a response to the motion to defer. Plaintiff's counsel represented that he would, and specifically that he would submit his response by Wednesday, April 17, 2013. Because that time has not yet passed, the Court should reconsider its April 16 Order in order to hear Plaintiff's briefing on the issue.

Defendants' Motion to Defer was filed and served upon Plaintiff on April 10, 2013. (See Doc. No. 20.) Only six days have passed since that time. The Local Rules specify that a response to a nondispositive motion shall be filed within seven days. See D. Minn. L.R. 7.1(b)(2). Because that time has not yet passed, the Court should reconsider its April 16 Order in order to hear Plaintiff's briefing.

For the above reasons, the Court should hear Plaintiff's response in opposition to Defendants' Motion to Defer. Plaintiff requests that the Court reconsider its April 16 Order, which issued before Plaintiff submitted his response in opposition.

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For the Court's convenience, Plaintiff has attached to this letter his Response Memorandum of Law in Opposition to Defendants' Motion to Defer Plaintiff's Motion to Remand Pending the JPML's Transfer Decision.

If the Court is inclined to grant reconsideration, it may consider the attached Response Memorandum of Law to be Plaintiff's briefing on the issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul Hansmeier", written in a cursive style.

Paul Hansmeier

ATTACHMENTS: Plaintiff's Response Memorandum of Law in Opposition to Defendants' Motion to Defer Plaintiff's Motion to Remand Pending the JPML's Transfer Decision

Certificate of Compliance with Local Rules 7.1(f) & 7.1(h)

CC: All counsel of record (by ECF)