UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE: HARDIEPLANK FIBER CEMENT SIDING LITIGATION	Case No. 12-md-2359 MDL No. 2359
THIS DOCUMENT RELATES TO ALL ACTIONS	**ORDER**

This matter is before the Court on Defendant James Hardie Building Products, Inc.'s Motion to Dismiss. [Docket No. 36] The Court heard oral argument on March 21, 2013. During oral argument, Plaintiffs' Lead Counsel stated that "Counts 2 and 3 are not being contested" and that Counts 2 and 3 "are no longer at issue." In order to ensure that the record in this case is clear,

IT IS HEREBY ORDERED:

Within seven days from the date of this Order, Plaintiffs shall submit a one page document explicitly stating whether or not they concede that Counts 2 and 3 are subject to dismissal and, if so, whether they concede dismissal as to all or only particular Plaintiffs.

Dated: March 21, 2013

s/ Michael J. Davis
Michael J. Davis
Chief Judge
United States District Court

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