

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

FILED by *jk* D.C.
FEB 15 1990
ROBERT M. MARCH
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S.D. OF FLORIDA

CASE NOS. 90-0054-CIV-HOEVELER
90-0065-CIV-RYSKAMP
90-0067-CIV-NESBITT
90-0068-CIV-KEHOE
90-0069-CIV-ARONOVITZ
90-0070-CIV-MARCUS
90-0071-CIV-NESBITT
90-0072-CIV-ATKINS
90-0073-CIV-NESBITT
90-0074-CIV-ATKINS
90-0075-CIV-SPELLMAN
90-0076-CIV-MARCUS
90-0077-CIV-ATKINS
90-0078-CIV-HOEVELER
90-0079-CIV-KEHOE
90-0080-CIV-HOEVELER
90-0081-CIV-NESBITT
90-0082-CIV-ATKINS
90-0100-CIV-SPELLMAN
90-0101-CIV-DAVIS
90-0102-CIV-MARCUS
90-0103-CIV-SPELLMAN
90-0121-CIV-KING
90-0122-CIV-RYSKAMP
90-0123-CIV-NESBITT
90-0124-CIV-KEHOE
90-0125-CIV-ATKINS
90-0126-CIV-KEHOE
90-0127-CIV-KEHOE
90-0128-CIV-KEHOE
90-0129-CIV-KING
90-0130-CIV-KING
90-0131-CIV-SPELLMAN
90-0132-CIV-SCOTT
90-0133-CIV-MARCUS
90-0134-CIV-SCOTT
90-0135-CIV-ARONOVITZ
90-0137-CIV-SCOTT
90-0138-CIV-RYSKAMP
90-0139-CIV-ARONOVITZ
90-0140-CIV-MARCUS
90-0152-CIV-ARONOVITZ
90-0153-CIV-DAVIS
90-0154-CIV-ATKINS
90-0155-CIV-SCOTT
90-0156-CIV-DAVIS
90-0157-CIV-SCOTT
90-0158-CIV-KING
90-0159-CIV-SCOTT
90-0160-CIV-ARONOVITZ
90-0161-CIV-KING

90-0162-CIV-KEHOE
90-0163-CIV-NESBITT
90-0164-CIV-MARCUS
90-0165-CIV-SCOTT
90-0166-CIV-MARCUS
90-0167-CIV-RYSKAMP

ADMINISTRATIVE ORDER NO. 90-16

ROY MOHAMMAD KHODADIN,
as Personal Representative of
the Estate of
DIANA JOEKFONG CHEN,
his spouse, on behalf of
himself, the Estate, their
children, and any other person
entitled to recover herein,

Plaintiff,

v.

SURINAM AIRWAYS HOLDING COMPANY,
AIR CREWS INTERNATIONAL, INC.,
INTERNATIONAL AIR LEASES, INC.,
AIRCRAFT TENDERS ASSOCIATES, INC.,
ESTATE OF WILBURT ROGERS, ESTATE
OF GLYN TOBIAS and ESTATE OF
WARREN ROSE,

Defendants./

AIR CREWS INTERNATIONAL, INC.,
a Florida corporation,

Defendant,

v.

SURINAAMSE LUCKTVAART MAATSCHAPPIJ,
N.V., a/k/a SURINAM AIRWAYS, LTD.,
a foreign corporation,

Third-Party Defendant./

This cause comes before the court sua sponte, after defendants
Surinam Airways Holding Company, International Air Leases, Inc.,

and Surinam Airways, Ltd.'s motion to, inter alia, transfer put the court on notice that numerous additional lawsuits have been removed by defendants to this court.

These additional lawsuits, by defendants' admission, resemble the fifty-seven (57) lawsuits consolidated by this court for a ruling on the motion to remand. See Administrative Order 90-10, January 23, 1990. To facilitate resolution of these recently removed suits, and in the interests of justice and judicial economy, the court will consolidate--for purposes of the motion to remand only--these 23 suits with the other 57 lawsuits already removed and now pending before Judge Ryskamp. The final four (4) similar state court actions (as identified by defense counsel) shall be referred for consolidation at time of removal.

In addition, the court writes to elaborate on those motions which may properly be filed with Judge Ryskamp. Consolidation of these now eighty (80) actions is for purposes of the motion to remand. Questions of remand and removal concern the subject matter jurisdiction of this court. See 28 U.S.C. § 1441. Obviously, the court must determine whether it possesses power to proceed before it can consider any non-jurisdictional motions. But, moreover, removal to this court poses the subject matter jurisdiction issue as one of primary import; personal jurisdiction must take a backseat to resolution of jurisdiction over the subject matter of these controversies. See, e.g., 28 U.S.C. § 1448 (if, after removal, "process served proves to be defective, such process or service may be completed or new process issued"). Finally, because

because removal and its counterpart, remand, turn on questions of subject matter jurisdiction, any and all motions directly related to subject matter jurisdiction may properly be brought before Judge Ryskamp for his determination.

All filings unrelated to subject matter jurisdiction must be stayed until further notice of the court. A stay of these other motions is proper, as the court must first determine whether it possesses elementary power to proceed. Continued filing of motions unrelated to subject matter jurisdiction will only incur unnecessary cost and effort on the part of the litigants.

For the convenience of the court, the clerk, and all parties, all filings (until further order of the court) shall be made under Case No. 90-0054-Civ-Hoeveler-Ryskamp, the lead case (low-numbered action) among those now consolidated before Judge Ryskamp. As such, it will be necessary for the litigants to file just one motion (regardless of the number of cases to which that motion pertains) under the one case number (90-0054-Civ-Hoeveler-Ryskamp) only, and that motion will be considered as if filed in each case to which it pertains. When filing motions, litigants need only caption the first case number indicated above (90-0054-Civ-Hoeveler-Ryskamp) and the style which accompanies it.

Finally, this court is not of the opinion that this or any previous order of the court in this action involves a controlling question of law as to which there is substantial ground for difference of opinion, or that an immediate appeal from the order may materially advance the ultimate termination of the litigation.

See 28 U.S.C. § 1292(b).

Accordingly, after careful consideration, the court

ORDERS and ADJUDGES that the following cases are hereby CONSOLIDATED, solely for the purpose of entertaining the motion to remand, with the fifty-seven (57) cases already consolidated for this purpose and pending before Judge Ryskamp, and ASSIGNED TO JUDGE RYSKAMP (for the above-stated limited purpose):

90-0372-CIV-SPELLMAN
90-0373-CIV-SPELLMAN
90-0374-CIV-MARCUS
90-0375-CIV-NESBITT
90-0376-CIV-KING
90-0377-CIV-SPELLMAN
90-0378-CIV-ARONOVITZ
90-0379-CIV-RYSKAMP
90-0380-CIV-RYSKAMP
90-0381-CIV-ATKINS
90-0382-CIV-NESBITT
90-0383-CIV-HOEVELER
90-0384-CIV-NESBITT
90-0385-CIV-RYSKAMP
90-0386-CIV-NESBITT
90-0387-CIV-SPELLMAN
90-0388-CIV-MARCUS
90-0391-CIV-RYSKAMP
90-0392-CIV-SPELLMAN
90-0393-CIV-ARONOVITZ
90-0394-CIV-KEHOE
90-0395-CIV-HOEVELER
90-0396-CIV-SPELLMAN

The court further

ORDERS and ADJUDGES that when and if the final four (4) related STATE COURT ACTIONS are removed to this court, they SHALL BE REFERRED similarly for consolidation with the above-captioned cases, for purposes of determining subject matter jurisdiction only. The court further

ORDERS and ADJUDGES that henceforward any and ALL FILINGS in

these consolidated cases before Judge Ryskamp shall concern SUBJECT MATTER JURISDICTION only. The court further

ORDERS and ADJUDGES that ALL FILINGS UNRELATED TO SUBJECT MATTER JURISDICTION are hereby STAYED in all actions until further order of the court. The court further

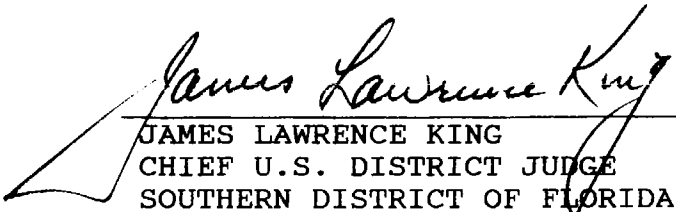
ORDERS and ADJUDGES that ALL MOTIONS and other papers SHALL BE FILED SOLELY IN CASE NO. 90-0054-CIV-HOEVELER-RYSKAMP, the low-numbered action among those consolidated and pending before Judge Ryskamp, until further order of the court. The court further

ORDERS and ADJUDGES that, in light of the above rulings, defendants' motion to transfer and consolidate for all pre-trial motions is DENIED for all motions unrelated to subject matter jurisdiction, without prejudice to reassert after the ruling on the motion to remand. The court further

ORDERS and ADJUDGES that, in light of the above rulings, defendants' motion for reconsideration and hearing is hereby DENIED. The court further

ORDERS and ADJUDGES that defendants' motion for certification of issue for immediate appeal is hereby DENIED.

DONE and ORDERED in chambers at the United States Courthouse, Federal Courthouse Square, Miami, Florida, on this 15th day of February, 1990.



JAMES LAWRENCE KING
CHIEF U.S. DISTRICT JUDGE
SOUTHERN DISTRICT OF FLORIDA

cc: Arthur C. Moller, III, Esq.
Aaron Podhurst, Esq.
Charles Krause, Esq.
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J.J. Steenhuis
Calvin David, Esq.
Dave McDonald, Esq.
all Southern District of Florida judges