

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA,
WESTERN DIVISION
No. 5:23-CV-00217**

MARCIA BALTIMORE and STEVE
COTHREN, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

GENERAC POWER SYSTEMS INC.,

Defendant.

JOINT STATUS REPORT

Plaintiffs Marcia Baltimore and Steven Cothren (“Plaintiffs”) and Defendant Generac Power Systems, Inc. (“Generac”), pursuant to the Court’s Order of April 26, 2023 (ECF 12), submit this Joint Status Report on the motion to consolidate filed with the Judicial Panel on Multidistrict Litigation (“JPML”) in case number MDL No. 3078 (the “MDL Motion”):

1. On May 25, 2023, the JPML heard oral argument on the MDL Motion at its Hearing Session in Philadelphia, Pennsylvania.
2. All parties supported consolidation of the related cases.
3. On June 2, 2023, the JPML granted the request for a multidistrict litigation (the “MDL action”) and transferred three related cases (not including this case) to the United States District for the Eastern District of Wisconsin for coordinated or consolidated pretrial proceedings with the related cases in that district.

4. On June 6, 2023, the JPML issued a conditional transfer order transferring two additional related cases (including this case) to the MDL action. That transfer order is attached as Exhibit A.

5. Pursuant to the conditional transfer order, the order will become effective when filed with the Office of the Clerk of the United States District for the Eastern District of Wisconsin (the “Clerk”), and the order will be transmitted to the Clerk if no party files a notice of opposition within seven days.

Dated: June 8, 2023

Respectfully submitted,

By: /s/ David G. Omer

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*Counsel for Defendant Generac Power
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CERTIFICATE OF SERVICE

I hereby certify that on June 8, 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of the foregoing to all attorneys of record.

Respectfully submitted,

/s/ John S. Hahn_____

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Exhibit A

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

**IN RE: GENERAC SOLAR POWER SYSTEMS
MARKETING, SALES PRACTICES AND PRODUCTS
LIABILITY LITIGATION**

MDL No. 3078

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO -1)

On June 2, 2023, the Panel transferred 3 civil action(s) to the United States District Court for the Eastern District of Wisconsin for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* F.Supp.3d (J.P.M.L. 2023). Since that time, no additional action(s) have been transferred to the Eastern District of Wisconsin. With the consent of that court, all such actions have been assigned to the Honorable Lynn S. Adelman.

It appears that the action(s) on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Eastern District of Wisconsin and assigned to Judge Adelman.

Pursuant to Rule 7.1 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, the action(s) on the attached schedule are transferred under 28 U.S.C. § 1407 to the Eastern District of Wisconsin for the reasons stated in the order of June 2, 2023, and, with the consent of that court, assigned to the Honorable Lynn S. Adelman.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Wisconsin. The transmittal of this order to said Clerk shall be stayed 7 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 7-day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:



Tiffany D. Pete
Clerk of the Panel

**IN RE: GENERAC SOLAR POWER SYSTEMS
MARKETING, SALES PRACTICES AND PRODUCTS
LIABILITY LITIGATION**

MDL No. 3078

SCHEDULE CTO-1 – TAG-ALONG ACTIONS

<u>DIST</u>	<u>DIV.</u>	<u>C.A.NO.</u>	<u>CASE CAPTION</u>
CALIFORNIA NORTHERN			
CAN	3	23-02462	Hufton et al v. Generac Holdings, Inc. et al
NORTH CAROLINA EASTERN			
NCE	5	23-00217	Baltimore et al v. Generac Power Systems, Inc.