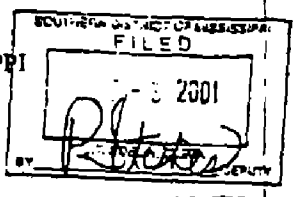
IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION



SIMEON JOHNSON, *et al.* PLAINTIFFS

VS CIVIL ACTION NO. 1:01cv408GR

ACANDS, INC., *et al.* DEFENDANTS

ORDER

This cause comes before the Court on the motion to remand [2-1] filed by the plaintiffs, Simeon Johnson, *et al.* After due consideration of the evidence of record, the briefs of counsel, the applicable law, and being otherwise fully advised in the premises, the Court finds as follows.

The Court shall recite a brief procedural history of this case:

1. Plaintiffs filed their complaint in April 2000 in the Circuit Court of Holmes County.

2. Part VII (B.) of the Case Management Order dated September 28, 2000, stipulates that "[c]ross claims for indemnity must be filed in accordance with the Mississippi Rules of Civil Procedure . [and] all cross claims for indemnity and counter claims, as well as the claims of Plaintiffs and of those defendants that declare bankruptcy, arising out of or relating to this matter are hereby severed for trial at another date and time." (Pl. Mot. to Remand, Exh. B.)

3. On June 25, 2001, named defendant U. S. Gypsum Company [Gypsum] filed for relief under Chapter 11 with the United States Bankruptcy Court for the District of Delaware.

4. On September 18, 2001, the plaintiffs dismissed named defendants Flexitallic, Inc. [Flexitallic], and Gypsum.

5. On October 1, 2001, Flexitallic filed for relief under Chapter 11 with the United States Bankruptcy Court for the District of Delaware.

6. On October 2, 2001, the defendants filed a notice of removal with this Court.