UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

FILED
October 26, 2005

No. 05-2135
02-1477-MDL

ENTERED
OCT 28 2005
TERESA L. DEPPNER, CLERK
U.S. District & Bankruptcy Courts
Southern District of West Virginia

In Re: SERZONE PRODUCTS LIABILITY LITIGATION

WILLIAM HUSEMAN

Party in Interest - Appellant

and

DEXTER HEIR; ANDREA HARPER; MARTHA SUE PERDUE; CECIL GLADWELL; SUSAN K. KYLE, Individually and on behalf of all others similarly situated

Plaintiffs

v.

BRISTOL-MYERS SQUIBB COMPANY

Defendant - Appellee

and

ALFRED DAECH; DAVID SULLIVAN; CHERYL WILLIAMS; DAVID PENTZ; LUCY CARLE; REBECCA HITE; JOHN PARRISH; MARTY REGISTER; WILLIAM SLOAN; EUNICE S. ACREMAN; MICKI BERRY; JOAN BLAND; LILLIE BLUE; VONCILE BRYANT; ELIZABETH CARWYLE; DWAYNE FERGUSON; ALLYSON HARRIS-BREWER; MARTHA HODGES; DONNA KENNEDY; SHIRLEY LANDER; SHARI LIPSEY; MARY MONTGOMERY; MARY RAND; MEISHA STRICKLAND; KENNETH TAYLOR; LORETTA TAYLOR; DORIS THOMAS; RITA THOMAS; ANN WILLIAMSON; NETTIE WILSON; IVY ALBE; LAURIE ALEXANDER; VERNON DAVIS; LEON HENLEY; JACQUELINE WESTBROOK; CRAIG M. ALBRITTON; JOHNNIE D. DAVIDSON

Parties in Interest

BLUE CROSS & BLUE SHIELD OF ALAMABA; BLUE CROSS & BLUE SHIELD OF

CALIFORNIA; BLUE CROSS & BLUE SHIELD OF KANSAS CITY; BLUE CROSS & BLUE SHIELD OF LOUISIANA; BLUE CROSS & BLUE SHIELD OF MICHIGAN; BLUE CROSS & BLUE SHIELD OF MINNESOTA; BLUE CROSS & BLUE SHIELD OF NORTH CAROLINA; PREMERA BLUE CROSS; WELLCHOICE, INCORPORATED; MOORE LAW FIRM; AETNA, INCORPORATED; BLUE CROSS & BLUE SHIELD OF ARKANSAS; BLUE CROSS & BLUE SHIELD ASSOCIATION; BLUE CROSS & BLUE SHIELD OF FLORIDA; BLUE CROSS & BLUE SHIELD OF KANSAS; BLUE CROSS & BLUE SHIELD OF MASSACHUSETTS; BLUE CROSS & BLUE SHIELD OF MISSISSIPPI; BLUE CROSS & BLUE SHIELD OF OKLAHOMA; BLUE CROSS & BLUE SHIELD OF TENNESSEE; BLUE CROSS & BLUE SHIELD OF VERMONT; BLUE CROSS OF IDAHO HEALTH SERVICE, INCORPORATED; CAPITAL BLUE CROSS; CARE FIRST BLUE CROSS BLUE SHIELD; CIGNA; FORTIS BENEFITS INSURANCE COMPANY; FORTIS INSURANCE; GOLDEN RULE INSURANCE COMPANY; GOVERNMENT EMPLOYEES HOSPITAL ASSOCIATION; GREAT-WEST LIFE & ANNUITY INSURANCE COMPANY; GROUP HEALTH COOPERATIVE OF PUGET SOUND; GROUP HEALTH INCORPORATED; GROUP HEALTH, INCORPORATED, HMO; HEALTH INSURANCE PLAN OF GREATER NEW YORK; HEALTH NET, INCORPORATED; HEALTHNOW NEW YORK, INCORPORATED, d/b/a Blue Cross & Blue Shield of Western New York; HEALTHPARTNERS, INCORPORATED; HIGHMARK, INCORPORATED; HUMANA INCORPORATED; JOHN ALDEN LIFE INSURANCE COMPANY; KPS HEALTH PLAN; MEDICAL MUTUAL OF OHIO; MID-ATLANTIC MEDICAL SERVICES, INCORPORATED; MOUNTAIN STATE BLUE CROSS BLUE SHIELD; MUTUAL OF OMAHA; MVP HEALTH PLAN; NORIDIAN MUTUAL INSURANCE COMPANY, d/b/a Blue Cross & Blue Shield of North Dakota; OXFORD HEALTH PLANS; PACIFICARE HEALTH SYSTEMS; PRIORITY HEALTH, INCORPORATED; THE GUARDIAN LIFE INSURANCE COMPANY OF AMERICA; TUFTS HEALTH PLAN; UNITED HEALTH GROUP; VISTA HEALTHPLAN, INCORPORATED; WELLPOINT, INCORPORATED, and all of its affiliates and subsidiaries; WISCONSIN PHYSICIANS SERVICES INSURANCE CORPORATION; BRACEWELL AND GIULIANI, LLP; GRADY SCHNEIDER & NEWMAN, LLP; HAGANS, BOBB, BURDINE, PC

Movants

O R D E R

Appellant has filed an unopposed motion to dismiss.

The Court dismisses this appeal pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure. The Clerk of this Court will issue a certified copy of this order to the Clerk of the District Court as and for the mandate.

For the Court - By Direction

/s/ Patricia S. Connor

CLERK

A True Copy, Teste:
Patricia S. Connor, Clerk
BY Margaret Thomas
Deputy Clerk