

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No.

KENNETH RASCON, on behalf of himself and all others similarly situated

Plaintiff,

v.

FEDEX, GROUND PACKAGE SYSTEM, INC. and FEDEX HOME DELIVERY, a division of
FedEx Ground Package System, Inc.

Defendants.

**NOTICE OF ACTION PENDING BEFORE JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION**

Pursuant to D.C.COLO.L.CivR 3.2, Defendant FedEx Ground Package System, Inc. ("FedEx Ground") files this notice of action pending before the Judicial Panel on Multidistrict Litigation. Defendant anticipates that this case will be transferred to the Northern District of Indiana for coordinated pretrial proceedings with the approximately 60 other actions that currently constitute MDL 1700 – Fedex Ground Package System, Inc., Employment Practices Litigation (No. II). Each of these actions, like Plaintiff's complaint, rests on the threshold allegation that FedEx Ground's independent contractors are, in fact, employees.

Dated: September 29, 2008

s/ Steven M. Kelso

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CERTIFICATE OF SERVICE

I hereby certify that on September 29, 2008, I served the foregoing **NOTICE OF ACTION PENDING BEFORE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION** on the following, via U.S. Mail, postage pre-paid:

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