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United States District Court,
S.D. New York.
Esther KIOBEL, et al., Plaintiffs,
v.
ROYAL DUTCH PETROLEUM COMPANY, et al., Defendants.
No. 02 Civ.7618 KMW HBP.
April 19, 2007.

MEMORANDUM OPINION AND ORDER

[PITMAN](#), Magistrate J.

***1** Plaintiff's motion for reconsideration of and the vacatur of my Order dated February 26, 2007 is granted, but only to the extent that the Order relates to this matter, Docket No. 02 Civ. 7618.

Shell Petroleum Development Company of Nigeria, Ltd. ("SPDC") made its motion to preclude jurisdictional discovery as a result of a conference and a scheduling Order held in Docket No. 04 Civ. 2665 only. In addition, counsel for plaintiffs in 02 Civ. 7618 was affirmatively advised by my staff that they did not need appear at the oral argument held concerning the motion on February 22, 2007 and they did not appear at the oral argument. Thus, the failure of plaintiffs in 02 Civ. 7618 to respond to SPDC's motion to preclude jurisdictional discovery is understandable and was the product, at least in part, of advice from the court; under these circumstances, Due Process requires the vacatur of the February 26, 2007 Order to the extent it was entered in 02 Civ. 7618 and affording the plaintiffs in 02 Civ. 7618 an opportunity to be heard in connection with defendant's motion to preclude jurisdictional discovery.

Accordingly my Order dated February 26, 2007 (Docket Item 168 in 02 Civ. 7618) is vacated but only to the extent it was entered in 02 Civ. 7618; its validity in 04 Civ. 2665 is unaffected by this Order. Plaintiffs in 02 Civ. 7618 are directed to respond to SPDC's motion to preclude jurisdictional discovery no later than May 19, 2007.

SO ORDERED

S.D.N.Y., 2007.
Kiobel v. Royal Dutch Petroleum Co.
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• [1:02cv07618](#) (Docket) (Sep. 20, 2002)
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