

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In Re: ASBESTOS PRODUCTS :
LIABILITY LITIGATION (No. VI) : Civil Action No:
 : MDL 875
This Document Relates Only to the :
Cases Identified on the Attached Case List :
(Hereinafter referred to as CVLO-1&2) :

FILED

JUN 29 2012

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

ORDER

AND NOW, this 29th day of June, 2012, having found that:

(1) the April 11, 2012 “Amended Case Management and Scheduling Order for CVLO-1&2” (“CVLO-1&2 Scheduling Order”) calls for dispositive motions for those 37 cases to be fully briefed by June 29, 2012 for the Subgroup A cases, July 30, 2012 for the Subgroup B cases, and August 27, 2012 for the Subgroup C cases¹; and that

(2) the “Case Management and Scheduling Order Pertaining to Drs. Schonfeld, Anderson, and Sadek” (“SAS Scheduling Order”), also entered on April 11, 2012, pertaining to the challenges to be made against Drs. Schonfeld, Anderson, and Sadek, calls for the filing of *Daubert* challenges seeking to exclude medical evidence pertaining to these physicians on or before August 10, 2012; and that,

(3) the grant of any motions *in limine* seeking to exclude this medical evidence would be case dispositive, as we have been advised by counsel;

(4) we conclude that it does not serve the considerable interest of judicial economy to rule on the dispositive motions called for under the CVLO-1&2 Scheduling Order until the *Daubert* motions pertaining to Drs. Schonfeld, Anderson, and Sadek are determined.

¹ All current scheduling orders may be found at: <http://www.paed.uscourts.gov/mdl875r.asp>

Accordingly, it is hereby **ORDERED** that:

(5) as to the ten cases in Subgroup A, and since the dispositive motions deadline in those cases has passed, any defendant who intends to file or join in a *Daubert* motion seeking to exclude medical evidence pertaining to Drs. Schonfeld, Anderson, or Sadek, **SHALL FILE** a notice of that intention **by July 9, 2012**. If such notice is received from any defendant, the District Court will defer ruling on that party's motion for summary judgment until after the *Daubert* decisions have been rendered. If a defendant fails to file such a notice, the District Court will rule on the applicable motion for summary judgment at the appropriate time and the defendant **WILL BE PRECLUDED** from raising *in limine* issues regarding these three physicians at a later date; and

(6) as to the 27 cases in Subgroups B and C, any defendant who intends to file or join in a *Daubert* motion seeking to exclude medical evidence pertaining to Drs. Schonfeld, Anderson, or Sadek, **SHALL FILE** a notice of that intention along **with their summary judgment motions**.² If such notice is received from any defendant, the District Court will defer ruling on that party's motion for summary judgment until after the *Daubert* decisions have been rendered. If a defendant fails to file such a notice, the District Court will rule on the applicable motion for summary judgment at the appropriate time and the defendant **WILL BE PRECLUDED** from raising *in limine* issues regarding these three physicians at a later date.

BY THE COURT:


DAVID R. STRAWBRIDGE
UNITED STATES MAGISTRATE JUDGE

² These motions are due on July 9, 2012 for the Subgroup B cases and on August 6, 2012 for the Subgroup C cases.

CVLO-1&2 Case List

Subgroup A:

<u>LAST</u>	<u>FIRST</u>	<u>PAED NO.</u>
Carnegie	John	08-CV-89958
Frankenberger	Howard	09-CV-61717
Hollins	Willie	08-CV-90201
Hutchinson	Jack	08-CV-92157
Johnson	Richard	08-CV-92122
Menozzi	Eugene	08-CV-89865
O'Keefe	Robert	08-CV-92210
Unzicker	Leonard	11-CV-66288
Weber	Daniel	08-CV-92132
Winslow	Terry	08-CV-92114

Subgroup B:

Black	John	10-CV-68110
Buchanan	Howard	08-CV-92038
Centers	Albert	08-CV-90268
De Witt	Elsie	08-CV-90189
Malone	Clifford	10-CV-68124
McCullum	Roosevelt	08-CV-89883
Pray	Frankie	08-CV-91884
Smith	Ronald	08-CV-90287
Wilson	Irvin	08-CV-90339
Wilson	Merle	08-CV-91879

Subgroup C:

Allen	Gary	10-CV-67536
Bault	Charles	08-CV-91663
Beyer	Harold	08-CV-91894
Bodine	Richard	08-CV-92055
Bugg	William	08-CV-91729
Carlson	Robert	08-CV-89945
Cummings	Ronald	10-CV-68902
Dover	Jackie	10-CV-68127
Ferguson	James	08-CV-90234
Grier	John	08-CV-91687
Henney	Jean	09-CV-64629
Norberg	Earl	08-CV-90264
Plue	Richard	10-CV-68073
Schurtz	Michael	08-CV-91742
Spangler	Herbert	08-CV-91882
Thomas	Glendel	08-CV-92206
Wiker	Philip	08-CV-92207

MAILED:

ALBERT BOWER
 BARRY ROBIN
 BILLEE WARD
 BRADLEY FALKOF
 BRIAN FIELDS
 BRUCE KAMPLAIN
 BRYAN HOPKINS
 CHARLES REITER
 CHRISTOPHER RAISTRICK
 CLARKE GILLESPIE
 CREED TUCKER
 DANIEL CHEELY
 DAVID MUELLER
 DAVID ROLF
 DEAN PANOS
 DEBORAH SOLMOR
 DEMARCUS GORDON
 DENIS RISCHARD
 DENNIS DOBBELS
 DENNIS GRABER
 DEVLIN SCHOOP
 DONALD BROAD
 FRANCIS MORRISSEY

GARY SMITH
 JACK BLOCK
 JAMES FIEWEGER
 JAMES PECKERT
 JEFFREY REEL
 JENNIFER FARDY
 JENNIFER SEIDLER
 JOEL POOLE
 JOHN DAMES
 JOHN DIXON
 JOSEPH O'HARA
 JOSEPH WITEK
 JOSHUA MURPHY
 K. CAREY
 KELLY CHERF
 KELLY MCCLOSKEY
 KENNETH GORENBERG
 KRISTIN ACHTERHOF
 KRISTINE KRAFT
 LAURA O'CONNELL
 LORI YOKOYAMA
 MARK LIES

MARK RAKOCZY
 MELISSA SKILKEN
 MICHAEL HENNIG
 MICHAEL O'ROURKE
 MICHELLE MONTGOMERY
 MURRAY ABOWITZ
 PATRICK HAGGERTY
 PATRICK PHILLIPS
 PETER CARLSON
 RICHARD BAKER
 RICHARD CHAPIN
 RICHARD STEINKEN
 ROBERT HALEY
 ROBERT KOPKA
 RONALD LIPINSKI
 ROSEANNE LOFTUS
 SCOTT KYROUAC
 STEVEN SCHNACK
 SUSAN GUNTY
 THOMAS WILSON
 TIMOTHY FAGAN
 WILLIAM MCGRATH
 ZANE LUCAS

E-MAILED:

ADAM JAGADICH
 ALLEN VAUGHAN
 AMANDA SUMMERLIN
 AMIEL GROSS
 ANDREW DETHERAGE
 ANITA KIDD
 BARRY SHORT
 BASIL DISIPIO
 BRIAN WATSON
 C. DOUGLAS
 C. EVERT
 CAROL ZUCKERMAN
 CATHERINE CARLSON
 CATHY MOLCHIN
 CHRISTI JONES
 CHRISTOPHER LARSON
 CLARE MAISANO
 CRAIG LILJESTRAN
 CURTIS BAILEY
 CYNTHIA LOCKE
 DANIEL DONAHUE
 DANIEL GRIFFIN
 DANIEL LONG
 DANIEL MCGRATH
 DANIEL MULHOLLAND
 DANIEL O'CONNELL
 DANIEL TRACHTMAN
 DAVID FANNING
 DAVID JONES
 DAVID SETTER
 DAVID YBARRA
 DENNIS CANTRELL
 DONALD WARD
 DOUGLAS KING
 DOUGLAS PROCHNOW
 EDWARD CASMERE
 EDWARD CRANE
 EDWARD KENNEY
 EDWARD MCCABE
 EDWARD MCCAMBRIDG
 EMILY ZAPOTOCNY

GEORGE KISER
 HOWARD MORRIS
 J. BRADLEY
 JAMES BOYERS
 JAMES CARTER
 JAMES HOUSE
 JAMES KASPER
 JAMES MORRISON
 JAMIE YADGAROFF
 JASON KENNEDY
 JEFFREY HEBRANK
 JENNIFER BLACKWELL
 JENNIFER STUDEBAKER
 JOHN BABIONE
 JOHN CANONI
 JOHN DOUGLAS
 JOHN FONSTAD
 JOHN KUROWSKI
 JOHN MCCANTS
 JOHN SEEBOHM
 JOHN SHEFFER
 JON BAROOSHIAN
 JONATHAN MATTINGLY
 JOSEPH KRASOVEC
 JOSEPH ORLET
 JOSEPH SULLIVAN
 JOSHUA LEE
 KAYCE GISINGER
 KENT PLOTNER
 KEVIN KNIGHT
 KEVIN OWENS
 KIRK HARTLEY
 KNIGHT ANDERSON
 KURT REITZ
 KURTIS REEG
 LISA CORWIN
 MAJA EATON
 MARGARET FOSTER
 MARK SAMPSON
 MARTIN SCHWARTZ
 MARY ANN HATCH
 MATTHEW FISCHER

MELANIE KING
 MICAH INLOW
 MICHAEL ANTIKAINEN
 MICHAEL BERGIN
 MICHAEL CASCINO
 MICHAEL DRUMKE
 MICHAEL ROSENBERG
 MICHAEL ZUKOWSKI
 NICOLE BEHNEN
 OLLIE HARTON
 PATRICK LAMB
 PAUL O'FLAHERTY
 RAYMOND FOURNIE
 RAYMOND MODESITT
 RICHARD LAUTH
 ROBERT MCCOY
 ROBERT RILEY
 ROBERT SANDS
 ROBERT SCHMIEDER
 ROBERT SCHROEDER
 ROBERT SCOTT
 ROBERT SPINELLI
 ROGER HEIDENREIC
 RONALD HACK
 RUSSELL SCOTT
 SARAH MILLER
 SCOTT SIMPKINS
 SHAWN BABIUCH
 SHEHZAD HASAN
 STEPHEN JENKINS
 STEVEN BESHORE
 SUSAN MEHRINGER
 TEIRNEY CHRISTENSO
 THOMAS HAYES
 THOMAS KERNELL
 THOMAS TARDY
 TIMOTHY KRIPPNER
 TOBIN TAYLOR
 WALTER WATKINS
 WILLIAM MAHONEY
 WILLIAM SHULTZ
 WILLIS TRIBLER