

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

IN RE: ASBESTOS PRODUCTS : CONSOLIDATED UNDER MDL 875  
LIABILITY LITIGATION (No. VI) :  
 :  
 :  
VARIOUS PLAINTIFFS : 01-875 and cases listed in  
 : Exhibit "A," attached  
 :  
 :  
 :  
v. : Cases transferred from the  
 : Eastern District of Virginia  
 : in which Plaintiffs are  
VARIOUS DEFENDANTS : represented by Glasser &  
 : Glasser

**O R D E R**

**AND NOW**, this **16th** day of **April, 2012**, it is hereby  
**ORDERED** that a status conference for the Eastern District of  
Virginia cases in which Plaintiffs are represented by Glasser &  
Glasser, P.L.C. is scheduled for **Tuesday, May 8, 2012 at 3:00**  
**p.m. in Courtroom 15A, 601 Market Street, Philadelphia, PA 19106.**  
Judge Robreno and Magistrate Judge Angell will preside. The  
following topics, inter alia, will be discussed.

(1) Regarding the cases in which Pullman Company is **not**  
a defendant, the Court would like to ensure that all other viable  
defendants in those cases have been dismissed. When all other  
viable defendants have been dismissed, the cases will be  
transferred to the bankruptcy-only docket.

a.) The Court has been informed that some

defendants have settled but have not been dismissed because payment has not been made. The Court intends to dismiss the claims against these defendants but may retain jurisdiction over such cases for a reasonable time until payment is made.

(2) Regarding the approximately 2,400 cases in which Pullman is the only remaining viable defendant against whom Plaintiffs have decided to proceed, the Court would like to ensure that all other viable defendants in those cases have been dismissed.

a.) Also in these cases, the Court has been informed that some defendants have settled but have not been dismissed because payment has not been made. The Court intends to dismiss the claims against these defendants but may retain jurisdiction over such cases for a reasonable time until payment is made.

b.) The Court will set a briefing schedule on the legal issue of whether Kurns v. Railroad Friction Products Corporation, 132 S. Ct. 1261 (2011), applies to preempt the claims of the "car men" Plaintiffs in these cases.

Under the circumstances, the Court will consider postponing the entry of scheduling orders in these cases until the Court has ruled on this legal issue.

(3) The Court has been informed that four (4) Glasser and Glasser cases have not been affected by the Kurns decision. These four cases shall receive scheduling orders.

It is further **ORDERED** that, prior to the status conference, Plaintiffs' counsel shall e-mail to the Court their most recent lists of the cases that fall into each of the three (3) categories listed above. The lists shall be in the form of Excel Spreadsheets.<sup>1</sup>

**AND IT IS SO ORDERED.**

---

**EDUARDO C. ROBRENO, J.**

---

<sup>1</sup> The purpose of such lists is for the Court to verify that the Clerk's Office in Philadelphia has the most up-to-date information regarding which cases are going forward. The lists shall be e-mailed to Michele\_Ventura@paed.uscourts.gov.