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

IN RE: ASBESTOS PRODUCTS LIABILITY LITIGATION (No. VI)	:	Consolidated Under MDL 875
VARIOUS PLAINTIFFS	:	
v.	:	Cases transferred to MDL 875 in February 2011
VARIOUS DEFENDANTS	:	

FILED
MAR - 8 2011
MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

O R D E R

STATUS AND SCHEDULING CONFERENCE

AND NOW, this **8th** day of **March, 2011**, it is hereby **ORDERED** that in the cases listed in Exhibit "A," attached, a status and scheduling conference will be held on **Tuesday, April 5th, 2011, at 2:00pm** in Courtroom 11A, United States Courthouse, 601 Market Street, Philadelphia, PA 19106. **Please review the Frequently Asked Question sheet attached to this Order for general information regarding cases new to MDL 875.**

It is further **ORDERED** that prior to, or at, the conference, Plaintiff's counsel in each action must inform the Court as to the status of the case.[1]

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[1] If a status update is submitted to the Court prior to the conference, appearance by Plaintiff's counsel is excused. Defense counsel may appear at the conference to ascertain the status of the case, but appearance by Defense counsel is not required. The results of the hearing will be posted on the MDL 875 website at: www.paed.uscourts.gov/mdl875u.asp.

It is further **ORDERED** that Plaintiff's counsel shall be prepared to provide the following information to the Court:

a.) Each defendant with whom plaintiff has achieved resolution of his or her claim.

b.) Each defendant that plaintiff now desires to dismiss from the action.

c.) Each viable defendant that is still active in the case.

It is further **ORDERED** that, as to all viable, active defendants, counsel for the plaintiff in each case shall be prepared to report to the court:

a.) Status of compliance with Administrative Order no. 12 as amended. Administrative Order no. 12 submissions are due thirty (30) days after a case is transferred to the Eastern District of Pennsylvania.

b.) Any outstanding discovery.

c.) Any discovery that is still needed and a timetable for its completion.

A status update should be made in writing and emailed to the MDL 875 law clerk, emily_k_breslin@paed.uscourts.gov or sent to:

The Honorable Judge Eduardo C. Robreno
Attn: MDL 875 Law Clerk
U.S. District Court, Eastern District of Pennsylvania
601 Market Street Room 2609
Philadelphia, PA 19106

d.) Any motions pending.

f.) Readiness for trial and a proposed trial date.[3]

It is further **ORDERED** that, prior to the hearing, Plaintiffs' counsel may provide the Court with a list of cases which may be dismissed with prejudice or dismissed as to the viable defendants and moved to the bankruptcy only docket. The letter should include the E.D. Pa case number, the name of the plaintiff(s), and whether the case should be dismissed with prejudice or dismissed as to the viable defendants and moved to the bankruptcy only docket. Those cases will be removed from the list, and appropriate orders will be entered.

AND IT IS SO ORDERED.

EDUARDO C. ROBRENO, J

[3] The court will order presumptively that any outstanding discovery be completed within 120 days from the date of the hearing.

FAQ SHEET FOR COUNSEL IN TAG-ALONG ACTIONS TRANSFERRED TO MDL 875

1. What is required now that the case has been transferred to MDL 875?

All counsel must be registered on the Electronic Case Filing ("ECF") system for the Eastern District of Pennsylvania ("EDPA"). Details on how to register can be found on the MDL 875 Website. See http://www.paed.uscourts.gov/documents/MDL/MDL875/Admin.%20Order%2023.pdf.

Plaintiff's counsel must also comply with Administrative Order No. 12, providing preliminary information about the case, within thirty (30) days of a cases transfer to MDL 875. See http://www.paed.uscourts.gov/documents/MDL/MDL875/adord12.pdf. Administrative Order No. 12 submissions should be filed on the cases's Eastern District of Pennsylvania docket. There is no longer an online database for submissions.

Additionally, all counsel must become familiar with the local and federal rules of civil procedure, as well as the procedures and administrative orders on the MDL 875 website. The MDL 875 website address is: http://www.paed.uscourts.gov/mdl875.asp.

2. What is the procedure for *Pro Hac Vice* admission to the EDPA?

It is not necessary to be admitted *Pro Hac Vice* for purposes of MDL 875. To represent your client in an MDL 875 case, all that is required is registration on ECF (see above). See also Rules of Procedure of the Judicial Panel on Multidistrict Litigation 1.4 ("Any attorney of record in any action transferred under Section 1407 may continue to represent his or her client in any district court of the United States to which such action is transferred. Parties to any action transferred under Section 1407 are not required to obtain local counsel in the district to which such action is transferred.")

3. What happens after my case is transferred to the EDPA?

A status and scheduling conference will be promptly set, and a scheduling order will be subsequently entered.

4. What occurs at the status and scheduling conference?

The status and scheduling conference is an informal administrative meeting. The MDL 875 law clerk will call all of the cases listed and inform counsel present of the status of each case.

The cases will fall into one of three categories:

(1) the case will be issued Judge Robreno's standard scheduling order
(2) the case will be referred to one of four (4) Magistrate Judges that are involved in MDL 875
(3) Plaintiff's counsel has informed the court that the case can be dismissed to the "bankruptcy only" docket (meaning only claims against bankrupt defendants will be pursued) or that the case has been settled in its entirety and can be marked "closed."

The status of all of the cases will be posted on the MDL 875 website shortly after the hearing.

5. Do I need to appear at the status and scheduling conference?

No. If you represent Plaintiff and provide the Court with the information required in the Order scheduling the status conference, appearance at the conference is excused. Defense counsel does not have to appear, and Defense counsel does not have to provide any information to the Court prior to the conference.

6. May I appear telephonically?

No. Telephonic appearance is not available.

7. There were motions pending in my case prior to transfer. What is the status of these motions?

All motions pending at the time of transfer that have not been granted or denied by the transferor court are denied without prejudice. *Motions must be re-filed on the EDPA docket.* If the motion was timely filed in the transferor court, it will be considered timely by the Eastern District of Pennsylvania. See Administrative Order No. 11, at 2; http://www.paed.uscourts.gov/documents/MDL/MDL875/Amended_AO11.pdf.

8. How and when will the case get remanded back to the transferor court?

A suggestion of remand will be automatically entered in each case within thirty (30) days of the final summary judgment hearing and pre-remand conference. The date of this conference is the last date listed in the scheduling order.

Parties may file a Motion for Suggestion of Remand prior to that date. If the case complies with all of the requirements of Administrative Order No. 18 a suggestion of remand will be entered. See http://www.paed.uscourts.gov/documents/MDL/MDL875/Administrative_Order_18.pdf.

9. What is the procedure after Suggestion of Remand has been filed?

The Judicial Panel on Multidistrict Litigation ("JPML") is the best resource for procedures after the Eastern District of Pennsylvania has filed a Suggestion of Remand. See http://www.jpml.uscourts.gov.

Once a Conditional Remand Order from the JPML is filed on the EDPA docket, the EDPA no longer has jurisdiction over the case and remand is effectuated.

Exhibit A

Date opened in EDPA	EDPA Case No. (11-)	Transferor Court No.	Case Caption	Transferor District	Transfer Order No.
2/14/2011	62403	11-00272	Cooper, Ellis	CALIFORNIA NORTHERN - 3	T/O#: 907
2/14/2011	62404	11-00273	Brown, Oliver	CALIFORNIA NORTHERN - 3	T/O#: 907
2/7/2011	62390	10-07264	Scanlon, Kwang Individually and as Successor-In-Interest to Michael Scanlon, Deceased	CENTRAL CALIFORNIA - 2	T/O#: 900
2/14/2011	62405	11-00083	Baton, Linden, Sr.	CONNECTICUT - 3	T/O#: 908
2/14/2011	62406	11-00469	Deeney, Jane	NEW JERSEY - 3	T/O#: 909
2/7/2011	62394	10-01679	Emanuel, Ollie Anna Administratrix of the Est. of Wayne H. Emanuel, Deceased	PENNSYLVANIA WESTERN - 2	T/O#: 903
2/7/2011	62395	10-00354	Wells, Terri Executrix of the Est. of Murray M. Wells	RHODE ISLAND - 1	T/O#: 904
2/7/2011	62396	10-00496	Knight, Margaret	RHODE ISLAND - 1	T/O#: 904
2/7/2011	62401	10-03202	Brown, Ida Inez	SOUTH CAROLINA - 1	T/O#: 901
2/7/2011	62391	11-00080	Bishop, Marguerite Individually and as Personal Rep. of the Est. of Jerome J. Bishop, Deceased	SOUTH CAROLINA - 2	T/O#: 901
2/7/2011	62392	11-00086	Lansing, Sally J. Individually and as Personal Rep. of the Est. of William H. Lansing, Sr., Deceased	SOUTH CAROLINA - 2	T/O#: 901
2/7/2011	62397	11-05045	Arbuthnot, Judy Lee	WASHINGTON WESTERN - 3	T/O#: 905
2/7/2011	62393	10-00889	Burzynski, Tracey Individually and as Special Administrator of the Est. of Milo Burzynski, Deceased	WISCONSIN EASTERN - 1	T/O#: 902

MAILED:

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DAVID MORRIS
DONALD CARLSON
DONNI YOUNG
EDWARD MILLER
ELIZABETH MURRAY
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DENNIS WOLFORD
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JENNIFER TECHMAN
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KEITH AMEELE
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ROBERT MERIWETHER
ROBERT STEPP
RONALD RICHERT
SARAH O'LEARY
SCOTT FRICK
SHEHZAD HASAN
STEPHANIE FLYNN
STEVEN OUZTS
TEIRNEY CHRISTENSO
THOMAS DOUGALL
THOMAS MAXWELL
THOMAS SCHRIMPF
TIMOTHY BOUCH
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WILLIAM DAVIS
WILLIAM DONOVAN