

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

IN RE: ASBESTOS PRODUCTS : Consolidated Under MDL
LIABILITY LITIGATION (No. VI) : 875

DALTON :

v. :

FILED

Case No. 10-64604 *file*

VARIOUS DEFENDANTS :

MAY 23 2011 :

Transferred from the
District of Delaware

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

LEWIS :

v. :

Case No. 10-64625 *x*

VARIOUS DEFENDANTS :

Transferred from the
District of New Jersey

O R D E R

AND NOW, this **20th** day of **May, 2011**, it is hereby
ORDERED that the previously-scheduled summary judgment hearing
scheduled for **Tuesday, June 14, 2011 at 10:00am** in the cases
listed in Exhibit A is **RESCHEDULED** for **Tuesday, June 28, 2011 at**
10:00am in Courtroom 11A, James A. Byrne United States
Courthouse, 601 Market Street, Philadelphia, Pennsylvania 19106.¹

AND IT IS SO ORDERED.



EDUARDO C. ROBRENO, J.

¹ See Exhibit A for a list of all opposed motions to be heard.

Case number/ Document number	Case and Motion Information	Notes
<u>2:10-cv-64604-ER</u>	DALTON et al v. 3M COMPANY et al <i>Case filed: 04/09/2010</i>	<i>Cause: 28:1332 Diversity-Asbestos Litigation</i> <i>NOS: 368</i> <i>Office: Philadelphia</i> <i>Jurisdiction: Diversity</i> <i>Presider: EDUARDO C. ROBRENO</i> <i>Jury demand: None</i> <i>Case flags: ASBESTOS, DE, LEAD, MDL-875</i>
	<u>84</u> MOTION for Summary Judgment <i>Defendant Warren Pumps, LLC's Motion for Summary and Opening Brief</i> <i>Motion filed: 03/22/2011</i> <i>Filed by: WARREN PUMPS LLC</i>	<i>Response filed: 04/21/2011</i>
	<u>100</u> MOTION for Summary Judgment <i>Motion filed: 03/22/2011</i> <i>Filed by: COPES-VULCAN INC.</i>	<i>Response due: 04/29/2011</i> <i>Response filed: 04/29/2011</i>
	<u>106</u> MOTION for Summary Judgment <i>Motion filed: 03/22/2011</i> <i>Filed by: BUFFALO PUMPS INC</i>	<i>Response filed: 04/21/2011</i>
	<u>107</u> MOTION for Summary Judgment <i>Motion filed: 03/22/2011</i> <i>Filed by: CRANE CO.</i>	<i>Response filed: 04/21/2011</i>
	<u>109</u> MOTION for Summary Judgment <i>Motion filed: 03/23/2011</i> <i>Filed by: FOSTER WHEELER ENERGY CORPORATION</i>	<i>Response filed: 04/21/2011</i>
	<u>120</u> MOTION for Summary Judgment <i>Motion filed: 03/30/2011</i> <i>Filed by: GOULDS PUMPS INCORPORATED</i>	<i>Response filed: 04/21/2011</i>

<u>122</u>	MOTION for Protective Order <i>Motion filed: 03/31/2011</i> <i>Filed by: FOSTER WHEELER ENERGY CORPORATION</i>	<i>Response filed: 03/31/2011</i>
	MOTION to Quash <i>Motion filed: 03/31/2011</i> <i>Filed by: FOSTER WHEELER ENERGY CORPORATION</i>	<i>Response filed: 03/31/2011</i>
<u>135</u>	MOTION for Summary Judgment <i>Motion filed: 04/11/2011</i> <i>Filed by: CBS CORPORATION</i>	<i>Response filed: 05/05/2011</i>
<u>137</u>	MOTION for Summary Judgment <i>Motion filed: 04/12/2011</i> <i>Filed by: ELLIOTT TURBOMACHINERY CO INC</i>	<i>Response due: 05/11/2011</i>
<u>151</u>	First MOTION to Amend/Correct [137] MOTION for Summary Judgment <i>by Service of Defendant's Exhibit D</i> <i>Motion filed: 04/26/2011</i> <i>Filed by: ELLIOTT TURBOMACHINERY CO INC</i>	<i>Response due: 05/11/2011</i>

Case number/ Document number	Case and Motion Information	Notes
<u>2:10-cv-64625-ER</u>	LEWIS et al v. ASBESTOS CORPORATION, LTD. et al <i>Case filed: 04/09/2010</i>	<i>Cause: 28:1332 Diversity- Asbestos Litigation NOS: 368 Office: Philadelphia Jurisdiction: Diversity Presider: EDUARDO C. ROBRENO Jury demand: None Case flags: ASBESTOS, MDL-875, NJ</i>
<u>12</u>	MOTION for Partial Summary Judgment Motion filed: 09/08/2010 Filed by: LINCOLN ELECTRIC COMPANY	<i>Reply filed: 09/08/2010</i>
<u>25</u>	MOTION to Dismiss Plaintiff's Complaint Pursuant to Fed. R. Civ. P. 12(B)(5) Motion filed: 01/11/2011 Filed by: ASBESTOS CORPORATION, LTD.	<i>Response filed: 01/20/2011</i>
<u>44</u>	MOTION for Summary Judgment Motion filed: 03/21/2011 Filed by: CBS CORPORATION	<i>Response filed: 04/21/2011</i>
<u>47</u>	MOTION for Summary Judgment Motion filed: 03/22/2011 Filed by: GENERAL ELECTRIC COMPANY	<i>Response filed: 04/21/2011</i>
<u>48</u>	MOTION for Summary Judgment Motion filed: 03/22/2011 Filed by: ASBESTOS CORPORATION, LTD.	<i>Response filed: 04/21/2011</i>
<u>49</u>	MOTION for Summary Judgment and Order Motion filed: 03/22/2011 Filed by: LINCOLN ELECTRIC COMPANY	<i>Response filed: 04/21/2011</i>
<u>50</u>	MOTION for Summary Judgment Motion filed: 03/22/2011	<i>Response filed: 04/21/2011</i>

	Filed by: BELL ASBESTOS MINES, LTD.	
<u>51</u>	MOTION for Summary Judgment and Order Motion filed: 03/22/2011 Filed by: LINCOLN ELECTRIC COMPANY	<i>Response filed: 04/21/2011</i>
<u>53</u>	MOTION for Summary Judgment Motion filed: 03/22/2011 Filed by: CARBORUNDUM COMPANY INC.	<i>Response filed: 04/21/2011</i>

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

IN RE: ASBESTOS PRODUCTS : Consolidated Under MDL 875
LIABILITY LITIGATION (No. VI) :

LUCILLE A. KNOWLEN
v.

FILED
MAY 23 2011

Transferred from the
District of Minnesota
(08-04893)

BURLINGTON NORTHERN
AND SANTE FE RAILWAY CO.

By: **MICHAEL E. KUNZ, Clerk**
Dep. Clerk

EDPA Case No. 09-66070

SUGGESTION OF REMAND

AND NOW, this **23rd** day of **May, 2011**, it is hereby
ORDERED that, upon review of the above-captioned case under MDL-
875 Administrative Order no. 18 (01-md-875, doc. no. 6197), the
Court finds that:

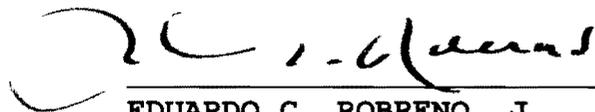
- a.) Plaintiff has complied with MDL-875 Administrative Orders 12 and 12A.
- b.) Parties have completed their obligations under the Rule 16 order issued by the Court.
- c.) All discovery has been completed.
- d.) The Court has adjudicated all outstanding motions.
- e.) The only Defendant in the above-captioned case is Burlington Northern and Santa Fe Railway Company.

Accordingly, the Court **SUGGESTS** that the above-

captioned case be **REMANDED** to the United States District Court for the Southern District of Minnesota for resolution of all matters pending within this case except punitive damages.¹

Alternatively, parties in the above-captioned case have **seven (7) days** within which to consent to a trial before an Article III or Magistrate Judge in the Eastern District of Pennsylvania. In such an event, if consent is granted, a trial will be scheduled within sixty (60) days, at a date convenient to the parties in Philadelphia, Pennsylvania, and the Suggestion of Remand will be vacated.

AND IT IS SO ORDERED.



EDUARDO C. ROBRENO, J.

¹ The Court finds that the issue of punitive damages must be resolved at a future date with regard to the entire MDL-875 action, and therefore any claims for punitive or exemplary damages are hereby **SEVERED** from this case and retained by the Court within its jurisdiction over MDL-875 in the Eastern District of Pennsylvania. See In re Collins, 233 F.3d 809, 810 (3d Cir. 2000) ("It is responsible public policy to give priority to compensatory claims over exemplary punitive damage windfalls; this prudent conservation more than vindicates the Panel's decision to withhold punitive damage claims on remand."); See also In re Roberts, 178 F.3d 181 (3d Cir. 1999). See In re Roberts, 178 F.3d 181 (3d Cir. 1999).