

**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) :

AMENDED CASE MANAGEMENT AND SCHEDULING ORDER FOR CVLO-1&2

AND NOW, this 11th day of April, 2012, after discussing with the parties on multiple occasions the necessity of altering the scheduling orders and the case lists associated with those scheduling orders, **IT IS HEREBY ORDERED THAT**, as to the cases identified on the attached list, the following discovery and pretrial management deadlines shall apply¹:

1. Plaintiffs must submit to the defendants and to the court a list of viable defendants who they are unlikely to voluntarily dismiss in each of these cases by²:

<u>Subgroup A</u> : April 12, 2012	<u>Subgroup B</u> : April 12, 2012	<u>Subgroup C</u> : April 12, 2012
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2. All remaining fact discovery must be completed by:

<u>Subgroup A</u> : April 20, 2012	<u>Subgroup B</u> : May 21, 2012	<u>Subgroup C</u> : June 15, 2012
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3. Plaintiffs must provide a list of defendants in each case that plaintiffs are willing to voluntarily dismiss by:

<u>Subgroup A</u> : May 4, 2012	<u>Subgroup B</u> : May 29, 2012	<u>Subgroup C</u> : June 29, 2012
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4. Plaintiffs' expert reports must be filed by:

<u>Subgroup A</u> : May 4, 2012	<u>Subgroup B</u> : June 4, 2012	<u>Subgroup C</u> : June 29, 2012
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¹ The court presumes that the parties have now complied with any expired deadlines from the previous scheduling order.

² In order for the parties to prepare cases for dispositive motions during the summer, we have split the remaining 37 CVLO-1&2 cases into three subgroups, the first and second subgroups having ten cases and the third subgroup having seventeen cases.

5. Defendants' expert reports must be filed by:

<u>Subgroup A</u> : May 18, 2012	<u>Subgroup B</u> : June 18, 2012	<u>Subgroup C</u> : July 13, 2012
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6. All expert discovery must be completed by:

<u>Subgroup A</u> : May 31, 2012	<u>Subgroup B</u> : June 29, 2012	<u>Subgroup C</u> : July 27, 2012
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7. Any dispositive motions (including any dispositive *in limine* claims) must be filed by:

<u>Subgroup A</u> : June 11, 2012	<u>Subgroup B</u> : July 9, 2012	<u>Subgroup C</u> : August 6, 2012
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8. Responses to any dispositive motions must be filed by:

<u>Subgroup A</u> : June 25, 2012	<u>Subgroup B</u> : July 23, 2012	<u>Subgroup C</u> : August 20, 2012
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9. Replies to any dispositive motions must be filed by:

<u>Subgroup A</u> : June 29, 2012	<u>Subgroup B</u> : July 30, 2012	<u>Subgroup C</u> : August 27, 2012
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10. The parties have advised us that they anticipate that the plaintiffs will not need to file expert reports on the reasonableness and necessity of the medical expenses, as the parties likely will agree on this issue. We acknowledge that each defendant may decide to dispute such expenses in any given case, and will deal with those disputes accordingly. However, given the likelihood of such agreements and to the extent necessary, plaintiffs shall not be obligated to file such expert reports until after dispositive motions have been adjudicated or suggestions for remand have been filed.

11. Responses to requests for documents and other paper discovery must be served in accordance with the Federal Rules of Civil Procedure, unless subject to a written agreement by the parties.

12. Depositions and certain discovery are to be governed by the Federal Rules of Civil Procedure, as modified by the August 4, 2011 Deposition Protocol (amended on April 2, 2012) (08-90330 Doc. No. 87, Exh. A), the November 9, 2011 Medical Records Collection Protocol (01-MD-875 Doc. No. 8262), the December 14, 2011 Rules and Procedures Relating to the Authorization for Release of Bankruptcy Records (01-MD-875 Doc. No. 8318), as well as any future protocol agreed to by the parties and approved by the Court.

13. The role of defense liaison counsel will be to coordinate communications between the defense and the Court and to work with plaintiffs' counsel to come to agreement on broad issues. However, to the extent any party should have a particular objection or issue with regard to any case, that party is free to deal with plaintiffs' counsel directly.

14. A settlement conference, with client representatives to be in attendance in person, shall take place at such time as the Court, upon the recommendations of the parties or otherwise, deems appropriate.

BY THE COURT:

/s/ David R. Strawbridge
DAVID R. STRAWBRIDGE
UNITED STATES MAGISTRATE JUDGE

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
Menozi	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