

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%202023.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.