

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

IN RE: ASBESTOS PRODUCTS : MDL DOCKET No. 875
LIABILITY LITIGATION (No.VI) : (MARDOC)
: :
CERTAIN PLAINTIFFS : :
: : CIVIL ACTION NO.
v. : 2:02-md-875
: :
CERTAIN DEFENDANTS : GROUPS 1, 2 AND 3

ORDER

And now, this 17th day of September, 2012, in accordance with Judge Robreno's Order of September 14, 2012 (Doc. 1826), the procedure for developing the list of cases subject to dismissal pursuant to Judge Robreno's Corrected Memorandum of August 13, 2012 (Doc. 1764), shall be as follows:

1. The process shall proceed in order by Group, beginning with Groups 1 through 3. The dates applicable to Groups 4 and higher will be set at a later date.
2. No later than October 10, 2012, Defendants shall submit a corrected list of plaintiffs in Group 1 to be dismissed, identifying each plaintiff or decedent by name and E.D Pa. Docket number (in docket number order). This list shall be prepared following careful review of the medical records provided in discovery in light of Judge Robreno's Corrected Memorandum.¹ Defendants shall confer amongst themselves and endeavor to agree upon a joint submission. As to any plaintiff identified for dismissal, defendants may attach a copy of medical records (not to exceed 5 pages) if they believe the records establish that plaintiff is without physical impairment. The list shall be filed on the Mardoc docket and applicable individual dockets and

¹As Judge Robreno reiterated in his September 14 Order, "a seaman without physical impairments resulting from asbestos exposure, including one who manifests only pleural changes, has not suffered an 'injury' under maritime law, and therefore has no cognizable claim." Doc. 1826 at 1 n.1.

entitled "Amended Group 1 Dismissal List," and shall not contain any argument.

3. Plaintiffs shall have until October 31, 2012, to respond by filing "Objections to [defendants'] Amended Group 1 Dismissal List" on the Mardoc docket and applicable individual dockets. Plaintiffs may not present any argument but shall identify the plaintiffs on defendants' list(s) whose cases should not be dismissed, identifying each plaintiff or decedent by name and E.D. Pa. Docket number (in docket number order). They shall attach for each plaintiff as to which they are objecting a copy of the medical records evidencing physical impairment, up to a maximum of 5 pages unless compelling reasons require more than 5 pages.
4. The parties shall follow the same procedures with respect to Groups 2 and 3. As to Group 2, defendants' amended lists are due October 31, 2012, and plaintiffs' objections are due November 21, 2012. As to Group 3, defendants' amended lists are due November 21, 2012, and plaintiffs' objections are due December 12, 2012.

BY THE COURT:

/s/ Elizabeth T. Hey

ELIZABETH T. HEY
UNITED STATES MAGISTRATE JUDGE