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 Listed in Exhibit "A," attached
VARIOUS DEFENDANTS	:	

FILED
OCT - 4 2011
MICHAEL E. KUNZ, Clerk
By_____Dep. Clerk

O R D E R

STATUS AND SCHEDULING CONFERENCE

AND NOW, this **4th** day of **October, 2011**, it is hereby **ORDERED** that in the cases listed in Exhibit "A," attached, a status and scheduling conference will be held on **Tuesday, November 8th, 2011, at 2:00pm** in Courtroom 11A, United States Courthouse, 601 Market Street, Philadelphia, PA 19106. Prior to the conference, counsel shall review and ascertain the status of each case. **Please review the Frequently Asked Question sheet attached to this Order for general information regarding cases in 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

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.

b.) Any outstanding discovery.

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

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required. The results of the hearing will be posted on the MDL 875 website at: www.paed.uscourts.gov/mdl875u.asp.

A status update should be made in writing, filed on the docket and emailed to the MDL 875 law clerk, Michele Ventura@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

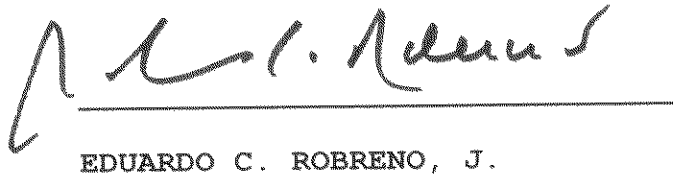
d.) Whether the plaintiff has obtained a medical diagnosing report or opinion upon which the plaintiff now relies for prosecuting his or her claim, if so, counsel shall provide the name and address of the physician or medical provider who has supplied the diagnosing report or opinion.

e.) 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.

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[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?

To be admitted *Pro Hac Vice* for purposes of MDL 875, no formal motion is required. However, to be admitted *Pro Hac Vice* for purposes of MDL 875, each attorney must register on ECF and submit a $40 check to the Court. (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	PA E.D. # (11-)	TRANSFER #	NAME OF PLAINTIFF	TRANSFER DIST./DIV.
9/13/2011	67658	11-01300	Lewis, Barbara Jean Est. of John Robert Lewis	WASHINGTON WESTERN - 2
9/13/2011	67659	11-02731	Franklin, Ray and Donna	ALABAMA NORTHERN - 1
9/13/2011	67660	11-03933	Sweatt, Charles	CALIFORNIA NORTHERN - 4
9/13/2011	67661	11-03941	Vest, Timothy	CALIFORNIA NORTHERN - 4
9/13/2011	67662	11-04120	Delancy, Kenneth	CALIFORNIA NORTHERN - 3
9/13/2011	67663	11-04138	Ellis, Lester	CALIFORNIA NORTHERN - 3
9/13/2011	67664	11-04138	Ellison, Ann	CALIFORNIA NORTHERN - 3
9/13/2011	67665	11-04199	Bond, Marisa Ind. And Succ in Int. of Alan Bond, Deceased	CALIFORNIA NORTHERN - 3
9/13/2011	67666	11-04199	Pagan, Allen	CALIFORNIA NORTHERN - 3
9/13/2011	67667	11-04327	Dennis, Ronald	CALIFORNIA NORTHERN - 3
9/13/2011	67668	11-01257	Roache, G. Wayne	CONNECTICUT - 3
9/13/2011	67669	10-00344	Walker, Robert L.	INDIANA NORTHERN - 2
9/13/2011	67670	11-09777	Bonn, Delbert E.	VIRGINIA EASTERN
9/13/2011	67671	11-09778	Brinkley, Wayne	VIRGINIA EASTERN
9/13/2011	67672	11-09779	Hampson, William H.	VIRGINIA EASTERN
9/13/2011	67673	11-09780	Duncan, Woodrow E.	VIRGINIA EASTERN
9/13/2011	67674	11-09781	Hess, Donald W.	VIRGINIA EASTERN
9/13/2011	67675	11-09782	Mordecai, Francis L.	VIRGINIA EASTERN
9/13/2011	67676	11-09783	Rippon, James J.	VIRGINIA EASTERN
9/13/2011	67677	11-09784	Twiss, Roger H.	VIRGINIA EASTERN
9/13/2011	67678	11-00824	Adair, Lee, Jr.	MISSOURI WESTERN - 4
9/13/2011	67679	11-00825	Blair, William	MISSOURI WESTERN - 4
9/13/2011	67680	11-00826	Byrd, Kenneth	MISSOURI WESTERN - 4
9/13/2011	67681	11-00827	Glossip, Larry	MISSOURI WESTERN - 4
9/13/2011	67682	11-00831	Hickman, Kenneth	MISSOURI WESTERN - 4
9/13/2011	67683	11-00832	Smith, George B.	MISSOURI WESTERN - 4
9/13/2011	67684	11-00833	Walllin, Robert E.	MISSOURI WESTERN - 4
9/13/2011	67685	11-00834	Welch, Thomas	MISSOURI WESTERN - 4
9/13/2011	67686	11-00836	Whitehead, Rickey G.	MISSOURI WESTERN - 4
9/13/2011	67687	11-04078	Robinson, William J. and Gail A.	NEW JERSEY - 2
9/13/2011	67688	11-04838	Acerbo, Joseph and Elizabeth	NEW JERSEY - 1
9/13/2011	67689	11-04837	Winters, Nathan	NEW JERSEY - 1
9/13/2011	67690	11-00129	Dalee, Donald A. and Comelia	RHODE ISLAND - 1
9/13/2011	67691	11-02097	Dupre, Ronald Joseph	LOUISIANA EASTERN - 2
9/20/2011	67696	11-00505	Duckett, Barbara Jean As Executrix of the Est of Lillie Cone Cook, Deceaesd	ALABAMA SOUTHERN - 2
9/20/2011	67697	11-04326	Desin, Melvin	CALIFORNIA NORTHERN - 3
9/20/2011	67698	11-00444	King, Jack W.	CALIFORNIA NORTHERN - 3
9/20/2011	67699	11-09785	Brashear, Larry N.	VIRGINIA EASTERN - 2
9/20/2011	67700	11-09786	Harrington, Thomas R.	VIRGINIA EASTERN - 2
9/20/2011	67701	11-00677	Jurkovich, Joseph	ILLINOIS SOUTHERN - 3
9/20/2011	67702	11-00678	Davis, Charles L.	ILLINOIS SOUTHERN - 3
9/20/2011	67703	11-00681	Washington, Jack	ILLINOIS SOUTHERN - 3
9/20/2011	67704	11-00820	Payne, Lawrence	ILLINOIS SOUTHERN - 3

9/23/2011	67705	11-07024	Dowell, Beverly Individually and as Successor in Interest to Edward Dowell, Deceased Dowell, Mark McMillen, Melinda	CALIFORNIA CENTRAL - 2
9/23/2011	67706	11-04475	Royal, Lester and Ella	CALIFORNIA NORTHEN - 4
9/23/2011	67707	11-09787	Burens, Thomas	VIRGINIA EASTERN - 2
9/23/2011	67708	11-09788	Neely, Walter D.	VIRGINIA EASTERN - 2
9/23/2011	67709	11-09789	Stevens, Michael	VIRGINIA EASTERN - 2

MAILED:

ALAN BRAYTON
ANGELA BOWLIN
CHRISTOPHER MCILWAIN
DON CIPOLETTO
DOUGLAS WILSON
ERIC NIEDERER
G. WIGGINS
GABRIEL JACKSON
GEORGE KEAHEY
GORDON GREENWOOD
GRANT INGRAM
GREGG MYERS
GREGORY CASTANO
J. OWENS
JAMES SHAW
JAN BRUCKER
JANINE MCKINNON
JESSICA FAKHIMI
JOEL CLARK
JOHN OWEN
JOI SCOTT
JONATHAN CLEMENT
KEVIN SULLIVAN
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MARK GERAGHTY
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RALEY WIGGINS
RICHARD BULLOCK
ROBERT NORTHCUTT
SHERMAN FENDLER
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TANYA JOHNSON
WILLIAM SANDERS

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CHARLES FORER
ANN CHANDLER
CHRISTOPHER KEALE
RONALD CHURCH, JR
CHRISTOPHER LOPALO
CRAIG WAKSLER
DANIEL KELLY
DANIEL LONG
DAWN DEZII
DAVID DONADIO
DANIEL KELLER
DOUGLAS KING
DOUGLAS KINLER
DANIELLE MAHONEY
DANIEL O'SHEA
DAVID YBARRA
GROVER KEAHEY
FRANK LANKFORD
FRANCIS FERNANDEZ
FRANKLIN SOLOMON
WALTER BARTON
GUY GLAZIER
GLEN POWELL
GEOFF SLONIKER
GEORGE YARON
HENRY ROME
IAN WILFRED RIVAMONTE
JAMES BOYERS
JAMES BROWN
JAMES OBERMAN
JAMES PETTIT
JAMES SCADDEN
JEANINE CLARK
JENNIFER MAHER
JENNIFER WHELAN
JOEL KUEHNERT
JOHN BABIONE
JOHN CALETRI
JOHN GARDE
JOHN GEIDA
JOHN HAINKEL
JOHN SMYTH
JOHN SON
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W. REBER
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MELISSA ROEDER
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