

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: ASBESTOS PRODUCTS LIABILITY
LITIGATION (No. VI)**

MDL No. 875

**ORDER ADOPTING THIRD SUGGESTION TO THE PANEL
CONCERNING FUTURE TAG-ALONG TRANSFERS**

Before the Panel: On April 5, 2013, the Honorable Eduardo C. Robreno, the transferee judge overseeing MDL No. 875, issued a Suggestion that the Panel cease transferring to the centralized proceedings tag-along actions commenced in the Eastern District of Virginia. The judge further suggested that the Panel continue to transfer tag-along actions commenced in certain other jurisdictions.¹ The judge's Suggestion is attached hereto as Appendix A.

In his Suggestion, the judge states that such cessation is warranted because fewer than fifty cases from the Eastern District of Virginia remain pending in the MDL.

After careful consideration of Judge Robreno's Suggestion and the record in this extraordinary docket, we adopt and endorse the Suggestion. *See In re: Asbestos Prods. Liab. Litig. (No. VI)*, 830 F. Supp. 2d 1377, 1378 (J.P.M.L. 2011) (endorsing the judge's first Suggestion and concluding that the continued transfer of new asbestos-related actions from most federal jurisdictions would no longer promote the purposes of 28 U.S.C. § 1407(a)). We will therefore immediately cease transferring to MDL No. 875 new tag-along actions commenced in the Eastern District of Virginia.² We also will immediately suspend Panel Rule 7.1(a) in this docket with respect to any newly-filed asbestos actions commenced in that district.³

¹ Those jurisdictions are: districts within the Seventh Circuit (but only cases in which plaintiffs are represented by Cascino Vaughan Law Offices, Ltd.), the Northern District of Ohio, and the Northern District of California.

² Such actions include any actions of which the Panel was notified between April 5, 2013, and the date of this order.

³ Rule 7.1(a) requires any party or counsel in previously-transferred actions to promptly notify the Clerk of the Panel of any potential tag-along actions in which that party is also named or in which that counsel appears. We note that under our Rules, the parties to an action that is not placed on a Conditional Transfer Order (*i.e.*, the vehicle by which related actions are typically transferred to an MDL) may nevertheless move for Section 1407 transfer to the MDL. *See* Panel Rule 7.1(b)(i). This
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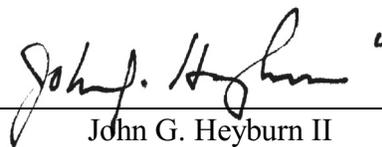
- 2 -

IT IS THEREFORE ORDERED that the “Third Suggestion to the Panel on Multidistrict Litigation (‘The Panel’) Concerning Future Tag-Along Transfers,” filed on April 5, 2013, by the Honorable Eduardo C. Robreno is adopted by the Panel.

IT IS FURTHER ORDERED that the Section 1407 transfer of new tag-along actions from the Eastern District of Virginia is terminated, effective April 5, 2013.

IT IS FURTHER ORDERED that Panel Rule 7.1(a), requiring notification to the Clerk of the Panel of potential tag-along actions, is suspended in this litigation until further notice with respect to any new asbestos-related actions commenced in the Eastern District of Virginia.

PANEL ON MULTIDISTRICT LITIGATION



John G. Heyburn II
Chairman

Kathryn H. Vratil
Paul G. Barbadoro
Charles R. Breyer

W. Royal Furgeson, Jr.
Marjorie O. Rendell
Lewis A. Kaplan

³(...continued)

order thus does not absolutely foreclose a party in a new asbestos action commenced in one of these seven jurisdictions from seeking its transfer to MDL No. 875.