

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

IN RE: ASBESTOS PRODUCTS :  
LIABILITY LITIGATION (No. VI) : Consolidated Under  
: MDL DOCKET NO. 875  
Julianna Penny, :  
Plaintiff, :  
: Transferor District Court  
v. : Western District of Kentucky  
: Transferor Civil Action No.  
Conrail, : 3:90-CV-00728  
Defendant. :  
:

O R D E R

**AND NOW**, this **19th** day of **May 2009** it is hereby **ORDERED** that counsel in the above captioned case will be required to hold a discovery planning conference, pursuant to Fed. R. Civ. P. 26(f), and submit to the Court a Fed. R. Civ. P. 26(f)(3) discovery plan by July 20th, 2009. In conjunction with the discovery plan, Plaintiffs' counsel is required to submit a list of remaining viable defendants in each case.

It is further **ORDERED** that this discovery plan shall adhere to the format of the "discovery plan template", attached as Exhibit "A".<sup>1</sup>

1. The Court has set presumptive deadlines of 120 days for completing discovery, and 30 days for each additional step of trial preparation thereafter.
2. If the parties fail to submit a discovery plan to the

---

<sup>1</sup> Copies of the "discovery plan template" will also be available on the MDL 875 website, available at [www.paed.uscourts.gov/mdl875.asp](http://www.paed.uscourts.gov/mdl875.asp).

Court by July 20th, 2009, a scheduling order will be entered by the Court imposing the presumptive deadlines in the case.

3. If the parties wish to deviate from the presumptive deadlines, parties must submit either a written stipulation signed by all parties modifying the presumptive deadlines or an individual request to deviate from the presumptive deadlines. If good cause is shown, the Court will adopt the stipulation of the parties or grant the individual request.
4. The agreed upon discovery plan, once completed, must be electronically filed in the Eastern District of Pennsylvania. In the event that the case does not have an individual Eastern District of Pennsylvania civil action number, the discovery plan must be filed electronically on the original docket in the transferor district court.

**AND IT IS SO ORDERED.**

---

**EDUARDO C. ROBRENO, J.**

**EXHIBIT "A"**

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

IN RE: ASBESTOS PRODUCTS :  
LIABILITY LITIGATION (No. VI) : Consolidated Under  
: MDL DOCKET NO. 875  
PLAINTIFF :  
: Civil Action No.  
v. : \_\_\_\_\_  
: \_\_\_\_\_  
: \_\_\_\_\_  
CERTAIN DEFENDANTS :

DISCOVERY PLAN TEMPLATE

Plaintiff Name(s) \_\_\_\_\_

E.D. Pa Case No. \_\_\_\_\_

Transferor Case No. (If no E.D. Pa No.) \_\_\_\_\_

Date that claim was originally filed \_\_\_\_\_

Plaintiff's Disease \_\_\_\_\_

1. All discovery must be completed by: **[Presumptive 120 days from date of 26(f) conference]**\_\_\_\_\_.
2. Plaintiff's expert reports must be filed by:  
**[Presumptive: 30 days from deadline in 1]**\_\_\_\_\_.
3. Defendant's expert reports must be filed by:  
**[Presumptive: 30 days from deadline in 2]**\_\_\_\_\_.
4. Rebuttal expert reports must be filed by: **[Presumptive: 30 days from deadline in 3]**. \_\_\_\_\_.
5. Any dispositive motions must be filed by: **[Presumptive: 30 days from deadline in 4]**. \_\_\_\_\_.
6. Responses to dispositive motions must be filed by:

**[Presumptive: 30 days from deadline in 5]. \_\_\_\_\_.**

7. Replies to responses to dispositive motions, if any, must be filed by: **[Presumptive: 30 days from deadline in 6]. \_\_\_\_\_.**

\_\_\_\_\_  
Plaintiff's Counsel

\_\_\_\_\_  
Defense Counsel

\_\_\_\_\_  
Date