

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
CERTAIN PLAINTIFFS :
: Transferor District Court
v. : Southern District of Texas
: :
CERTAIN DEFENDANTS :

ORDER

AND NOW, this **11th** day of **August 2009** it is hereby **ORDERED** that counsel in the cases listed in Exhibit "A", attached, 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 **October 11, 2009**.

It is further **ORDERED** that this discovery plan shall adhere to the format of the "discovery plan template", attached as Exhibit "B".¹

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 Court by October 11, 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

¹ Copies of the "discovery plan template" will also be available on the MDL 875 website, available at www.paed.uscourts.gov/mdl875.asp.

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.

It is further **ORDERED** that if Defendant believes Plaintiff's Administrative Order no. 12 submissions to be insufficient, they have an obligation to meet and confer in an attempt to resolve the problem. If the parties are unable to resolve the issue through the meet and confer process, they are required to contact Case Administrator Bruce Lassman for mediation.²

AND IT IS SO ORDERED.



EDUARDO C. ROBRENO, J.

² Case Administrator Lassman's contact information is also on the MDL 875 website cited at footnote 1, supra.

EXHIBIT "A"

<u>Case Number</u>	<u>Plaintiff</u>	<u>Flag</u>
2:07-cv-73597-ER	ELIGAH JOHNSON	TX-S
2:07-cv-73600-ER	MAJOR ALLEN	TX-S
2:07-cv-73608-ER	TOMAS MARTINEZ	TX-S
2:07-cv-73697-ER	JIM WILLIAMS	TX-S
2:07-cv-73697-ER	BEVERLY WILLIAMS	TX-S
2:07-cv-73697-ER	JACKIE PETRICKA	TX-S
2:07-cv-73697-ER	PHYLLIS SULLENS	TX-S
2:07-cv-73697-ER	ANGELA DICKINSON	TX-S
2:07-cv-73777-ER	DAVE JOHNSON	TX-S
2:07-cv-73781-ER	ALONZA CHATMON	TX-S
2:07-cv-73782-ER	JIMMIE WALLACE	TX-S
2:07-cv-73784-ER	SQUIRE THEDFORD	TX-S
2:07-cv-73784-ER	SIDNEY MARKS	TX-S
2:07-cv-73785-ER	JOE SMITH	TX-S
2:07-cv-73785-ER	HENRY MIZELLE	TX-S
2:07-cv-73786-ER	ALFRED BEVERLY	TX-S
2:07-cv-73786-ER	JAMES COLLINS	TX-S
2:07-cv-73787-ER	HURBERT WOOD	TX-S
2:07-cv-73787-ER	ROBERT WILMETH	TX-S
2:07-cv-73788-ER	ROY SEELY	TX-S
2:07-cv-73788-ER	DEOTIS SLOCUMB	TX-S
2:07-cv-73790-ER	HARVEY LOONEY	TX-S
2:07-cv-73790-ER	ROBERT SCOTT	TX-S
2:07-cv-73793-ER	LESTER GRAVES	TX-S
2:07-cv-73793-ER	HERMAN JOHNSON	TX-S
2:07-cv-73795-ER	JOHNNY FARRINGTON	TX-S
2:07-cv-73796-ER	LOUIS RIVERS	TX-S
2:07-cv-73796-ER	WALTER THOMPSON	TX-S
2:07-cv-73797-ER	J LUCAS	TX-S
2:07-cv-73797-ER	LEONARD COX	TX-S
2:07-cv-73799-ER	ARCHIE ELDRIDGE	TX-S
2:07-cv-73800-ER	HANS ROHL	TX-S
2:07-cv-73800-ER	RAYNER WILLIAMSON	TX-S
2:07-cv-73801-ER	FRED WEST	TX-S
2:07-cv-73802-ER	CHARLES NILES	TX-S
2:07-cv-73814-ER	CHARLES GIBSON	TX-S
2:07-cv-73820-ER	ROBERT JOHNSON	TX-S
2:07-cv-73820-ER	FRED SHARP	TX-S
2:07-cv-73827-ER	M CRABTREE	TX-S
2:07-cv-73827-ER	CHRISTINE HOPE	TX-S
2:07-cv-73829-ER	ROY HOWARD	TX-S
2:07-cv-73833-ER	MALCOM CARPENTER	TX-S
2:07-cv-73836-ER	JAMES WOOD	TX-S
2:07-cv-73836-ER	WILLIAM SLADE	TX-S
2:07-cv-73837-ER	GERALD FLOYD	TX-S
2:07-cv-73838-ER	FRANK GRIFFIN	TX-S
2:07-cv-73838-ER	CARL WESSON	TX-S
2:07-cv-73839-ER	JAMES VERNON	TX-S
2:07-cv-73839-ER	JAMES CRAWFORD	TX-S

2:07-cv-73842-ER	WILBUR BENNINGTON	TX-S
2:07-cv-73856-ER	ALLEN RICHARDSON	TX-S
2:07-cv-73856-ER	ROSALIE RICHARDSON	TX-S
2:07-cv-73869-ER	EARL CHRISTENSON	TX-S
2:07-cv-73869-ER	ELIZABETH CHRISTENSON	TX-S
2:07-cv-74190-ER	JOHN WHEELER	TX-S
2:08-cv-67068-ER	CATHERINE STREY	TX-S
2:08-cv-67068-ER	WILBURN STREY	TX-S

EXHIBIT "B"

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