

Ten Steps to Resolution of MDL-875

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EXHIBIT "A"

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

**IN RE: ASBESTOS PRODUCTS : MULTIDISTRICT LITIGATION
LIABILITY LITIGATION : NO. MDL 875**

ADMINISTRATIVE ORDER NO. 11, AS AMENDED EFFECTIVE MARCH 16, 2009

Whereas Asbestos Products Liability Litigation (MDL 875) has been an active, ongoing multidistrict action since July 29, 1991, and

Whereas the undersigned transferee judge has analyzed the existing Court case management procedures as they relate to MDL 875, and is of the view that adjustments of these procedures need to be made to allow a more efficient discharge of the transferee court's responsibilities, it is hereby

ORDERED that the following modifications to the existing procedures for the processing of cases, dockets, pleadings and orders in MDL 875 cases are adopted:

1. Calendar Management.

Effective immediately, and except as otherwise set forth herein, the management of the case files and dockets for all pending MDL 875 cases (and, the files and dockets for all future MDL 875 cases filed after the entry of this Administrative Order) shall be transferred to the Transferee Court in accordance with both the schedule compiled by the Clerk of the Transferee Court and the following terms:

A. Actions to be taken by the Clerks of the Transferor Courts.

- I. The Clerks of the Transferor Courts shall retain all case files for those actions in which all claims have been completely resolved between all parties, including bankrupt defendants, whether by dismissal, stipulation or attrition. Unless otherwise directed, case files and dockets of cases previously remanded to the Transferor Courts by the Judicial Panel on Multidistrict Litigation shall also be retained by the Transferor Court. In addition, the Clerks of the Transferor Courts shall retain all case files and dockets for those actions transferred to a state court or a federal district court registry which has been previously specifically established for the placement and tracking of asbestos personal injury cases which do not currently meet specified criteria for advancement to trial.
- II. The remaining cases having unresolved claims against bankrupt defendants and non-bankrupt defendants shall be transferred to the Transferee Court in the following manner:
 - a. In the interests of administrative efficiency and uniformity,

upon the entry of an Order of Transfer by the undersigned

judge, a list of all cases to be transferred shall be sent by the Clerk of the Transferee Court to the Clerk of the Transferor Court. The Clerk of the Transferee Court shall retrieve a copy of each docket sheet from the CM/ECF system from the Clerk of the Transferor Court for the transferred cases, and shall initiate a new file in the Transferee Court. The Clerk of the Transferor Court shall mark the Transferor Court's file "CLOSED."

- b. In the event the Transferor Court does not maintain its MDL 875 cases under the CM/ECF system, a paper copy of each docket sheet for the cases to be transferred shall be forwarded to the Clerk of the Transferee Court.
 - c. New pleadings, documents and other papers received for filing after the case has been transferred shall be forwarded to the Clerk of the Transferee Court, and the Clerk of the Transferor Court shall notify all counsel concerned, as well as all pro se parties, that all future pleadings are to be filed with the Clerk of the Transferee Court, in accordance with the conditions set forth in Section 1.B.II of this Administrative Order, by giving notice of this Order to counsel and to any pro se party.
- III. Documents in any asbestos personal injury lawsuit involving MDL 875 filed in any one Transferor Court shall not be filed in the Transferee Court until a Transfer Order has been entered in the Transferee Court that states that documents in that specific Transferor Court shall be filed in the Transferee Court.
 - IV. Any document in any asbestos personal injury lawsuit involving MDL 875, over which the Transferor Court, and not the Transferee Court, has jurisdiction and venue, shall not be filed in the Transferee Court until a Transfer Order has been entered in the Transferee Court that states that documents in that specific Transferor Court shall be filed in the Transferee Court.
- B. **Actions to be taken by the Clerk of the Transferee Court.**
- I. The Clerk of the Transferee Court shall maintain dockets and create case files in all actions transferred from the Transferor Courts as soon as they are received.
 - II. All documents submitted to the Clerk of the Transferee Court shall be treated in all respects in accordance with the Transferee Court's

Local Rules of Civil Procedure 5.1.2; and 5.1.3.

- III. The Clerk of the Transferee Court shall compile a schedule of all MDL 875 cases in order to allow for the more efficient transfer of MDL 875 cases from the Transferor Court to the Transferee Court.
- IV. The Clerk of the Transferee Court shall submit to the undersigned transferee judge a quarterly pending caseload status report specific to the Transferee Court and each Transferor District Court.

2. **Motions.**

All Motions pending in MDL 875 which are neither granted nor denied as of the date of transfer of a case from the Clerk of the Transferor Court to the Clerk of the Transferee Court shall be deemed denied *without prejudice* and with all time requirements held in abeyance from the initial date of filing. Counsel may refile any unresolved motions for further transferee court action. Motions brought in accordance with the procedures contained in Administrative Order #3 shall be preceded by a telephone conference with the Court. Disputing counsel shall attempt to resolve issues between the parties without Court assistance, and failing resolution, through a telephone conference with the Court prior to the filing of any disputed motion.

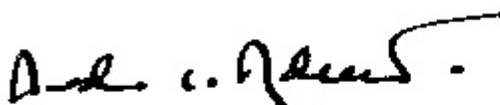
3. **Exclusions.**

The dockets and files for cases filed in the United States District Court for the Northern District of Ohio under the designation "MARDOC-MDL875(2)" shall not be transferred at this time under the terms of this order.

4. **Conflicts.**

To the extent that any conflicts exist, this Administrative Order shall take precedence over and supercede all previous administrative orders in this Multidistrict Litigation consolidation.

BY THE COURT:



EDUARDO C. ROBRENO, J.

Date: March 16, 2009

EXHIBIT "B"

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

IN RE: ASBESTOS PRODUCTS:CONSOLIDATED UNDER
LIABILITY LITIGATION(NO. VI):MDL DOCKET NO. 875

:

KEYBOARD ()

CIVIL ACTION

:

v.

:

:

KEYBOARD ()

NO.: KEYBOARD ()

:

(U.S.D.C. KEYBOARD ())

:

ALL PLAINTIFFS

CIVIL ACTION

:

v.

:

:

ALL DEFENDANTS

NO.:

:

(U.S.D.C. Pennsylvania
Eastern)

:

ORDER

AND NOW, this day of , 2010, it is
hereby **ORDERED**¹ as follows:

1

A civil action was filed in the TRANSFEROR DISTRICT COURT and properly docketed by that court as TRANSFEROR COURT CIVIL ACTION NO.; this civil action has been transferred to this court as part of the federal systemwide asbestos products liability litigation, known commonly as MDL 875.

This one civil action has been brought by # OF PLAINTIFFS IN ORIGINAL individual plaintiffs. We note that claims of different plaintiffs which involve common legal issues, but totally different

1. Within sixty (60) days, each individual plaintiff shall file one "Severed and Amended Complaint" in this Court. The Clerk of this Court is directed to assign civil action numbers to each individual plaintiff. Failure to comply with this section of the instant order may result, upon motion by any concerned defendant or by rule to show cause issued by the Court, in the dismissal of that specific plaintiff's civil action with prejudice, pursuant to Fed. R. Civ. P. 41(b).

2. Each Severed and Amended Complaint shall contain the specific claims asserted by that

alleged facts, may not be grouped into single action pursuant to the plain and unambiguous language of Fed. R. Civ. P. 20(a)(1). In the instant matter, while it is true that the claims do not arise out of the same transaction, occurrence or series of transactions or occurrences, and are not therefore related within the meaning of Fed. R. Civ. P. 20(a)(1). Pursuant to Fed. R. Civ. P. 21, federal courts may sever misjoined plaintiffs sua sponte when their claims do not arise out of the same transaction, occurrence or series of transactions or occurrences. In addition, courts may sever parties for the "efficient administration of justice." An action severed under Fed. R. Civ. P. 21 becomes an independent civil action. Moreover, the just, speedy and efficient processing of this matter in this court will require separate trials for each of these plaintiffs, as their lawsuits may involve different facts, different witnesses, different evidence, different legal theories and different defenses, which could lead to confusion of the jury if they were all tried together. In addition, it is obvious that permitting such multi-plaintiff actions with unrelated claims to proceed without severance would complicate discovery and interfere with its completion in accordance with assigned deadlines. Severance of this matter will require each of the plaintiffs to file a Severed and Amended Complaint that provides the necessary information about his or her individual claims. Likewise, a filing fee pursuant to 28 U.S.C. §1914(a) must be assessed for each of these individual plaintiffs (except for the lead plaintiff NAME), who has already satisfied the fee requirement in the TRANSFEROR DISTRICT COURT.

individual plaintiff against any defendant named in the Severed and Amended Complaint. Failure to comply with this section of the instant Order may result, upon motion by any concerned defendant or by a rule to show cause issued by the Court, in the dismissal of that specific plaintiff's civil action with prejudice, pursuant to Fed. R. Civ. P. 41(b).

3. Each Severed and Amended Complaint shall be submitted to the Clerk of the Court on disk in portable document format (.pdf), along with a courtesy paper copy of the complaint, for filing. Pursuant to Local Rule of Civil Procedure 5.1.2., all attorneys shall apply for a signature code by completing and filing with the Clerk of the Court a Validation of Signature Form, a copy of which is attached hereto. An attorney's signature code shall be entered on the signature line of the courtesy copy of the Severed and Amended Complaint for the purpose of signature validation pursuant to Fed. R. Civ. P. 11.

4. Absent prior leave of court, a Severed and Amended Complaint shall contain only those claims pleaded in the original multi-plaintiff action or some subset of those claims. Failure to comply with this section of this Order may result, upon motion by any concerned defendant or by a rule to show cause issued by the Court, in the dismissal of the affected claims with prejudice.

5. Absent prior leave of court, a Severed and Amended

Complaint shall not name any new defendants not named in the original multi-plaintiff action. Claims against any such "new defendants" may result, upon motion by any such "new defendant," in the dismissal of the affected claims with prejudice.

6. Claims against any defendant who is named in the original action, but who is not named as defendant by the specific plaintiff in any one specific Severed and Amended Complaint may result in the dismissal, sua sponte, of that specific plaintiff's civil action with prejudice.

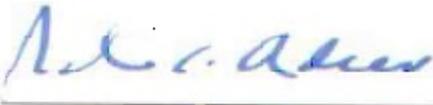
7. Except for PLAINTIFF (the lead plaintiff in the aforesaid matter) originally filed in the TRANSFEROR DISTRICT COURT, each plaintiff who files a Severed and Amended Complaint shall remit to the Clerk of Court a filing fee in the amount of \$350.00 pursuant to 28 U.S.C. §1914(a). A specific plaintiff's failure to comply with this section of the instant Order may result in the dismissal, sua sponte, of the specific plaintiff's civil action with prejudice.

8. Each Severed and Amended Complaint must be served by the concerned plaintiff as required by Fed. R. Civ. P. 5.

AND IT IS SO ORDERED.

Date: _____

EXHIBIT


EDUARDO C. ROBRENO, J. 

"C"

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS PRODUCTS :
LIABILITY LITIGATION (NO. VI) : CIVIL ACTION NO.: MDL 875

This Document Relates to:
ALL ACTIONS

AMENDED ADMINISTRATIVE ORDER NO.12
(AS AMENDED EFFECTIVE AUGUST 27, 2009)

THE COURT, after examination of current procedures in place in this matter, and with a desire to facilitate the expeditious movement of pending cases on the MDL docket, and having had the benefit of input from the court-appointed plaintiff and defendant steering committees, hereby imposes the following filing requirements and procedures:

1. SUBMISSION OF IDENTIFICATION INFORMATION

All plaintiffs shall submit to the Court a report identifying each plaintiff by full name, date of birth, last four digits of plaintiff's SSN, and a statement indicating the status of the plaintiff in the case before the Court; i.e., asbestos-related injury victim, spouse of injured party, administrator of injured party or deceased injured party, executor(rix), child of injured party, etc.

2. SUBMISSION OF RELATED COURT ACTIONS

Each plaintiff shall identify each and every prior or pending court or administrative action brought with the intent of satisfying in whole or in part, the damages sustained by the plaintiffs alleged asbestos-related personal injury. In each such instance, the plaintiff shall identify the claim, the parties involved, and the results of any action thereon.

3. SUBMISSION OF STATEMENT OF CASE STATUS

The plaintiff in each case shall identify all of the named defendants in the following manner:

- a) Each defendant with whom the plaintiff has achieved resolution of his/her claim, whether by settlement or agreement to dismiss without payment or by payment of a claim through the bankruptcy court, shall be identified and, where a dismissal has not yet been entered of record, a proposed order shall be submitted;

- b) Each defendant that the plaintiff now desires to dismiss from the action, with or without prejudice, the reason for the dismissal, and a proposed order;
- c) Each remaining defendant that is currently in bankruptcy with a claim pending, together with an order for the transfer of the claim to an active docket which the court has created for the holding of such claims; and
- d) Each non-bankrupt unsettled defendant.

4. **SUBMISSION OF MEDICAL REPORTS**

Each plaintiff asserting a claim based upon an alleged asbestos-related malignancy shall submit to the court a copy of the medical diagnosing report or opinion upon which the plaintiff now relies for the prosecution of the claims as if to withstand a dispositive motion.

Each plaintiff asserting a claim based upon an alleged non-malignant injury or condition shall submit to the court a copy of the medical diagnosing report or opinion upon which the plaintiff now relies for the prosecution of the claim as if to withstand a dispositive motion.

Each report or opinion submitted hereunder shall be based upon objective and subjective data which shall be identified and descriptively set out within the report or opinion.

5. **ALTERNATIVE PLAINTIFF SUBMISSION**

Alternative submissions to the court are acceptable under the following circumstances:

- a) If the plaintiff has remaining claims only against bankrupt parties and is desirous of seeking payment on those claims through the bankruptcy action, then, as an alternative to the required submissions under sections 2, and 4, above, the plaintiff may submit a proposed order for the transfer of this case to the "Bankrupts Only" docket in the form attached.
- b) If the plaintiff has viable claims remaining against both bankrupt and non-bankrupt parties and wishes to pursue through the bankruptcy action only those claims remaining against the bankrupt parties, then, as an alternative to the required submissions under sections 2, and 4, above, the plaintiff may submit a proposed order for the dismissal of the non-bankrupt parties with prejudice and the transfer of the remaining claims against the bankrupt parties to the "Bankrupts Only" docket in the form attached.
- c) The plaintiff may at any time submit to the court a proposed order to dismiss his/her case against all parties with prejudice. Plaintiff may also request a dismissal against any or all parties without prejudice; however, notice must be given to all parties, any of whom may file an objection within thirty (30) days

- b) Each defendant that the plaintiff now desires to dismiss from the action, with or without prejudice, the reason for the dismissal, and a proposed order;
- c) Each remaining defendant that is currently in bankruptcy with a claim pending, together with an order for the transfer of the claim to an active docket which the court has created for the holding of such claims; and
- d) Each non-bankrupt unsettled defendant.

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Each report or opinion submitted hereunder shall be based upon objective and subjective data which shall be identified and descriptively set out within the report or opinion.

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Alternative submissions to the court are acceptable under the following circumstances:

- a) If the plaintiff has remaining claims only against bankrupt parties and is desirous of seeking payment on those claims through the bankruptcy action, then, as an alternative to the required submissions under sections 2, and 4, above, the plaintiff may submit a proposed order for the transfer of this case to the "Bankrupts Only" docket in the form attached.
- b) If the plaintiff has viable claims remaining against both bankrupt and non-bankrupt parties and wishes to pursue through the bankruptcy action only those claims remaining against the bankrupt parties, then, as an alternative to the required submissions under sections 2, and 4, above, the plaintiff may submit a proposed order for the dismissal of the non-bankrupt parties with prejudice and the transfer of the remaining claims against the bankrupt parties to the "Bankrupts Only" docket in the form attached.
- c) The plaintiff may at any time submit to the court a proposed order to dismiss his/her case against all parties with prejudice. Plaintiff may also request a dismissal against any or all parties without prejudice; however, notice must be given to all parties, any of whom may file an objection within thirty (30) days

8. EXCLUSIONS

The case designated as MDL 875 (MADOC) shall be excluded from the requirements set forth and those actions shall continue to be governed by the requirements of previous orders of this court concerning the management of the MADOC cases.

9. SETTLEMENT CONFERENCES / SUGGESTIONS OF REMAND

The court intends upon stepping up the pace of settlement conferences and will accordingly, issue orders to that effect. Counsel are expected to comply with all requirements of the notice and be prepared at the conference. All parties shall submit to the court at the time of the first settlement conference in any case, a short position paper stating their position relative to disease, exposure and damages. Mitigating factors for the purposes of settlement shall also be set forth.

If the parties have failed to achieve settlement following one or more settlement conferences and working with the court, the case may be referred to mediation or, if the court finds that the parties have negotiated in good faith without success, the court may suggest the case for remand. A determination of good faith may not be necessary with regard to all defendants. The court will continue to prioritize malignant and exigent cases.

10. MANNER OF SUBMISSIONS

All submissions to be made to the court pursuant to this order shall be paper filings with copies provided to all remaining viable parties in accordance with Rule 5, F.R.C.P.

11. SUBMISSIONS TO BE ELECTRONIC

From the date of this order forward, all submissions and changes or corrections thereto, shall be made and entered into the database at MDL875Submissions.com without the need to submit paper copies to the Court. The requirement for service upon other parties in accordance with Rule 5, F.R.C.P. shall remain. The Court has designated the law firms of Motley Rice (contact person: Lane Andrae) and Forman, Perry, Watkins, Krutz & Tardy (contact person: Mary Margaret Gay) as the Court's designees in assisting counsel with any problems that may occur with database submissions. Further communications with the designer of the software system for the database (Intercon Inc.) for administration purposes relative to Administrative Order No. 12 are now inappropriate as the contract between the Court and Intercon Inc. does not allow for payment of such services.

12. INCLUSIVENESS OF SUBMISSIONS

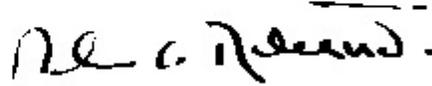
Except for those plaintiffs excluded under Administrative Order No. 12 by reason of their designation as part of MDL 875 (MADOC), ALL PLAINTIFFS with causes currently in MDL 875 are required to comply with the submission requirements set forth within Administrative Order No. 12. If any plaintiff was not included in the original schedule, i.e., plaintiffs with cases filed in the calendar year 2008, they shall comply within 30 days of the date of this order. The submission requirements shall further apply to all new actions assigned to MDL 875. Cases transferred subsequent to the date of this order shall comply within 30 days of the final date of transfer to the Eastern District of

Pennsylvania. Asbestos-related personal injury cases filed directly in the Eastern District of Pennsylvania shall be treated by counsel as if they were transferred into MDL 875 on the date of filing.

IT IS SO ORDERED.

Date: 9/3/09

BY THE COURT

A handwritten signature in black ink, appearing to read "Eduardo C. Robreno, J.", written over a horizontal line.

EDUARDO C. ROBRENO, J.

Exhibit "D"

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Exhibit "E"



MDL 875

Home Page	Contents	Services
Documents	MDL	Search

Select an Option and Click the Go! Button-->

Administrative Orders	Administrative Order No. 12A	Comprehensive MDL 875 Calendar	Opinions	Contacts
Information for Cases Originally Filed in the Eastern District of Pennsylvania		Information for Cases Referred to Magistrate Judge Hey		
MDL 875 Home	Important	About	Updates	Information for Cases in the Maritime Docket (Mardac)
 <p>MDL 875</p> <p>Welcome to the Web Site for MDL 875!</p> <p><i>In Re: Asbestos Products Liability Litigation (No. VI)</i></p> <p>United States District Court for the Eastern District of Pennsylvania</p> <p>The Honorable Eduardo C. Robreno Presiding</p>				
<p>The information provided through this site is not intended to be nor should it be considered legal advice.</p>				

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EXHIBIT "F"

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. :
: :
CERTAIN DEFENDANTS :

O R D E R

AND NOW, this -- day of ---- **2009**, it is hereby **ORDERED** that a hearing on Defendants' motion for a rule to show cause in accordance with Administrative Order No. 12A, in the cases listed in the attached Exhibit "A", will be held on ----, -, **2009** at **10:00 am** in Courtroom 11A, United States Courthouse, 601 Market Street, Philadelphia, PA 19106.

It is further **ORDERED** that those Plaintiffs listed in Exhibit "A", attached, must show that they have complied with the

Court's order requiring the filing of a severed and amended complaint and the payment of an individual filing fee in each case, if required.

It is further **ORDERED** that Plaintiffs' counsel's failure to appear or to be excused from appearing will result in the dismissal of that Plaintiff's case for failure to prosecute.

AND IT IS SO ORDERED.

EDUARDO C. ROBRENO, J.

EXHIBIT “G”

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

IN RE: ASBESTOS PRODUCTS : Consolidated Under
LIABILITY LITIGATION (No. VI) : MDL DOCKET NO. 875
: :
CERTAIN PLAINTIFFS : Transferor District Court
: :
v. : :
: :
CERTAIN DEFENDANTS : :
: :

ORDER

STATUS AND SCHEDULING CONFERENCE

AND NOW, this -- day of ----, 2010, it is hereby
ORDERED that a status and scheduling conference will be held in
the captioned cases² on **Wednesday**, -- --th, 2010 at **10:00 am** 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.

² See Exhibit "A", attached, for listing of individual cases. The cases will also be listed on the Court's MDL 875 website, available at www.paed.uscourts.gov/mdl875.asp.

It is further **ORDERED** that failure to appear at the conference shall result in the dismissal of the case without prejudice.

It is further **ORDERED** that, as to all open cases, counsel for the plaintiff shall be prepared to provide at the hearing the following information:

- a.) Certification of compliance with Administrative Orders no. 12, 12 as amended, and 14.
- b.) Any motions pending.
- c.) Certification that Plaintiff has filed any necessary amended complaints and paid all required filing fees.
- d.) A list of unsettled defendants in each case and a proposed order dismissing the remaining viable defendants that are listed on the docket.

It is further **ORDERED** that if a Defendant wishes to challenge the sufficiency of an individual Plaintiff's Administrative Order no. 12 submission, at the hearing Defendant should be prepared to assert the specific reasons why Plaintiff has not fulfilled the requirements of Administrative Order no. 12. If compliance is contested, a hearing will be held on a subsequent date.

It is further **ORDERED** that, prior to the hearing, Plaintiffs' counsel may submit a letter to 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.³

It is further **ORDERED** that, if any of the attached cases should be transferred from the civil suspense file, the Clerk of the Court shall transfer the listed cases to the active docket for final disposition.

AND IT IS SO ORDERED

EDUARDO C. ROBRENO, J.

³ If a case listed in the attached Exhibit has been referred to a Magistrate Judge for settlement, that case will not be heard at this conference. In order to ensure that any such cases are removed from the list, please contact to Court and provide the specific case number(s) and plaintiff name(s) which must be removed.

Exhibit “H”

MOTION PROCEDURE

Contested Motions

If you wish to be heard on a contested motion, please follow the following procedure:

- 1.) Any substantive, contested motion will be scheduled for a hearing date upon order of the Court. The Court will attempt to schedule hearings at the earliest possible date. When a hearing is scheduled, an order will be entered in each affected E.D. Pa. docket number.
- 2.) In the Court's discretion, any motion may be continued to a different date.
- 3.) All motions must be accompanied by a memorandum of law citing to the substantive or procedural rule which governs the motion.
- 4.) If factual materials are relevant to the determination of the motion, they shall be appended to the motion.

5.) Any party opposing the motion shall have fourteen (14) days within which to file and serve a response upon the moving party. This response must include all relevant factual information in opposition to the motion and cite to the substantive or procedural rule relied upon for opposition. See E.D.Pa. Loc. R. Civ. P. 7.1(c).

6.) No reply to the opposing party's response shall be filed without leave of court, which shall be sparingly granted

7.) There will be a strict limit of one continuance granted per party per motion.

Administrative Motions

1.) Any matter concerning scheduling or any administrative issue may be brought to the court by motion.

2.) All motions must indicate whether the opposing side has consented and attach a sample formal order stating the relief sought.

3.) An answer to an administrative motion shall be filed within five (5) days, otherwise the motion will be deemed uncontested.

4.) An administrative motion may be decided by the Court based on the papers without scheduling a hearing.

EXHIBIT “I”

SETTLEMENT CONFERENCE PROCEDURES

A party wishing to have a settlement conference, should follow the following procedures:

- 1.) Settlement Conferences are held on 8 days per month before a Magistrate Judge in the Eastern District of Pennsylvania.
- 2.) Any party may request a settlement conference in their case.
- 3.) In order to obtain a date for your settlement conference, please write or call Case Administrator Bruce Lassman and inform him of your request for a settlement conference..
- 4.) Case Administrator Lassman will assign the parties a settlement conference date.
- 5.) Plaintiff shall give notice of this conference to each viable defendant in each case no less than thirty (30) days before the conference is scheduled. A Certificate of Notification of this notice shall be forwarded to the Magistrate Judge assigned to the case prior to the Conference.
- 6.) Plaintiff shall provide to each viable defendant a copy of plaintiff's most current medical report relied upon and a synopsis of the exposure evidence against that defendant. Plaintiff is

directed to make a reasonable demand upon each of the defendants, and the parties must attempt in good faith to negotiate settlement of the case(s) prior to the conference date.

7.) In preparation for the conference, parties must exchange information and complete such discovery as is necessary to be in a posture to negotiate settlement.

8.) Parties to all unresolved claims in the case shall appear at the conference with necessary authority to settle the case(s) with their principals present or immediately available to them by phone.

9.) The Magistrate Judge has the authority to require the principals to be present, to continue the conference for additional days, or, to postpone the conference with or without costs assessed.

10.) In the event that a claim is settled in full as to any individual claim or defendant, the Magistrate Judge shall dismiss that claim or the claim against the settled defendant with prejudice pursuant to Local Rule of Civil Procedure 41.1(b).

11.) In the event that a claim is not settled, the Magistrate Judge shall determine whether further settlement conferences will be helpful. If not, the Magistrate Judge shall inform the Presiding Judge whether the parties have negotiated in good faith and whether the parties are ready for trial.

EXHIBIT “J”

TRIAL PROCEDURE

Parties wishing to proceed to trial, either jury or non-jury⁴, shall comply with the following procedures:

NOTE: This is the Trial Procedure for parties that wish to have a trial before an Article I judge (with consent of the parties) or before an Article III judge. In either case, for cases where the transferor court is other than the Eastern District of Pennsylvania, parties must waive any venue objections in order for the case to be tried in the Eastern District of Pennsylvania.

- 1.) Write or call Case Administrator Bruce Lassman.

- 2.) Certify that all discovery has been completed and that the parties are ready to try the case within thirty (30) days.

- 3.) In any case involving parties whose case was transferred to the E.D. Pa, the parties may consent to trial in the Eastern District of Pennsylvania. In such cases, the parties must certify that they have complied with all of the requirements of Administrative Order no. 18. Administrative Order no. 18 sets forth a non-exhaustive list of factors⁵ that the Court will consider before a

⁴ Punitive damages in this case have been bifurcated and will not be subject to trial at this time.

⁵ The Administrative Order no. 18 factors, adapted for determining whether the case is prepared for trial within 30 days are the following:

suggestion of remand is submitted to the Panel. The same factors will be relied upon by the Court to determine whether the case is ready for trial.

4.) Notify Case Administrator Lassman whether parties will consent to trial before an Article I judge and whether the parties have waived venue, if appropriate.

5.) The trial judge will hold a scheduling conference promptly and assign a trial date within 30 days.

-
- a.) Whether Plaintiff has complied with Administrative Orders 12 and 12A.
 - b.) Whether the injured Plaintiff is alive.
 - c.) Whether the parties have submitted a Rule 26(f) report to the Court.
 - d.) Whether all relevant discovery has been completed or has been substantially completed. If not, identify the discovery still to be completed.
 - e.) The extent to which settlement conferences have been held in the case and the status of settlement negotiations.
 - f.) Whether there are any outstanding motions in the case. Counsel seeking remand should be able to certify that there are no outstanding motions remaining in the case.

EXHIBIT “K”

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

IN RE: ASBESTOS PRODUCTS :
LIABILITY LITIGATION (No. VI) :
_____ X
This Document Relates To: : CONSOLIDATED UNDER
: MDL 875
-----, et al, :
Plaintiffs, :
v. : CIVIL ACTION NO.
: 10-69372
-----, et al., :
Defendants. :
-----x

**ORDER OF REFERRAL TO MAGISTRATE JUDGE FOR
PRETRIAL DISCOVERY, SETTLEMENT
CONFERENCE, AND TRIAL PREPARATION**

The Court, in accordance with the Court’s policies outlined in Administrative Orders No. 3 & 12, has identified the above captioned case as being appropriate for referral to the Honorable Magistrate Judge Thomas J. Rueter to conduct pretrial procedures, supervision of discovery, settlement conferences, and preparation for trial. The Magistrate Judge may enter such orders as may be necessary to facilitate these tasks.

Unless modified by the Magistrate Judge, the scheduling order attached as Exhibit “A” shall be in effect for all cases referred by this order.

All parties remaining in the case shall take the following actions:

1.) Each Plaintiff (“Plaintiff”) whose action has been referred to a Magistrate Judge shall, within fourteen (14) days of this date, advise the Magistrate Judge as to all remaining Viable Defendants (“Viable Defendants”) (any Defendant not in bankruptcy proceedings or previously dismissed) in each case, together with the name, address, and telephone number of counsel. Plaintiff shall immediately forward to each Viable Defendant a copy of this referral order together with a list of cases in which that Viable Defendant is a named party. A Certificate of Notification certifying delivery of this Order and the notification to each Viable Defendant shall be forwarded to

the Magistrate Judge. In addition, Plaintiff shall provide to each Viable Defendant a copy of Plaintiff's most current medical report relied upon and a synopsis of the exposure evidence against that Viable Defendant. Plaintiff is directed to make a reasonable demand upon each Viable Defendant, and the parties must attempt in good faith to negotiate settlement of the case(s) prior to any settlement conference before the Magistrate Judge.

In furtherance thereof, the parties shall promptly exchange information and complete such discovery as is necessary to be in a posture to negotiate settlement. If the action remains unsettled, Plaintiffs and all Viable Defendants shall appear at all conferences with necessary authority to settle the case(s) with their principals present or immediately available to them by telephone. The Magistrate Judge may require the principals to be present, to continue the conference for additional days, or to postpone the conference with or without costs assessed.

All unresolved discovery issues shall be brought to the attention of the Magistrate Judge within twenty (20) days of the date of this order, or immediately as any such issue may arise in the future.

All parties shall comply with the requirements of Section 9, Administrative Order No. 12. Plaintiff MUST have made his/her submissions in accordance with Administrative Order No. 12, and all viable parties MUST have made payment to the Clerk of the Court as required under Administrative Order No. 14. A copy of each party's position paper relating to any scheduled settlement conference shall be received by the Magistrate Judge no later than three (3) days prior to the conference.

Inquiries relating to these cases and all matters scheduled hereunder may be directed to the Chambers of the Honorable Magistrate Judge Thomas J. Rueter at (215)-597-0048.

THE MAGISTRATE JUDGE MAY IMPOSE SANCTIONS AND/OR COSTS AGAINST ANY PARTY NOT IN COMPLIANCE WITH THIS NOTICE AND THE ORDERS SPECIFICALLY INCORPORATED BY REFERENCE AND ANY ORDERS ISSUED IN FURTHERANCE HEREOF.

Accordingly, it is **ORDERED** that the Court refers the above captioned action pending in MDL 875 to the Honorable Magistrate Judge Thomas J. Rueter for proceedings in accordance with this Order.

BY THE COURT:

Date:

Eduardo C. Robreno

J.

EXHIBIT “L”

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

IN RE: ASBESTOS PRODUCTS :
LIABILITY LITIGATION (No. VI) : MDL DOCKET NO. 875

This document relates to:

PLAINTIFF : EDPA No.
 : *Transferred from:*
v. :
 :
DEFENDANT., et al. : Transferor Docket No.

ORDER

AND NOW, this day of , 2010, in
accordance with Local Civil Rule 72.1 and 28 U.S.C. § 636(b)(1)(B), it is **HEREBY**
ORDERED that the Motion for Summary Judgment of Defendant(Doc. 14) is referred to
United States Magistrate Judges Elizabeth T. Hey for a Report and Recommendation on
the issues of product identification and/or causation and/or successor liability, with all
other issues reserved for resolution by the undersigned.

BY THE COURT:

EDUARDO C. ROBRENO, J.

EXHIBIT “M”

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

IN RE: ASBESTOS PRODUCTS : MDL DOCKET NO. 875
LIABILITY LITIGATION (No. VI) :
:
: Civil Action No.
: 2:01-md-875
THIS DOCUMENT RELATES TO :
ALL ACTIONS :

ADMINISTRATIVE ORDER NO. 18

A motion for a suggestion of remand must contain, at a minimum, the following information with regard to each individual claim:

- 1.) The civil action number of the case in the district where it was originally filed.
- 2.) The civil action number of the case in the Eastern District of Pennsylvania, if the case has been assigned an E.D. Pa. civil action number.
- 3.) The name of the plaintiff in the case.
- 4.) The diagnosing report or opinion relied upon by plaintiff in compliance with Administrative Order no. 12.
- 5.) The identity of defendants that are still viable⁶ in the case.
- 6.) A certification that the motion requesting the suggestion of remand has been served upon counsel for all other parties to the action.
- 7.) The specific reasons why remand is appropriate in this case. Plaintiff should specify:
 - a.) Whether Plaintiff has complied with Administrative Orders 12 and 12A.
 - b.) Whether the injured Plaintiff is alive.
 - c.) Whether the parties have submitted a Rule 26(f) report to the Court.
 - d.) Whether all relevant discovery has been completed or has been substantially completed. If not, identify the discovery still to be completed.
 - e.) The extent to which settlement conferences have been held in the case and the status of settlement negotiations.

⁶ A viable defendant is a defendant which has not been dismissed from the case and is not in bankruptcy proceedings.

- f.) Whether there are any outstanding motions in the case. Counsel seeking remand should be able to certify that there are no outstanding motions remaining in the case.
- g.) Whether, if the case is remanded, the Plaintiff is prepared for trial without delay once on the transferor court's normal docket.
- h.) The status of congestion in the transferor court docket.

After a motion for a suggestion of remand is filed with the Court, any Defendant opposing the suggestion of remand will be given 15 days to file a response. If there is no response filed and the Court determines that a suggestion of remand is appropriate, the motion will be granted as uncontested, pursuant to Local Rule of Civil Procedure 7.1(c). If there is a response, the Court will make a ruling on the parties' filings or schedule a hearing on the matter, if necessary.

Additionally, if a Plaintiff's case is prepared to proceed to trial, and all of the parties provide the necessary consent, both Article I and Article III Judges are available to hold trials in the Eastern District of Pennsylvania. Details on the procedure for requesting trial in the Eastern District of Pennsylvania, as well other MDL 875 case information, can be found on the MDL 875 website, available at www.paed.uscourts.gov/mdl875.asp.

AND IT IS SO ORDERED.

EDUARDO C. ROBRENO, J.

EXHIBIT “N”

