

## **ADMINISTRATIVE ORDER #12 (As Amended)**

Each plaintiff who has a claim pending in the MDL 875 docket and where the claim was filed before December 1, 2007 must submit to the court no later than December 1, 2007 the following (Subsequent filings require a submission within 30 days of the transfer date):

1. A submission of identifying information, including each plaintiff's full name, date of birth, the last four digits of their Social Security Number, and a statement of that Plaintiff's status before this court.

2. A 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 plaintiff's alleged asbestos related injury.

3. Each Plaintiff shall identify all the named defendants in the following manner:

- a. Each Defendant with whom the Plaintiff has achieved resolution of their claim.
- b. Each Defendant whom the Plaintiff wishes to dismiss from the action.
- 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 inactive docket which the court has created for the holding of such claims.
- d. Each non-bankrupt unsettled defendant.

4. A submission of medical reports:

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

The court may dismiss, pursuant to F.R.C.P. 41(b), the cases of any plaintiffs who fail to comply with the requirements of Administrative Order No. 12.

Any party wishing to challenge the sufficiency of a Plaintiff's Administrative Order No. 12 submission may seek a rule to show cause and follow the procedures below:

Any motion for a rule to show cause why a case should be dismissed for failure to comply with Administrative Order No. 12 must contain, at a minimum, the following information as to such case and/or claim:

- 1.) The civil action number of the case in the district where it was originally filed.
- 2.) The name of the plaintiff in the case.
- 3.) The specific defendant or defendants on whose behalf the motion is being brought.
- 4.) The claim or claims for which dismissal is sought.
- 5.) The specific deficiency which fails to satisfy the requirements of Administrative Order No. 12 (e.g., failure to make any submission whatsoever; submission is inadequate).
- 6.) A certification that the motion requiring the order for a rule to show cause has been served upon counsel for the party against whom the rule to show cause is being sought.