

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 :

FILED JUL 17 2009

ADMINISTRATIVE ORDER NO. 19

AND NOW, this 17th day of July, 2009, it is hereby
ORDERED that Administrative Order no. 8 is vacated, nunc pro tunc
to the date that each individual case was placed in suspense, as
to all plaintiffs in MDL 875.

It is further **ORDERED** that all plaintiffs currently
dismissed under Administrative Order no. 8 shall be returned to
the MDL 875 active docket.

It is further **ORDERED** that plaintiffs previously
dismissed under Administrative Order no. 8, and whose cases are
now restored to the active docket, must comply with the
provisions of Administrative Order no. 12 by September 16th,
2009. Failure to submit Administrative Order no. 12 materials
within the allotted time will result in a dismissal of that
plaintiff's case for lack of prosecution.

The Court enters this Order for the following reasons:

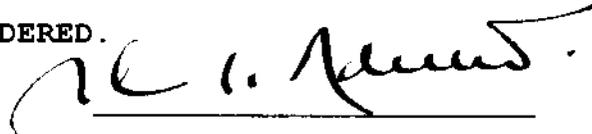
Administrative Order no. 8¹ permitted a party to file a

¹ Administrative Order no. 8, filed on January 15, 2002,
was enacted as a response to the mass filing of asymptomatic
asbestos cases resulting from mass litigation screening. Judge

motion which would administratively dismiss a plaintiff's case. The dismissal was without prejudice and the statute of limitations was tolled. The case remained viable, and any party to the action could request reinstatement at any time by filing an affidavit setting forth "facts that qualify the case for active processing".

On May 3, 2007, Administrative Order no. 12 was entered, and each plaintiff with an active case was required to submit to the Court the diagnosing report or opinion upon which they rely in pursuing their claim. At the present time, the Court is in the process of enforcing the provisions of Administrative Order no. 12 as to all the active parties to the litigation. In furtherance of this process, the Court has determined that the provisions of Administrative Order no. 12 shall apply to all MDL 875 cases.

AND IT IS SO ORDERED.



EDUARDO C. ROBRENO, J.

Charles Weiner, the MDL 875 presiding Judge at that time, found that "the filing of mass screening cases is tantamount to a race to the courthouse and has the effect of depleting funds, some already stretched to the limit, which would otherwise be available for compensation to deserving plaintiffs". MDL 875 no longer has the problem of massive filings of new cases which would clog the docket, taking time and money away from the most seriously ill or most deserving plaintiffs. The circumstances justifying the entry of Administrative Order no. 8 have now changed and the efficient administration of MDL 875 is no longer served by the order.