

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

IN RE: ASBESTOS PRODUCTS : MDL DOCKET No. 875
LIABILITY LITIGATION (No.VI) : (MARDOC)
: :
CERTAIN PLAINTIFFS : :
: : CIVIL ACTION NO.
v. : 2:02-md-875 and all GROUP 4-7 cases
: :
CERTAIN DEFENDANTS :

ORDER

And now, this 8th day of January, 2013, in accordance with Judge Robreno's Order of September 14, 2012 (Doc. 1826) and upon review of the parties' submissions, the procedure for developing the lists of cases subject to dismissal pursuant to Judge Robreno's Corrected Memorandum of August 13, 2012 (Doc. 1764) with respect to discovery Groups 4 through 7 shall be as follows:

1. No later than February 4, 2013, Defendants shall submit a corrected list of plaintiffs in Group 4 to be dismissed, identifying each plaintiff or decedent by name and E.D Pa. Docket number (in docket number order). This list shall be prepared following careful review of the medical records provided in discovery in light of Judge Robreno's Corrected Memorandum.¹ Defendants shall confer amongst themselves and endeavor to agree upon a joint submission. As to any plaintiff identified for dismissal, defendants may attach a copy of medical records (not to exceed 5 pages) if they believe the records establish that plaintiff is without physical impairment. The list shall be filed on the Mardoc docket and applicable individual dockets and entitled "Amended Group 1 Dismissal List," and shall not contain any argument.
2. Plaintiffs shall have until February 25, 2013, to respond by filing "Objections to [defendants'] Amended Group 1 Dismissal List" on the Mardoc docket and

¹ As Judge Robreno reiterated in his September 14 Order, "a seaman without physical impairments resulting from asbestos exposure, including one who manifests only pleural changes, has not suffered an 'injury' under maritime law, and therefore has no cognizable claim." Doc. 1826 at 1 n.1.

applicable individual dockets. Plaintiffs may not present any argument but shall identify the plaintiffs on defendants' list(s) whose cases should not be dismissed, identifying each plaintiff or decedent by name and E.D. Pa. Docket number (in docket number order).² They shall attach for each plaintiff as to which they are objecting a copy of the medical records evidencing physical impairment, up to a maximum of 5 pages unless compelling reasons require more than 5 pages.

3. The parties shall follow the same procedures with respect to Groups 5 through 7. As to Group 5, defendants' amended lists are due April 4, 2013, and plaintiffs' objections are due April 25, 2013. As to Groups 6-7, defendants' amended lists are due June 12, 2013, and plaintiffs' objections are due July 3, 2013.

BY THE COURT:

/s/ELIZABETH T. HEY

ELIZABETH T. HEY
UNITED STATES MAGISTRATE JUDGE

² Plaintiffs are reminded that their list should be in order of docket number, rather than alphabetical order.