

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
:
VARIOUS PLAINTIFFS :
:
:
v. :
:
:
VARIOUS DEFENDANTS :

SUGGESTION TO THE PANEL ON MULTIDISTRICT LITIGATION
("THE PANEL") CONCERNING FUTURE TAG-ALONG TRANSFERS

AND NOW, this **23rd** day of **November**, **2011**,

It appearing that the backlog of cases in MDL-875 has been largely eliminated; and

It appearing that all of the cases currently pending in MDL-875 are under scheduling orders, with the exceptions stated below, which call for their adjudication, settlement, or remand by December 31, 2012; and

It appearing that the filing of new asbestos related personal injury cases in the District Courts now consists of approximately 400 cases per year; and

It appearing that in light of the elimination of the backlog, and the limited number of asbestos-related personal injury cases currently filed in the District Courts, each District Court can supervise and adjudicate these cases without undue administrative burden, to the benefit of the litigants and to the public; and

It appearing, however, that certain limited numbers of jurisdictions are continuing to benefit from the transfer and consolidation of cases under MDL-875; and

It appearing that the efficient and economical adjudication of asbestos-related personal injury claims in the District Courts and the interests of justice will be promoted by discontinuing the practice of referring all tag-along cases to MDL-875, except in certain jurisdictions discussed below;

It is hereby **SUGGESTED** that:

After January 1, 2012, the Panel decline to transfer and consolidate tag-along cases to MDL-875 except in the following jurisdictions, and for the following stated reasons:

1.) E.D. Virginia (4,553 cases)

These cases turn on a preemption issue. This Court found, and the Third Circuit affirmed, that state law causes of action were preempted under federal law. The Supreme Court granted certiorari to decide a conflict and heard oral argument on November 9, 2011 (in *Kurns v. Railroad Friction Products Corp.*, No. 10-879). The cases are stayed pending the decision of the Supreme Court.

2.) Seventh Circuit Cases (1,782 cases)

The cases were brought by one law firm and involve litigation in Illinois (Northern and Southern), Indiana and Wisconsin (Eastern and Western). All cases were consolidated before a Magistrate Judge and divided into sub-groups under scheduling orders.

3.) Maritime Docket (Mardoc) (8,862 cases)

These cases were filed in the Northern District of Ohio. They involve two types of defendants: manufacturers and ship owners. The former are subject to liability under state law; the latter under maritime law. The cases were consolidated before a Magistrate Judge with the assistance of a special master, will be on scheduling orders shortly.

4.) Cases from California Northern; Connecticut; New York Eastern and Southern; North Carolina Eastern, Middle and Western; North Dakota; and non-Mardoc cases from Ohio Northern (1,236 cases)

Each of these jurisdictions has 50 or more cases pending in MDL-875, and the parties are proceeding to pursue settlement under the supervision of a Magistrate Judge.

5.) E.D. Pennsylvania (28 cases)

These cases will continue as related to MDL-875.

While the cases in categories one through four are pending, parallel litigation of asbestos-related claims in the transferor courts would cause confusion and substantially interfere with the scheduling orders currently in place in MDL-875.

The Court is also retaining jurisdiction over approximately 330 cases from a variety of districts (the "pipeline" cases),

which are currently in the pipeline and are subject to scheduling orders.

Additionally, the Court has severed all punitive damages claims in all cases which is has remanded to the transferor courts.

It is so **SUGGESTED**.

A handwritten signature in black ink, appearing to read "Eduardo C. Robreno". The signature is fluid and cursive, with a long horizontal stroke at the end.

Eduardo C. Robreno
Presiding Judge, MDL-875

**Case-Wide Statistical Breakdown
as noted in the attached charts**

Total land-based and maritime docket cases:

$$122,510 \text{ (land)} + 60,183 \text{ (Mardoc)} = 182,693$$

Cases terminated in MDL-875:

$$114,306 \text{ (land)} + 51,321 \text{ (Mardoc)} = 165,627$$

Cases pending:

$$8,204 \text{ (land)} + 8,862 \text{ (Mardoc)} = 17,066$$

UNITED STATES DISTRICT COURT
 JUDICIAL PANEL ON MULTIDISTRICT LITIGATION
MDL-875 - IN RE: Asbestos Products Liability Litigation (No.VI)
PENNSYLVANIA EASTERN
 8/1/2006 - 10/31/2011

DISTRICT COURT	CASES FILED	CASES TERMINATED	CASES PENDING
DC	34	33	1
District of Columbia	34	33	1
1ST CIRCUIT	2,828	2,797	31
Maine	277	272	5
Massachusetts	2,067	2,063	4
New Hampshire	127	121	6
Puerto Rico	77	77	0
Rhode Island	280	264	16
2ND CIRCUIT	19,223	18,693	530
Connecticut	1,339	1,012	327
New York Eastern	6,901	6,775	126
New York Northern	339	339	0
New York Southern	10,201	10,125	76
New York Western	441	441	0
Vermont	2	1	1
3RD CIRCUIT	10,113	10,055	58
Delaware	457	448	9
New Jersey	824	806	18
Pennsylvania Eastern	8,536	8,508	28
Pennsylvania Middle	1	1	0
Pennsylvania Western	92	90	2
Virgin Islands	203	202	1
4TH CIRCUIT	19,879	14,937	4,942
Maryland	1,307	1,263	44
North Carolina Eastern	1,247	1,189	58
North Carolina Middle	823	747	76
North Carolina Western	1,815	1,671	144
South Carolina	2,252	2,189	63
Virginia Eastern	11,338	6,785	4,553
Virginia Western	920	916	4
West Virginia Northern	66	66	0
West Virginia Southern	111	111	0
5TH CIRCUIT	43,598	43,511	87
Louisiana Eastern	378	360	18
Louisiana Middle	136	128	8
Louisiana Western	82	81	1
Mississippi Northern	568	567	1
Mississippi Southern	33,318	33,289	29
Texas Eastern	6,731	6,715	16
Texas Northern	1,541	1,538	3
Texas Southern	760	749	11
Texas Western	84	84	0

DISTRICT COURT	CASES FILED	CASES TERMINATED	CASES PENDING
6TH CIRCUIT	5,773	5,667	106
Kentucky Eastern	275	268	7
Kentucky Western	257	249	8
Michigan Eastern	120	119	1
Michigan Western	30	27	3
Ohio Northern	4,136	4,055	81
Ohio Southern	234	232	2
Tennessee Eastern	250	247	3
Tennessee Middle	87	87	0
Tennessee Western	384	383	1
7TH CIRCUIT	8,658	6,876	1,782
Illinois Central	1,718	1,529	189
Illinois Northern	1,102	857	245
Illinois Southern	448	318	130
Indiana Northern	1,519	1,069	450
Indiana Southern	1,966	1,675	291
Wisconsin Eastern	1,252	896	356
Wisconsin Western	653	532	121
8TH CIRCUIT	3,489	3,328	161
Arkansas Eastern	86	86	0
Arkansas Western	19	19	0
Iowa Northern	27	27	0
Iowa Southern	1,924	1,923	1
Minnesota	469	463	6
Missouri Eastern	350	349	1
Missouri Western	130	107	23
Nebraska	126	117	9
North Dakota	356	235	121
South Dakota	2	2	0
9TH CIRCUIT	2,907	2,584	343
Alaska	121	120	1
Arizona	603	571	32
California Central	240	211	29
California Eastern	16	12	4
California Northern	784	557	227
California Southern	57	53	4
Guam	3	3	0
Hawaii	81	69	12
Idaho	115	115	0
Montana	165	157	8
Nevada	186	185	1
Northern Mariana Island	4	4	0
Oregon	162	161	1
Washington Eastern	174	173	1
Washington Western	196	173	23

DISTRICT COURT	CASES FILED	CASES TERMINATED	CASES PENDING
10TH CIRCUIT	2,525	2,512	13
Colorado	503	503	0
Kansas	614	614	0
New Mexico	277	275	2
Oklahoma Eastern	29	29	0
Oklahoma Northern	223	218	5
Oklahoma Western	304	301	3
Utah	453	450	3
Wyoming	122	122	0
11TH CIRCUIT	3,483	3,333	150
Alabama Middle	76	73	3
Alabama Northern	739	685	54
Alabama Southern	294	292	2
Florida Middle	121	116	5
Florida Northern	22	22	0
Florida Southern	625	620	5
Georgia Middle	35	31	4
Georgia Northern	685	649	36
Georgia Southern	886	845	41
TOTAL	122,510	114,306	8,204

UNITED STATES DISTRICT COURT
 JUDICIAL PANEL ON MULTIDISTRICT LITIGATION
MDL-875 - IN RE: Asbestos Products Liability Litigation (No.VI)
 PENNSYLVANIA EASTERN
MARDOC CASELOAD STATISTICS

DISTRICT COURT	CASES PENDING AS OF 11/20/2011	CASES FILED		MOST RECENT FILING
		CASES FILED	CASES TERMINATED	
Louisiana Western	0	1	1	10/3/2011
Michigan Eastern	18	364	346	10/3/2011
New York Southern	4	6,955	6,951	10/3/2011
Ohio Northern	8,830	52,837	44,007	11/18/2011
Virgin Islands	10	26	16	10/3/2011
TOTAL	8,862			