

**UNITED STATES DISTRICT COURT
for the
Eastern District of Pennsylvania**

Chambers of
LOWELL A. REED, JR.
Senior Judge

4001 United States Courthouse
Independence Mall West
601 Market Street
Philadelphia, PA 19106-1705
215-597-0022

November 23, 2009

Asbestos MDL 875 Mediation: Progress Report and Case Management Order

Via E-Mail

To: All Counsel Who Participated in the November 19, 2009 Mediation Planning Conference

Dear Counsel:

This letter order commemorates the issues and dates set during our all-day November 19, 2009 mediation planning conference:

Discovery Regarding Physician Witnesses

1. a. On or before **Monday, December 7, 2009**, defense counsel shall submit to chambers, with a copy to plaintiffs' counsel, a written update regarding the status of discovery on the diagnosing doctors, the likelihood of making Daubert challenges, and what other steps defense counsel would like to take in order to alleviate any concerns.
- b. On or before **Monday, December 14, 2009**, plaintiffs' counsel shall submit to chambers, with a copy to defense counsel, a written response to defendants' letter.

Discovery Regarding Product Identification and Exposure

2. a. On or before **Monday, December 28, 2009**, plaintiffs' counsel shall write to defense counsel, with a copy to chambers, requesting documents and testimony in the defendants' possession relating to asbestos product identification and asbestos insulated equipment by major job sites, providing legal and factual reasoning for the requests.
- b. Plaintiffs' counsel and defense counsel shall then meet and discuss the requests shortly there after.

- c. Counsel shall submit a joint written report on this issue to chambers by **Friday, January 8, 2010.**

Statutes of Repose and Choice of Law

3. a. On or before **Tuesday, January 12, 2010**, defense counsel shall submit to chambers, with a copy to plaintiffs' counsel, a memoranda on the issues of applicable statutes of repose and choice of law.
- b. On or before **Tuesday, February 2, 2010**, plaintiffs' counsel shall submit to chambers, with a copy to defense counsel, a response to defendants' memorandum.

Third Planning Session Set

4. a. A third mediation planning session has been scheduled for **9:30 a.m. on Thursday, February 11, 2009** in Courtroom 4B, United States Courthouse, Philadelphia, Pennsylvania. **Please set aside the entire day for this proceeding.**
- b. Counsel shall submit a joint proposed agenda for the February 11, 2009 session by **Thursday, February 4, 2009.**

Amended Confidentiality Order

5. A copy of the amended confidentiality order is attached hereto. The amendment adds the words "and support staff personnel" to line 4.

Thank you very much for your anticipated cooperation.

Sincerely,

S/ Lowell A. Reed, Jr. _____
LOWELL A. REED. JR.

cc: The Honorable Eduardo C. Robreno

