

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

In Re: ASBESTOS PRODUCTS	:	
LIABILITY LITIGATION (No. VI)	:	Civil Action No:
	:	MDL 875
This Document Relates to all CVLO	:	
Cases Identified on the Attached Case List	:	
	:	

ORDER

AND NOW, this 3rd day of August, 2012, upon consideration of Defendants' request to re-examine the need for a separate case management track and *Daubert* hearing regarding cases where expert medical causation reports have been submitted by either Dr. Schonfeld, Dr. Anderson, or Dr. Sadek, and following upon recorded telephone conferences of July 23, 2012 and August 1, 2012, and informed by email submissions from counsel, we have determined that the justification for creating the separate case management track and consolidated *Daubert* hearing for all cases relying on causation reports of Drs. Schonfeld, Anderson, and Sadek no longer applies.¹

It is therefore **ORDERED** that:

(1) the April 11, 2012 Case Management and Scheduling Order Pertaining to Drs. Schonfeld, Anderson and Sadek (*e.g.* 09-60329, Doc. 59) is **VACATED** and the case management and scheduling order otherwise applicable to each case shall control all deadlines, subject only to

¹ It is clear from the submissions that have been provided to us that the number of cases in which Plaintiffs will rely on causation reports from these physicians have been significantly reduced. This is due to the entry of orders by Judge Robreno granting numerous motions to dismiss for failure to comply with AO12. It also results from the voluntary dismissals of cases by Plaintiffs. We also base this assessment on certain representations made by counsel for Plaintiffs and Certain Defendants that many plaintiffs are receiving new medical evidence and reports which will supplant these initial reports. Given these occurrences, it now appears, and neither party seriously questions, that there will be few, if any, remaining cases where the causation reports from these three physicians will be in play.

Paragraph (4) within;

(2) the June 29, 2012 order regarding the filing of notices of an intention to file or join in a *Daubert* motion pertaining to Drs. Schonfeld, Anderson, and Sadek in the CVLO-1&2 cases (e.g. 08-91879 Doc. 136) is **VACATED**;

(3) for all cases in the CVLO-3 through the CVLO-7 case groups, if a defendant wishes to raise a challenge to the diagnoses of Drs. Schonfeld, Anderson, or Sadek, which would be case preclusive if granted, that defendant shall include that challenge as an argument in its summary judgment motion (pursuant to our July 17, 2012 order prohibiting the filing of motions in limine (e.g. 08-91879 Doc. 158)); and

(4) for all cases in which the deadline for summary judgment motions has passed (the Top Ten through the CVLO-1&2 case groups²) and in which a defendant wishes to raise a challenge to the diagnoses of Drs. Schonfeld, Anderson, or Sadek which would be case preclusive if granted, that defendant shall file a supplementary motion for summary judgment including only this argument regarding these three doctors no later than **August 24, 2012**. Plaintiffs shall have until **September 14, 2012** to respond. A reply, if any, shall be filed by **September 21, 2012**.

BY THE COURT:

/s/ David R. Strawbridge
DAVID R. STRAWBRIDGE
UNITED STATES MAGISTRATE JUDGE

² We realize that summary judgment motions in CVLO-1&2 subgroup C are due on August 6, 2012 and, thus, that deadline has not yet passed. However, in recognition of the short time period before those motions are due, we will allow defendants to file supplementary summary judgment motions regarding these three doctors by August 24, 2012.