

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

IN RE: ASBESTOS PRODUCTS LIABILITY)	Civil Action NO. MDL 875
LITIGATION (NO. VI))	
)	
)	
This document relates to all cases)	
listed on the attached Exhibit A)	

ORDER

AND NOW, this 3rd day of August, 2012, upon consideration of Certain Defendants' Motion to Compel Production of CVLO's Asbestos Screening Packets and Brief in Support (e.g. 08-88398 Docs. 73 & 74), the response (e.g. 08-88398 Doc. 92), and the reply (e.g. 08-88398 Doc. 98) it is hereby **ORDERED** that:

- (1) all relevant motions for and notices of joinder are **GRANTED**; and
- (2) the Motion to Compel Production is **DENIED**.¹

BY THE COURT:

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

¹ These screening packets were completed and submitted to CVLO by various individuals as a preliminary step in determining whether those individuals might have a viable asbestos-related injury claim. While the documents appear to be highly relevant, defendants have not met their burden of establishing that these packets are not protected by the attorney/client privilege or that the privilege has been waived by the individuals. See *In re Marriage of Decker*, 606 N.E.2d 1094, 1101 and 1105, (Ill. 1992) (providing that: (1) "the [attorney/client] privilege belongs to the client" and "only the client may waive this privilege"; and (2) "the party opposing the attorney-client privilege must [] establish that the information is not privileged").

However, this order in no way precludes the discovery of information that plaintiffs provided to their experts and which was used in formulating the experts' opinions. Any information in these screening packets that was considered by plaintiffs' experts is fully discoverable to the extent provided for under the Federal Rules of Civil Procedure. See e.g. Fed. R. Civ. P. 26(a)(2)(B), (b)(4)(C) (authorizing the discovery of facts, data, and assumptions provided by counsel to an expert and relied upon by the expert).