

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

IN RE: ASBESTOS PRODUCTS : MDL DOCKET NO. 875
LIABILITY LITIGATION (No. VI) :
: :
: Civil Action No.
: 2:01-md-875
THIS DOCUMENT RELATES TO :
ALL ACTIONS :

ADMINISTRATIVE ORDER NO. 18

Upon consideration of the motion to alter or amend Administrative Orders 3, 14, 15, and 16, filed on behalf of certain Plaintiffs by Motley Rice, LLC, the Court will institute a set procedure for Counsel seeking remand of an individual Plaintiff's case to the appropriate transferor District Court. Plaintiffs seeking to have their case remanded must file a motion for a suggestion of remand that conforms to the requirements set forth in this Administrative Order.

A motion for a suggestion of remand must contain, at a minimum, the following information with regard to each individual claim:

- 1.) The civil action number of the case in the district where it was originally filed.
- 2.) The civil action number of the case in the Eastern District of Pennsylvania, if the case has been assigned an E.D. Pa. civil action number.
- 3.) The name of the plaintiff in the case.
- 4.) The diagnosing report or opinion relied upon by plaintiff in compliance with Administrative Order no.

12.

- 5.) The identity of defendants that are still viable¹ in the case.
- 6.) A certification that the motion requesting the suggestion of remand has been served upon counsel for all other parties to the action.
- 7.) The specific reasons why remand is appropriate in this case. Plaintiff should specify:
 - a.) Whether Plaintiff has complied with Administrative Orders 12 and 12A.
 - b.) Whether the injured Plaintiff is alive.
 - c.) Whether the parties have submitted a Rule 26(f) report to the Court.
 - d.) Whether all relevant discovery has been completed or has been substantially completed. If not, identify the discovery still to be completed.
 - e.) The extent to which settlement conferences have been held in the case and the status of settlement negotiations.
 - f.) Whether there are any outstanding motions in the case. Counsel seeking remand should be able to certify that there are no outstanding motions remaining in the case.

¹ A viable defendant is a defendant which has not been dismissed from the case and is not in bankruptcy proceedings.

g.) Whether, if the case is remanded, the Plaintiff is prepared for trial without delay once on the transferor court's normal docket.

h.) The status of congestion in the transferor court docket.

After a motion for a suggestion of remand is filed with the Court, any Defendant opposing the suggestion of remand will be given 15 days to file a response. If there is no response filed and the Court determines that a suggestion of remand is appropriate, the motion will be granted as uncontested, pursuant to Local Rule of Civil Procedure 7.1(c). If there is a response, the Court will make a ruling on the parties' filings or schedule a hearing on the matter, if necessary.

Additionally, if a Plaintiff's case is prepared to proceed to trial, and all of the parties provide the necessary consent, both Article I and Article III Judges are available to hold trials in the Eastern District of Pennsylvania. Details on the procedure for requesting trial in the Eastern District of Pennsylvania, as well other MDL 875 case information, can be found on the MDL 875 website, available at www.paed.uscourts.gov/mdl875.asp.

AND IT IS SO ORDERED.

EDUARDO C. ROBRENO, J.
