

**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	:	
	:	E.D. Pa. Case No:
LOUIS v. CBS CORPORATION, et al.	:	10-64606

ORDER

And now this 3rd day of December, 2012, upon consideration of “Defendant CBS Corporation’s Motion to Strike” (Doc. 145) and Plaintiff’s response (Doc. 154) it is hereby **ORDERED** that the motion is **GRANTED in part** and **DENIED in part**.¹ For the reasons set out in our Memorandum and Order in Ferguson v. A.C. & S., Inc., 08-90234 Docs. 94 & 95

1. “Plaintiff’s First Response to Standard Interrogatories” and “Plaintiff’s First Response to Standard Interrogatories – February 9, 2012” are struck in that they are unverified (see Doc. 145, Exhs. A & B). Thus, we **GRANT** Defendant’s motion as to these responses.

2. “Plaintiff’s First Response to Standard Interrogatories – June 28, 2012” is struck in part in that it is only partially verified as to “answers that are not statements or objections of plaintiff’s attorney.” In light of the limited verification, any interrogatory answers (as opposed to objections) which are clearly provided by counsel are struck as unverified. Thus, we **GRANT** Defendant’s motion to strike the answers to interrogatories 6, 8-10, 17, 19, 21, 26-31, 32(a)-(c), and

¹ In its motion, CBS requests that we strike three interrogatory responses and “preclude Plaintiff from relying on the testimony of any witness that was not timely and properly disclosed to defendants.” CBS also requests that “the Declaration of Allen Hathaway (Doc. 141-4), relied upon by Plaintiff in her response to [CBS’s] Motion for Summary Judgment, be struck and that the Court disregard that declaration in deciding [CBS’s] motion.”

33-36 (see Doc. 145 Exh. C) in that they are “statements . . . of plaintiff’s attorney” and not verified.

We **DENY** Defendant’s motion as to the other responses within this set.

3. CBS’s request to strike Allen Hathaway’s declaration is **DENIED without prejudice** in that the declaration has been submitted in response to CBS’s motion for summary judgment. The disposition of such motions is beyond the authority granted to us pursuant to the July 9, 2012 referral order (see e.g. Ahnert v. CBS Corp., 10-67443 Doc. 34) and 28 U.S.C.A. § 636 (b)(1)(A).

4. The **Clerk of Court is directed** to keep this motion open as the issue regarding Mr. Hathaway’s declaration is integral to the dispositive motions presently before the Honorable Eduardo Robreno and shall be decided by him at the appropriate time.

5. CBS’s request to “preclude Plaintiff from relying on the testimony of any witness that was not timely and properly disclosed to defendants” is **DENIED without prejudice**.

BY THE COURT:

/s/ David R. Strawbridge
DAVID R. STRAWBRIDGE
United States Magistrate Judge