

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

3030 United States Courthouse
601 Market Street
Philadelphia, PA 19106

David R. Strawbridge
United States Magistrate Judge

(267)299-7790

June 27, 2011

Re: Asbestos MDL 875 Mediation: Items Set at the June 23, 2011 Status Conference for the Cascino Vaughan Cases Referred to Magistrate Judge Strawbridge

To: All Counsel

Dear Counsel:

Following upon the status conference of June 23, 2011, I asked Joel Lang to provide for me draft correspondence setting out further deadlines set for the parties to respond in a continuing effort to bring these CVLO cases to a resolution. Upon our review of the draft correspondence and after consultation with the presiding judge of MDL 875, it has become apparent that the pace with which you would be working on these cases is far too deliberate. Accordingly, you are advised that every CVLO case will be placed on a scheduling order which will call for all pretrial activity, up to and including dispositive motions, to be completed by the late summer or early fall of 2012.

We expect that counsel will want some input into how these scheduling orders should be set out and I will be engaged in telephone consultation with defense liaison counsel as one group and plaintiff's counsel as another group to provide you the broad parameters of what will be required such that you will have an opportunity to provide meaningful input. Subject to any revisions to be made in any scheduling orders to be issued, the following was agreed at the time of the June 23, 2011 conference:

1. Regarding the June 9, 2011 Scheduling Order for the First Ten Cases:
 - A. By separate order, the deadline listed in paragraph 3 shall be extended to July 1, 2011.
 - B. **By Friday, July 1, 2011**, after consultation and agreement amongst themselves, counsel shall submit to chambers proposed changes to the scheduling order to reflect the need for product-specific interrogatories.
2. Regarding Plaintiffs' Motion to Re-Instate the Previously Dismissed Leslie Taylor Case: The relevant defendants shall respond to plaintiffs' motion **by Friday, July 1, 2011**.

3. Regarding Current and Future Discovery:
 - A. For all general discovery requests already served, defense counsel as of this date may respond with respect to the first ten cases only.
 - B. Until further notice, all depositions shall be limited to information regarding the first ten cases. The parties shall make an exception, however, for terminal witnesses on a case by case basis. The three currently scheduled depositions for Bushmaker, Casper, and Miller shall be re-noticed to reflect circumstance.
 - C. Until further notice, all future discovery requests shall be directed only at the first ten cases. In the event of any objections to discovery, defense counsel shall raise such objections in a letter brief to the court.
4. Regarding the May 2, 2011 Deposition Protocol: **By Friday, July 8, 2011**, Michael Drumke and Bob McCoy will undertake to revise the deposition protocol to reflect the changes discussed during the conference.
5. Regarding the Notice of Arthur Kleinrath's Deposition: This notice is hereby quashed.
6. Regarding Additional Cases to Be Placed on a Scheduling Order: See our introductory paragraphs.
7. Regarding the Most Efficient Means of Obtaining Any Remaining Plaintiffs' Medical Evidence: **By Friday, July 8, 2011**, David Setter and Mark Hitt shall report to chambers their opinion on this issue.
8. Regarding Third Party Subpoenas:
 - A. Until further notice, all third party subpoenas shall be limited to information relevant in the first ten cases.
 - B. The subpoena issued to Commonwealth Edison is hereby quashed. Plaintiffs will propound party discovery upon Commonwealth Edison which will be responded to in due course.

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9. Regarding the Daubert Motion filed by Defense:

- A. By separate order, all joinder motions will be denied as moot since the original Daubert motion has yet to be filed.
- B. By **Friday, July 1, 2011**, plaintiffs' counsel shall submit to chambers, with a copy to the defense liaisons, an analysis of the effect on their cases if all or part of the Daubert motion was granted.

Yours sincerely,

S/ David R. Strawbridge
Hon. David R. Strawbridge
United States Magistrate Judge