

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

IN RE: ASBESTOS PRODUCTS : MDL DOCKET No. 875
LIABILITY LITIGATION (No. VI) : (MARDOC)
: :
CERTAIN PLAINTIFFS : :
: : CIVIL ACTION NO.
v. : 2:02-md-875
: :
CERTAIN DEFENDANTS : GROUP 3
: :

**ORDER SCHEDULING
SETTLEMENT CONFERENCE FOR MARDOC GROUP 3**

AND NOW, this 21st day of September, 2012, these matters having been referred by the Honorable Eduardo C. Robreno, IT IS HEREBY ORDERED that a settlement conference will be held on **WEDNESDAY, OCTOBER 31 & THURSDAY, NOVEMBER 1, 2012 at 10:00 a.m.** before the undersigned in Courtroom 6, 2nd Floor, United States Courthouse, Robert N.C. Nix Federal Building, 900 Market Street, Philadelphia, Pennsylvania.

The senior attorney(s) in charge of the matter for each of the parties, **with full settlement authority**, are required to attend the conference in person. Based on prior practice of settlement conferences in this district in MDL 875 cases, the parties themselves and insurance carriers are not required to be present in person at the conference, but must be available by telephone throughout the duration of the conference and may be required to be present in person at future conferences if the matter does not settle.

Plaintiff shall, no later than twenty-one days before the scheduled conference, communicate an updated settlement demand to each defendant in each case. If any defendant has not received an updated settlement demand, the defendant shall immediately contact plaintiff to learn the demand. Defendants are encouraged to present an updated offer prior to the conference, and the parties are directed to make good faith efforts to resolve their case(s) prior to the conference.

Counsel are encouraged to address other MARDOC and/or MDL 875 matters they share, *i.e.*, counsel should be prepared to discuss matters they share in addition to the matters specifically listed for this scheduled conference.

Each party is directed to submit to Chambers (via facsimile at 267-299-5061) a settlement memorandum setting out the following in order:

1. The names, telephone numbers, facsimile numbers and e-mail addresses of counsel to appear at the conference on behalf of the party;

2. The name of the party or party representative, including insurer if applicable (with title or position), to be present or available by telephone during the conference;
3. A brief statement of the elements and manner of proof of the party's claims and/or defenses;
4. A brief statement of the party's damages and manner of proof of their damages or, as appropriate, its position on damages claimed by any opposing party;
5. The last demand and/or offer, including suggestions as to pooling cases or parties to achieve settlement; and
6. Any other matters that counsel believe may be relevant to settlement discussions.

Counsel are directed to fax the position paper to Chambers not later than **four** business days prior to the date of the conference, with a copy to opposing counsel (not all other counsel). Counsel are encouraged to combine cases in their submissions (i.e., the submission may address multiple clients/cases), so long as the information is organized to assist Judge Hey in understanding the parties' positions regarding settlement. The position statements should not contain briefing of legal issues.

BY THE COURT:

/s/ Elizabeth T. Hey

ELIZABETH T. HEY
UNITED STATES MAGISTRATE JUDGE