

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: ASBESTOS PRODUCTS LIABILITY
LITIGATION (No. VI)**

MDL No. 875

**ORDER ADOPTING FOURTH SUGGESTION TO THE PANEL
CONCERNING FUTURE TAG-ALONG TRANSFERS**

Before the Panel: On July 15, 2013, the Honorable Eduardo C. Robreno, the transferee judge overseeing MDL No. 875, issued a Suggestion that the Panel cease transferring to the centralized proceedings tag-along actions commenced in the Northern District of California. The judge further suggested that the Panel continue to transfer tag-along actions commenced in certain other jurisdictions.¹ The judge's Suggestion is attached hereto as Appendix A.

In his Suggestion, the judge states that such cessation is warranted because fewer than fifty cases from the Northern District of California remain pending in the MDL, and the Northern District of California court is "ready, willing and able to adjudicate future cases."

After careful consideration of Judge Robreno's Suggestion and the record in this extraordinary docket, we adopt and endorse the Suggestion. *See In re: Asbestos Prods. Liab. Litig. (No. VI)*, 830 F. Supp. 2d 1377, 1378 (J.P.M.L. 2011) (endorsing the judge's first Suggestion and concluding that the continued transfer of new asbestos-related actions from most federal jurisdictions would no longer promote the purposes of 28 U.S.C. § 1407(a)). We will therefore immediately cease transferring to MDL No. 875 new tag-along actions commenced in the Northern District of California.² We also will immediately suspend Panel Rule 7.1(a) in this docket with respect to any newly-filed asbestos actions commenced in that district.³

¹ Those jurisdictions are: districts within the Seventh Circuit (but only cases in which plaintiffs are represented by Cascino Vaughan Law Offices, Ltd.) and the Northern District of Ohio.

² Such actions include any actions of which the Panel was notified between July 15, 2013, and the date of this order.

³ Rule 7.1(a) requires any party or counsel in previously-transferred actions to notify the Clerk of the Panel promptly of any potential tag-along actions in which that party is also named or in which that counsel appears. We note that under our Rules, the parties to an action that is not placed on a Conditional Transfer Order (*i.e.*, the vehicle by which related actions are typically transferred to an MDL) may nevertheless move for Section 1407 transfer to the MDL. *See* Panel Rule 7.1(b)(i). This order thus does not absolutely foreclose a party in a new asbestos action commenced in one of these seven jurisdictions from seeking its transfer to MDL No. 875.

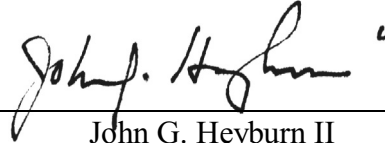
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IT IS THEREFORE ORDERED that the "Fourth Suggestion to the Panel on Multidistrict Litigation ('The Panel') Concerning Future Tag-Along Transfers," filed on July 15, 2013, by the Honorable Eduardo C. Robreno is adopted by the Panel.

IT IS FURTHER ORDERED that the Section 1407 transfer of new tag-along actions from the Northern District of California is terminated, effective July 15, 2013.

IT IS FURTHER ORDERED that Panel Rule 7.1(a), requiring notification to the Clerk of the Panel of potential tag-along actions, is suspended in this litigation until further notice with respect to any new asbestos-related actions commenced in the Northern District of California.

PANEL ON MULTIDISTRICT LITIGATION



John G. Heyburn II
Chairman

Kathryn H. Vratil
Marjorie O. Rendell
Lewis A. Kaplan

Paul G. Barbadoro
Charles R. Breyer
Sarah S. Vance

Appendix A

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

IN RE: ASBESTOS PRODUCTS	:	CONSOLIDATED UNDER
LIABILITY LITIGATION (No. VI)	:	MDL DOCKET NO. 875
	:	
VARIOUS PLAINTIFFS	:	
	:	
v.	:	
	:	
VARIOUS DEFENDANTS	:	

FILED

JUL 15 2013

MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

FOURTH SUGGESTION TO THE PANEL ON MULTIDISTRICT LITIGATION
("THE PANEL") CONCERNING FUTURE TAG-ALONG TRANSFERS

AND NOW, this 15th day of **July, 2013**, it is hereby **SUGGESTED** that the Panel decline to transfer and consolidate tag-along cases to MDL-875 from the Northern District of California.¹

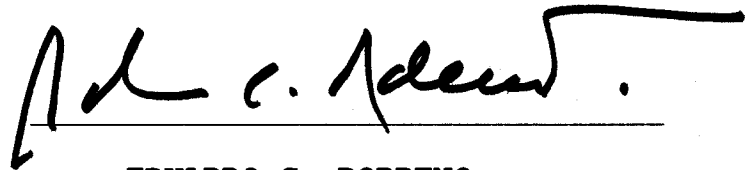
The Court further **SUGGESTS**, therefore, that the only jurisdictions from which tag-along cases should continue to be transferred are the following:²

¹ The Court suggests that the Panel cease future transfers of cases from this jurisdiction for the same reasons set forth in the Suggestion to the Judicial Panel of Multidistrict Litigation Concerning Future Tag-Along Transfers, No. 01-md-875 (E.D. Pa. Nov. 23, 2011), ECF No. 8282. Namely, fewer than fifty cases from this jurisdiction are pending. Additionally, the local jurisdiction is ready, willing and able to adjudicate future cases. The MDL Court will continue to adjudicate all pending cases in the "pipeline," all of which are now subject to scheduling orders.

² In addition, the MDL Court will continue to hear asbestos cases that originate in the Eastern District of Pennsylvania.

- The Seventh Circuit, including the Western and Eastern Districts of Wisconsin, the Northern and Southern Districts of Indiana, and the Northern, Central and Southern Districts of Illinois (167 cases pending), in which the Plaintiffs are represented by the Cascino Vaughan Law Offices; and
- The Northern District of Ohio, including Maritime Docket (MARDOC) cases (2,654 cases pending).

It is so **SUGGESTED**.

A handwritten signature in black ink, appearing to read 'Eduardo C. Robreno', written over a horizontal line.

EDUARDO C. ROBRENO
PRESIDING JUDGE, MDL-875