

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.
VS. : 2:02-md-875
: :
CERTAIN DEFENDANTS : MARDOC GROUPS 1 & 2

ORDER

And now, this 28th day of June, 2012, following a discovery teleconference held June 26, 2012, regarding certain pending motions and letters of counsel, it is hereby ordered as follows:

1. As indicated during the teleconference, all responses to motions to compel in Groups 1 and 2, including motions currently pending, shall be due no later than 7 days after the motion was filed.

2. As indicated during the teleconference, no later than June 29, 2012, Thompson Hine LLP shall submit a letter or statement, filed on the main Mardoc docket, identifying the defendants it represents in the Mardoc cases.

3. As indicated during the teleconference, no later than July 10, 2012, plaintiffs' counsel shall provide executed authorizations for the 8 specific medical providers identified in the attachment to Mr. Deitch's June 14, 2012, letter to Mr. Lyding.

4. When a party receives a notice of deposition, if the witness is not available at the place and date/time noticed, the party shall provide at least two alternate dates/times that are within two weeks of the noticed date as well as all acceptable locations for the deposition.

5. As stated during the teleconference, I find no justification for the fact that Rule 30(b)(6) depositions are not yet under way. I intend to begin compelling Rule 30(b)(6)

depositions unless a defendant establishes that a prior deposition of the witness was taken pursuant to Fed. R. Civ. P. 30(b)(6) and covered all areas that are appropriate under that Rule.

6. Upon further consideration of the process of identifying co-workers for deposition, plaintiffs are directed to provide an index or other list whereby a defendant can identify all plaintiffs associated with each co-worker witness. The scope of potential co-worker depositions for these Groups has been considerably narrowed by plaintiffs' recent efforts to obtain co-worker statements, and the parties are directed to confer as soon as possible with Mr. Lyding concerning the form and parameters for this index. The index shall be disseminated as soon as possible, but in no event later than July 20, 2012.

7. The parties shall continue to seek Mr. Lyding's assistance in these and other discovery disputes, including to establish a process for making pathology and other original medical evidence available to defendants wishing to examine them and maintaining a chain of custody of such evidence.

BY THE COURT:

/s/ Elizabeth T. Hey

ELIZABETH T. HEY
UNITED STATES MAGISTRATE JUDGE