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:
Baumann v. A.W. Chesterton Company, et al.,	:	11-CV-63517
Burkee v. Degussa-Ney Dental Inc., et al.,	:	10-CV-83247
Ferrara v. Airgas Merchant Gases LLC, et al.,	:	11-CV-63906
Lorentz v. A C and S Inc., et al.,	:	10-CV-61348
Parsons v. A C and S Inc., et al.,	:	10-CV-64587
Pertzborn v. A C and S Inc., et al.,	:	10-CV-61352
Usterbowski v. A C and S Inc., et al.,	:	09-CV-60266
Werner v. A C and S Inc., et al.,	:	10-CV-61908
Wilson v. A C and S Inc., et al.,	:	08-CV-90732

ORDER

AND NOW, this 28th day of September, 2012, upon consideration of "Plaintiffs' Combined Motion and Memorandum for Reconsideration of this Court's Explanation and Order Dated September 18. 2012" (e.g. 10-61348 Doc. 138, 08-90732 Doc. 116) and the response (e.g. 10-61348 Doc. 141, 08-90732 Doc. 118), it is hereby **ORDERED** that the motion is **GRANTED** in that we have reconsidered our decision. However, upon reconsideration, we find no error in our September 18, 2012 order[1], thus, it will stand. See (e.g. 10-61348 Doc. 133).

[1] Contrary to CVLO's contention we did not make a manifest error of fact or law. Regarding facts, our statement "that [CVLO was] much involved in creating the scheduling order deadlines now in effect" is accurate, even if they did subsequently object to some of the deadlines therein. See (10-61348 Doc. 133 "September 18, 2012 Order"). Regardless, the statement had no bearing on the reasoning of our order that "CVLO is effectively asking this court to . . . re-open discovery in these" cases and that they had failed to show good cause to do so. The motion to transfer was filed on August 13, 2012 and the fact discovery deadline was a month prior. We have consistently denied untimely motions to extend deadlines. We concluded that while couched in terms of needing more time to file expert reports, the crux of the motions was a request to extend fact discovery. See (08-90732 Doc. 105 "Motion to Transfer Cases") (CVLO requesting to move these cases to CVLO-7 because, *inter alia*, "investigation is still on-going to obtain and review additional records [ ] for these plaintiffs").

Regarding law, we similarly find no fault in our conclusion that CVLO had failed to establish good cause to re-open discovery by transferring the cases to CVLO-7. Any matters with respect to how CVLO runs its professional practice is for CVLO to determine, not the

BY THE COURT:

/s/ David R. Strawbridge
DAVID R. STRAWBRIDGE
UNITED STATES MAGISTRATE JUDGE

Court. The fact remains that they brought thousands of asbestos cases which have been transferred to the MDL. They should not be surprised that the Court has an expectation that they should be able to manage and properly litigate the cases they have brought. Judge Robreno specifically warned CVLO that excuses based on the sheer number of cases they had chosen to file would not be accepted. (Pray v. A.C. and S, 08-91884 Doc. 94) This also does not change the fact that the motions were filed a month after the fact discovery close and, thus, were untimely.

Finally, CVLO argues that there is new evidence since we have now learned that the CVLO-3 motions for summary judgment will not be scheduled for argument by Judge Robreno until 2013. This new fact does not provide a reason for why we should move cases out of CVLO-3 and into CVLO-7, thus reopening their discovery period.