

**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** :  
**ALL ACTIONS** :

**ADMINISTRATIVE ORDER NO. 17**

The administration of MDL 875 has necessitated the creation of tools for the management of the thousands of cases and millions of claims involved.<sup>1</sup> Multi-plaintiff cases have and are being severed with the requirement that those plaintiffs who wish to continue their actions must file amended complaints and pay docket fees to the Clerk of the Court for the Eastern District of Pennsylvania. Additionally, pursuant to Administrative Order No.12 and Administrative Order No.12(a), all plaintiffs in MDL 875 have been required to submit basic information regarding their claims to the Court through an on-line database (MDL875submissions.com). The Court finds this basic information useful in the scheduling and handling of cases. It has also provided the parties with an opportunity to identify those actions which need to be removed from MDL 875 as resolved or with bankruptcy claims only remaining.

As part of the identification of actions which will be removed from the litigation by dismissal, the Court has established procedures for the defendants to file a Motion For Rule To Show Cause in any case where the defendant believes that the plaintiff has failed to comply with the aforesaid administrative orders. The Court has at this time and will continue to issue Rules To Show Cause in these cases. However, due to the need to organize this material for the administration of the dockets and files, and in order to minimize the global impact upon counsel, the Court is hereby amplifying the procedures for these motions in the following manner:

**1. Segregation of Motions:** Motions for a rule to show cause will be separated by Transferor Court District and the hearings upon any rules to show cause will be set accordingly.

**2. Calendar for Hearings:** The Court has set a calendar for hearings on rules to show cause which is attached hereto as Schedule "A". All hearings shall commence at 10:00 o'clock A.M. unless otherwise indicated, and shall be held in the courtroom designated on the asbestos calendar found on the court's website: [www.paed.uscourts.gov/mdl875.asp](http://www.paed.uscourts.gov/mdl875.asp)

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<sup>1</sup>This is a correction to the incorrectly numbered Administrative Order 16 which was entered yesterday, February 10, 2009 (doc. no. 5767). It is substantively identical to the Administrative Order entered yesterday. All Administrative Orders can be found on the MDL 875 website at [www.paed.uscourts.gov/mdl875.asp](http://www.paed.uscourts.gov/mdl875.asp)

**3. Motion For Rule To Show Cause:** Any motion for a rule to show cause must be filed, served upon the parties, and received by the Court no less than thirty (30) days before the scheduled hearing date for the Transferor Court District. Any motion for a rule to show cause not received in a timely manner for the currently scheduled hearing for that Transferor District will be deferred for later action. All motions for rule to show cause must contain the Transferor Court docket number and the Transferee Court docket number, if one has been assigned. Defendants must file an individual motion for each plaintiff they wish to have named in a show cause order. **Previously filed motions for rules to show cause which have not been acted upon by the court will be placed on the calendar and SHALL NOT BE REFILED.**

**4. Response To Show Cause Order:** Plaintiff's response to any show cause order shall be served upon the parties and received by the Court no later than ten (10) days prior to the scheduled hearing. Plaintiff shall have the option to request the Court to dismiss the action with prejudice, or, for good cause shown, dismiss the action without prejudice. The plaintiff shall respond by affidavit (see attached sample response; modifications may be made as circumstances require). If the matter is contested, a further hearing **MAY** be scheduled. In the event that the plaintiff has a severed action, he/she must be further prepared to certify to the Court that his/her amended complaint has been properly filed and appropriate docket fees have been paid.

**5. Bankruptcy Only Docket:** Nothing herein shall preclude the plaintiff from transferring his/her case to the bankruptcy only docket pursuant to earlier administrative orders of this Court, nor shall any dismissal effect the viability of claims against bankrupt defendants which may continue to be pursued in alternate venues.

**6. Court Initiated Rule To Show Cause:** Nothing herein shall be construed to preclude the Court from acting *sua sponte* in accordance with Section 6, Administrative Order No.12.

**7. Costs:** The Court may assess costs in any matter where the Court feels that either party has not acted in good faith or with due diligence in ascertaining the veracity of their pleadings or statements in these matters. The Court urges the parties to reach out to each other to resolve questions and differences prior to the filing of pleadings. Duplicative motions in the same action from different defendants are unnecessary.

**Done in open Court this            day of February, 2009.**

**BY THE COURT:**

\_\_\_\_\_  
**J.**  
**EDUARDO C. ROBRENO**

## Schedule "A"

<u>Date</u>	<u>Transferor District</u>
Tuesday, 4/7/2009	Alaska Alabama Middle, Alabama Northern Alabama Southern Arkansas Eastern, Arkansas Western Arizona California Central, California Eastern California Northern, California Southern Colorado Idaho Nevada New Mexico Utah Oregon Washington Eastern, Washington Western
Tuesday, 4/21/2009	Connecticut District of Columbia Delaware Florida Middle, Florida Northern Florida Southern Georgia Middle, Georgia Northern Georgia Southern Maryland
Tuesday, 5/5/2009	Iowa Northern, Iowa Southern Illinois Central, Illinois Northern Illinois Southern Indiana Northern, Indiana Southern Wisconsin Eastern, Wisconsin Western
Tuesday, 5/19/2009	Kansas Kentucky Eastern, Kentucky Western Louisiana Eastern, Louisiana Middle Louisiana Western Nebraska North Dakota South Dakota Minnesota Montana Wyoming

Tuesday, 6/2/2009

North Carolina Eastern, North Carolina Middle  
North Carolina Western  
Hawaii  
Guam  
Northern Mariana Island

Tuesday, 6/16/2009

New Hampshire  
New Jersey  
Maine  
Massachusetts  
Pennsylvania Middle  
Pennsylvania Western  
Rhode Island  
Vermont

Tuesday, 6/30/2009

Michigan Eastern, Michigan Western  
Ohio Northern, Ohio Southern

Tuesday, 7/14/2009

Mississippi Northern, Mississippi Southern  
Missouri Eastern, Missouri Western

Tuesday, 7/28/2009

New York Eastern, New York Northern  
New York Southern, New York Western

Tuesday, 8/11/2009

Texas Eastern, Texas Northern  
Texas Southern, Texas Western

Tuesday, 8/25/2009

West Virginia Northern, West Virginia Southern  
Virginia Eastern, Virginia Western  
Virgin Islands  
Puerto Rico

Tuesday, 9/8/2009

South Carolina  
Tennessee Eastern, Tennessee Middle  
Tennessee Western  
Oklahoma Eastern, Oklahoma Northern  
Oklahoma Western

**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**  
: :  
: :  
**(PLAINTIFF v. DEFENDANT)** : **ED-PA C.A.No.**  
: **(if available)**  
:

**IN THE UNITED STATES DISTRICT COURT FOR THE  
(TRANSFEROR DISTRICT)**

**(PLAINTIFF v. DEFENDANT)** : **(Transferor District Court no.)**

**AFFIDAVIT AND RESPONSE TO ORDER TO SHOW CAUSE**

1. With respect to the filing of an amended complaint (check one):  
 The plaintiff is not required to file an individual amended complaint because plaintiff was not a party to an original multi-party complaint.  
 The plaintiff was a party to an original multi-party complaint and has now filed an amended complaint as required by this Court's order.  
 The plaintiff was a party to an original multi-party complaint and has not filed an amended complaint as required by this Court's order.
  
2. With respect to the payment of fees (check one).  
 Plaintiff has paid all applicable fees (amended complaint & Admin Ord No.14).  
 Plaintiff has not paid all applicable fees.
  
3. Plaintiff requests the following relief (check one)  
 Plaintiff moves to have his/her case dismissed with prejudice.  
 Plaintiff moves to have his/her case dismissed without prejudice for the following reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
 Plaintiff moves to dismiss any remaining viable defendants and move his/her case to the "bankruptcy only" docket.  
 Plaintiff has fully complied with the requirements of Admin Ord No.12. and/or Admin Ord No.12(a)  
 Plaintiff requests an extension of time within which to comply with the provisions of

Admin Ord No.12 for the following reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Plaintiff seeks the following alternative relief: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

As counsel for the named plaintiff, I verify that the information and/or assertions set forth above are true and correct.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_