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2 Plaintiff respectfully directs the Court's attention to the fourth paragraph of the order
3 wherein it states, among other things, that " [t]his order does not become effective until it is filed
4 with the Office of the Clerk of the United States District Court for the Eastern District of
5 Pennsylvania."

6 Attached hereto, marked Exhibit "B", is a true and accurate copy of *Notice of Electronic*
7 *Filing* which also provides confirmation of the filing of CTO-314 with the Eastern District of
8 Pennsylvania on September 23, 2008.

9 As the attached filed documents demonstrate, the Order is now effective; the condition in
10 the "Conditional Order" has been satisfied by the filing in Pennsylvania and this is a final order.

11 On July 29, 1991, the JPML entered an order transferring all asbestos personal injury
12 cases pending in the federal courts to the United States District Court for the Eastern District of
13 Pennsylvania, for coordinated pretrial proceedings pursuant to 28 U.S.C. § 1407. (*In re Asbestos*
14 *Products Liability Litigation (no. VI). MDL No. 875.*, 771 F.Supp. 415 (1991)). That order also
15 applies to "tag-along actions," or actions involving common questions of fact filed after January
16 17, 1991. Such actions are to be transferred to the Eastern District of Pennsylvania as part of
17 MDL 875, for coordinated pretrial proceedings before Judge Giles.

18 On August 6, 2008, counsel for Defendants GENERAL ELECTRIC COMPANY filed a
19 Notices to Tag Along Action also seeking that the JPML move Jurisdiction of this matter to the
20 Asbestos MDL 875. Counsel for Defendant NEWPORT NEWS SHIPBUILDING AND DRY
21 DOCK COMPANY and counsel for Defendant KAISER VENTURES LLC each separately filed
22 additional Notices to Tag Along Action on August 11, 2008. These filings resulted in the
23 issuance of the Conditional Transfer Order (CTO-314).

24 For the foregoing reasons, Plaintiffs respectfully suggest that any and all case
25 management deadlines be vacated to allow Judge Giles to proceed with his own pre-trial orders.
26 The pending case management deadlines currently pending with this Court including the
27 October 1, 2008 deadline to file Joint Case Management Statement, and the October 8, 2008
28 Case Management Conference.

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1 Vacating the pending CMC deadlines will promote judicial efficiency, allow consistency
2 in pretrial rulings, and be most convenient to the parties.

3 Dated: September 23, 2008

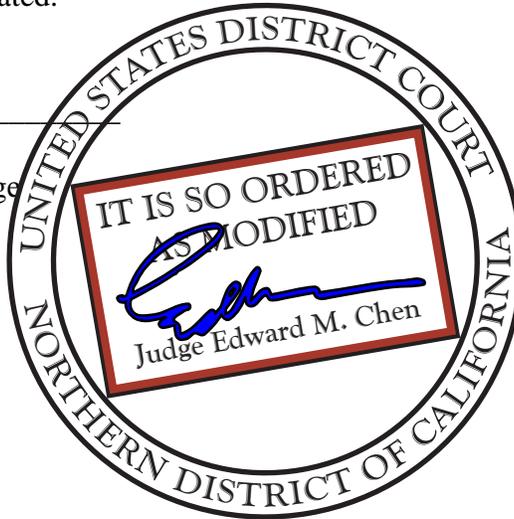
BRAYTON ♦ PURCELL LLP

/s/ David R. Donadio

6 By: _____
7 David R. Donadio
8 Attorneys for Plaintiffs

9 IT IS SO ORDERED that the Case Management Conference set for 10/8/08 and all related
10 dates are hereby vacated.

11 _____
12 Edward M. Chen
13 U.S. Magistrate Judge



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