

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

FILED
2012 APR 23 A 10:33
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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

Donald Bell, et al. v. Arvin Meritor, Inc., et al.,)
N.D. California, C.A. No. 3:12-00131 SC)

MDL No. 875

TRANSFER ORDER

Before the Panel: Pursuant to Rule 7.1, plaintiffs in this action move to vacate our order conditionally transferring the action to MDL No. 875. Responding defendant Pneumo Abex LLC opposes the motion.

In their motion to vacate, plaintiffs principally argue that the Panel should deny or defer transfer to permit the resolution of their motion for remand to state court. That argument is now moot, however, as the Northern District of California court denied remand on April 2, 2012.

After considering all argument of counsel, we find that this action involves common questions of fact with actions previously transferred to MDL No. 875, and that transfer will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. Moreover, transfer is appropriate for the reasons set out in our original decision directing centralization of all pending federal court actions not then in trial sharing factual questions of injury or death allegedly caused by asbestos or asbestos containing products.¹ See *In re Asbestos Prods. Liab. Litig. (No. VI)*, 771 F. Supp. 415 (J.P.M.L. 1991). In this action, plaintiffs allege that the plaintiff husband has developed lung cancer and other illnesses as a result of occupational exposure to asbestos, and thus the action clearly falls within the MDL's ambit.

A TRUE COPY CERTIFIED TO FROM THE RECORD

DATED: 4-16-12

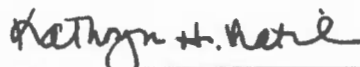
TEST: Tom D. Psey
DEPUTY CLERK UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

* Judge John G. Heyburn II took no part in the decision of this matter.

¹ We recently adopted the transferee judge's suggestion that, subject to certain limited exceptions, we cease transferring new tag-along actions to this docket. See *In re: Asbestos Prods. Liab. Litig.*, — F. Supp. 2d —, 2011 WL 6355308, at *1 (J.P.M.L. Dec. 13, 2011). This action falls within one of those exceptions. See *id.* at n.1.

IT IS THEREFORE ORDERED that pursuant to 28 U.S.C. § 1407, this action is transferred to the Eastern District of Pennsylvania, and, with the consent of that court, assigned to the Honorable Eduardo C. Robreno for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



Kathryn H. Vratil
Acting Chairman

W. Royal Furgeson, Jr.
Paul G. Barbadoro
Charles R. Breyer

Barbara S. Jones
Marjorie O. Rendell

MICHAEL E. KUNZ
CLERK'S OFFICE
CLERK OF COURT

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF
PENNSYLVANIA U.S. COURT HOUSE
601 MARKET STREET
PHILADELPHIA 19106-1797

RECEIVED
2012 APR 23 A 10:25
ROOM 2605
RICHARD W. (267) 299-7018
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: ASBESTOS PRODUCTS LIABILITY LITIGATION
MDL 875

Dear Clerk:

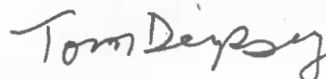
The enclosed certified copy of a Transfer Order from the Judicial Panel is being sent to you regarding the involved action(s) listed on the attached schedule. These case(s) have been properly identified as multi district litigation asbestos cases.

****PLEASE DO NOT FORWARD ANY OF THE RECORD OR ANY DOCUMENTS TO OUR COURT. WE ALSO DO NOT NEED A COPY OF THE DOCKET OR THIS ORDER RETURNED TO OUR COURT.****

This copy is information for your court's records. We will extract your case from the pacer website; you are not required to forward any documents from your court's records. We are in the process of assigning new case numbers and all future docketing will be conducted in our court. A Transfer Order and Case Log will be sent to your Clerk. If you have any questions please contact me at (267) 299-7018.

Sincerely,

MICHAEL E. KUNZ
Clerk of Court



Tom Dempsey
MDL Docketing Clerk

Enclosure