

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

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

Moyer Hazelwood, et al. v. A.W. Chesterton Company, et al.,
E.D. Pennsylvania, C.A. No. 2:12-60129
(N.D. California, C.A. No. 4:12-1313) MDL No. 875

REMAND ORDER

Before the Panel: Pursuant to Panel Rule 10.2, defendant Pneumo Abex, LLC (Pneumo Abex) moves to vacate our order, entered at the suggestion of the transferee court, conditionally remanding this action (Hazelwood) to the Northern District of California. The Hazelwood plaintiffs oppose the motion.

In arguing against remand, defendant Pneumo Abex contends that the motion for a suggestion of remand filed by plaintiffs in the transferee district was procedurally defective in that it failed to comply with the provisions of the transferee court's Administrative Order 18. That order provides that a motion for a suggestion of remand "must contain, at a minimum," various case-specific information, including "[w]hether there are any outstanding motions in the case." The order further provides: "Counsel seeking remand should be able to certify that there are no outstanding motions remaining in the case." Pneumo Abex argues that because plaintiffs' motion for remand to state court is currently pending before the transferee court, Section 1407 remand is inappropriate.

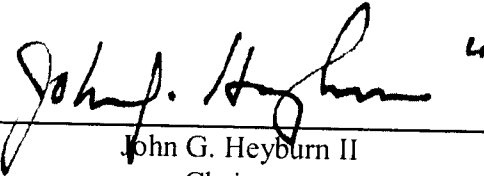
After considering all argument of counsel, we will deny Pneumo Abex's motion. As the transferee judge expressly noted in his Suggestion of Remand, the Northern District of California court has indicated that it is ready, willing and able to rule upon the pending remand motion on an expedited basis. Also as noted by the transferee judge, virtually all pretrial proceedings in Hazelwood were completed prior to its removal from state court and subsequent transfer to MDL No. 875. We thus emphatically agree with the transferee judge that none of the MDL's goals or purposes would be served by leaving the action in the transferee district. It goes almost without saying that the transferee court has the authority to waive compliance with one of its administrative orders, as well as the authority to issue a suggestion of remand sua sponte.

\* Judge Kathryn H. Vratil took no part in the decision of this matter.

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IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, this action is remanded to the Northern District of California.

PANEL ON MULTIDISTRICT LITIGATION



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