

**UNITED STATES DISTRICT COURT
FOR THE Eastern District of Pennsylvania**

IN RE: ASBESTOS PRODUCTS : **MDL 875**
LIABILITY LITIGATION :
ALL ACTIONS :
(See attached schedule for case list) :

TRANSFER ORDER NO. 400

The Court hereby **ORDERS** the Clerk of the District Court for the Eastern District of Pennsylvania, the Transferee Court, to initiate the procedures for the transfer of MDL-875 cases from the District Court for the District of Nebraska, the Transferor Court, in accordance with the terms of this Court's Administrative Order No. 11, a copy of which is attached hereto.
The effective date of transfer is upon entry of this order.

BY THE COURT

s/EDUARDO C. ROBRENO
EDUARDO C. ROBRENO, J.

Date: 05-05-09

FILED
US DISTRICT COURT
DISTRICT OF NEBRASKA

JUN - 2 2009

OFFICE OF THE CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: ASBESTOS PRODUCTS : MULTIDISTRICT LITIGATION
LIABILITY LITIGATION : NO. MDL 875

ADMINISTRATIVE ORDER NO. 11, AS AMENDED EFFECTIVE MARCH 16, 2009

Whereas Asbestos Products Liability Litigation (MDL 875) has been an active, ongoing multidistrict action since July 29, 1991, and

Whereas the undersigned transferee judge has analyzed the existing Court case management procedures as they relate to MDL 875, and is of the view that adjustments of these procedures need to be made to allow a more efficient discharge of the transferee court's responsibilities, it is hereby

ORDERED that the following modifications to the existing procedures for the processing of cases, dockets, pleadings and orders in MDL 875 cases are adopted:

1. Calendar Management.

Effective immediately, and except as otherwise set forth herein, the management of the case files and dockets for all pending MDL 875 cases (and, the files and dockets for all future MDL 875 cases filed after the entry of this Administrative Order) shall be transferred to the Transferee Court in accordance with both the schedule compiled by the Clerk of the Transferee Court and the following terms:

A. **Actions to be taken by the Clerks of the Transferor Courts.**

- i. The Clerks of the Transferor Courts shall retain all case files for those actions in which all claims have been completely resolved between all parties, including bankrupt defendants, whether by dismissal, stipulation or attrition. Unless otherwise directed, case files and dockets of cases previously remanded to the Transferor Courts by the Judicial Panel on Multidistrict Litigation shall also be retained by the Transferor Court. In addition, the Clerks of the Transferor Courts shall retain all case files and dockets for those actions transferred to a state court or a federal district court registry which has been previously specifically established for the placement and tracking of asbestos personal injury cases which do not currently meet specified criteria for advancement to trial.**
- ii. The remaining cases having unresolved claims against bankrupt defendants and non-bankrupt defendants shall be transferred to the Transferee Court in the following manner:**
 - a. In the interests of administrative efficiency and uniformity,**

upon the entry of an Order of Transfer by the undersigned

judge, a list of all cases to be transferred shall be sent by the Clerk of the Transferee Court to the Clerk of the Transferor Court. The Clerk of the Transferee Court shall retrieve a copy of each docket sheet from the CM/ECF system from the Clerk of the Transferor Court for the transferred cases, and shall initiate a new file in the Transferee Court. The Clerk of the Transferor Court shall mark the Transferor Court's file "CLOSED."

- b. In the event the Transferor Court does not maintain its MDL 875 cases under the CM/ECF system, a paper copy of each docket sheet for the cases to be transferred shall be forwarded to the Clerk of the Transferee Court.
- c. New pleadings, documents and other papers received for filing after the case has been transferred shall be forwarded to the Clerk of the Transferee Court, and the Clerk of the Transferor Court shall notify all counsel concerned, as well as all pro se parties, that all future pleadings are to be filed with the Clerk of the Transferee Court, in accordance with the conditions set forth in Section 1.B.11 of this Administrative Order, by giving notice of this Order to counsel and to any pro se party.

III. Documents in any asbestos personal injury lawsuit involving MDL 875 filed in any one Transferor Court shall not be filed in the Transferee Court until a Transfer Order has been entered in the Transferee Court that states that documents in that specific Transferor Court shall be filed in the Transferee Court.

IV. Any document in any asbestos personal injury lawsuit involving MDL 875, over which the Transferor Court, and not the Transferee Court, has jurisdiction and venue, shall not be filed in the Transferee Court until a Transfer Order has been entered in the Transferee Court that states that documents in that specific Transferor Court shall be filed in the Transferee Court.

B. Actions to be taken by the Clerk of the Transferee Court.

- I. The Clerk of the Transferee Court shall maintain dockets and create case files in all actions transferred from the Transferor Courts as soon as they are received.
- II. All documents submitted to the Clerk of the Transferee Court shall be treated in all respects in accordance with the Transferee Court's

Local Rules of Civil Procedure 5.1.2; and 5.1.3.

- III. The Clerk of the Transferee Court shall compile a schedule of all MDL 875 cases in order to allow for the more efficient transfer of MDL 875 cases from the Transferor Court to the Transferee Court.
- IV. The Clerk of the Transferee Court shall submit to the undersigned transferee judge a quarterly pending caseload status report specific to the Transferee Court and each Transferor District Court.

2. **Motions.**

All Motions pending in MDL 875 which are neither granted nor denied as of the date of transfer of a case from the Clerk of the Transferor Court to the Clerk of the Transferee Court shall be deemed denied without prejudice and with all time requirements held in abeyance from the initial date of filing. Counsel may refile any unresolved motions for further transferee court action. Motions brought in accordance with the procedures contained in Administrative Order #3 shall be preceded by a telephone conference with the Court. Disputing counsel shall attempt to resolve issues between the parties without Court assistance, and failing resolution, through a telephone conference with the Court prior to the filing of any disputed motion.

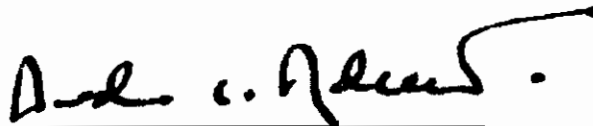
3. **Exclusions.**

The dockets and files for cases filed in the United States District Court for the Northern District of Ohio under the designation "MARDOC-MDL875(2)" shall not be transferred at this time under the terms of this order.

4. **Conflicts.**

To the extent that any conflicts exist, this Administrative Order shall take precedence over and supercede all previous administrative orders in this Multidistrict Litigation consolidation.

BY THE COURT:



EDUARDO C. ROBRENO, J.

Date: March 16, 2009

DATE	PA E.D. #	TRANSFER #	NAME OF PLAINTIFF	TRANSFER DIST./DIV.
5/5/2009	66194	88-00615	Pecha, James	NEBRASKA - 4
5/5/2009	66195	96-03068	Glines, Arnold R. and Glenda	NEBRASKA - 4
5/5/2009	66196	96-03336	Kayneski, Stanley J. and Catherine	NEBRASKA - 4
5/5/2009	66197	88-00017	Augustin, Bernard J.	NEBRASKA - 8
5/5/2009	66198	88-00018	O'Neill, Bonnie	NEBRASKA - 8
5/5/2009	66199	88-00040	Babeck, Gerald	NEBRASKA - 8
5/5/2009	66200	88-00041	Allen, Verlon and Margaret	NEBRASKA - 8
5/5/2009	66201	88-00042	Durden, Viola and Lawrence	NEBRASKA - 8
5/5/2009	66202	88-00043	Franco, Frank and Theresa	NEBRASKA - 8
5/5/2009	66203	88-00044	Samson, Lester and Genevieve	NEBRASKA - 8
5/5/2009	66204	88-00045	Halverson, Rodney and Loretta	NEBRASKA - 8
5/5/2009	66205	88-00303	McClusky, Galen G.	NEBRASKA - 8
5/5/2009	66206	88-00409	Peters, Eugene and Doris	NEBRASKA - 8
5/5/2009	66207	88-00410	Allbery, Lyle and Dixie	NEBRASKA - 8
5/5/2009	66208	88-00411	Harvey, Ralph and Charlotte	NEBRASKA - 8
5/5/2009	66209	88-00413	Lute, Homer and Francis	NEBRASKA - 8
5/5/2009	66210	88-00414	Seabo, Frank and Lucille	NEBRASKA - 8
5/5/2009	66211	88-00415	Smith, Van and Georgia	NEBRASKA - 8
5/5/2009	66212	88-00416	Wildman, Wayne and Mabel	NEBRASKA - 8
5/5/2009	66213	88-00429	Pecorado, John and Linda	NEBRASKA - 8
5/5/2009	66214	88-00430	Tehack, Jack and Cecilia	NEBRASKA - 8
5/5/2009	66215	88-00431	Scott, Sinclair and Geraldine	NEBRASKA - 8
5/5/2009	66216	88-00432	Ryberg, Clarence L. and Carol J.	NEBRASKA - 8
5/5/2009	66217	88-00433	Sedlak, William J. and Lilly	NEBRASKA - 8
5/5/2009	66218	88-00434	Svagera, Joseph R. and Agnes	NEBRASKA - 8
5/5/2009	66219	88-00435	Uptake, Melvin H. and Pauline	NEBRASKA - 8
5/5/2009	66220	88-00436	Kleckner, Charles and Mary Ann	NEBRASKA - 8
5/5/2009	66221	88-00437	Throne, Eugene and Linda	NEBRASKA - 8
5/5/2009	66222	88-00438	Yost, Harold F. and Dorothy M.	NEBRASKA - 8
5/5/2009	66223	88-00439	Dixon, Darrell and Christine	NEBRASKA - 8
5/5/2009	66224	88-00440	Weisback, Walter E. and Margaret	NEBRASKA - 8
5/5/2009	66225	88-00441	Harris, Timothy P.	NEBRASKA - 8
5/5/2009	66226	88-00442	Plant, Jerold & Cheri	NEBRASKA - 8
5/5/2009	66227	88-00443	Oliver, Earl and Monnie	NEBRASKA - 8
5/5/2009	66228	88-00444	Nary, William and Doris	NEBRASKA - 8
5/5/2009	66229	88-00445	Metcalf, Claude T., Jr. and Sandra	NEBRASKA - 8

5/5/2009	66230	88-00446	Ingersoll, Lorry & Lorraine	NEBRASKA - 8
5/5/2009	66231	88-00447	Holubar, Marvin D. and Dolores M.	NEBRASKA - 8
5/5/2009	66232	88-00488	Hawkins, Delbert E. and Shirley Ann	NEBRASKA - 8
5/5/2009	66233	88-00449	Furmanski, Bob W. and Kathleen	NEBRASKA - 8
5/5/2009	66234	88-00450	Schneiderwind, Dolores S. and W. J.	NEBRASKA - 8
5/5/2009	66235	88-00451	Smith, Edward E. and Mary Rose	NEBRASKA - 8
5/5/2009	66236	88-00452	Smith, Robert Dale and Shirley L.	NEBRASKA - 8
5/5/2009	66237	88-00453	Smith, Walter Earl and Mary Katherine	NEBRASKA - 8
5/5/2009	66238	88-00454	Black, Paul T. and Jeanette	NEBRASKA - 8
5/5/2009	66239	88-00455	Boscardin, Archie J. and Geraldine	NEBRASKA - 8
5/5/2009	66240	88-00456	Reever, David L. and Marion I.	NEBRASKA - 8
5/5/2009	66241	88-00457	Jones, Gerald and Betty	NEBRASKA - 8
5/5/2009	66242	88-00458	Book, Robert and Arlene	NEBRASKA - 8
5/5/2009	66243	88-00459	Rainey, William, Sr. and June	NEBRASKA - 8
5/5/2009	66244	88-00461	Givens, Harold and Olga	NEBRASKA - 8
5/5/2009	66245	88-00462	Griese, Francis, Sr. and Doris	NEBRASKA - 8
5/5/2009	66246	88-00463	Linhart, Joseph and Josephine	NEBRASKA - 8
5/5/2009	66247	88-00464	Spilman, Paul and Ann	NEBRASKA - 8
5/5/2009	66248	88-00465	Anson, Max L. and Virginia A.	NEBRASKA - 8
5/5/2009	66249	88-00466	Brazier, Robert G. and Joann M.	NEBRASKA - 8
5/5/2009	66250	88-00467	Brown, Gerald J. and Darlene R.	NEBRASKA - 8
5/5/2009	66251	88-00468	Cafferty, Elmer D. and Ruth	NEBRASKA - 8
5/5/2009	66252	88-00469	Christensen, Glenn and Shirley	NEBRASKA - 8
5/5/2009	66253	88-00470	Hammon, John Calvin and Clara	NEBRASKA - 8
5/5/2009	66254	88-00471	Hansen, William R. and June C.	NEBRASKA - 8
5/5/2009	66255	88-00472	Niver, Robert E. and Ruth T.	NEBRASKA - 8
5/5/2009	66256	88-00473	Reznicek, Joseph and Marie	NEBRASKA - 8
5/5/2009	66257	88-00474	Preisendorf, Leroy and Fern	NEBRASKA - 8
5/5/2009	66258	88-00475	Waggoner, Herbert B.	NEBRASKA - 8
5/5/2009	66259	88-00495	Gahl, Leonard C. and Francis	NEBRASKA - 8
5/5/2009	66260	88-00539	Riley, James L. and Irene C.	NEBRASKA - 8
5/5/2009	66261	88-00540	Smith, James W. and Berniece C.	NEBRASKA - 8
5/5/2009	66262	88-00541	Price, David J. and Isabel H.	NEBRASKA - 8
5/5/2009	66263	88-00542	Goodman, Ray R. and Luella	NEBRASKA - 8
5/5/2009	66264	88-00543	Sell, Albert H. and Faye	NEBRASKA - 8
5/5/2009	66265	88-00544	Tomaszewicz, Samuel and Judith A.	NEBRASKA - 8

Date	Case No.	Case Description	State
5/5/2009	66266	88-00573 Kerr, Marguerite As Personal Representative of the Estate of George Kerr Fisher, Berneta J.	NEBRASKA - 8
5/5/2009	66267	88-00804 Schroeder, Cleo D.	NEBRASKA - 8
5/5/2009	66268	88-00877 Schroeder, William	NEBRASKA - 8
5/5/2009	66269	88-00923 Jackson, William R. and Doris E.	NEBRASKA - 8
5/5/2009	66270	88-00924 Christman, Robert T.	NEBRASKA - 8
5/5/2009	66271	88-00925 Rhedin, Roland E.	NEBRASKA - 8
5/5/2009	66272	89-00178 Ballentine, Marlene Lenz, Mary Bourelle, Larena B. Individually and as personal representative of the heirs and estate of Harold D. Bourelle. Deceased	NEBRASKA - 8
5/5/2009	66273	89-00242 Jones, Robert L.	NEBRASKA - 8
5/5/2009	66274	89-00269 Jackson, Robert E.	NEBRASKA - 8
5/5/2009	66275	89-00368 Muckey, Sharon	NEBRASKA - 8
5/5/2009	66276	89-00369 Huston, Vernon D. and Ardis	NEBRASKA - 8
5/5/2009	66277	89-00506 Caley, George D. and Lucille	NEBRASKA - 8
5/5/2009	66278	89-00754 Evans, Jim J. and Nadine	NEBRASKA - 8
5/5/2009	66279	89-00807 Brase, Harold and Barbara	NEBRASKA - 8
5/5/2009	66280	90-00079 Gatzmeyer, Marlene and Marvin	NEBRASKA - 8
5/5/2009	66281	90-00297 Sherman, Fred A., Jr.	NEBRASKA - 8
5/5/2009	66282	90-00533 Odom, Kenneth D.	NEBRASKA - 8
5/5/2009	66283	90-00628 Ostronic, Ray J. and Catherine	NEBRASKA - 8
5/5/2009	66284	91-00064 Ballentine, Marlene Individually and as Vieth, William H. and Frances	NEBRASKA - 8
5/5/2009	66285	91-00125 McKinney, Harry R. and Arlene	NEBRASKA - 8
5/5/2009	66286	92-00314 Herbst, Kerry A. and Marilyn	NEBRASKA - 8
5/5/2009	66287	92-00315 Nielsen, Loren L. and Betty S.	NEBRASKA - 8
5/5/2009	66288	92-00316 Blaufuss, Fred C. and Margaret	NEBRASKA - 8
5/5/2009	66289	92-00317 Kanger, Peter J. and Barbara L.	NEBRASKA - 8
5/5/2009	66290	92-00318 Ludwick, Allen K. and Norma M.	NEBRASKA - 8
5/5/2009	66291	92-00319 Vanourmy, Stanley D. and Naneye	NEBRASKA - 8
5/5/2009	66292	92-00320 Elam, Melvin L. and Mary J.	NEBRASKA - 8
5/5/2009	66293	92-00321 Collett, Arnold E. and Dolores J.	NEBRASKA - 8
5/5/2009	66294	92-00322	NEBRASKA - 8
5/5/2009	66295	92-00323	NEBRASKA - 8

5/5/2009	66296	92-00324	Dolezal, Gerhard P. and Sally	NEBRASKA - 8
5/5/2009	66297	92-00325	Rowe, Charles L. and Lois B.	NEBRASKA - 8
5/5/2009	66298	92-00326	Degarmo, Howard J. and Ruth	NEBRASKA - 8
5/5/2009	66299	92-00327	Sorensen, Dale R. and Barbara	NEBRASKA - 8
5/5/2009	66300	99-00369	McCowan, Alfred	NEBRASKA - 8
5/5/2009	66301	00-00260	Adams, Richard D.	NEBRASKA - 8
5/5/2009	66302	05-00224	Heckathorn, Gary	NEBRASKA - 8
			Sautter, James	
			Personal Representative of the Estate of	
5/5/2009	66303	07-00154	John Sautter, Deceased	NEBRASKA - 8
			Sautter, Eleanor	
			Personal Representative of the Estate of	
5/5/2009	66304	07-00320	Johan A. Sautter, Sr., Deceased	NEBRASKA - 8
5/5/2009	66305	08-00181	Finley, Goerge	NEBRASKA - 8
5/5/2009	66306	08-00349	Bergmeyer, Wayne	NEBRASKA - 8
5/5/2009	66307	08-00350	Baker, Larry	NEBRASKA - 8
5/5/2009	66308	08-00351	Fiala, Charles	NEBRASKA - 8
5/5/2009	66309	08-00352	Kovar, Donald	NEBRASKA - 8
5/5/2009	66310	08-00353	Shaw, Edward	NEBRASKA - 8