

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

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

Civil Action No. MDL 875

This Document Relates To:
ALL ACTIONS

x

ADMINISTRATIVE ORDER NO 12

THE COURT, after examination of current procedures in place in this matter, and with a desire to facilitate the expeditious movement of pending cases on the MDL docket, and having had the benefit of input from the court-appointed plaintiff and defendant steering committees, hereby imposes the following filing requirements and procedures:

1. **SUBMISSION OF IDENTIFICATION INFORMATION**

All plaintiffs shall submit to the Court a report identifying each plaintiff by full name, date of birth, last four digits of plaintiffs SSN, and a statement indicating the status of the plaintiff in the case before this Court; i.e., asbestos-related injury victim, spouse of injured party, administrator of injured party of deceased injured party, executor(trix), child of injured party, etc.

2. **SUBMISSION OF RELATED COURT ACTIONS**

Each plaintiff shall identify each and every prior or pending court or administrative action brought with the intent of satisfying in whole or in part the damages sustained by the plaintiffs alleged asbestos-related personal injury. In each such instance the plaintiff shall identify the claim, the parties involved and the results of any action thereon.

3. **SUBMISSION OF STATEMENT OF CASE STATUS**

The plaintiff in each case shall identify all of the named defendants in the following manner:

a) Each defendant with whom the plaintiff has achieved resolution of his/her claim, whether by settlement or agreement to dismiss without payment or by payment of a claim through the bankruptcy court, shall be identified and, where a dismissal has not yet been entered of record, a proposed order shall be submitted.

b) Each defendant that the plaintiff now desires to dismiss from the action, with or without prejudice, the reason for the dismissal, and a proposed order.

c) Each remaining defendant that is currently in bankruptcy with a claim pending, together with an order for the transfer of the claim to an inactive docket which the court has created for the holding of such claims.

d) Each non-bankrupt unsettled defendant.

4. SUBMISSION OF MEDICAL REPORTS

Each plaintiff asserting a claim based upon an alleged asbestos-related malignancy shall submit to the court a copy of the medical diagnosing report or opinion upon which the plaintiff now relies for the prosecution of the claim as if to withstand a dispositive motion.

Each plaintiff asserting a claim based upon an alleged non-malignant injury or condition shall submit to the court a copy of the medical diagnosing report or opinion upon which the plaintiff now relies for the prosecution of the claim as if to withstand a dispositive motion.

Each report or opinion submitted hereunder shall be based upon objective and subjective data which shall be identified and descriptively set out within the report or opinion.

5. ALTERNATIVE PLAINTIFF SUBMISSION

Alternative submissions to the court are acceptable under the following circumstances:

a) If the plaintiff has remaining claims only against bankrupt parties and is desirous of seeking payment on those claims through the bankruptcy action, then, as an alternative to the required submissions under sections 2. and 4. above, the plaintiff may submit a proposed order for the transfer of this case to the "Bankrupts Only" docket in the form attached.

b) If the plaintiff has viable claims remaining against both bankrupt and non-bankrupt parties and wishes to pursue through the bankruptcy action only those claims remaining against the bankrupt parties, then, as an alternative to the required submissions under sections 2. and 4. above, the plaintiff may submit a proposed order for the dismissal of the non-bankrupt parties with prejudice and the transfer of the remaining claims against the bankrupt parties to the "Bankrupts Only" docket in the form attached.

c) The plaintiff may at any time submit to the court a proposed order to dismiss his/her case against all parties with prejudice. Plaintiff may also request a dismissal against any or all parties without prejudice; however, notice must be given to all parties, any of whom may file an objection within thirty (30) days thereafter. The court will hold a hearing if deemed necessary.

6. TIMING REQUIREMENTS

Plaintiffs shall submit required documentation and proposed orders to the court in accordance with the schedule set forth:

- a) Plaintiffs whose cases were filed during the years 2007, 2006, and before July 29, 1991 shall file with the court their required papers on or before August 1, 2007.
- b) Plaintiffs whose cases were filed between July 29, 1991 and December 31, 1995 shall file with the court their required papers on or before September 1, 2007.
- c) Plaintiffs whose cases were filed in 1996, 1997 and 1998, shall file with the court their required papers on or before October 1, 2007.
- d) Plaintiffs whose cases were filed in 1999, 2000, 2001 and 2002, shall file with the court their required papers on or before November 1, 2007.
- e) Plaintiffs whose cases were filed in 2003, 2004, and 2005 shall file with the court their required papers on or before December 1, 2007.

The court may dismiss pursuant to F.R.C.P. 41(b) the cases of any plaintiffs who fail to comply with the requirements set forth.

7. SCREENED CASES

Current litigation efforts in this court and in the silica litigation have revealed that many mass screenings lack reliability and accountability and have been conducted in a manner which failed to adhere to certain necessary medical standards and regulations. The result is that mass screenings create an inherent suspicion as to their reliability. Where screenings have been conducted by the Sheet Metal Occupational Health Institute Trust and other organizations utilizing standards and protocols established by the American Thoracic Society (ATS), the Association of Occupational and Environmental Clinics (AOEC), and other accredited health organizations, there is a larger probability of adequacy for the reliability foundation necessary for admissibility. This court will therefore entertain motions and conduct such hearings as may be necessary to resolve questions of evidentiary sufficiency in non-malignant cases supported only by the results of mass screenings which allegedly fail to comport with acceptable screening standards.

8. EXCLUSIONS

The cases designated as 2MDL 875 (MARDOC) shall be excluded from the requirements set forth and those actions shall continue to be governed by the requirements of previous orders of this court concerning the management of the MARDOC cases.

9. SETTLEMENT CONFERENCES/SUGGESTIONS OF REMAND

The court intends upon stepping up the pace of settlement conferences and will accordingly issue orders to that effect. Counsel are expected to comply with all requirements of the notice and to be prepared at the conference. All parties shall submit to the court at the time of the first settlement conference in any case a short position paper stating their position relative to disease, exposure and damages. Mitigating factors for the purposes of settlement shall also be set forth.

If the parties have failed to achieve settlement following one or more settlement conferences and working with the court, the case may be referred to mediation or, if the court finds that the parties have negotiated in good faith without success, the court may suggest the case for remand. A determination of good faith may not be necessary with regard to all defendants. The court will continue to prioritize malignant and exigent cases.

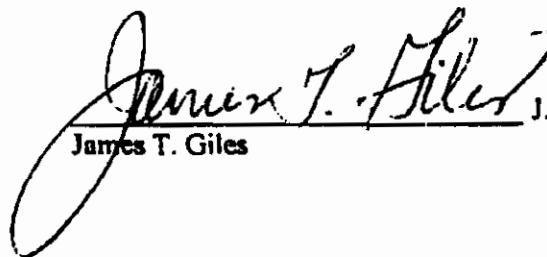
10. MANNER OF SUBMISSIONS

All submissions to be made to the court pursuant to this order shall be paper filings with copies provided to all remaining viable parties in accordance with Rule 5, F.R.C.P.

IT IS SO ORDERED

Date: 5/3/07

BY THE COURT


James T. Giles

[Administrative Order No. 12 - Exhibit to Section 5 a)]

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:

UNITED STATES DISTRICT COURT
FOR THE (name of Transferor District)

DOE, John and Mary :
 :
 v. : Civil Action No. (Transferor Ct. No.)
 :
 ABC Corp., et al. :

MOTION AND ORDER TO TRANSFER TO "BANKRUPT'S ONLY" DOCKET

Plaintiff hereby submits to the Court, in accordance with this Court's Administrative Order No. 12, that the only remaining claims in this action are against defendants in bankruptcy and that the defendant wishes at this time to pursue those claims through the bankruptcy claim process.

Plaintiff therefore moves that this action be transferred to the Court's administrative "Bankrupt's Only" docket. The Plaintiff understands that should there be a change of circumstances, the Plaintiff may, upon compliance with Administrative Order No. 12, petition the Court to have this action reinstated against certain defendants.

Plaintiff further understands that it is Plaintiff's responsibility to submit a final dismissal order to this Court when all claims have been resolved.

SUBMITTED BY:

SO ORDERED

_____(/ /)
(Counsel for Plaintiff)
address
tel. No.

_____.J.
James T. GILES
(/ /)

[Administrative Order No. 12 - Exhibit to Section 5 b)]

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:

UNITED STATES DISTRICT COURT
FOR THE (name of Transferor District)

DOE, John and Mary :
 :
 v. : Civil Action No. (Transferor Ct. No.)
 :
 ABC Corp., et al. :

MOTION FOR PARTIAL DISMISSAL AND ORDER TO TRANSFER TO
"BANKRUPT'S ONLY" DOCKET

Plaintiff hereby submits to the Court, in accordance with this Court's Administrative Order No. 12, that the remaining claims in this action are against bankrupt and non-bankrupt defendants. Plaintiff desires to dismiss with prejudice all claims against the remaining non-bankrupt defendants and pursue those claims remaining against the bankrupt defendants through the bankruptcy claim process.

The remaining non-bankrupt defendants to be dismissed with prejudice are:
(list non-bankrupt defendants to be dismissed with prejudice)

Plaintiff therefore moves that, following the dismissal of the non-bankrupt defendants, this action be transferred to the Court's administrative "Bankrupt's Only" docket. The Plaintiff understands that should there be a change of circumstances, the Plaintiff may, upon compliance with Administrative Order No. 12, petition the Court to have this action reinstated against certain bankrupt defendants.

Plaintiff further understands that it is Plaintiff's responsibility to submit a final dismissal order to this Court when all claims have been resolved.

SUBMITTED BY:

SO ORDERED

_____(/ /)
(Counsel for Plaintiff)
address
tel. No.

_____.J.
James T. GILES
(/ /)

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

OFFICE OF THE CLERK OF COURT

**ELECTRONIC CASE FILING (ECF)
ACCOUNT REGISTRATION FORM**

This Electronic Case Filing (ECF) Account Registration Form shall be used to register for an account with the U.S.D.C. for the Eastern District of Pennsylvania's Electronic Case Filing (ECF) system. ECF Registered attorneys will have privileges to electronically submit documents in accordance with Local Civil Rule 5.1.2 and Local Criminal Rule 1.2.

(Please Print or Type)

First Name: _____ Middle Initial/Name: _____

Last Name: _____ Generation (i.e., Sr., Jr.) _____

Firm: _____ Bar Id No. and State: _____

Address: _____

Address: _____

City: _____ State: _____ Zip Code _____

Telephone No: (____) _____ FAX No: (____) _____

E-mail Address: _____

Last 4 digits of your Social Security number (to be used for the log-in code): _____

Are you admitted to practice in the Eastern District of Pennsylvania?

Yes No

If yes, are you a member in good standing?

Yes No

Are you admitted to practice pro hac vice in the Eastern District of Pennsylvania?

Yes No

Are you a registered ECF Filer in another U.S. District or Bankruptcy Court?

Yes No

If yes, please provide the district you are a registered ECF User and the log-in and password if you would like to have the same log-in and password.

District: _____ Log-in: _____ Password: _____

By submitting this account registration form, the undersigned agrees/consents to the following:

1. I have read and understood the provisions of Rule 5.1.2 of the Local Rules of Civil Procedure, "Electronic Case Filing," amended Rule 1.2 of the Local Rules of Criminal Procedure, "Applicability and Effect of Local Rules," and the court's ECF Procedures set forth in Rule 5.1.2, and I agree to abide by all provisions set forth therein.

2. I agree that the combination of the user log-in and password will serve as my signature for purposes of the Federal Rules of Civil and Criminal Procedure. I further agree to protect the security of my password and to immediately notify the clerk of court by telephone, with said notification confirmed immediately thereafter in writing delivered by e-mail, facsimile or hand-delivery to the attention of the clerk of court, as soon as I learn that my password may have been compromised.

3. In accordance with the provisions of Rule 5(b)(2)(D) of the Federal Rules of Civil Procedure and Section 8 of the ECF Procedures, I agree that service may be given to me by electronic transmission and I consent to make electronic service of all documents.

4. I have read and understood the provisions of Rule 11 of the Federal Rules of Civil Procedure, particularly as referenced in Sections 9 and 10 of the ECF Procedures, and I agree to abide by the provisions set forth therein.

5. I agree to waive the provisions of Rule 77(d) of the Federal Rules of Civil Procedure and Rule 49(c) of the Federal Rules of Criminal Procedure, providing for service of notice by mail, and I consent that such notice may be served by electronic transmission in accordance with Section 14 of the ECF Procedures.

6. All transmissions for electronic case filings of pleadings and documents to the ECF system shall be titled in accordance with the approved directory of civil and criminal events of the ECF system in a case in which an attorney is counsel of record or on any document which is construed as an entry of appearance in accordance with Local Civil Rule 5.1.

I hereby certify that the above information is true and correct and I am a member in good standing of the United States District Court for the Eastern District of Pennsylvania.

Signature

Date

Please return completed form by U.S. Mail to:

Michael E. Kunz
U.S. District Court
2609 U.S. Courthouse
601 Market Street
Philadelphia, PA 19106-1797
Attn: ECF

You will be notified of your user log-in and password by electronic mail. If you have any questions on the ECF registration process or the use of the electronic filing system, you may contact the Electronic Filing Information Center toll-free at 1-866-ECF-4ECF.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

OFFICE OF THE CLERK OF COURT

**Rule 5.1.2 of the Local Rules of Civil Procedure
Electronic Case Filing**

Validation of Signature Form

Pursuant to Rule 5.1.2, Electronic Case Filing, all attorneys who have been excused from registering as an ECF Filing User, as defined in the ECF Procedures set forth in Rule 5.1.2, are required to complete this *Validation of Signature* form validating his or her signature for submission of filings on disk in portable document format (PDF), so that the filings may be entered into the District Court's ECF system. The document on disk must be accompanied by a courtesy copy of the document in paper format for use by the court. Attorneys who complete this form will receive a signature code which must be used by the attorney on the signature line of all courtesy copies submitted with a disk. The document as submitted on the disk will constitute the original document under Section 3 of Local Civil Rule 5.1.2.

(Please Print or Type)

First Name: _____ Middle Initial/Name: _____

Last Name: _____ Generation (i.e., Sr., Jr.) _____

Firm: _____ Bar Id No. and State: _____

Address: _____

Address: _____

City: _____ State: _____ Zip Code _____

Telephone No: () _____ FAX No: () _____

E-mail Address: _____

Are you admitted to practice in the Eastern District of Pennsylvania?

Yes No

If yes, are you a member in good standing?

Yes No

Are you admitted to practice pro hac vice in the Eastern District of Pennsylvania?

Yes No

Are you registered as an ECF Filing User in the Eastern District of Pennsylvania?

Yes No

If no, would you like to also register as an ECF Filing User in the Eastern District of Pennsylvania?

Yes No

By submitting this registration form, the undersigned agrees/consents to the following:

1. I have read and understood the provisions of Rule 5.1.2 of the Local Rules of Civil Procedure, *Electronic Case Filing*, and the court's *ECF Procedures* set forth in Rule 5.1.2, and I agree to abide by all provisions set forth therein.
2. I agree that this form constitutes my signature for filings which must be submitted on disk in portable document format (PDF), as required by Section 3 of Rule 5.1.2, *Electronic Case Filing*. I understand that I will be provided with a signature code which I must use on the signature line of all courtesy copies submitted with a disk. I have read and understood the provisions of Rule 11 of the Federal Rules of Civil Procedure, and I agree that my signature code used on the signature line of all courtesy copies submitted with a disk will serve as my signature for purposes of Rule 11. I further understand that the document as submitted on the disk will constitute the original document under Section 3 of Local Civil Rule 5.1.2.
3. I understand and agree that service of process will be made in accordance with those provisions set forth in Rule 5 of the Federal Rules of Civil Procedure.

I hereby certify that the above information is true and correct and I am a member in good standing of the United States District Court for the Eastern District of Pennsylvania.

Signature

Date

Please return completed form by U.S. Mail to: Michael E. Kunz
U.S. District Court
2609 U.S. Courthouse
601 Market Street
Philadelphia, PA 19106-1797

NOTICE

**RE: MDL 875
Asbestos Litigation**

Please be advised that pursuant to Administrative Order No. 11, all documents in MDL 875 are to be filed in the United States District Court for the Eastern District of Pennsylvania. Documents are required to be filed on the Court's Electronic Case Filing (ECF) System in accordance with Local Rule of Civil Procedure 5.1.2.

**Registered users can access ECF at the Court's Internet site
<https://ecf.paed.uscourts.gov>**

Should you have any questions concerning this matter, please contact the Office of the Clerk of Court at 267-299-7018 or 267-299-7019.