

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

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

Consolidated Under  
MDL DOCKET NO. 875

BENJAMIN HILL CARTER, JR.

E.D. PA Civil Action No.  
09-cv-74351\*

v.

**FILED**

**FEB 29 2012**

10-00978 file  
Transferor Court:  
S.D. Georgia  
91-00164

FIBERBOARD CORP., et al.

MICHAEL KUNZ, Clerk  
U.S. District Court

ORDER

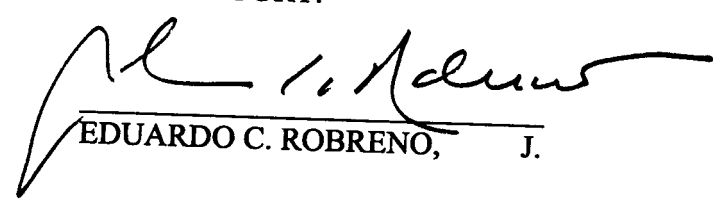
AND NOW, this <sup>28</sup> day of February, 2012, upon consideration of the pleadings and the record herein, and after review of the Report and Recommendation of M. Faith Angell, United States Magistrate Judge, it is hereby **ORDERED** that:<sup>1</sup>

Defendant CSX Transportation's Motion to Strike the Rebuttal Expert Report of Dr. James Millette [See Docket #23] is **GRANTED**. This expert report fails to directly rebut the Defendant's experts and Plaintiffs have presented no justification for a delayed expert report.

It is further **ORDERED** that Judge Angell's Report and Recommendation is **APPROVED** and **ADOPTED**.

BY THE COURT:

Feb. 28, 2012

  
EDUARDO C. ROBRENO, J.

\* This ruling applies to all of the cases in which Dr. Millette has been offered as a "rebuttal" expert as identified in Exhibit "A."

<sup>1</sup>No objections have been filed.