

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

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| WILLIAM NEY, Individually and as Executor of the Estate of LORETTA NEY | : | CIVIL ACTION |
| | : | |
| v. | : | |
| | : | |
| OWENS-ILLINOIS, INC. <u>et al.</u> | | NO. 16-2408 |

ORDER

AND NOW, this 6th day of December, 2016, upon consideration of plaintiff's Motion for Sanctions against defendant Asbestos Corporation Limited ("ACL") (Doc. 25), ACL's response thereto (Doc. 27), and after a hearing this same date and for the reasons stated in the accompanying Memorandum of Decision, it is hereby

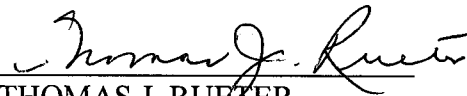
ORDERED

1. The Motion for Sanctions (Doc. 25) is **DENIED**.
2. The Order of the Honorable Arnold L. New of the Court of Common Pleas for Philadelphia County, dated April 5, 2016, granting plaintiff's Motion to Compel filed in the state court is **VACATED**.
3. ACL shall produce to plaintiff within twenty (20) days from the date of this order, copies of all documents concerning the sale and supply of asbestos fibers by ACL for the years 1945 to 1953 to the following companies: (1) Owens-Illinois, Inc., manufacturer of Kaylo Pipe Covering; (2) Quigley Company, Inc., manufacturer of the Insulag spray product; and (3) Bethlehem Steel, where plaintiff's father worked as an asbestos installer.
4. After ACL produces these documents, to the extent they exist, counsel shall meet and confer pursuant to Loc. R. Civ. P. 26.1(f), to attempt to reach an agreement on the

remaining requests for documents set forth in plaintiff's Notice to Produce Documents and to schedule the deposition of an ACL corporate representative regarding the produced documents. If the parties are unable to reach an agreement on these issues, plaintiff may file a motion to compel with this court in accordance with the rulings provided by the court in the accompanying Memorandum of Decision.

Any party may file objections to this Order. See Loc. R. Civ. P. 72.1(IV). Failure to file timely objections will constitute a waiver of any appellate rights. See United Steelworkers of Am. AFL-CIO v. New Jersey Zinc Co., Inc., 828 F.2d 1001, 1005 (3d Cir. 1987).

BY THE COURT:


THOMAS J. RUBTER
United States Magistrate Judge