

issued by that court is informed that:

1. The subpoena in dispute was issued in connection with the cases comprising the Welding Rod Litigation consolidated for pretrial purposes in this Court by Order of the Judicial Panel on Multidistrict Litigation dated June 23, 2003.

2. The discovery disputes that arise in connection with the Welding Rod Litigation involve complex issues whose resolution by various district courts risks inconsistent results and frustration of the goals of judicial economy and efficiency served by consolidation for pretrial purposes.

3. This Court is not only willing but prefers to hear and resolve all discovery disputes that arise in any other United States District in connection with the Welding Rod Litigation. This Court can accomplish this either through its authority as a transferee court under 28 U.S.C. § 1407, or by working cooperatively and in conjunction with the District Court in which any discovery dispute involving a non-party was issued. *See e.g., United States, ex rel. A. Scott Pogue v. Diabetes Treatment Centers of America, Inc., et al.*, 238 F.Supp.2d 270 (D.C. 2002) (discussing authority of transferor courts in connection with non-party discovery disputes in other districts).

4. This Court respectfully requests that district courts faced with discovery disputes related to the Welding Rod Litigation refer such disputes to the undersigned for resolution.

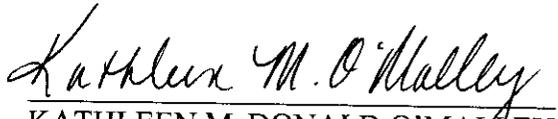
5. Questions regarding this request may be directed to the undersigned either at the Carl B. Stokes United States Court House, 801 West Superior Avenue, Suite 16A, Cleveland, Ohio 44114-1847, or by facsimile to chambers at (216) 357-7246, or by telephone to chambers

at (216) 357-7240.

6. This Court will make every effort to prevent undue hardship to non-parties in other districts and their counsel, including the avoidance of unnecessary travel and expense, and will make every effort to resolve disputes by telephone whenever possible.

7. The Welding Rod Litigation is a priority matter for this Court and, as such, the Court is committed to addressing discovery disputes related thereto as expeditiously as possible in light of the aggressive discovery schedule set forth by the Court.

IT IS SO ORDERED.


KATHLEEN McDONALD O'MALLEY
UNITED STATES DISTRICT JUDGE

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