

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: ASBESTOS PRODUCTS LIABILITY
LITIGATION (No. VI)**

MDL No. 875

**ORDER ADOPTING FIFTH SUGGESTION TO THE PANEL
CONCERNING FUTURE TAG-ALONG TRANSFERS**

Before the Panel: On January 28, 2014, the Honorable Eduardo C. Robreno, the transferee judge overseeing MDL No. 875, issued a Suggestion that the Panel cease transferring to the centralized proceedings tag-along actions commenced in districts in the Seventh Circuit in which the plaintiffs are represented by the Cascino Vaughan Law Offices. The judge further suggested that the Panel continue to transfer tag-along actions commenced in the Northern District of Ohio. The judge's Suggestion is attached hereto as Appendix A.

In his Suggestion, the judge states that such cessation is warranted because fewer than 150 Cascino Vaughan cases remain pending in the MDL, and all those cases "are on scheduling orders and will be ripe for adjudication or remand within the next year."

After careful consideration of Judge Robreno's Suggestion and the record in this extraordinary docket, we adopt and endorse the Suggestion. *See In re: Asbestos Prods. Liab. Litig. (No. VI)*, 830 F. Supp. 2d 1377, 1378 (J.P.M.L. 2011) (endorsing the judge's first Suggestion and concluding that the continued transfer of new asbestos-related actions from most federal jurisdictions would no longer promote the purposes of 28 U.S.C. § 1407(a)). We will therefore immediately cease transferring to MDL No. 875 new tag-along actions commenced in districts in the Seventh Circuit in which the plaintiffs are represented by the Cascino Vaughan Law Offices.¹ We also will immediately suspend Panel Rule 7.1(a) in this docket with respect to any such newly-filed actions.²

¹ Such actions include any actions of which the Panel was notified between January 28, 2014, and the date of this order.

² Rule 7.1(a) requires any party or counsel in previously-transferred actions to promptly notify the Clerk of the Panel of any potential tag-along actions in which that party is also named or in which that counsel appears. We note that under our Rules, the parties to an action that is not placed on a Conditional Transfer Order (*i.e.*, the vehicle by which related actions are typically transferred to an MDL) may nevertheless move for Section 1407 transfer to the MDL. *See* Panel Rule 7.1(b)(i). This order thus does not foreclose a party in a new Cascino Vaughan asbestos case commenced in a district in the Seventh Circuit from seeking its transfer to MDL No. 875.

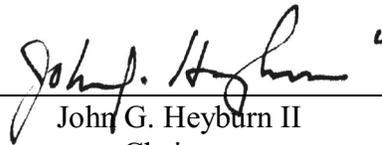
- 2 -

IT IS THEREFORE ORDERED that the “Fifth Suggestion to the Panel on Multidistrict Litigation (‘The Panel’) Concerning Future Tag-Along Transfers,” dated January 28, 2014, and filed on January 29, 2014, by the Honorable Eduardo C. Robreno is adopted by the Panel.

IT IS FURTHER ORDERED that the Section 1407 transfer of new tag-along actions from districts in the Seventh Circuit in which the plaintiffs are represented by the Cascino Vaughan Law Offices is terminated, effective January 28, 2014.

IT IS FURTHER ORDERED that Panel Rule 7.1(a), requiring notification to the Clerk of the Panel of potential tag-along actions, is suspended in this litigation until further notice with respect to any such new asbestos-related actions.

PANEL ON MULTIDISTRICT LITIGATION



John G. Heyburn II
Chairman

Paul G. Barbadoro
Charles R. Breyer
Sarah S. Vance

Marjorie O. Rendell
Lewis A. Kaplan
Ellen Segal Huvelle

Appendix A

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

IN RE: ASBESTOS PRODUCTS	:	Consolidated Under
LIABILITY LITIGATION (No. VI)	:	MDL DOCKET NO. 875
	:	
VARIOUS PLAINTIFFS	:	
	:	
	:	
	:	
v.	:	
	:	
	:	
VARIOUS DEFENDANTS	:	

FILED
 JAN 29 2014
 MICHAEL E. KUNZ, Clerk
 By _____ Dep. Clerk

FIFTH SUGGESTION TO THE PANEL ON MULTIDISTRICT LITIGATION
("THE PANEL") CONCERNING FUTURE TAG-ALONG TRANSFERS

AND NOW, this **28th** day of **January, 2014**, it is hereby **SUGGESTED** that the Panel decline to transfer and consolidate tag-along cases to MDL-875 from the Seventh Circuit in which the Plaintiffs are represented by the Cascino Vaughan Law Offices.¹

The Court further **SUGGESTS**, therefore, that the only jurisdiction from which tag-along cases should continue to be transferred is the Northern District of Ohio, including Maritime

¹ The Court suggests that the Panel cease future transfers of cases from this jurisdiction for the same reasons set forth in the Suggestion to the Judicial Panel of Multidistrict Litigation Concerning Future Tag-Along Transfers, No. 01-md-875 (E.D. Pa. Nov. 23, 2011), ECF No. 8282. Specifically, fewer than 150 cases from this jurisdiction are pending in the MDL Court. All of these pending cases are on scheduling orders and will be ripe for adjudication or remand within the next year. The MDL Court will continue to adjudicate pending cases in the "pipeline," all of which are now subject to scheduling orders.

Docket (MARDOC) cases (2,657 cases pending).²

It is so **SUGGESTED**.



EDUARDO C. ROBRENO
PRESIDING JUDGE, MDL-875

² In addition, the MDL Court will continue to hear asbestos cases that originate in the Eastern District of Pennsylvania.