

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

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

MDL No. 875

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

Before the Panel: On August 8, 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 the Northern District of Ohio – the only district from which transfer of new asbestos-related actions to the MDL are continuing as a matter of course. The judge’s Suggestion is attached hereto as Appendix A.

In his Suggestion, the judge states that such cessation is warranted because all Northern District of Ohio actions presently in the MDL are under scheduling orders in which the discovery deadlines have passed, and have dispositive motions pending.

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 the Northern District of Ohio.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 August 8, 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 asbestos case commenced in the Northern District of Ohio from seeking its transfer to MDL No. 875.

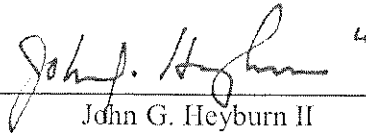
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IT IS THEREFORE ORDERED that the "Sixth Suggestion to the Panel on Multidistrict Litigation ("The Panel") Concerning Future Tag-Along Transfers," dated August 8, 2014, and filed on August 11, 2014, by the Honorable Eduardo C. Robreno is adopted by the Panel.

IT IS FURTHER ORDERED that the Section 1407 transfer of new tag-along actions from the Northern District of Ohio is terminated, effective August 8, 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

Marjorie O. Rendell
Lewis A. Kaplan
Ellen Segal Huvelle

Charles R. Breyer
Sarah S. Vance
R. David Proctor

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

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:
: **FILED**
:
: AUG 11 2014
:
: MICHAEL E. KUNZ, Clerk
By _____ Dep. Clerk

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

AND NOW, this 8th day of August, 2014, it is hereby
SUGGESTED that the Panel decline to transfer and consolidate tag-
along cases to MDL-875 from the Northern District of Ohio.¹

It is so SUGGESTED.


EDUARDO C. ROBRENO
PRESIDING JUDGE, MDL-875

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, all pending cases transferred from the Northern District of Ohio are under scheduling orders in which all discovery deadlines have passed and dispositive motions are pending.