

03cv17000i-ord(specialmaster-amend).wpd

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: WELDING FUME PRODUCTS :
LIABILITY LITIGATION : **Case No. 1:03-CV-17000**
: **(MDL Docket No. 1535)**
:
: **JUDGE O'MALLEY**
:
: **MEMORANDUM AND ORDER**
:

On November 2, 2004, the Court appointed a Special Master in this Multi-District Litigation. *See* docket no. 612 (“Appointment Order”); *see also* docket no. 1408 (extending term of appointment). In the Appointment Order, pursuant to the requirements of Fed. R. Civ. P. 53(b)(2)(D), the Court set out “the time limits, method of filing the record, other procedures, and standards for reviewing the master’s orders, findings, and recommendations.” Appointment Order §II.B at 9. The Court stated that “the Special Master shall reduce any formal order, finding, report, or recommendation to writing and file it electronically on the case docket via Electronic Case Filing (“ECF”),” and any party wishing to object to any such order, finding, report, or recommendation has 14 calendar days within which to do so. *Id.* at 9-10.

The Court now **AMENDS** section II.B of the Appointment Order as follows. The Court and the parties have requested the Special Master to resolve certain disputes orally, on the record. The parties have also indicated they may, on occasion, wish to object to these oral rulings. Accordingly, in addition to the option of issuing a formal order, finding, report, or recommendation in *writing*, the Special Master may also issue an order, finding, report, or recommendation *orally*, on the record before

a court reporter.

All of the provisions related to the time limits, standard of review, and effect of failure to object to the Special Master's written rulings, as set out in §II.B of the Appointment Order, shall also apply to his oral rulings on the record.

IT IS SO ORDERED.

/s/ Kathleen M. O'Malley
KATHLEEN McDONALD O'MALLEY
UNITED STATES DISTRICT JUDGE

DATED: November 1, 2005