

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

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

: Consolidated Under
: MDL DOCKET NO. 875

DIANNA K. LARSON, et al.

:
: E.D. PA Civil Action No.
: 09-69123

v.

:
: Transferor Court
: District of Utah (Central)
: 08-cv-00333

BONDEX INTERNATIONAL, et al.

ORDER

AND NOW, this 9th day of December, 2010, upon consideration of the pending motions for summary judgment and the responses thereto, and for the reasons stated in the accompanying memorandum, it is hereby **ORDERED** that:

- (1) Defendant Bondex International, Inc., RPM, Inc., And RPM International, Inc.'s Motion For Summary Judgment [Doc. 22] is **DISMISSED WITHOUT PREJUDICE in light of the fact that this Defendant is in bankruptcy proceedings. See Doc. 77.**
- (2) Defendant Georgia-Pacific LLC's Motion For Summary Judgment On Causation [Doc. 18] is **DENIED.**
- (3) Defendant Georgia-Pacific LLC's Motion For Summary Judgment On Product Identification [Doc. 17] is **DENIED.**
- (4) Defendant Union Carbide Corporation's Motion For Summary Judgment [Doc. 21] is **DENIED.**
- (5) Georgia-Pacific LLC's Amended Memorandum in Support of Its Amended Motion for Summary Judgment on Production Identification [Doc. 87] is **STRICKEN AS UNTIMELY.**

BY THE COURT:

Date: 12-9-2010
By Fax and/or Mail: See the Attached List


M. FAITH ANGELL
UNITED STATES MAGISTRATE JUDGE

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA
Robert N.C. Nix Federal Building
900 Market Street, Suite 211
Philadelphia, PA 19107**

**Chambers of
M. FAITH ANGELL
United States Magistrate Judge**

**P: (215) 597-6079
F: (215) 580-2165**

FAX/MAIL COVER SHEET

CASE NO. 09-69123 (ED Pa #)

DISTRICT COURT JUDGE: ER
215-580-2362

TODAY'S DATE: December 9, 2010

LAW CLERK'S INITIALS: JJK

NAME

FAX NUMBER

- | | | |
|------|--|--------------|
| (1) | Julie L. Celum, Esq./Charles E. Valles, Esq. | 214-357-7252 |
| (2) | Mark F. James, Esq./Brent O. Hatch, Esq. | 801-363-6666 |
| (3) | Richard W. Pruett, Esq./Dennis H. Markusson, Esq. | 303-595-3780 |
| (4) | Timothy C. Houpt, Esq. | 801-328-0537 |
| (5) | Joshua D. Scheets, Esq. | 215-575-0856 |
| (6) | John P. Ball, Jr., Esq./Katherine E. Venti, Esq./ Nicole G. Farrell, Esq. | 801-536-6111 |
| (7) | Kevin J. O'Brien, Esq. | 215-564-2526 |
| (8) | Mary Price Birk, Esq./Ronald L. Hellbusch, Esq. | 303-861-7805 |
| (9) | Patricia W. Christensen, Esq. | 801-532-7750 |
| (10) | James P. Hadden, Esq. | 302-425-0180 |

MODE = MEMORY TRANSMISSION

START=DEC-09 16:41

END=DEC-09 17:29

FILE NO.=952

| STN NO. | COMM. | ONE-TOUCH/ ABBR NO. | STATION NAME/TEL NO. | PAGES | DURATION |
|---------|-------|---------------------|----------------------|---------|----------|
| 001 | OK | a | 2155802362 | 016/016 | 00:05:57 |
| 002 | OK | a | 12143577252 | 016/016 | 00:02:54 |
| 003 | OK | a | 18013636666 | 016/016 | 00:02:29 |
| 004 | OK | a | 13035953780 | 016/016 | 00:05:04 |
| 005 | OK | a | 18013280537 | 016/016 | 00:03:54 |
| 006 | OK | a | 12155730856 | 016/016 | 00:02:07 |
| 007 | OK | a | 18015366111 | 016/016 | 00:05:29 |
| 008 | OK | a | 12155642526 | 016/016 | 00:03:51 |
| 009 | OK | a | 13038617805 | 016/016 | 00:02:11 |
| 010 | OK | a | 18015327750 | 016/016 | 00:04:59 |
| 011 | OK | a | 13024250180 | 016/016 | 00:04:55 |

-HON. M. FAITH ANGELL -

*****-215 580 2165 - ***** 215 580 2165- *****

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

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

Consolidated Under MDL DOCKET NO. 875

DIANNA K. LARSON, et al.

E.D. PA Civil Action No. 09-69123

v.

Transferor Court District of Utah (Central) 08-cv-00333

BONDEX INTERNATIONAL, et al.

MEMORANDUM

December 9, 2010

M. FAITH ANGELL UNITED STATES MAGISTRATE JUDGE

Presently before this Court for decision are four motions for summary judgment filed by Defendants. For the reasons stated below, all four motions for summary judgment will be denied as follows: Defendant Bondex International's Motion for Summary Judgment will be denied without prejudice as this Defendant is in bankruptcy proceedings; Defendant Georgia-Pacific's Motion for Summary Judgment on Causation will be denied because Plaintiff's challenged expert testimony has been ruled admissible; and Defendants Georgia-Pacific and Union Carbide's motions for summary judgment on product identification will be denied on the merits.

¹ This Memorandum will address the merits of the two motions for summary judgment on product identification which have been filed by Defendants Georgia-Pacific and Union Carbide. The issues raised in the remaining two motions have been resolved and/or are stayed and, therefore, will not be separately discussed.