

General Order No. 95-14

FILED - CLERK
U.S. DISTRICT COURT 81

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

TX EASTERN - BEAUMONT

BY Brenda Bethan

ORDER GOVERNING REMOVAL TO FEDERAL
COURT OF BREAST IMPLANT LAWSUITS

Prompted by the bankruptcy filing of Dow Corning Corporation, a number of breast implant lawsuits pending in state court have recently been removed to this court and many more removals are anticipated. These lawsuits are subject to transfer to either the U. S. District Court for the Northern District of Alabama under MDL 926 or to the U. S. District Court for the Eastern District of Michigan pursuant to that court's order of June 13, 1995. Because each of these lawsuits will be transferred to one of these two courts as soon as they are removed, this court is of the opinion that the requirements of its General Order 90-5 on removed cases may be relaxed in order to reduce costs to the parties and conserve the resources of the U. S. District Clerk. Therefore, in all removals of breast implant cases after the date of this order in which Dow Corning Corporation and Dow Chemical Company are defendants, the following procedures shall apply:

1. With each notice of removal, the removing party shall file a list of all counsel of record in the removed case, including addresses, telephone numbers, and parties represented; a list of all parties, their party type (plaintiff, defendant, intervenor, receiver, etc.), current status (pending, dismissed); and a copy of the state court petition or complaint.

2. All other requirements of General Order 90-5 requiring additional matters to be furnished along with the notice of removal are suspended until further order. Further, application of this court's Civil Justice and Expense Delay Reduction Plan is suspended until further order of the court.

3. The clerk shall serve notice of hearings and other matters on the removing party only, and it shall be the responsibility of the removing party to serve such notices on all other parties.

4. A copy of this order shall be served by the removing party on all other parties along with the notice of removal.

5. To assure that the parties' rights are not impaired by the stay order of June 13, 1995, entered by the United States District Court for the Eastern District of Michigan, a motion to remand, a response under Bankruptcy Rule 9027(e), and jury demand by each party is deemed to have been filed in each breast implant action removed to this court after June 1, 1995, because of Dow Corning Corporation's bankruptcy case.

6. Nothing is to be filed in these cases and all activity is stayed generally in these cases except that parties may initiate and respond to the processes of the Judicial Panel on Multi-District Litigation.

SIGNED this 1st day of August, 1995.

FOR THE COURT:

Richard A. Schell

Richard A. Schell, Chief Judge