

**FILED**  
U. S. DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

NOV 26 1984

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

GENERAL ORDER

MURRAY L. HARRIS, CLERK  
BY DEPUTY *J. Kinnah*

Johns-Manville<sup>1</sup> and Unarco<sup>2</sup> are parties defendant in many of the some 885 asbestos cases<sup>3</sup> pending in this district. Both are involved in reorganization proceedings under Chapter XI of the Bankruptcy Code, 11 U.S.C. §901, et seq.<sup>4</sup> Continental<sup>5</sup> is a defendant in a few asbestos cases pending in the Sherman Division. It is in the process of liquidation, accordant to Chapter VII of the Bankruptcy Code, 11 U.S.C. §901, et seq. The automatic stay granted by the provisions of 11 U.S.C. §362(a) prohibits the continuation of any claim against

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<sup>1</sup>"Johns-Manville" means Johns-Manville Corporation, Johns-Manville Products Corporation, Johns-Manville International Corporation, Johns-Manville Canada, Inc., Canadian Johns-Manville Absbestos, Ltd., Canadian Johns-Manville Company, Ltd., and Canadian Johns-Manville Mining Company, Ltd.

<sup>2</sup>"Unarco" means Unarco Industries, Inc.

<sup>3</sup>An "asbestos case" means a civil action in which a plaintiff claims personal injuries by reason of exposure to asbestos fibers in or from a product fabricated by a defendant manufacturer.

<sup>4</sup>Johns-Manville filed a voluntary petition in the Bankruptcy Court for the Southern District of New York. Unarco likewise filed a voluntary petition, which is pending in the Bankruptcy Court for the Northern District of Illinois.

<sup>5</sup>"Continental" means Continental Products Corporation. It filed a voluntary petition in the Bankruptcy Court for the Northern District of Illinois.

Johns-Manville, Unarco, and Continental.<sup>6</sup> Hence, the claims of the various plaintiffs against Johns-Manville, Unarco and Continental have been severed in all asbestos cases to which these defendants are parties, as authorized by F.R.CIV.P. 21. The respective plaintiffs have pursued their claims against the other defendants in such cases, with the result that many of the cases have been completely terminated, either by settlement or trial, except for the severed claims remaining against Johns-Manville, Unarco, and Continental.

It is impossible for the judges of this district to take action to dispose of the cases in which such a severance has been granted, by reason of the automatic stays alluded to above. Nevertheless, because several years have passed since their initial filing, these cases are and will remain listed in a delinquent category in statistical reports submitted to the Administrative Office of United States Courts. Judicial workload profiles and reports prepared by the Administrative Office are primarily based on terminations of civil and criminal actions. Therefore, the Administrative Office's representations of the rate and volume of practicable terminations of asbestos cases by the judges of this district, as contained in such profiles and reports, are seriously misleading and distorted, as a direct consequence of the stay orders mentioned above. In order to supply the Administrative Office with more functional statistics,

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<sup>6</sup>The respective stays continue in effect until the earliest of: (a) the time the case is closed; (b) the time the case is dismissed; or (c) the time a discharge is granted or denied. 11 U.S.C. §362;(c)(2)(A)(B)(C).

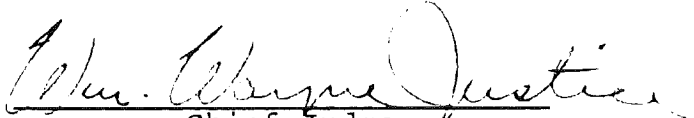
and thus avoid skewed delineations of the terminations in this district, it is

ORDERED that all such severed claims against Johns-Manville, Unarco, and Continental shall be, and they are hereby, administratively closed and assigned to the inactive docket of this court. It is further

ORDERED that the claims against Johns-Manville, Unarco, and Continental shall be restored to the active docket of the court, when the automatic stays heretofore referred to have been vacated, respectively, pursuant to the provisions of 11 U.S.C. §362(c)(2)(A)(B)(C). It is further


ORDERED that the same procedure shall be followed regarding any other asbestos case which subsequently eventuates in a severed claim or claims against Johns-Manville, Unarco, or Continental.

SIGNED and ENTERED this 20th day of November, 1984.

  
Chief Judge

  
United States District Judge

  
United States District Judge

  
Senior  
United States District Judge