

Pennsylvania – Asbestos Litigation Update

By **Joel M. Doner**

On January 12, 2022, Judge Abbe Fletman, the Presiding Asbestos Judge for the Philadelphia Court of Common Pleas (“PCCP”) informed the defense bar that she will not make any rulings on pending motions for summary judgment with oppositions without the completion of mandatory mediation, or unless requested by Judge Russell Nigro.

Further, Judge Nigro will conduct mandatory mediations in every matter scheduled for trial in October, November and December of 2021 that did not go to trial, even if those matters were not re-assigned to a new trial group. In fact, Judge Nigro will conduct all mediations for the PCCP asbestos litigation. To this end, His Honor also changed the mediation process. Specifically, once mediation statements are sent to him for each matter by all parties, he will: review the mediation statements, settlement demands, and defense offers (if any); call each defendant; and speak to each local plaintiff’s counsel on their position for each remaining defendant in every matter. Ultimately, Judge Nigro may make several calls between the parties to determine which matters and defendants will benefit from a formal mediation over Zoom. This is a deviation from his prior mediation process where Judge Nigro mediated several matters over Zoom on a single day.

The Court feels this will assist in relieving the backlog of cases created by COVID-19, and make it possible for one asbestos trial per month.