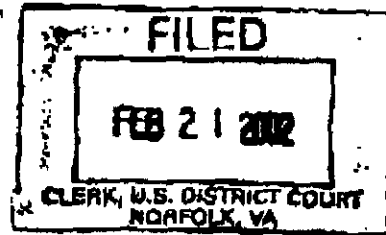


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division



WALTER UZZLE, *et al.*,

Plaintiffs

v.

Civil Action Nos.
2:01cv982 - 2:01cv1538
2:01cv1540 - 2:01cv2869
2:01cv2871, 2:01cv2873

OWENS-CORNING FIBERGLASS CORP., *et al.*,

Defendants.

ORDER

There are numerous motions in this matter that are currently before the court. Based on an order issued on February 8, 2002 by the Honorable Alfred M. Wolin, District Judge for the United States District Court for the District of Delaware, these motions are dismissed, and the cases are remanded to the respective state courts from which they were removed.

I. Brief Factual Background

Honeywell International Inc. (hereinafter "Honeywell") is one of the defendants in these cases which involves asbestos-related injuries allegedly stemming from friction products (e.g., automotive brakes). In these cases, the plaintiffs allege injuries as a result of exposure to these products, and have sued a number of automotive manufacturers, as well as other friction product manufacturers. On October 1, 2001, Federal-Mogul Global, Inc., *et al.*, defendants in many of these cases, filed voluntary petitions for relief under Chapter 11 of the Bankruptcy Code in the United States District Court for the District of Delaware. As a result, a number of auto manufacturers filed notice of removal to that court from various state courts around the country. Following this lead, Honeywell began to remove its cases involving friction productions that are

currently pending in state courts to the district courts in those states for easier transfer to the District Court of Delaware. A number of other defendants now seek to remove their claims as well.

II. The Transfer Orders

On December 19, 2001, Judge Wolin issued an order stating that the cases involving friction products claims were to be provisionally transferred to the United States District Court for the District of Delaware (hereinafter the "provisional transfer order"). In response to this order, district court judges from around the country have ruled that they no longer have jurisdiction over the removed claims of Honeywell, or other friction product defendants. Our court, however, refused to stay the proceedings, holding instead that "the Provisional Transfer Order does not apply to transfer future removals of state cases, but only to cases and claims already removed and currently pending in federal court when it was entered." In re Claims Removed by Honeywell International Inc., 179 F. Supp. 2d 649, 652 (S.D.W. Va. 2002). There, Chief Judge Haden ruled that since the transfer order was issued on December 19, 2001, Honeywell's removal of a case on December 27, 2001 was not covered by the provisional transfer order. Id. at 653.

However, in early January 2002, Judge Wolin issued another order clarifying the provisional transfer order (hereinafter "clarifying order"). The purpose of this clarifying order was to extend the provisional transfer order to include claims that would have been subject to the provisional transfer order but had not yet been removed on the date it was issued (i.e., December 19, 2001). This clarifying order, therefore, eliminates any confusion as to whether or not Honeywell's removal notice in this court is covered by the provisional transfer order. As a result of the provisional transfer order and the clarifying order, this court did not act but rather awaited

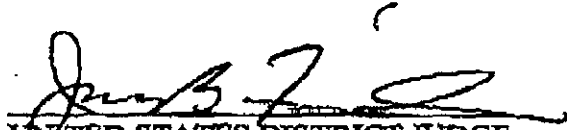
final resolution by Judge Wolin.

III. The Final Order

On February 8, 2002, Judge Wolin issued an Order denying the motions to transfer the friction product claims to the District Court of Delaware and remanding the claims to the state courts where they originated. Therefore, pursuant to this Order, this court grants the plaintiffs' motion to remand, and remands the cases to the respective state courts from which they were removed. All other pending motions are thereby rendered moot and need not be addressed by the court.

It is so ORDERED.

The Clerk is DIRECTED to send a copy of this Order to all counsel.


UNITED STATES DISTRICT JUDGE

February 21, 2002
Norfolk, Virginia