FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____ DEPUTY CLERK

LILLIAN H. DUKE,	§	
Plaintiff	§	
	§	
vs.	§	**Case No. 01-CA-751-SS**
	§	
	§	
ACAND S Inc., et al,	§	
Defendant	§	

AMENDED ORDER

BE IT REMEMBERED that on the 5th day of November 2001, the Court called the above-styled cause for a hearing on Plaintiff's Motion for Expedited Remand [#3], and the parties appeared by counsel of record. After hearing arguments from both sides, the Court set another hearing for November 6, 2001 to allow Defendant time to file a response to the motion [#5] and Plaintiff to supplement the record [#6]. On November 6, the parties again appeared by counsel of record and presented arguments. The Court confirms the announcements it made at the November 6 hearing with the following opinion and order.

Factual and Procedural Background

In 1996, Plaintiff Lillian Duke ("Duke") sued a number of defendants in Travis County District Court under a theory of state law tort liability, claiming defendants were responsible for the death of her husband from exposure to asbestos while working at a tobacco plant owned by Defendant Brown and Williamson ("B&W") for 39 years. *See Plaintiff's Motion to Remand*, Ex. A ("Parris Affidavit"). Duke simultaneously sued defendants in federal court in North Carolina on the same theory. Over the years, defendants began to trickle away, due to settlement or bankruptcy. The first defendant to declare bankruptcy was Pittsburgh Corning Corporation, which filed for

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