

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: NORTHERN OHIO MARITIME)	Case No. 1:10-CV-00001
ASBESTOS LITIGATION)	
)	<u>MARDOC ORDER 2016-22</u>
)	
Certain Plaintiffs)	Judge Dan Aaron Polster
)	
v.)	
)	<u>ORDER</u>
United Fruit Company)	
)	

On August 12, 2016, this Court entered MARDOC Order 2016-20, in which Plaintiffs and Defendant United Fruit were ordered to select five lung cancer cases apiece to be tried in November, 2016. (Doc. #: 472, at 1-2). The parties were directed to submit their respective case lists to the Court no later than noon on August 18, 2016. (*Id.*). Plaintiffs timely submitted their list, but United Fruit did not. Instead, United Fruit filed an Objection to, and Motion to Amend, MARDOC Order 2016-20. (Doc. #: 473). United Fruit objected to allowing the parties to self-select trial cases, requesting instead that the cases be randomly selected and randomly assigned to the judges of the Court. (*Id.*). United Fruit also sought entry of scheduling orders for each selected case that included a Rule 16 pretrial conference. On August 19, 2016, the Court entered

an order denying United Fruit's motion. (*See* MARDOC ORDER 2016-21, Doc. #: 474). The Court included a scheduling order for the ten trial cases.

To date, United Fruit has not submitted the required list of cases in accordance with this Court's clear and unambiguous Order. A federal court has the inherent power to enforce compliance with its lawful orders. *Shillitani v. United States*, 384 U.S. 364, 370, 86 S. Ct. 1531, 1535, 16 L. Ed. 2d 622 (1966). Accordingly, in order to compel United Fruit's compliance with MARDOC ORDER 2016-20, the Court imposes a \$50,000 penalty on United Fruit for each day, from the date of this Order, that United Fruit fails to comply.

IT IS SO ORDERED.

/s/ Dan Aaron Polster 8/24/2016
Dan Aaron Polster
United States District Judge