

**IN THE FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY**

EMILY GLASS, Individually and as the Executor
of the Estate of CHRISTOPHER GLASS

Plaintiff,

v.

B. BRAUN MEDICAL INC., et al.

Defendants.

May Term, 2021

Case No. 210500315

ORDER OF THE COURT

AND NOW, on this _____ day of _____, 2025, upon consideration of the Joint Motion to Stay, it is hereby **ORDERED** that said Motion is **GRANTED** and that all case management deadlines are stayed in (1) the above-captioned matter, (2) all cases consolidated with the above-captioned matter, and (3) all cases that have been filed by the law firm Kline & Specter, PC against any Defendant in the above-captioned matter, including *Alleshouse-Chorney v. B. Braun Medical Inc., et al.* (240800183), *Cecala v. B. Braun Medical Inc., et al.* (240800111), *DeJesus v. B. Braun Medical Inc., et al.* (240903108), *Doyle-Wilson v. B. Braun Medical Inc., et al.* (240903104), *Nimeh v. B. Braun Medical Inc., et al.* (240901906), and *Solley v. B. Braun Medical Inc., et al.* (230101402).

BY THE COURT:

, J.

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GLASS, et al.,

Plaintiff,

v.

B. BRAUN MEDICAL INC., et al.,

Defendants.

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

May Term 2021
Case No. 24022209

JOINT MOTION TO STAY

Plaintiffs and Defendants B. Braun of America Inc., B. Braun Medical Inc.,¹ B. Braun Interventional Systems Inc., and B. Braun US Device Manufacturing, LLC (collectively “B. Braun Defendants”) hereby file this Joint Motion to Stay. In support of this Motion, the parties state as follows:

¹ The B. Braun Defendants contend that, as of May 1, 2024, the Allentown Facility and any associated potential liabilities are owned by B. Braun US Device Manufacturing, LLC. The B. Braun Defendants filed a Motion to Substitute as well as a Petition to Substitute Successor to substitute B. Braun US Device Manufacturing, LLC as the proper party in certain of the lawsuits filed by Plaintiffs.

1. Plaintiffs, along with other individuals represented by Kline & Specter, PC (collectively, “Claimants”), have asserted claims related to the actual or alleged emission of, use, release, discharge, leak, spill, handling, disposal, exposure to or the effects of exposure to ethylene oxide, or any alleged injuries associated therewith at, from, or in connection with B. Braun Medical Inc.’s² facility in Allentown, Pennsylvania or from any other B. Braun Defendants’ facility (the “Claims”). The B. Braun Defendants have denied the Claims and deny that they can be held liable in any way to Claimants, and B. Braun of America Inc. and B. Braun Interventional Systems Inc. specifically contend that they are not proper parties as they neither use nor emit ethylene oxide and have never used or emitted ethylene oxide.

2. In an effort to resolve the Claims, Kline & Specter, PC and the B. Braun Defendants have executed a Master Settlement Agreement (“MSA”), under which settlement funds will be allocated and offered to Claimants for their acceptance under specified terms, including a full and complete release of all Claims. B. Braun Defendants deny any and all liability to Claimants and have agreed to settlement solely to avoid the expense, inconvenience, and burden of litigation and the distraction and diversion of its personnel and resources, without admission of liability or wrongdoing.

3. Having finalized the MSA, the Plaintiffs and B. Braun Defendants (“Parties”) jointly move for the Court to stay all case management deadlines in the cases involving the Claimants, including the consolidated *Glass* proceeding (case number 24022209) and all other cases that have been filed by Kline & Specter, PC against any Defendant in the consolidated *Glass* proceeding. This stay is necessary for the Parties to focus on effectuating the terms of the MSA.

² As stated above, the B. Braun Defendants contend that, as of May 1, 2024, the Allentown Facility and any associated potential liabilities are owned by B. Braun US Device Manufacturing, LLC.

In the event that the terms of the MSA are not fulfilled, the Parties will notify the Court. Otherwise, following completion of effectuating the terms in the MSA, the Parties will file a motion to dismiss Plaintiffs' cases.

4. The Parties jointly request that no judgment be entered pursuant to Pennsylvania Rule of Civil Procedure 227.4(1)(b), even if, pursuant to the stay, more than 120 days pass after the filing of the first post-trial motion.

5. This stay is not sought for delay but to preserve judicial and Party resources and pursuant to the terms of the MSA.

The Parties therefore respectfully request that the Court enter an order staying all case management deadlines in the consolidated *Glass* proceeding and all cases filed by the law firm Kline & Specter, PC against any Defendant in the consolidated *Glass* proceeding.³

³ The following cases were filed by Kline & Specter, PC against the B. Braun Defendants but have not been consolidated with the *Glass* proceeding: *Alleshouse-Chorney v. B. Braun Medical Inc., et al.* (240800183), *Cecala v. B. Braun Medical Inc., et al.* (240800111), *DeJesus v. B. Braun Medical Inc., et al.* (240903108), *Doyle-Wilson v. B. Braun Medical Inc., et al.* (240903104), *Nimeh v. B. Braun Medical Inc., et al.* (240901906), and *Solley v. B. Braun Medical Inc., et al.* (230101402).

Respectfully submitted,

KLINE & SPECTER, PC

/s/ Benjamin O. Present

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Counsel for Defendants

Dated: February 28, 2025

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COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

May Term 2021
Case No. 24022209

MEMORANDUM OF LAW IN SUPPORT OF JOINT MOTION TO STAY

Plaintiffs and Defendants B. Braun of America Inc., B. Braun Medical Inc.,⁴ B. Braun Interventional Systems Inc., and B. Braun US Device Manufacturing, LLC (collectively “B. Braun Defendants”) hereby file this Memorandum of Law in Support of Their Joint Motion to Stay.

⁴ The B. Braun Defendants contend that, as of May 1, 2024, the Allentown Facility and any associated potential liabilities are owned by B. Braun US Device Manufacturing, LLC. The B. Braun Defendants filed a Motion to Substitute as well as a Petition to Substitute Successor to substitute B. Braun US Device Manufacturing, LLC as the proper party in certain of the lawsuits filed by Plaintiffs.

I. Matter Before the Court

The Parties' Joint Motion to Stay case management deadlines.

II. Statement of Questions Involved

Should the Court grant the Parties' Joint Motion to Stay case management deadlines in all cases brought by the law firm Kline & Specter, P.C. against the B. Braun Defendants?

Suggested answer: Yes.

III. Facts

Plaintiffs, along with other individuals represented by Kline & Specter, PC (collectively, "Claimants"), have asserted claims related to the actual or alleged emission of, use, release, discharge, leak, spill, handling, disposal, exposure to or the effects of exposure to ethylene oxide, or any alleged injuries associated therewith at, from, or in connection with B. Braun Medical Inc.'s⁵ facility in Allentown, Pennsylvania or from any other B. Braun Defendants' facility (the "Claims"). The B. Braun Defendants have denied the Claims and deny that they can be held liable in any way to Claimants, and B. Braun of America Inc. and B. Braun Interventional Systems Inc. specifically contend that they are not proper parties as they neither use nor emit ethylene oxide and have never used or emitted ethylene oxide.

In an effort to resolve the Claims, Kline & Specter, PC and the B. Braun Defendants have executed a Master Settlement Agreement ("MSA"), under which settlement funds will be allocated and offered to Claimants for their acceptance under specified terms, including a full and complete release of all Claims. B. Braun Defendants deny any and all liability to Claimants and have agreed to settlement solely to avoid the expense, inconvenience, and burden of litigation and the

⁵ As stated above, the B. Braun Defendants contend that, as of May 1, 2024, the Allentown Facility and any associated potential liabilities are owned by B. Braun US Device Manufacturing, LLC.

distraction and diversion of its personnel and resources, without admission of liability or wrongdoing.

IV. Argument

Having finalized the MSA, the Plaintiffs and B. Braun Defendants (“Parties”) jointly move for the Court to stay all case management deadlines in the cases involving the Claimants, including the consolidated *Glass* proceeding (case number 24022209) and all other cases that have been filed by Kline & Specter, PC against any Defendant in the consolidated *Glass* proceeding. This stay is necessary for the Parties to focus on effectuating the terms of the MSA. In the event that the terms of the MSA are not fulfilled, the Parties will notify the Court. Otherwise, following completion of effectuating the terms in the MSA, the Parties will file a motion to dismiss Plaintiffs’ cases.

The Parties jointly request that no judgment be entered pursuant to Pennsylvania Rule of Civil Procedure 227.4(1)(b), even if, pursuant to the stay, more than 120 days pass after the filing of the first post-trial motion.

This stay is not sought for delay but to preserve judicial and Party resources and pursuant to the terms of the MSA.

V. Relief

The Parties therefore respectfully request that the Court enter an order staying all case management deadlines in the consolidated *Glass* proceeding and all cases filed by the law firm Kline & Specter, PC against any Defendant in the consolidated *Glass* proceeding.⁶

⁶ The following cases were filed by Kline & Specter, PC against the B. Braun Defendants but have not been consolidated with the *Glass* proceeding: *Alleshouse-Chorney v. B. Braun Medical Inc., et al.* (240800183), *Cecala v. B. Braun Medical Inc., et al.* (240800111), *DeJesus v. B. Braun Medical Inc., et al.* (240903108), *Doyle-Wilson v. B. Braun Medical Inc., et al.* (240903104), *Nimeh v. B. Braun Medical Inc., et al.* (240901906), and *Solley v. B. Braun Medical Inc., et al.* (230101402).

Respectfully submitted,

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Counsel for Defendants

Dated: February 28, 2025

CERTIFICATE OF SERVICE

I, Blake Jenkins, hereby certify that on the date set forth below, I caused a true and correct copy of the foregoing Joint Motion to Stay to be served via the Court's electronic filing system on all counsel of record.

Dated: February 28, 2025

/s/ Blake Jenkins
Blake Jenkins
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