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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

IN RE:	NO. 89-2-18455-9
KING COUNTY ASBESTOS CASES	REVISED CONSOLIDATED PRETRIAL STYLE ORDER

EFFECTIVE DATE: AUGUST 1, 2011

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1 **I. APPLICABILITY AND ADMINISTRATION**

2 1.1 Cases to Which Applicable.

3 This Order is specifically applicable to all pending asbestos cases filed in the
4 Superior Court of Washington for King County, and to all future asbestos cases filed within
5 this jurisdiction. This Order shall be effective on the date signed. This Order and the forms
6 referred to in this Order shall be posted on the King County Superior Court website,
7 www.kingcounty.gov/courts/superiorcourt/civil.aspx.

8 1.2 Purpose.

9 This Order will not consolidate any case or join any parties in any other action, but
10 will serve only to establish a uniform procedure for the conduct and coordination of orderly
11 discovery and related matters in order to minimize duplication of discovery, to lessen
12 unnecessary paperwork and to provide for the most economical use and time of all parties,
13 counsel and the Court.

14 1.3 Effect on Prior Asbestos Style Orders.

15 This Court has previously entered “style” orders establishing procedures governing
16 the commencement of actions seeking damages for asbestos-related disease, the setting of
17 such actions for trial, and for conducting and coordinating all pre-trial discovery, disclosures,
18 motion practice, and other pre-trial schedules and deadlines. This Order will supersede and
19 replace all such prior procedural “style” orders including, without limitation, the orders
20 listed below:

21 (a) Consolidated Pretrial Style Order entered on February 17, 1984, by
22 the Hon. Robert W. Winsor;

23 (b) Style Order Regarding Motions For Accelerated Trial Dates entered
24 on July 10, 1987, by the Hon. Shannon Wetherall;

25 (c) Order Re Trial Setting and Accelerated Case Review entered on
26 January 17, 1990, by the Hon. Dale B. Ramerman;

1 (d) Order Establishing Inactive Case Calendar Option For Asbestos
2 Personal Injury Cases entered on January 17, 1990, by the Hon. Dale B. Ramerman;

3 (e) General Pretrial Style Discovery Style Order No. 7 entered on August
4 1, 1991, by the Hon. Robert H. Alsdorf;

5 (f) General Style Order No. 7A: a) Denying OCF's Motion Re:
6 Discovery, and b) Clarifying Style Order No. 7 entered on September 5, 1991, by the Hon.
7 Robert H. Alsdorf;

8 (g) Order Establishing Style Complaints and Answers (Style Order No. 8)
9 entered on March 27, 1992, by the Hon. Robert H. Alsdorf;

10 (h) General Style Order No. 9 Concerning Stipulation Re: Health Records
11 entered on October 9, 1992, by the Hon. Robert H. Alsdorf;

12 (i) General Style Order No. 10 – Motions for Granting and Striking of
13 Accelerated Trial Dates entered on July 8, 1993, by the Hon. Robert H. Alsdorf; and

14 (j) Order Regarding Revision to Health Care Stipulation entered on
15 September 16, 1994, by the Hon. Robert H. Alsdorf.

16 1.4 Filing of Pleadings [DELETED].

17 1.5 Notices of Trial Setting [DELETED].

18 1.6 Jury Demands.

19 Any party may rely on the jury demand filed by another party, whether or not the
20 filing party has settled or been dismissed prior to trial.

21 1.7 Nonadmissibility.

22 The fact that counsel for either the plaintiffs or defendants are acting on behalf of
23 other counsel shall not be construed as an admission nor shall such fact be communicated to
24 the trier of fact. The fact of cooperation among counsel, whether plaintiffs or defendants, or
25 both, for the purpose of coordinating discovery and trial or otherwise minimizing or sharing
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1 litigation expenses in the asbestos litigation, shall not be communicated to the trier of fact by
2 evidence, argument of counsel, or otherwise.

3 The existence of this Order, or breaches thereof, shall not be the subject of evidence
4 or argument to the trier of fact. However, breaches or nonobservance of the terms and
5 conditions of this Order shall be subject to motions to strike, motions to compel, or such
6 other relief as the Court deems appropriate.

7 1.8 Amendments to Order and Exhibits [DELETED].

8 1.9 Continuing Jurisdiction.

9 The Presiding Judge of King County Superior Court or that judge's designee shall
10 retain jurisdiction over all matters relating to the asbestos litigation generally, and motions to
11 amend this Order, or motions to consolidate two or more cases should be directed to the
12 Presiding Judge. Matters concerning an individual case should be directed to the assigned
13 trial judge.

14 1.10 Affidavit of Prejudice [DELETED].

15 1.11 Separate Cause Number for Individual Plaintiffs.

16 Asbestos claims containing more than one plaintiff may not be filed without leave of
17 court. For this purpose, a husband and wife shall be considered one claimant or plaintiff.
18 Unless good cause is subsequently shown, each plaintiff's case shall be tried separately.

19 1.12 Reconstruction of Multi-Plaintiff Cases [DELETED].

20 1.13 Cross-Claims.

21 (a) Upon any plaintiff's dismissal of plaintiff's cause of action against
22 any defendant on account of settlement or nonsuit or summary judgment of dismissal, all
23 cross-claims by any and all other defendants against said dismissed defendant will
24 automatically be deemed to be nonsuited without prejudice unless within ten (10) days
25 following receipt of notice of said dismissal the cross-claiming defendant files and serves
26 upon said dismissed defendant in the particular action (as opposed to style) a pleading

1 entitled “Notice of Intent to Preserve and Pursue Cross-claim” in the form set forth in
2 Section (d), below.

3 (b) [DELETED].

4 (c) This Order is neither intended to affect nor in any way restrict the
5 rights of any defendant to refile its claims against any defendant or pursue any proper claims
6 it may have by later action in accordance with applicable laws.

7 (d) Set forth below is the recommended form for the notice of intent to
8 preserve and pursue cross-claims:

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Plaintiff(s),
v.

Defendants.

NO.

NOTICE BY DEFENDANT OF ITS
INTENTION TO PRESERVE AND
PURSUE ITS CROSS-CLAIM HEREIN
AGAINST DEFENDANT

COMES NOW defendant _____ and hereby
notifies defendant _____ of its intention to preserve
and pursue its cross-claim against said defendant already on file herein.

DATED this _____ day of _____, 20_____.

By: _____
Of Attorneys for Defendant

NOTICE OF INTENT TO PRESERVE
AND PURSUE CROSS-CLAIM

1 **II. SCHEDULING**

2 2.1 Lead Discovery Counsel [DELETED].

3 2.2 Specific Plaintiff Records and Discovery [DELETED].

4 2.3 Specific Defendants [DELETED].

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1 **III. COMPLAINTS AND ANSWERS**

2 3.1 New Actions [DELETED].

3 3.2 Complaints.

4 Hereafter complaints or claims initiated by plaintiffs' counsel participant hereto shall
5 contain to the maximum extent possible the following matters:

- 6 (a) The specific disease (in contradistinction to "cancer" or "pulmonary
7 disease");
- 8 (b) Name and place of employer(s);
- 9 (c) Occupation(s) of claimant such as insulation worker, pipefitter, etc.;
- 10 (d) Date(s) of employment; and
- 11 (e) Approximate dates of alleged exposure to asbestos products.

12 If such facts are not alleged in the complaint, plaintiff shall be deemed to have been
13 served with a Motion for More Definite Statement under CR 12(e) and plaintiff shall within
14 45 days of filing the complaint, serve upon defendants (pursuant to Part IV, Paragraph 4.3) a
15 more definite statement containing the facts described above.

16 3.3 Diagnosis.

17 Unless otherwise alleged in the complaint, plaintiff shall serve defendants with a
18 More Definite Statement within 45 days of service of the complaint setting forth the date a
19 doctor first communicated to plaintiff(s) that he or she had an asbestos-related disease.

20 3.4 Answers.

21 Each defendant will within 60 days of service of the complaint serve its answer or
22 other responsive pleading.

23 3.5 Amended Complaints.

24 Plaintiffs may, without further leave of court, amend their complaints to:

- 25 (a) Add claims based on survivorship; or
- 26 (b) Add a spouse as a party plaintiff.

1 Service of the amended complaint on counsel for defendants shall be considered
2 service on the party defendant. Such amendment may incorporate prior allegations in the
3 same cause by reference. If a trial date has already been set, the timeliness of such
4 amendments shall be subject to review by the trial court. The fact that the added spouse
5 contends injuries or disease personal to himself/herself shall be made clear in the amended
6 complaint.

7 3.6 Amended Answers.

8 In the event a plaintiff amends his or her complaint without leave of court as
9 provided in the immediately preceding paragraph, the same shall be deemed placed in issue
10 without the necessity of any defendant having to amend its answer, provided, however,
11 nothing herein shall be construed to prevent a defendant from amending its answer, in which
12 event the answer shall be amended within 60 days of the amended complaint. In the event
13 any defendant elects not to file an amended answer, the affirmative defenses previously
14 pleaded shall be applicable to the new survivorship and/or spousal allegations made by
15 plaintiff.

1 **IV. SERVICE AND NOTICE OF PLEADINGS**

2 4.1 Original Process [DELETED].

3 4.2 Notice of Motions [DELETED].

4 4.3 Service of Motions and Discovery Generally [DELETED].

5 4.4 Sets and Service of Interrogatories and Requests for Production and
6 Admissions [DELETED].

1 **V. DISCOVERY**

2 5.1 Stay of Discovery.

3 Defendants shall not propound supplemental discovery requests sooner than the date
4 on which plaintiffs' answers to defendants' first style interrogatories to plaintiff are due. No
5 deposition shall be taken earlier than 120 days after the filing of the complaint. No motion
6 for summary judgment shall be heard earlier than 150 days after the filing of the complaint.
7 Provided, however, that these limitations shall not apply when a trial has been accelerated
8 pursuant to Part X of this Order.

9 5.2 Interrogatories to Plaintiffs.

10 Defendants' counsel have developed a single standard set of interrogatories for each
11 plaintiff (herein referred to as "standard interrogatories"). The same may be amended from
12 time to time, provided, however, plaintiffs reserve the right to make substantive objection to
13 any such changes in the standard interrogatories. Plaintiffs shall respond to standard
14 interrogatories on or before the date set forth in the Order Setting Civil Asbestos Case
15 Schedule issued in each case. Defendants may serve supplemental interrogatories on
16 plaintiffs, subject to the limitation in Paragraph 5.1. Responses to supplemental
17 interrogatories shall be due within 60 days of the date they are served. Counsel are urged to
18 exercise the utmost good faith in determining the necessity for such further interrogatories
19 and all parties are urged to attempt to resolve disputes growing out of such matters on an
20 informal basis.

21 5.3 Interrogatories to Defendants.

22 (a) Plaintiffs' counsel may serve standard interrogatories to all
23 defendants. The standard plaintiff interrogatories to all defendants, and defendants'
24 responses, may be "styled" so as to apply to all cases represented by that particular plaintiff's
25 counsel. In this event, the interrogatories must be identified as "style" interrogatories for
26 filing in this cause reserved for that purpose. Further, in this event, the standard

1 interrogatories shall not inquire as to any individual plaintiff or groups of plaintiffs other
2 than all plaintiffs as a whole. Defendants shall have 60 days in which to respond to plaintiff
3 standard interrogatories.

4 (b) After 60 days from the date of service of plaintiff standard
5 interrogatories, or after defendants' answers thereto, whichever first occurs, plaintiff may
6 serve supplemental interrogatories to all defendants or individual defendants. Defendants
7 shall have 60 days in which to respond to supplemental interrogatories. Counsel are urged to
8 exercise the utmost good faith in determining the necessity for such further interrogatories
9 and all parties are urged to attempt to resolve disputes growing out of such matters on an
10 informal basis.

11 5.4 Defendants' Request for Documents [DELETED].

12 5.5 Plaintiffs Request for Documents [DELETED].

13 5.6 Response to Request for Admissions.

14 Each party shall have sixty (60) days to respond to Requests for Admissions.

15 5.7 Depositions, Generally.

16 (a) Counsel for plaintiffs and defendants may utilize out-of-state counsel
17 for depositions notwithstanding such out-of-state counsel may not be admitted to practice in
18 this state. The matter of use of out-of-state counsel for any particular trial shall be left for
19 further order of the Court. Nothing in this paragraph shall be construed to overrule any prior
20 orders of court in the state of Washington in the asbestos litigation in this state regarding
21 out-of-state counsel.

22 (b) [DELETED].

23 (c) [DELETED].

24 (d) Pre-Deposition Statement. Any party who intends to take a discovery
25 deposition or a perpetuation deposition of a witness (other than a plaintiff) that the party has
26 disclosed to testify at trial shall provide the information set forth below. To the extent the

1 information has not already been provided in responses to interrogatories or witness
2 disclosures, it shall be provided in the form of a pre-deposition statement attached to and
3 served with the notice of deposition.

4 (1) The name, address and current employer (if known) of the
5 deponent.

6 (2) The subject matter on which the deponent is expected to
7 testify.

8 (3) The general substance of the testimony the deponent is
9 expected to give.

10 (4) If the deponent is expected to testify regarding his opinions,
11 the substance of the opinions and a summary of the grounds of each opinion.

12 (5) [DELETED].

13 (6) If the deponent is expected to testify regarding any defendant
14 and/or any defendant's product(s), the particular work sites, the years, and the names of
15 every defendant that the deponent will identify as having had asbestos-containing products
16 at the worksite.

17 (7) Any party intending to use a deposition as a "Style"
18 deposition, or to use it in certain other trials, shall serve the pre-deposition statement
19 described in this Section (d) as well as a notice of "Style" deposition and/or a notice of
20 deposition for said other trials, upon counsel for all parties who are intended to be bound
21 thereby.

22 (8) If any witness in his/her testimony provides product
23 identification testimony pertaining to defendant manufacturers who are not listed in the
24 previously described pre-deposition statement or in discovery responses or disclosures
25 previously provided to the defendant, then:
26

1 a) Questioning concerning any such non-listed defendant
2 manufacturer will cease at that point if counsel for the defendant is not present; and

3 b) Counsel shall cooperate to schedule a continued
4 deposition within 30 days upon request by the non-listed defendant, provided that the
5 continued deposition may be conducted upon shortened notice to accommodate the
6 discovery cut-off.

7 5.8 Scheduling of Depositions [DELETED].

8 5.9 Plaintiff Perpetuation Depositions.

9 (a) In the event a plaintiff has failing health, plaintiff's counsel shall
10 cooperate with lead defense counsel or his/her designate, to schedule a perpetuation
11 deposition of the plaintiff.

12 (b) Defendants shall have the right to conduct a discovery deposition
13 prior to such perpetuation deposition, provided that if the witness is gravely ill and
14 incapacitated, counsel shall work to accommodate the witness's condition by limiting
15 questioning, shortening deposition hours, and, if the witness's demise is imminent,
16 dispensing with a defense discovery deposition before the defense portion of the
17 perpetuation deposition. If a defendant is not given the opportunity to conduct a discovery
18 deposition before the perpetuation deposition, and the lack of the discovery deposition
19 causes unfair prejudice to the defendant, the defendant may move the trial court to limit or
20 exclude product identification testimony against the defendant.

21 (c) [DELETED].

22 (d) [DELETED].

23 (e) [DELETED]. See Paragraph 6.3. Plaintiff's counsel shall attempt to
24 secure approval for an autopsy.

1 (f) Plaintiff shall serve and file answers to all outstanding discovery to
2 the maximum extent possible and as soon as reasonably possible prior to the plaintiff's
3 deposition.

4 (g) Unless previously supplied in answer to interrogatories, as soon as
5 possible and without waiting for preparation of answers to interrogatories, plaintiff's counsel
6 shall provide all defense counsel a list of all products which plaintiff, by personal
7 recollection, will testify that he or she was exposed to and which contained asbestos.

8 (h) Not less than five (5) days before the plaintiff is deposed, plaintiff's
9 counsel shall provide the following materials to all defendants:

10 (1) Copies of all exhibits plaintiff's counsel plans to use during
11 plaintiff's perpetuation deposition other than family photographs;

12 (2) All medical records in plaintiff's counsel's possession; and

13 (3) All employment, union, military, and social security records in
14 plaintiff's counsel's possession.

15 5.10 Special Rules in Video Depositions.

16 (a) When a video deposition is for perpetuation of a plaintiff with failing
17 health, all matters set forth above in Paragraph 5.8 shall be applicable.

18 (b) The taking of video depositions shall be on written notice as provided
19 by this Order, provided any party may object by motion and showing of good cause to the
20 Court.

21 (c) Each deposition shall be stenographically transcribed and recorded by
22 a qualified court reporter in addition to the video record.

23 (d) [DELETED].

24 (e) The original video shall be preserved without change. Objections as
25 to the admissibility or use of any of the video, or portions thereof, at the trial shall be under
26 the direction of the Court according to the Rules of Civil Procedure and Evidence.

1 (f) A copy of any part of or all of the video deposition may be made by or
2 for any party at said party's expense.

3 (g) The party taking a video deposition shall be responsible for providing
4 all necessary equipment and shall bear such costs of the original videotape transcription.

5 (h) The swearing or affirming of the witness shall be on camera.

6 (i) The camera will remain stationary on the deponent at all times during
7 the deposition, except for identification of exhibits, and will not zoom in or out on a witness
8 or any other person at the deposition. The camera shall not "pan," other than to include
9 exhibits, and the field of view should, to the extent possible, consist of a plain background.

10 (j) [DELETED].

11 5.11 "Style" Discovery.

12 (a) Either plaintiffs or defendants, individually or collectively, may
13 initiate discovery that is applicable to all of their respective asbestos cases covered by this
14 Order, such as standard interrogatories to all defendants, requests for admissions to all
15 parties, depositions of independent third-parties, etc. Such discovery is hereinafter referred
16 to as "Style" Discovery.

17 (b) A deposition may be used at trial only as provided by the Washington
18 Rules of Civil Procedure and the Washington Rules of Evidence. Style discovery shall be
19 applicable only to parties appropriately served with notice of the particular discovery
20 proceeding and to the cases subject to this Order. Style discovery, applicable to all parties
21 hereto, shall be filed in this cause. All style discovery must indicate that it is "Style"
22 discovery in the title of the notice of the same. Any party hereto may object to the Court to
23 any particular discovery intended by any other party as style discovery applicable to all other
24 parties herein.

25 (c) As of such time as any party has been dismissed from all pending
26 cases, or has filed and served a Notice of Intent to Settle all pending cases, a Stipulation of

1 Dismissal, or has entered into and given notice of a Release, Covenant Not to Sue, Covenant
2 Not to Enforce Judgment, or similar agreement in all cases in which it has been named as a
3 defendant in this jurisdiction, that party shall not be bound by discovery designated as
4 “Style” discovery. “Style” discovery conducted after thirty (30) days following the filing in
5 this jurisdiction and service of a new Summons and Complaint upon on any such party shall
6 be applicable to that party, provided, that party has received proper service of notice of the
7 discovery proceeding.

1 **VI. MEDICAL EXAMINATIONS AND MISC. PLAINTIFF RECORDS**

2 6.1 Medical Examinations [DELETED].

3 6.2 Time for Examination and Deposition of Examiner [DELETED].

4 6.3 Autopsy and Pathology Reports.

5 (a) Plaintiffs' counsel shall attempt to obtain authorizations for autopsies
6 from each plaintiff, and autopsies should be conducted for each plaintiff who expires for any
7 reason during the pendency of this litigation, subject to religious or ethical considerations
8 personal to that plaintiff or the immediate family. Defendants may provide a defense
9 pathologist at their cost to observe the autopsy, who may request additional tissues be taken
10 but shall not otherwise participate in the performance of the autopsy. The defense
11 pathologist shall be provided with access to tissue samples, slides, and other matters
12 reasonably necessary to make his/her own diagnosis. Tissue slides and other factual data
13 obtained by the autopsy physicians and/or pathologists shall be made available one to the
14 other. All reports and information furnished by the autopsy physician and/or pathologist
15 shall be distributed to all counsel.

16 (b) Upon learning of the death of any plaintiff, plaintiff's counsel shall
17 contact defense counsel promptly to enable defendants to elect whether or not to send a
18 defense pathologist to observe the autopsy.

19 6.4 Medical Records Identification.

20 To establish commonality of identification of records, all counsel shall endeavor to
21 certify all medical records as follows: As to each plaintiff, each page within the records of
22 each separate doctor and each separate health care provider shall be serially numbered in the
23 lower right hand corner commencing with page 1.

1 6.5 Production and Costs of Plaintiffs' Medical Reports.

2 Plaintiff's counsel shall execute HIPPA-compliant stipulations for medical records,
3 in a form published on the Court's website and deliver it to counsel for all parties within
4 90 days of filing the Complaint.

5 6.6 Other Records Pertaining to Plaintiff.

6 Plaintiffs' counsel shall execute a stipulation for the release of employment related
7 records in the form published on the Court's website and deliver it to counsel for all parties
8 within 90 days of filing the Complaint. The records for each employee, governmental unit,
9 or other custodian shall be separately and serially numbered in the lower right hand corner
10 commencing with page 1. By way of illustration, but not in limitation, the records
11 contemplated herein include all employer records; all industrial insurance and compensation
12 records, whether state, federal or private carrier; social security records, including print-out
13 work records, Internal Revenue Service records; union records, etc.

1 **VII. FILING WITH CLERK**

2 7.1 Filing Depositions, Produced Records and General Matter [DELETED].

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1 **VIII. OUT-OF-STATE DEPOSITIONS**

2 8.1 Scope of Ruling on Out-of-State Depositions [DELETED].

3 8.2 Plaintiff's Use of Out-of-State Depositions [DELETED].

4 8.3 Defendant's Use of Out-of-State Depositions [DELETED].

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1 **IX. PRETRIAL DEADLINES AND PROCEDURES**

2 9.1 Deadlines.

3 In order to improve the exchange of meaningful information between the parties to
4 allow case evaluation and foster substantive settlement discussions, the Clerk shall issue a
5 case schedule in each asbestos case. In addition, the following pretrial procedures shall be
6 implemented.

7 (a) 161 days prior to trial:

8 (1) Plaintiffs shall identify the theory of their case.

9 (2) Plaintiffs shall disclose all actual trial witnesses:

10 a) Expert witnesses: It is presumed that no more than two
11 expert witnesses will be allowed to testify as to any one topic, but counsel may seek
12 permission of the Court for additional witnesses. See § 9.2.

13 b) Product identification and exposure witnesses. See
14 § 9.3.

15 c) All other trial witnesses. See § 9.4.

16 (3) Plaintiffs must provide special damage figures.

17 (b) 133 days prior to trial:

18 (1) Defendants shall disclose all actual trial witnesses:

19 a) Expert witnesses: It is presumed that no more than two
20 expert witnesses will be allowed to testify as to any one topic, but counsel may seek
21 permission of the Court for additional witnesses. See § 9.2.

22 b) Product and exposure witnesses. See § 9.3.

23 (2) Defendants must identify all affirmative defenses.

24 (c) All other deadlines shall be set forth in the case schedule issued by the
25 clerk at filing of the complaint.

1 9.2 Expert Witness Disclosure.

2 The parties shall serve on all parties and file a disclosure of those witnesses they
3 expect to offer as expert witnesses at trial, stating, if not previously disclosed in
4 interrogatory answers or expert witness depositions:

- 5 (a) Name, address and, if known, the telephone number;
- 6 (b) The subject matter on which the expert witness is expected to testify;
- 7 (c) The substance of the facts and opinions to which the expert is
8 expected to testify;
- 9 (d) A summary of the grounds for each opinion; and
- 10 (e) The expected manner of presentation of testimony (e.g., live, by
11 deposition, by video deposition). A party may amend its expert witness disclosure after the
12 applicable cut-off date only upon a motion and good cause shown.

13 9.3 Product Identification Witness Disclosure.

14 (a) The plaintiff shall serve on all defendants and file a disclosure of
15 product identification witnesses (including plaintiff) that plaintiff actually intends to offer as
16 witnesses at the time of trial, stating therein:

- 17 (1) Name, address and telephone number of the witness (name
18 only for the plaintiff);
- 19 (2) The products at issue which each witness can identify by brand
20 name and manufacturer, if known, and if unknown, by generic name;
- 21 (3) For those brand names and manufacturers named in (2) above,
22 to the best of the witness' knowledge, approximate dates and job sites where the witness
23 contends said product was seen or used; and
- 24 (4) As to each such witness, whether or not the witness has been
25 deposed in any asbestos-related action; and if so, the title of the case(s) in which the
26

1 deposition was taken, the jurisdiction involved and the approximate date of the
2 deposition(s).

3 (b) Defendants shall serve and file a disclosure of all witnesses regarding
4 products, lack of product identification and/or exposure that defendant actually intends to
5 offer as witnesses at the time of trial, stating therein:

6 (1) Name, address and telephone number of the witness;

7 (2) The products, if any, which each witness will testify about,
8 identified by brand name and manufacturer, if known, and if unknown, by generic name;

9 (3) For those products named in (2) above, to the best of the
10 witness' knowledge:

11 a) The manufacturer to whom the product is attributed,
12 and to the best of the witness' knowledge, the approximate dates and job sites involved,
13 and/or

14 b) Where exposure is allegedly lacking, approximate
15 dates and job sites where the witness contends any products were not present or not used;
16 and

17 (4) As to each such witness, whether or not the witness has been
18 deposed in any asbestos-related action; and if so, the title of the case(s) in which the
19 deposition was taken, the jurisdiction involved and the approximate date of the
20 deposition(s).

21 (c) A party may amend its product identification witness disclosure after
22 the applicable cut-off date only upon good cause and appropriate motion.

23 9.4 Disclosure of All Other Trial Witnesses.

24 The parties shall serve and file a disclosure of all other witnesses whom they intend
25 to offer as witnesses at the time of trial. These disclosures shall include the names and
26 addresses of the witnesses and a brief statement of the subject matter of the anticipated

1 testimony of each witness. A party may amend its disclosure of all other trial witnesses after
2 the applicable cut-off date only upon a motion and upon good cause shown.

3 9.5 Disclosure of Trial Testimony by Deposition.

4 (a) Each party shall serve on all parties and file a disclosure of all
5 witnesses whose testimony at trial will be by deposition, video or otherwise, rather than
6 testifying in person. Each party intending to offer testimony by deposition, video or
7 otherwise, must state with particularity, as to each deposition so identified:

8 (1) The name, and last known address of the deponent;

9 (2) The date and place of deposition to be offered;

10 (3) The name, jurisdiction and cause number of the cause of
11 action that the deposition was noted in, if it is different from the present cause of action in
12 which it will be offered;

13 (4) The specific parts of the deposition the party intends to offer;

14 and

15 (5) The specific plaintiff(s) or defendant(s) against which each
16 identified part of the deposition will be offered.

17 (b) The party shall also provide to each party a copy of the entire
18 deposition transcript from which testimony has been designated.

19 (c) A party may amend its disclosure of trial testimony by deposition after
20 the applicable cut-off date only upon a motion and upon good cause shown.

21 9.6 Disclosure of Trial Exhibits.

22 The parties shall serve on all parties and file a disclosure of those exhibits they
23 reasonably anticipate will be offered at the time of trial. These disclosures must include for
24 each exhibit so identified a specific designation as to which plaintiff(s) or defendant(s) the
25 particular exhibit will be introduced against. A party may amend its disclosure of trial
26 exhibits after the applicable cut-off date only upon a motion and upon good cause shown.

1 9.7 Discovery Cut-Off and Amendment of Responses [DELETED].
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1 **X. GRANTING AND STRIKING ACCELERATED TRIAL DATES (FROM**
2 **GENERAL STYLE ORDER NO. 10)**

3 10.1 Granting an Accelerated Trial Date.

4 In cases where the plaintiff has been diagnosed with a terminal condition, the
5 plaintiff may move the Court to accelerate the trial date. If the Court grants plaintiff's
6 motion, it shall issue an amended individual case schedule setting forth revised deadlines.
7 The accelerated trial date shall be not earlier than six months after the date the motion to
8 accelerate is filed. At least five (5) days before the time noted for consideration of a motion
9 for an accelerated trial date, plaintiffs shall have served defendants with the following:

- 10 (a) Answers to the standard interrogatories;
- 11 (b) All medical and employment records in plaintiff's possession;
- 12 (c) A complete list of witnesses that Plaintiff then reasonably intends to
13 call at trial (either by live testimony or by deposition);
- 14 (d) An affidavit of readiness;
- 15 (e) Notice of the motion, with the reasons for the motion and the
16 requested trial date; and
- 17 (f) An affidavit of service certifying that all defendants in the case have
18 been served with the materials required in letters (a) through (e) listed above.

19 10.2 Striking an Accelerated Trial Date.

20 In cases where the Court has granted an accelerated trial date, if plaintiff should die
21 before the date of trial, the accelerated trial date will be stricken if the plaintiff's death
22 occurs more than twenty-eight (28) days before the trial date. The accelerated trial date will
23 not be stricken if the death occurs twenty-eight (28) days or fewer before the trial date,
24 unless the Court rules otherwise upon motion of a party for good cause shown.

1 **XI. NON-COMPLIANCE WITH ORDER AND SANCTIONS**

2 11.1 Enforcement of Order.

3 It is the intent of this Order that compliance with the provisions herein shall be
4 required of all parties. Failure to comply with this Order may result in sanctions, including
5 the following:

- 6 (a) The exclusion of evidence at trial as to any exhibit, witness,
7 testimony, or other matters not disclosed in accordance with this Order; and/or
8 (b) Imposition of terms against the law firm representing the party failing
9 to comply with this Order; and/or
10 (c) Waiver of the non-complying party's right to object to a continuance
11 of the trial; and/or
12 (d) Such other relief as deemed appropriate by the Court.
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DATED this 18th day of July, 2011.

By: Sharon S. Armstrong
JUDGE SHARON S. ARMSTRONG