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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF KING

IN RE:

KING COUNTY ASBESTOS CASES

NO. 89-2-18455-9

SECOND REVISED CONSOLIDATED
PRETRIAL STYLE ORDER

EFFECTIVE DATE: MAY 25, 2018

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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 Superior
4 Court of Washington for King County, and to all future asbestos cases filed within this
5 jurisdiction. This Order shall be effective on the date signed. This Order and the forms referred
6 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 will
10 serve only to establish a uniform procedure for the conduct and coordination of orderly discovery
11 and related matters in order to minimize duplication of discovery, to lessen unnecessary
12 paperwork and to provide for the most economical use and time of all parties, counsel and the
13 Court.

14 1.3 Effect on Prior Asbestos Style Orders.

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

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

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

1 (c) Order Re Trial Setting and Accelerated Case Review entered on January
2 17, 1990, by the Hon. Dale B. Ramerman;

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

5 (e) General Pretrial Style Discovery Style Order No. 7 entered on August 1,
6 1991, by the Hon. Robert H. Alsdorf;

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

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

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

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

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

18 1.4 Filing of Pleadings [DELETED].

19 1.5 Notices of Trial Setting [DELETED].

20 1.6 Jury Demands.

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

1 1.7 Nonadmissibility.

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

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

12 1.8 Amendments to Order and Exhibits [DELETED].

13 1.9 Continuing Jurisdiction.

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

18 1.10 Affidavit of Prejudice [DELETED].

19 1.11 Separate Cause Number for Individual Plaintiffs.

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

1 1.12 Reconstruction of Multi-Plaintiff Cases [DELETED].

2 1.13 Cross-Claims.

3 (a) Upon any plaintiff's dismissal of plaintiff's cause of action against any
4 defendant on account of settlement or nonsuit or summary judgment of dismissal, all cross-
5 claims by any and all other defendants against said dismissed defendant will automatically be
6 deemed to be nonsuited without prejudice unless within ten (10) days following receipt of notice
7 of said dismissal the cross-claiming defendant files and serves upon said dismissed defendant in
8 the particular action (as opposed to style) a pleading entitled "Notice of Intent to Preserve and
9 Pursue Cross-claim" in the form set forth in Section (d), below.

10 (b) [DELETED].

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

14 (d) Set forth below is the recommended form for the notice of intent to
15 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

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II. SCHEDULING

- 2.1 Lead Discovery Counsel [DELETED].
- 2.2 Specific Plaintiff Records and Discovery [DELETED].
- 2.3 Specific Defendants [DELETED].

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 disease");
7 (b) Name and place of employer(s);
8 (c) Occupation(s) of claimant such as insulation worker, pipefitter, etc.;
9 (d) Date(s) of employment; and
10 (e) Approximate dates of alleged exposure to asbestos products.

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

15 3.3 Diagnosis.

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

19 3.4 Answers.

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

22 3.5 Amended Complaints.

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

- (a) Add claims based on survivorship; or

1 (b) Add a spouse as a party plaintiff.

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

7 3.6 Amended Answers.

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

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IV. SERVICE AND NOTICE OF PLEADINGS

- 4.1 Original Process [DELETED].
- 4.2 Notice of Motions [DELETED].
- 4.3 Service of Motions and Discovery Generally [DELETED].
- 4.4 Sets and Service of Interrogatories and Requests for Production and Admissions [DELETED].

1 **V. DISCOVERY**

2 5.1 Stay of Discovery.

3 Defendants shall not propound supplemental discovery requests sooner than the date on
4 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 for
6 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 time
12 to time, provided, however, plaintiffs reserve the right to make substantive objection to any such
13 changes in the standard interrogatories. Plaintiffs shall respond to standard interrogatories on or
14 before the date set forth in the Order Setting Civil Asbestos Case Schedule issued in each case.
15 Defendants may serve supplemental interrogatories on plaintiffs, subject to the limitation in
16 Paragraph 5.1. Responses to supplemental interrogatories shall be due within 60 days of the date
17 they are served. Counsel are urged to exercise the utmost good faith in determining the necessity
18 for such further interrogatories and all parties are urged to attempt to resolve disputes growing
19 out of such matters on an informal basis.

20 5.3 Interrogatories to Defendants.

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

1 for that purpose. Further, in this event, the standard interrogatories shall not inquire as to any
2 individual plaintiff or groups of plaintiffs other than all plaintiffs as a whole. Defendants shall
3 have 60 days in which to respond to plaintiff standard interrogatories.

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

10 5.4 Defendants' Request for Documents [DELETED].

11 5.5 Plaintiffs Request for Documents [DELETED].

12 5.6 Response to Request for Admissions.

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

14 5.7 Depositions, Generally.

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

21 (b) [DELETED].

22 (c) [DELETED].

23 (d) Pre-Deposition Statement. Any party who intends to take a discovery
deposition or a perpetuation deposition of a witness (other than a plaintiff) that the party has

1 disclosed to testify at trial shall provide the information set forth below. To the extent the
2 information has not already been provided in responses to interrogatories or witness disclosures,
3 it shall be provided in the form of a pre-deposition statement attached to and served with the
4 notice of deposition.

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

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

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

10 (4) If the deponent is expected to testify regarding his opinions, the
11 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 every
15 defendant that the deponent will identify as having had asbestos-containing products at the
16 worksite.

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

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

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 deposition
4 within 30 days upon request by the non-listed defendant, provided that the continued deposition
5 may be conducted upon shortened notice to accommodate the discovery cut-off.

6 5.8 Scheduling of Depositions [DELETED].

7 5.9 Plaintiff Perpetuation Depositions.

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

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

19 (c) [DELETED].

20 (d) [DELETED].

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

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

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

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

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

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

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

12 5.10 Special Rules in Video Depositions.

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

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

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

19 (d) [DELETED].

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

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

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

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

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

8 (j) [DELETED].

9 5.11 “Style” Discovery.

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

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

21 (c) As of such time as any party has been dismissed from all pending cases, or
22 has filed and served a Notice of Intent to Settle all pending cases, a Stipulation of Dismissal, or
23 has entered into and given notice of a Release, Covenant Not to Sue, Covenant Not to Enforce
Judgment, or similar agreement in all cases in which it has been named as a defendant in this

1 jurisdiction, that party shall not be bound by discovery designated as “Style” discovery. “Style”
2 discovery conducted after thirty (30) days following the filing in this jurisdiction and service of a
3 new Summons and Complaint upon on any such party shall be applicable to that party, provided,
4 that party has received proper service of notice of the discovery proceeding.

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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) While Plaintiff is living. Each defendant who wishes to obtain plaintiff's autopsy
6 after plaintiff's death shall serve that request in writing via email to plaintiff's counsel no later
7 than 45 days after the plaintiff's deposition. Within ten calendar days from service of that written
8 request, the parties shall confer regarding the request for an autopsy. Within five court days from
9 that conference, but no later than fifteen calendar days from delivery of the written request,
10 plaintiff's counsel shall respond in writing via email to state whether or not plaintiff agrees to an
11 autopsy. Should plaintiff disagree to an autopsy and should defendant continue to want one,
12 defendant shall no later than ten calendar days from the date of the conference file a motion to
13 compel an autopsy pursuant to CR 35. *See also* RCW 68.50.102. The motion shall be before the
14 assigned judge and shall be noted for hearing pursuant to LCR 7(b).

15 Should plaintiff decide to have an autopsy upon death, plaintiff's counsel shall notify
16 defendants within five court days from the date plaintiff made that decision. Plaintiff shall pay
17 half of the cost for that autopsy and defendants shall bear the other half of the cost. Any
18 defendant may provide a defense pathologist at their cost to observe the autopsy and/or may
19 request additional tissues be taken but shall not otherwise participate in the performance of the
20 autopsy. The defense pathologist shall be provided with access to tissue samples, slides, and
21 other matters reasonable necessary to make his/her own diagnosis and/or causation opinions.
22 Tissue, tissue slides and blocks together with any other factual data obtained by the autopsy
23 physicians and/or pathologists shall be made available to any party. All reports and information
furnished by the autopsy physician and/or pathologist shall be distributed to all counsel.

1 (b) Upon Plaintiff's death. Upon learning that plaintiff has passed, plaintiff's counsel
2 shall within twelve hours notify defendants' counsel of that death in writing via email. Within
3 one court day from receiving that notice, any defendant who wants an autopsy shall so notify
4 plaintiff's counsel in writing via email. The parties shall confer if possible given the time-
5 constraints. Should plaintiff disagree to an autopsy and should any defendant continue to want
6 one, any such defendant shall as soon as practical upon notice of plaintiff's disagreement file a
7 motion before the assigned judge, or the Chief Civil Judge if the assigned judge is unavailable,
8 on shortened time to compel an autopsy pursuant to CR 35. *See also* RCW 68.50.102. Given the
9 timing of any funeral arrangements and the preservation of human tissue, good cause exists for
10 the hearing on that motion to compel to occur within three court days from the filing and service
11 of the motion. Unless the parties agree to an earlier hearing and briefing schedule, the response
12 to that motion shall be due by 4:30 pm the day following filing and service, and the strict reply,
13 if any, shall be filed and served by 4:30 pm the day before the hearing. Plaintiff and/or his/her
14 representative shall preserve the body so long as there is a pending request for an autopsy, or
15 until all defendants' time for requesting an autopsy under this section has expired.

16 (c) Service in writing via email as set forth in paragraphs 6.3(a) and (b) shall be deemed
17 complete consistent with CR 5(b)(7).

18 6.4 Medical Records Identification.

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

1 6.5 Production and Costs of Plaintiffs' Medical Reports.

2 Plaintiff's counsel shall execute HIPPA-compliant stipulations for medical records, in a
3 form published on the Court's website and deliver it to counsel for all parties within 90 days of
4 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, or
9 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 contemplated
11 herein include all employer records; all industrial insurance and compensation records, whether
12 state, federal or private carrier; social security records, including print-out work records, Internal
13 Revenue Service records; union records, etc.

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VII. FILING WITH CLERK

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

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VIII. OUT-OF-STATE DEPOSITIONS

- 8.1 Scope of Ruling on Out-of-State Depositions [DELETED].
- 8.2 Plaintiff's Use of Out-of-State Depositions [DELETED].
- 8.3 Defendant's Use of Out-of-State Depositions [DELETED].

1 **IX. PRETRIAL DEADLINES AND PROCEDURES**

2 9.1 Deadlines.

3 In order to improve the exchange of meaningful information between the parties to allow
4 case evaluation and foster substantive settlement discussions, the Clerk shall issue a case
5 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 permission
12 of the Court for additional witnesses. See § 9.2.

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

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

15 (3) Plaintiffs must provide special damage figures.

16 (b) 133 days prior to trial:

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

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

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

22 (2) Defendants must identify all affirmative defenses.

23 (c) All other deadlines shall be set forth in the case schedule issued by the
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 expect
3 to offer as expert witnesses at trial, stating, if not previously disclosed in interrogatory answers
4 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 expected to
8 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 product
15 identification witnesses (including plaintiff) that plaintiff actually intends to offer as witnesses at
16 the time of trial, stating therein:

17 (1) Name, address and telephone number of the witness (name only
18 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, to
22 the best of the witness' knowledge, approximate dates and job sites where the witness contends
23 said product was seen or used; and

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

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

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

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

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

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

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

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

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

22 9.4 Disclosure of All Other Trial Witnesses.

23 The parties shall serve and file a disclosure of all other witnesses whom they intend to
offer as witnesses at the time of trial. These disclosures shall include the names and addresses of

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

4 9.5 Disclosure of Trial Testimony by Deposition.

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

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

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

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

14 (4) The specific parts of the deposition the party intends to offer; 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 deposition
18 transcript from which testimony has been designated.

19 (c) A party may amend its disclosure of trial testimony by deposition after the
20 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 each
exhibit so identified a specific designation as to which plaintiff(s) or defendant(s) the particular

1 exhibit will be introduced against. A party may amend its disclosure of trial exhibits after the
2 applicable cut-off date only upon a motion and upon good cause shown.

3 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 plaintiff
5 may move the Court to accelerate the trial date. If the Court grants plaintiff's motion, it shall
6 issue an amended individual case schedule setting forth revised deadlines. The accelerated trial
7 date shall be not earlier than six months after the date the motion to accelerate is filed. At least
8 five (5) days before the time noted for consideration of a motion for an accelerated trial date,
9 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 call at
13 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 requested
16 trial date; and
- 17 (f) An affidavit of service certifying that all defendants in the case have been
18 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 occurs
22 more than twenty-eight (28) days before the trial date. The accelerated trial date will not be
23 stricken if the death occurs twenty-eight (28) days or fewer before the trial date, 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 required
4 of all parties. Failure to comply with this Order may result in sanctions, including the following:

5 (a) The exclusion of evidence at trial as to any exhibit, witness, testimony, or
6 other matters not disclosed in accordance with this Order; and/or

7 (b) Imposition of terms against the law firm representing the party failing to
8 comply with this Order; and/or

9 (c) Waiver of the non-complying party's right to object to a continuance of
10 the trial; and/or

11 (d) Such other relief as deemed appropriate by the Court.

1 DATED this 25TH day of May, 2018.

2 [E-signature on following page]

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HONORABLE KEN SCHUBERT
CHIEF CIVIL JUDGE

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King County Superior Court
Judicial Electronic Signature Page

Case Number: 03-2-48455-5
Case Title: IN RE KING COUNTY ASBESTOS CASES

Document Title: ORDER SECOND REV CONSOL STYLE

Signed by: Ken Schubert
Date: 5/25/2018 4:27:13 PM

A rectangular box containing a handwritten signature in black ink. The signature appears to be 'K Schubert' with a long horizontal flourish extending to the right.

Judge/Commissioner: Ken Schubert

This document is signed in accordance with the provisions in GR 30.

Certificate Hash: B3CCC17BEB9A4E74398B810537AC5D3A185E71B8

Certificate effective date: 7/29/2013 12:37:57 PM

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O=KCDJA, CN="Ken
Schubert:rumaiXr44hGoUkM4YYhwmw=="