

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

IN RE: ALL ASBESTOS PERSONAL
INJURY CASES

Case No. 03-310422-NP

ORDER NO. 14 (Case Management Order)

At a session of said Court held in
the Courthouse, Detroit, Michigan
on _____ **NOV 21 2003**

Present: Honorable Robert J. Colombo, Jr.
Circuit Court Judge

The Court having consolidated the personal injury, premises and maritime asbestos cases (“**Asbestos Litigation**”) into one docket and having met with representatives of the plaintiffs and defendants, and recognizing the need to reduce the amount and duplication of paper work, time and effort by the parties and the Court in the resolution of the cases, and in order to further promote the interest of justice to all parties, hereby orders the following after providing a Table of Contents for reference:

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- #13 - Plaintiffs’ Standard Complaint Living Plaintiff and Spouse With Premises Count
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- #21 – Defendants’ Standard Answer to Plaintiffs’ Master Complaint Living Plaintiff and Spouse
- #22 – Defendants’ Standard Answer to Plaintiffs’ Standard Complaint Deceased Plaintiff
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Plaintiffs’ Discovery

- #31 – Plaintiffs’ Standard Interrogatories to Defendant and Request for Production of Documents for **Non-Premises** Liability Defendants
- #32 – Plaintiffs’ Standard Interrogatories to Defendant and Request for Production of Documents for **Premises** Liability Defendants
- #51 – Plaintiffs’ Standard **Maritime** Interrogatories to Defendants and Request for Production of Documents – Non Jones Act Defendants

Defendants’ Discovery

- #41 – Defendants’ Third **Master** Interrogatories and Request for Production of Documents to Plaintiff/Decedent
- #42 – Defendants’ Master **Liability** Interrogatories and Request for Production of Documents to Plaintiff(s)
- #52 – Defendants’ Standard **Maritime** Interrogatories and Request for Production of Documents for Living Plaintiff (Master Supplemental Interrogatories to GAF Pattern)

I. APPLICATION

A. Applicability of Case Management Order

The Court hereby orders that the Asbestos Litigation shall be governed by this Case Management Order (hereafter “**Order**”). This Order vacates and supersedes all prior discovery orders and Case Management Orders #1-11 and 13 in Wayne County Circuit Court Case No. 93-325280-NP. This Order does not vacate or supercede any applicable Order Scheduling Discovery and Trial Dates, timeout order or Order No. 12, Motions in Limine, in Wayne County Circuit Court Case No. 93-325280-NP.

B. Types of Action

This Order shall apply to all presently pending and future Asbestos Litigation.

C. Applicable Court Rules

Unless otherwise provided by this Order, the current Michigan Court Rules and the current Local Court Rules for the Third Judicial Circuit shall apply. However, Asbestos Litigation shall not be submitted for case evaluation.

D. Electronic Filing System

All cases in the Asbestos Litigation are assigned to the electronic filing and service project known as and hereafter referred to as the “**Electronic Filing System**” as established by an agreement between the Vendor or any successor system and the Wayne County Circuit Court.

II. CASE PROCEDURES

A. Case and Counsel Identification

1. Case Identification

At the time of filing of the complaint in any case subject to this Order, counsel shall identify to the employee of the County Clerk that the case is a personal injury asbestos case to be

filed on the Asbestos Docket. The right hand top corner of the complaint shall be marked “Asbestos Docket.”

2. Master Service List

The court shall maintain a current Attorney Roster of all counsel active in cases on the Asbestos Docket and shall circulate that list from time to time among all counsel. In any instance where more than one attorney from a single law’ firm or company has appeared as counsel, whether or not that firm represents one or more parties, service by the court shall be sufficient for all purposes if served on one of the firm’s attorneys, who have appeared. It shall be that attorney’s obligation, as an officer of the court, to forward or circulate those Orders, documents, papers or things as to assure delivery to all others in that firm who are affected or interested.

3. Identification of Attorney or Party

It is the duty of each party’s attorney, or the party itself if not represented by counsel, to provide the Court with the attorney’s or the party’s full name, firm or company name, current address, telephone number, fax number and email address so the Court can promptly locate and/or contact the attorney or the party, if necessary. All attorneys and/or parties shall provide the Court with immediate notice of any change of address, telephone number, fax number or email address for any attorney handling Asbestos Litigation.

B. Steering Committee

1. Steering Committee Formation, Purpose and Duties

A steering committee shall be formed for the purpose of meeting with and advising the Court on matters and issues, the resolution of which will promote justice to all parties. The steering committee shall:

- a. meet with the Court at least once every six months;
- b. discuss with the Court the scheduling of discovery and assignment of trial dates;
- c. review the flow of information and petitions for additions to the Court's Master File;
- d. suggest resolution of discovery problems;
- e. discuss other matters related to discovery and trial as the Court may choose;
- f. draft master pleadings and discovery documents; and
- g. address all issues relating to the Electronic Filing System.

Membership on the steering committee shall be by appointment of the Court and may be periodically changed by the Court. No order shall be entered based upon discussions that the Court may have with the steering committee without notice to all counsel of record with an opportunity of counsel to discuss in open court their respective views and opinions and to present a legal brief in support of their respective position.

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C. Pleadings

1. Master File

The court has created a Master File for the personal injury asbestos cases under the name “In Re: All Asbestos Personal Injury Cases” and Civil Action No. 03-310422-NP (“**Master File**”). Before filing an Order, pleading, motion or other document in the Master File, a party must obtain a number from the Court that will be placed on the front page of the document. The Court and the Vendor shall maintain a Table of Contents for the Master File. All Orders,

pleadings, motions and other documents shall, once filed and docketed in the Master File, be deemed filed and docketed in each individual case to the extent possible. The Wayne County Clerk and the Vendor shall each maintain the Master File.

2. Caption; Separate Filing

Orders, pleadings, motions and other documents shall be filed in the Master File if they apply to all personal injury asbestos cases and the approval of the Court has been obtained. Orders, pleadings, motions and other documents only applying to a particular case[s] shall indicate the case[s], name and the civil action number[s] for that case[s] and shall be filed only in the court file for that case[s].

3. Master Order Numbers

All Orders which by their nature are to be filed in the Master Pleading File shall be numbered consecutively and shall bear the legend "Order No. ____." The courtroom clerk will assign the appropriate number when the order is entered by the court and will index the Order.

4. Complaint

Plaintiffs' standard complaints have been filed in the Master File, (#11 Plaintiffs' Standard Complaint Living Plaintiff and Spouse; #12 Plaintiffs' Standard Complaint Deceased Plaintiff; #13 Plaintiffs' Standard Complaint Living Plaintiff and Spouse With Premises Count; and, #14 Plaintiffs' Standard Complaint Deceased Plaintiff With Premises Count).

- a. A case may be commenced by filing and serving a Notice of Complaint or a Notice of Complaint in a Wrongful Death Case, attached as Exhibits A and B and designated by number which standard complaint the suit is based on.
- b. Plaintiffs shall supply a copy of the standard complaint or any standard pleadings upon written request by an adverse party.

- c. Plaintiffs shall not file consolidated personal injury asbestos cases joining more than one plaintiff in the same case. This provision does not preclude joining a loss of consortium claim.
- d. With respect to all Asbestos Litigation filed on or after March 28, 1996 (the effective date of MCLA 600.2957), Plaintiffs shall include in their short form Complaints:
 - i. the identity of all then known non-parties whose asbestos containing products plaintiff has reason to believe he or she was or may have been exposed to during his or her work career;
 - ii. then known years of exposure to asbestos;
 - iii. known job or exposure sites; and
 - iv. dates on job or exposure sites, if known and subject to plaintiffs' right to update after investigation of the case and review of the Social Security printout and in accordance with this Order's deadline for submission of a final product I.D. Brochure.
- e. When filing a short form complaint in a case where an allegedly injured plaintiff has died, plaintiff's counsel shall attach, where available, a copy of the Letters of Authority and death certificate. If not filed with the short form complaint, the Letters of Authority and death certificate shall be served on all defendants once available to plaintiff's counsel.
- f. When filing a short form complaint, plaintiff's counsel shall not disclose the plaintiff's social security number or date of birth in the complaint or in any attachment to the complaint. In order to avoid the public disclosure of private information, plaintiff's counsel shall serve Defendant, with the plaintiff's social security number and date of birth with service of the short form complaint in a separate document which shall not be filed with the Court.

5. Answer

Defendants' standard answers to Plaintiffs' standard complaints have been filed in the Master File, (#21 Defendants' Standard Answer to Plaintiffs' Master Complaint Living Plaintiff and Spouse; #22 Defendants' Standard Answer to Plaintiffs' Master Complaint Deceased Plaintiff; #23 Defendants' Standard Answer to Plaintiffs' Master Complaint Living Plaintiff and

Spouse With Premises Count; and, #24 Defendants' Standard Answer to Plaintiffs' Master Complaint Deceased Plaintiff With Premises Count).

- a. Each defendant shall answer by filing in writing the number of the designated standard answer it is pleading.
- b. Defendants will supply a copy of the standard answer or any standard pleadings upon written request by an adverse party.
- c. If affirmative defenses are raised which are not part of the affirmative defenses in the master file, said new affirmative defenses shall be considered filed in a case by including same specifically in writing in the first responsive pleading
- d. Filing of an appearance on behalf of a defendant does not waive any challenge to jurisdiction nor shall it be deemed to be consent to jurisdiction.

6. Reply to Affirmative Defenses

It shall not be necessary for a plaintiff to reply to affirmative defenses and all affirmative defenses shall be deemed to be denied.

7. Answer to Third Party or Cross Complaints

It shall not be necessary for third party or cross-defendants to answer third party or cross-complaints and all allegations of a third party or cross-complaint shall be deemed denied by the third party or cross-defendants unless a third party or cross-defendant files a response indicating otherwise.

8. Maritime Asbestos Cases

Complaint:

- a. Plaintiffs in maritime asbestos cases shall file a complaint alleging any and all appropriate causes of action and shall not file Plaintiffs' Standard Complaints set forth above.
- b. Plaintiff shall file Initial Data Form in conformity with Exhibit C attached to this Order with every maritime asbestos complaint.

Answer:

- a. Each defendant shall file an Answer specific to each Plaintiff's complaint and shall not file the Standard Answer set forth in paragraph C5, above.

9. Amendment of Pleadings to Add Parties

In the event that a plaintiff determines there are additional parties that should be added to a pending action, plaintiff shall obtain an ex-parte order permitting said amendment to add parties. The order shall provide the date that the summons is to expire, which shall be 91 days from the date the summons is issued. Once the order adding parties has been entered by the Court, the plaintiff's counsel obtaining that order shall immediately serve notice that a specific party has been added to a case on the defense counsel who currently represents the newly added defendant(s) or, if unknown, on the counsel listed on the Attorney Roster. In addition, plaintiffs' counsel shall serve the amended summons and complaint on the newly added defendant(s) at least thirty-five (35) days before the final Brochure is due. No other parties shall be added to the action, except upon motion to the court for good cause shown.

10. Notice of Fault of Non-Parties

Within 91 days from the service of the Complaint, defendants shall file a notice to plaintiffs of their intent to assert that a non-party is wholly or partially at fault by complying with the requirements of MCR 2.112(k).

D. Master Interrogatories And Answers To Interrogatories

1. Plaintiffs' Interrogatories

- a. Plaintiffs shall file in the Master File two joint sets of master interrogatories and request for production of documents to defendants (#31 Plaintiffs' Standard Interrogatories to Defendant and Request for Production of Documents for Non-Premises Liability Defendants and #32 Plaintiffs' Standard Interrogatories to Defendant and Request for Production of Documents for Premises Liability Defendants).

- b. A defendant shall serve answers to interrogatories on each plaintiff attorney one time. The answers to interrogatories shall not be filed in the Master File. Thereafter, each defendant shall be obligated to update the answers as additional information becomes known to defendant.

2. Defendants' Interrogatories

- a. Defendants shall file two master sets of interrogatories covering liability and damage issues, (#41 Defendants' Third Master Interrogatories and Request for Production of Documents to Plaintiff/Decedent and #42 Defendants' Master Liability Interrogatories and Request for Production of Documents to Plaintiff(s)).
- b. Each plaintiff's attorney need only serve one set of answers to master set regarding liability on each defendant. Thereafter, plaintiffs shall update answers as new information becomes known.
- c. Each plaintiff shall serve answers on each defendant regarding plaintiff's personal data interrogatories.

3. Maritime Interrogatories and Notice and Request For Production of Documents

a. Plaintiffs' Interrogatories

(i) Plaintiff shall file in the Master File, Plaintiffs' Supplemental Maritime Interrogatories and Notice and Request for Production of Documents to Defendant (#51 Plaintiffs' Standard Maritime Interrogatories to Defendants and Request for Production of Documents – Non Jones Act Defendants).

(ii) A defendant shall serve Answers to Interrogatories on each plaintiff attorney one time. The Answers to Interrogatories shall not be filed in the Master File. Thereafter, each defendant shall be obligated to update the Answers as additional information becomes known to defendant.

b. Defendants' Interrogatories

Defendants shall file in the Master File, Defendants' Standard Maritime Interrogatories and Request for Production of Documents for Living Plaintiff (#52 Defendants' Standard

Maritime Interrogatories and Request for Production of Documents for Living Plaintiff (Master Supplemental Interrogatories to GAF Pattern)).

(i) Each plaintiffs' attorney need only serve one set of answers to master set regarding liability on each defendant. Thereafter, plaintiff shall update answers as new information becomes known.

(ii) Each plaintiff shall serve answers on each defendant regarding plaintiff's personal data interrogatories.

4. Supplemental Interrogatories

Supplemental Interrogatories may be served by any party as to matters and issues not covered by the Master sets of Interrogatories.

E. Brochure

1. Elements of Brochure

The elements of the Brochure are intended to include reasonable notice to defendants of product identification information reasonably available to plaintiffs and/or their counsel. The information contained in the Brochure shall be sworn to by the plaintiff's attorney as true and accurate information prior to the plaintiff's deposition or before the date of trial, whichever is earliest. To the extent reasonably available, the elements shall include:

- a. the specific product name, or a description of the product if the specific product name is unknown, and the manufacturer, supplier, distributor, seller of such product and contractor using such product;
- b. name of employers, if applicable;
- c. specific location of job or exposure site where plaintiff worked or was exposed and where products were used or observed, including the name and address of the job or exposure site;
- d. the dates plaintiff either worked at a job or exposure site or was exposed to products containing asbestos;

- e. the identification of all other products which were used on the same job or exposure site and at the same time which may contain asbestos;
- f. the names, addresses and telephone numbers of person(s) who can provide product identification or exposure testimony for plaintiff at each job or exposure site;
- g. the identity (by document number or otherwise) of any writing supporting product identification; and
- h. a brief synopsis of other evidence which plaintiff claims establish product identification against a defendant, whether or not directed to a specific job or exposure site.

2. Evidence Excluded if not in Brochure

Except for good cause shown, a plaintiff shall be prohibited from introducing product identification evidence where it has not been disclosed in the Brochure.

a. Amendment of Brochure

If a defendant conducts a deposition of a co-worker and during the deposition additional exposures or job sites are developed by a defendant, plaintiff may move to amend the Brochure to add the additional exposures or job sites developed by submitting a proposed order to amend stating specifically the information plaintiff requests be added to the Brochure under the seven (7) day rule provision of MCR 2.602(B)(3) and a defendant may file objections with the court by brief or oral argument demonstrating to the court that good cause exists to not allow the amendment.

b. Information Divulged at Co-Worker Deposition Not in Brochure

If a defendant is not present at the deposition of the co-worker because the Brochure did not include evidence that the co-worker would identify defendant's products or defendant's job site, then any information developed during the deposition regarding the said defendant cannot

be used against the defendant at trial unless another party of record obtains an order from the court based upon a showing of good cause. This shall not be applicable to a co-worker's deposition taken before the Brochure is filed.

c. Lack of Product Identification at Deposition of Fact Witnesses

Whenever a defendant attends the deposition of a fact witness listed in plaintiff's Brochure, because the Brochure indicated that witness would testify plaintiff was exposed to the defendant's asbestos containing product(s) or worked at a premises liability defendant's job or exposure site, and the witness during the course of the deposition is asked if he can identify that defendant's product(s) or job or exposure site, or exposure to plaintiff, as identified in plaintiffs' Brochure, and the witness states under oath that he cannot identify said defendant's product(s) or job or exposure site as specified in plaintiffs' Brochure and at a time when plaintiff reasonably may have been exposed to that product or job or exposure site, the defendant may file a motion requesting costs for the time incurred in the preparation, travel to, and attendance at said deposition. Unless plaintiff is able to demonstrate to the court that a reasonable basis existed at the time of filing of the Brochure upon which to believe the witness would identify the defendant's product(s) or job or exposure site and exposure to plaintiff, the court shall assess costs in an amount which the court deems to be reasonable and just under the circumstance. This provision shall not be applicable to a co-worker's deposition taken before the Brochure is filed.

d. Witnesses

The Brochure shall identify which witnesses plaintiffs reasonably believe can identify a defendant's product(s) even if unable to place the product(s) on a job or exposure site at a particular time, if plaintiffs reasonably believe the witnesses will be able to testify that more

likely than not a plaintiff was exposed to that defendant's product(s) during plaintiff's working career.

e. Exposure Disclosure

In plaintiffs' answers to interrogatories and Brochure, plaintiffs shall disclose information concerning all exposures to asbestos-containing products known or reasonably available to plaintiffs or plaintiffs' counsel, including exposures to products manufactured and/or distributed by companies which are not defendants to the action. The above shall not require plaintiffs or plaintiffs' counsel to search for all non-defendant asbestos related exposure.

f. Admissibility

While plaintiffs' attorney may sign the Brochure, the Brochures shall be treated as responses to interrogatories and shall be admissible as evidence.

F. Discovery Schedule

1. Due Date for Answers to Interrogatories

The Interrogatories in the Court's Master File must be answered one hundred eight-two (182) days after the date the complaint was filed. If a defendant is added to a case by an amendment of pleadings to add parties, the defendant shall answer the Master Interrogatories within sixty-three (63) days of the date said defendant was served with the amended complaint or within one hundred and eight-two (182) days of the filing of the original complaint, whichever is later. All plaintiffs and defendants must serve Answers to the Master Interrogatories pursuant to said deadlines unless a party has obtained written consent from opposing counsel that it is not necessary to do so or on Order of the Court.

2. Due Date for Brochure and Proposed Deposition Schedule for Plaintiffs and Personal Representatives

Plaintiffs' attorney must serve the designated defense counsel with a proposed deposition schedule for plaintiffs and/or the Personal Representatives, two weeks before the Brochure is due. Plaintiffs' Brochure shall be served on the date set forth in the schedule attached to the Order Scheduling Discovery and Trial Dates. (Approximately six (6) months before the trial date).

3. Medical Authorizations

A plaintiff shall provide medical authorizations to any party who advises plaintiff that he/she will be medical counsel for the case, whether it be a medical counsel on behalf of a group of defendants or a single defendant.

4. Order Scheduling Discovery and Trial Date

The Court shall enter and serve in February and August of each year, an Order Scheduling Discovery and Trial Dates attaching a schedule as shown in Exhibit D.

a. Plaintiff's Deposition

(i) Any party may take the deposition of the plaintiff at any time after the filing of the Brochure and in accordance with the deadlines set by the Order Scheduling Discovery and Trial Dates for the case, absent special circumstances or meriting a deposition of the plaintiff at an earlier date.

(ii) Within 28 days from the date established for the completion of plaintiffs' depositions, defendants shall file a Brochure as to any non-party identified as a result of information obtained from plaintiffs' Brochures or at plaintiffs' deposition. Defendants' Brochures shall comply with the Brochure elements set forth in this Order. Each defendant may

rely upon any other Brochure filed by any other defendant. A defendant not filing a Brochure is not required to file a reliance; a reliance is deemed filed by each defendant.

(iii) Unless otherwise ordered by the Court or stipulated to by all parties, before a plaintiff's de bene esse deposition is taken, defendants shall have reasonable opportunity to obtain a discovery deposition, if same was not previously taken.

(iv) Prior to the discovery and the de bene esse deposition of the plaintiff, the plaintiff shall provide all defendants with answers to the standard set of interrogatories, a Brochure, any and all available medical records of the plaintiff and an affidavit which sets forth adequate reasons why the plaintiff's testimony must be preserved by a de bene esse deposition.

b. Non-Medical Fact Witness Depositions

Non-medical fact witness deposition cut-off dates and trial dates shall be in accordance with the deadlines set in the Order Scheduling Discovery and Trial Dates (see Exhibit D) for the case.

c. Witness Lists

All parties shall serve adverse parties with witness lists in accordance with the deadlines set by the Order Scheduling Discovery and Trial Dates for the case; however, plaintiffs and defendants may serve, but not e-file, a master witness list, which shall apply to all pending and hereinafter filed asbestos bodily injury cases. The serving of the master witness list by plaintiffs and defendants shall satisfy the requirements of exchanging a witness list pursuant to the order scheduling discovery and trial dates for each individual case. If a plaintiff or a defendant chooses to supplement its witness list in an individual case, it shall be done in compliance with the Order Scheduling Discovery and Trial Dates for that case.

d. Exhibit Lists

Exhibit lists shall not be filed by any party unless ordered by the court.

e. Medicals

(i) Except for good cause, plaintiffs shall provide the defense medical counsel assigned to the case with all tissue, slides and x-rays with notice to other defense medical counsel in accordance with the schedule attached to the Order Scheduling Discovery and Trial Dates (approximately six (6) months prior to the trial date).

- (1) The defense medical counsel assigned to that case shall coordinate activities for purposes of sharing the material and to the extent possible the cost of review of said material by defense expert(s).
- (2) In the event cooperation cannot be achieved among medical counsel for defendants in this regard, the Court will meet informally, in chambers, with the counsel involved, and assign the limits for sharing the material.

(ii) Plaintiffs shall serve all attorneys of record with a copy of plaintiffs' expert's medical report(s) which shall include an opinion on diagnosis and prognosis, as well as a statement of material reviewed, significant medical findings, tests performed, results of test(s), interpretations of tests, interpretations of each physical exam, if performed, and an opinion on whether or not any abnormality found is related to asbestos exposure. The letter shall not contain an opinion regarding issues of liability. Plaintiffs shall serve the report(s) in accordance with the deadlines set by the Order Scheduling Discovery and Trial Dates. (Exhibit D).

(iii) Defendants shall return to plaintiffs' attorney any and all items provided to defendants' attorney, pursuant to paragraph 4 in accordance with the deadlines set by the Order Scheduling Discovery and Trial Dates for the case.

(iv) Defendants shall serve plaintiff with a medical expert's(s) report(s) which will set forth the same type of information as plaintiff is required to provide in plaintiffs' expert's(s)

report(s). Each report is to be served on the adverse party in accordance with the deadlines set by the Order Scheduling Discovery and Trial Dates for the case.

(v) In the event plaintiff intends to provide medical rebuttal evidence at the time of trial, plaintiff must serve the defendants with a medical expert's(s) report(s) which will include additional and revised opinions of plaintiffs' expert(s). Plaintiffs' rebuttal report(s) shall be served on all defendants of record on the date the matter is set for trial.

(vi) A party relying on an economist need only serve one detailed report of opinions and theories and/or the economist shall submit to one deposition. Thereafter, the party retaining the economist need only serve an opinion regarding the amount of losses claimed by each plaintiff. If new theories are developed, a new report must be served on the adverse party and/or the economist shall be produced for another deposition.

(vii) Discovery depositions of expert witnesses may be taken at any time except during trial hours.

f. De Bene Esse Depositions

De bene esse depositions of fact witnesses may be taken up to the date set for trial. De bene esse depositions of expert witnesses may be taken at any time except during trial hours.

G. Motions

1. Motion Days

Judge Robert J. Colombo shall hear all motions on the Asbestos Litigation on every third Friday of the month at 8:30 a.m., except that the following motions may be heard on any Friday that Court is in session:

- a. to approve settlement;
- b. to approve distribution of proceeds in a wrongful death action; and/or

- c. to enforce compliance with the terms of this Order relating to conduct occurring after a case has been up for settlement conference/trial.

No dispositive motion may be filed within seven (7) days of commencement of or during a “time out” period.

2. Emergency Motions

If an emergency situation exists, a party wishing to file an emergency motion shall obtain a date from the court and shall advise all appropriate parties of record of the date and time of the motion hearing.

3. Non-Dispositive Motions

- a. Whenever a non-dispositive motion is directed to one defendant or made by one defendant, it shall only be necessary to serve copies and responses upon counsel for the opposing party for that specific motion.
- b. All counsel, however, shall be served with a cover letter summarizing the nature of the motion, the relief sought and the date set for hearing.
- c. Upon request, copies of such pleadings and documents filed with the court shall be served on other counsel in the case.

4. Dispositive Motions

- a. Any defendant may serve a dispositive motion based on a lack of product identification at any time after the service of the Brochure, or in the case of the premises defendants, at any time after plaintiffs have answered the master set of interrogatories.
- b. For good cause, a defendant, who contends that there is little likelihood of product identification, may serve a dispositive motion based upon lack of product identification at any time after the filing of the answers to interrogatories. If any defendant believes special circumstances exist which merit a dispositive motion prior to plaintiff serving answers to interrogatories, that party may file a motion pursuant to the requirements set forth within this order.
- c. All dispositive motions and responses must be served on all parties of record.

5. Motions Applicable to More Than One Case

When a motion applies to more than one case, the following procedure shall be followed:

- a. The praecipe, the motion and all other related documents shall have the caption and the number of the first case filed (oldest case) to which the motion applies.
- b. The praecipe and motion shall indicate under the case number, "Applies to all listed cases attached to motion."
- c. Attached to the motion shall be a list of all cases to which the motion applies. The list shall be compiled by attaching the court sticker for each case. The cases shall be listed numerically beginning with the first case filed (oldest case) to which the motion applies.
- d. A motion fee shall be paid for each case.
- e. The motion shall only be filed in the case file of the first case filed (oldest case) to which the motion applies. The motion shall not be filed in any other case file.
- f. The same procedure applies to an answer to a motion, except that attached to the answer shall be a list of all cases to which the answer applies.
- g. An Order shall be entered and filed in every case file to which the motion applies. The Order shall indicate **"Relief is granted pursuant to the motion filed in (insert case number of the first case filed (oldest case) to which the motion applies.)"**

6. Motions Applicable to More Than One Party

Motions seeking relief which would be applicable equally to all parties in the same position or situation as the movant shall be filed by one moving party. All other parties, who are equally affected by such motion, shall refrain from filing concurring motions which repeat any argument or position already made by the original movant. Relief may be granted or denied as to all parties in the identical legal position of the movant without the necessity for other parties to file a motion for relief. A party who does not wish to be affected by the motion may opt out by letter to the court.

7. Motions Indicating Application to Parties

Motions which apply to more than the movant shall have endorsed on the praecipe and on the first page of the motion the legend, "This Motion Applies to All (e.g., Defendants)," or "This Motion Applies Only to (e.g., Defendants Smith, Jones and Doe)."

8. Motion Titles

All motions shall be titled, specifically indicating briefly the nature of the relief sought, e.g., "Defendant's Motion for Summary Disposition Based On Statute of Limitations," or "Defendant's Motion for Summary Disposition Based On Lack Of Product Identification."

9. Orders Indicating Application to Parties

All orders entered shall contain a statement on the face of the order, indicating that this order applies to all parties or only to specified parties.

10. Entry of Orders on Unopposed Motions

Motions which are not expected to be opposed may be accompanied by an order noticed under the seven (7) day rule, pursuant to MCR 2.602(B)(3). If no objections are filed within the seven (7) day period, the court will rule on the motion without oral argument. If objections are received within the seven (7) day period, the motion will be heard on the next regular asbestos motion date.

11. Motions for Change of Venue

- a. All motions for change of venue shall be made on the form attached as Exhibit E to this Order.
- b. The defendants shall have the right to file a motion to decline jurisdiction or change venue but not before the filing of plaintiffs' Brochure and not later than thirty-five (35) days after the filing of plaintiffs' Brochure.
- c. Either party may serve interrogatories on opposing parties as to any matter related to the issue of jurisdiction or forum non conveniens.

- d. These change of venue provisions shall not apply to maritime asbestos cases.

12. Conference Calls

The Court is available for a conference call in the event of an emergency or unusual circumstances. The moving party shall have the responsibility to bear the costs of the conference call and to make all arrangements to ensure that all parties, who wish to participate in the conference, are made a party to the call.

H. Defense Medical Counsel

1. Identity of Medical Counsel

Defense medical counsel shall advise plaintiffs' attorney assigned to the case of the counsel who will be responsible for the medical development for that defendant(s). The parties recognize that there may be a counsel representing defendants participating in the medical program and that some defendants will be responsible for their own medical.

2. Coordination of Medicals

Defense medical counsel shall coordinate with each other to share x-rays, tissue slides or blocks and obtaining an independent examination of plaintiff. These materials shall be provided to the defense medical attorney assigned to the case.

I. Social Security Printout

1. Application for Social Security Printout

Counsel for plaintiff shall promptly apply for a Social Security Printout at the time of commencement of the lawsuit.

2. Service of Social Security Printout

When the Social Security Printout is received, counsel for plaintiff shall promptly serve each counsel for the defendants with a copy of the Social Security Printout.

J. Theories Of Liability Re: Non-Premises Defendants

Plaintiffs' theories of liability as to the non-premises defendants shall be limited to failure to warn, failure to test, negligent design, breach of implied warranty and gross negligence as to all defendants and exemplary damage claims only as to Defendants Owens Corning Fiberglass, Pittsburgh Corning and Rapid American, to which these Defendants object. All other theories shall be struck from the complaint ninety-one (91) days before the date the matter is set for trial unless there exists a change in the law or factual development regarding any theory struck prior to trial. To prevent a theory from being automatically struck ninety-one (91) days before trial, plaintiffs shall file at least ninety-one (91) days before trial, a motion with the court and demonstrate a change in the law or a new factual development which justifies retention of the theory. This paragraph does not apply to maritime asbestos cases.

K. Damage Claims

All monetary damages claimed, except compensatory damages as to all defendants and exemplary damage claims only as to Defendants Owens Corning Fiberglass, Pittsburgh Corning and Rapid American, to which these Defendants object, shall be struck from the complaint ninety-one (91) days before the date set for trial unless there exists a change in the law or factual development regarding the damage claim struck prior to trial. To prevent a damage claim from being automatically struck ninety-one (91) days before trial, plaintiffs shall file at least ninety-one (91) days before trial, a motion with the court and demonstrate a change in the law or a new factual development which justifies retention of the theory. This paragraph does not apply to maritime asbestos cases.

L. Autopsy

1. Autopsy Prior to Burial or Cremation

In the event of death of a plaintiff and an autopsy is done prior to burial or cremation, defendants are not entitled to have notice of the autopsy or have a representative present during the autopsy.

2. Right to Analyze Specimens, Blocks or Slides

Defendants are entitled, however, to have an expert(s) of their choice analyze whatever tissue specimens, blocks or slides that were created during the autopsy.

M. Exhumation

1. Notice of Exhumation

If exhumation, with or without autopsy is scheduled, attorney for the plaintiff shall give prompt and reasonable notice of date, time and place of the exhumation and autopsy, if one is to be performed, to the defense medical counsel, and any other attorney doing a medical exam for his client, so that said counsel may arrange to have a physician of their choice present at the exhumation, tissue removal, and/or autopsy, solely for the purpose of observation. Said physician shall have no right or opportunity to disturb the corpse or interfere in any manner with the investigation being performed by the pathologist conducting the autopsy.

2. Limited Examination by Defense Expert of Plaintiff Scheduled Exhumation

Upon motion for good cause shown, the court may allow the physician selected by the defendants to conduct a limited examination of the corpse and/or removal of tissue, if exhumation by the plaintiff has been scheduled.

3. Court Order Required for Exhumation

Nothing in this action shall be interpreted to provide a right to the defendants for exhumation without prior order of the court.

N. Submission Of Releases And Settlement Payments

1. Releases

Unless otherwise agreed between the parties, a settling defendant(s) shall serve Releases to plaintiffs no later than fourteen (14) days after a Settlement Agreement is reached. In the event a defendant fails to serve Releases consistent with the Order, interest may accrue from the date the settlement was reached in the event of late payment of the settlement proceeds.

2. Settlement Payments

Unless otherwise agreed between the parties, payment of all settlement proceeds by a specific defendant for a particular trial group shall not be due until twenty-eight (28) days after a specific defendant has received all properly executed Releases and all Orders of Consent Judgment or all Orders for Authority to enter into a settlement for all cases in the particular trial group relating to a specific defendant. In the event a defendant fails to submit the settlement proceeds consistent with this Order in death cases, interest shall accrue on the settlement proceeds from the date the defendant received the properly executed Release and the Order of Consent Judgment or the Order for Authority to enter into settlement, whichever occurred last. In all other cases, where the defendant fails to submit the settlement proceeds consistent with this Order, interest shall accrue from the date the defendant received the properly executed Release.

a. Death of the Plaintiff

If a living plaintiff becomes deceased within 63 days before the scheduled trial date, or after settlement is agreed upon, then plaintiff's counsel may seek an order from the Court

severing the case from a particular settlement group, and requiring that the defendant comply with paragraphs 1 and/or 2 above with respect to the remainder of that particular settlement group.

b. Other Exceptions

The order described in paragraph II. N(2)(a) above may also be sought if plaintiff's counsel demonstrates that one or more plaintiffs cannot or will not comply with the release signing or Consent Judgment requirements in a reasonably timely fashion.

O. Orders Of Dismissal And Administrative Closing

This Court will accept counsel prepared Order of Dismissals for entry until the Friday before a scheduled trial date. After this date, the Court will require counsel to execute Court prepared stipulations and orders of dismissal and/or administrative closings. In death cases, only, the Court will not prepare a Stipulation and Order of Dismissal, since Consent Judgments will be prepared by plaintiff's counsel. However, in death cases where a defendant is dismissed after the Friday before the trial date, that defendant may serve a stipulation and order of dismissal for entry.

P. Admission Of Attorneys

Attorneys admitted *pro hac vice* may be permitted to engage in the trial of a specific case on the Asbestos docket in accordance with State Bar Rules of Michigan, Rule 15, Section 2.

1. Motion by Active Member of State Bar

An active member of the State Bar of Michigan ("State Bar") who appears of record in the case shall file a motion for temporary permission for a foreign attorney to engage in the trial of a specific case.

2. Affidavit of Foreign Attorney

A foreign attorney by Affidavit shall disclose to the court whether or not he/she has been censured, denied admission, or in any way disciplined in any court indicating the full title and address of the action involving the presiding judge (the fact that another judge ordered said file sealed in any respect shall not relieve the attorney of this responsibility for full disclosure).

3. Discretionary Admission

Admission of an attorney *pro hac vice* shall remain totally within the discretion of the Court and the court shall retain full authority to withdraw this privilege.

4. Submission of Motion

Motions for admission *pro hac vice* may be served with an order under the procedure set forth in II. G.

III. ELECTRONIC FILING SYSTEM

A. Application

All cases in the Asbestos Litigation are assigned to the electronic filing and service project known as and hereinafter referred to as “**Electronic Filing System**” as established by agreement between the Vendor or any successor system and the Wayne County Circuit Court.

B. Commencement Date

The Commencement Date for the implementation of the Electronic Filing System shall be determined by the Court. Parties should complete the Vendor’s subscriber process no later than December 19, 2003 in order to file, serve and receive service electronically on the Commencement Date. See Exhibit F for the Vendor’s contact information.

C. New Defendant

If a new defendant is brought into the Asbestos Litigation after the signing of this Order, then counsel for the party bringing in the new defendant shall immediately serve a copy of this Order on counsel for the newly added defendant and shall advise counsel for such newly added defendant of its obligation to participate in the Electronic Filing System. A newly added defendant shall have sixty three (63) days from the date of service of a copy of this Order to become a User in the Electronic Filing System. During the period prior to subscribing to Vendor's Electronic Filing System, that defendant must: 1) bring a 3 ½ inch diskette containing the documents to be filed to the Wayne County Clerk's office to be uploaded to the Electronic Filing System; and 2) serve said documents on plaintiff's counsel in the conventional manner in accordance with the Michigan Court Rules.

D. Non Parties and Parties Appearing In Pro Per

While non-parties and parties appearing in pro per are not required to execute a subscription agreement with the Vendor or to become a User, they must file and/or serve all documents in accordance with the Michigan Court Rules. Where a non-party or party appearing in pro per appears in an action and does not become a User, the other parties shall file and/or serve all documents electronically; however, all documents which must be filed and/or served on the non-party or party appearing in pro per must be served on the non-party or party appearing in pro per pursuant to the Michigan Court Rules.

E. Definitions

The following terms in this Order shall be defined as follows:

1. **Acknowledgment of Receipt** refers to the online acknowledgement the Vendor provides to a User immediately upon completion of the transmission of Electronic Documents or

Electronic Images to the Vendor's Electronic Filing System. The Acknowledgment of Receipt indicates whether the Electronic Document or Electronic Image is to be filed and/or served and, if served, on whom. The Acknowledgment of Receipt is not a confirmation that the Electronic Document and/or Electronic Image have been accepted for filing by the Office of the Wayne County Clerk.

2. **Confirmation** refers to the email notice the Vendor provides to a User who has transmitted an Electronic Document and/or Electronic Image to the Vendor's Electronic Filing System for filing with the Office of the Wayne County Clerk. The Confirmation notifies the User that the Office of the Wayne County Clerk has received the document for filing. The Confirmation is not a confirmation that the Electronic Document and/or Electronic Image has been accepted for filing by the Office of the Wayne County Clerk.

3. **Electronic Document** means an electronic file of a word processing document that contains almost exclusively text.

4. **Electronic Filing** means the electronic transmission of an original pleading, paper, order, or document to or from the Wayne County Circuit Court via the Vendor's Electronic Filing System. It does not include:

- a. a facsimile transmission;
- b. a Complaint;
- c. an Amended Complaint that adds a party or parties;
- d. a Third Party Complaint; or
- e. a document filed under seal.

5. **Electronic Image** means an electronic file of a document that has been scanned or converted to a graphical or image format.

6. **Electronic Service** means the electronic transmission of an original document to all other designated recipients via the Vendor's Electronic Filing System. Immediately upon completion of any transmission to the Vendor's Electronic Filing System, the Vendor shall provide the sender with an online Acknowledgement of Receipt of the transmission by the Vendor's Electronic Filing System.

7. **Notification** refers to the email notice the Vendor provides to all parties who are Users in a particular case that one of the parties has electronically filed and/or served an Electronic Document or Electronic Image in that particular case. Upon receipt of the Notification, the User may access the Vendor's Electronic Filing System to review and/or obtain a copy of the Electronic Document or Electronic Image.

8. **Typographical Signature** means the signature on an Electronic Filing that is not in the personal hand of the signing party or a facsimile of a hand signature. Rather, the signing party may type his or her name in the place on the document that would otherwise be hand signed if filed conventionally. The Typographical Signature shall be accompanied by the symbol "/s/" and treated as a personal signature for all purposes under the Michigan Court Rules, inclusive of MCR 2.114.

9. **User** means a party, non-party, or attorney who has executed a subscription agreement with the Vendor. All attorneys serving or filing Electronic Documents and Electronic Images must be licensed to practice law in the State of Michigan.

10. **Vendor** means a private sector firm or other business entity authorized by the Court to provide an Electronic Filing System. A Vendor is contractually obligated to provide specified electronic services to the Bar, the public, and the Court, to transfer electronic filings to

and from the Court, and to provide Notification to all Users served with the Electronic Document or Electronic Image.

The Vendor is identified in Exhibit F.

F. Operation Of Electronic Filing And Service Procedure

1. Obtaining Access to System

Counsel for all potential Users shall promptly take the steps necessary to enable them to electronically file, serve, receive, review and retrieve copies of all pleadings, papers, orders and other documents filed in the Asbestos Litigation electronically by registering with and entering into a subscription agreement with the Vendor.

At completion of the subscription process, the Vendor shall assign a confidential user name and password to the potential User that may thereafter be used by such potential User to obtain access to the Electronic Filing System. This user name and password will permit the potential User to file, serve, receive, review and retrieve electronically filed pleadings, papers and other documents filed in a case; and

No attorney shall knowingly authorize or permit his or her user name and password to be utilized by anyone else. Attorneys may authorize other attorneys or employees of the attorney's law firm and designated co-counsel (where the Vendor has been notified in writing that designated co-counsel may file documents on behalf of the assigning counsel), to receive their own user name and password to file on their behalf. No person shall knowingly use another's user name and password or cause or permit another person to use them without the express permission from the holder of the user name and password.

2. Electronic Filing and Electronic Service

a. Pleadings, Motions, Briefs and Other Documents

Except as provided in Section III.E(4) of the Order, all pleadings, motions, briefs, memorandums of law or other documents required to be filed with the Court in connection with the Asbestos Litigation, and any attachments thereto, shall be filed and served electronically.

b. Discovery and Discovery Responses

Discovery requests and discovery responses (including discovery Brochures) shall not be filed. The parties shall exchange discovery and discovery responses by serving the Electronic Document or Electronic Image electronically. Discovery requests and responses which are served electronically will not be made a part of the Court file. Rather, such discovery shall be available on the Electronic Filing System only to the parties in that particular case.

3. Orders, Opinions and Communications of Court

All judicial rulings, opinions, orders and other communications of Court shall be electronically filed. Such documents shall be signed with a Typographical Signature.

4. Notice of Electronic Filing

The Vendor shall provide Notification to all Users served electronically with an Electronic Document or Electronic Image.

5. Filing Related Documents

All documents relating to a single pleading or paper shall be filed electronically as a single document. For example, a motion, a memorandum in support of the motion, praecipe, notice of hearing, exhibits and related affidavits shall be filed as a single transaction.

6. Electronic Service of Pleadings and Other Documents

All Users shall serve other Users electronically through the Electronic Filing System. Users shall receive all documents electronically filed and served upon them via access to the Vendor's Electronic Filing System. The Electronic Service of a pleading or other document in the Electronic Filing System is considered valid and effective service on all served Users and shall have the same legal effect as conventional service of an original paper or document. A User is not required to conventionally serve a paper copy of the electronically filed document on the other parties in the case.

7. Proof of Service Not Required

Proofs of Service shall no longer be filed with the Wayne County Clerk. The Notification will serve as a substitute for such Proofs of Service.

8. Return of Service

Plaintiffs and Third-Party Plaintiffs shall electronically file returns of service in the Electronic Filing System as Electronic Images.

9. Conventional Filing of Documents

Notwithstanding the provisions of Paragraph III.C(2) of this Order, the following types of pleadings shall be filed according to MCR 2.107:

- a. Complaint;
- b. Amended Complaint that adds a party or parties; and
- c. Third Party Complaint.

Notwithstanding the provisions of Paragraph III.C(2) of this Order, the following types of papers or documents shall be filed conventionally:

a. Sealed Documents:

Although a motion to file documents under seal shall be filed and served electronically, the documents to be filed under seal shall be filed conventionally, in paper form; and

b. Real Objects:

Exhibits and/or attachments to pleadings or papers that are real objects or which otherwise may not be comprehensively viewed in an electronic format may be filed and served conventionally, in paper form.

Any exhibits designated for conventional filing under subsections 9(i) and (ii) above shall be provided to the Office of the Wayne County Clerk within five (5) days of the corresponding Electronic Filing along with a cover page which describes the related electronically filed documents.

10. Service of Conventionally Filed Pleadings, Papers or Documents

Any conventionally filed pleading, paper or document shall be served on all other parties to the case in accordance with the Michigan Court Rules.

11. Representations by Using a Typographical Signature

Every electronically filed pleading, paper and document shall bear a Typographical Signature of at least one of the attorneys of record, along with the typed name, address, telephone number and e-mail address of that attorney. Typographical Signatures shall be treated as personal handwritten signatures for all purposes contemplated by the Michigan Court Rules.

12. Maintaining Original Affidavits and Returns of Service

The only Electronic Documents or Electronic Images a party is required to maintain in the original, hard copy form are affidavit(s) and/or return(s) of service. Any User who electronically files or serves an affidavit(s) and/or return(s) of service shall make the original of

the Electronic Document and/or Electronic Image available for inspection by the Court or other counsel upon reasonable notice.

13. Time for Filing and Effect of Use of Electronic Filing

Any paper or document filed electronically shall be considered as served and filed with the Office of the Wayne County Clerk when it is completely submitted and receives an authorized date and time. Any paper or document filed electronically before 4:30 p.m. shall be deemed filed for purposes of filing deadlines. Regardless of the location of counsel, Vendor and this Court will apply Eastern Standard Time or Eastern Daylight Time (hereinafter "EST/EDT"), whichever time is in effect in Michigan at the time of the filing of the pleadings, papers and other documents. Thus, for example, if the deadline for filing a paper is March 15, if that paper is filed electronically by 4:30 p.m. EST/EDT on March 15, it will be deemed timely filed. Any document filed after 4:30 p.m. EST/EDT on a day the Office of the Wayne County Clerk is open for business shall be deemed filed on the next day the Office of the Wayne County Clerk is open. Any document filed on a day the Office of the Wayne County Clerk is not open is deemed filed on the next day the Office of the Wayne County Clerk is open. The Vendor is appointed the limited agent of the Wayne County Clerk as to the electronic filing, receipt, service and/or retrieval of any pleading, paper or document with the Vendor. All documents filed conventionally shall comply with the Michigan Court Rules for filing.

Upon receipt and filing of an Electronic Document or Electronic Image, the Vendor shall issue a Confirmation that the document has been received by the Wayne County Clerk. The Confirmation shall serve as proof that the document has been received by the Wayne County Clerk.

A User shall be notified by e-mail of any documents subsequently rejected by the Wayne County Clerk or the Vendor after receipt, and may be required to re-file the document(s) to meet the filing requirement.

14. Problems in Transmission of an Electronic Filing

Users are encouraged by the Court to be reasonable with each other should a technical problem arise which will cause or caused a deadline to be missed by a User. In such an event, Users may, by consent and without the necessity of an order of Court, agree to an extension of a filing deadline. If an agreement cannot be reached, however, and an Electronic Document or Image cannot be filed or was not filed because of the following reasons which are not exclusive: (1) inaccessibility to Vendor; (2) downtime of a User's Internet Service Provider; (3) an error in the transmission of the pleading, paper or document to Vendor which was unknown to the User; or (4) a failure to process the electronic filing when received by Vendor, then the Court may enter such order as is necessary to permit the late filing of the pleading, paper or document.

15. Public Access to the Electronically Filed Pleadings, Papers and Documents

The Wayne County Clerk's office shall make available to members of the general public, without charge and during normal business hours, at least one computer terminal capable of searching and reviewing pleadings, papers and documents filed of public record in the Asbestos Litigation. The Wayne County Clerk shall make copies of any publicly filed Electronic Documents or Electronic Images at a reasonable rate established by the Wayne County Clerk.

D. Form Of Pleadings, Papers And Documents Electronically Filed

1. Format of Electronically Filed Pleadings, Papers and Documents

All Electronic Documents and Electronic Images shall, to the extent practicable, be formatted in accordance with the applicable Michigan Court Rules governing the formatting of

paper pleadings and papers, and in such other and further format as the Court may require from time to time. Pleadings, papers or other documents when electronically filed are digitally converted to a portable document format (“PDF”) by the Vendor. In the conversion process, a document may be lengthened which may cause such document to exceed a page limit rule which may exist in a given case. As such, the document will be accepted as conforming to the page limit rules as long as the User’s own electronic copy of the pleading, paper or document, when viewed, conforms to the page limit restriction.

2. Conversion To Electronic Documents and Electronic Images

Users may either convert documents to Electronic Documents and/or Electronic Images themselves or have the Vendor convert the documents for them. A User choosing to have the Vendor perform the conversion function may forward the documents to the Vendor by mail, express mail or facsimile. The documents forwarded to the Vendor must be in legible form. The Vendor shall convert the documents to electronic form, file the documents with the Court and/or serve the designated parties as directed by the User. Users who file and/or serve their documents through the Vendor shall be charged surcharge fees reflecting the Vendor’s then-current published rates for converting, filing and serving in this manner in addition to the Vendor’s per page/per document rates. See Exhibit F for the Vendor’s contact information.

3. Title of Pleadings, Papers and Other Documents

The title of each Electronic Document or Electronic Image shall include a brief but informative description of the paper. The caption of the Electronic Document or Electronic Image shall also contain the following information:

- a. the party or parties filing the paper;
- b. the nature of the paper;

- c. the party or parties against whom relief, if any, is sought; and
- d. the nature of the relief sought, (e.g., “John Doe’s Motion to Compel Discovery and for Sanctions against Jim Smith).

The signature page of each Electronic Document or Electronic Image filed shall contain the name of the attorney and, if applicable, the name, address, phone number and e-mail address of the attorney representing the party.

4. Preprinted Caption Label Not Required for Electronic Filing

All Electronic Documents and Electronic Images are excepted from the requirement of LCR 2.114 (C) of bearing a preprinted caption label from the Office of the Wayne County Clerk.

E. Technical Requirements Of Users

1. System Requirements

Vendor shall maintain a list of system requirements and specifications on its website. For the Vendor’s website, see Exhibit F.

2. Format

All electronically filed pleadings, papers and documents may be filed in Adobe Acrobat Portable Document Format (“PDF”) directly, WordPerfect and Microsoft Word formats or other word processing systems that can be converted by the current versions of WordPerfect or Word as of the date of this Order. To ensure all Users will be able to print the retrieved documents from the Vendor correctly, the Vendor converts the Electronic Document to the Adobe Acrobat Reader’s PDF.

F. Availability Of Electronically Filed Pleadings, Papers And Documents

Electronic Documents and Electronic Images filed with the Office of the Wayne County Clerk will be available immediately for retrieval on the Vendor’s Electronic Filing System.

G. Fees

1. Schedule Of Fees

The fees charged by the Vendor are set forth in the Schedule of Fees attached as Exhibit F, as may be amended from time to time. No fees will be increased by the Vendor without giving at least sixty-three (63) days' prior notice to all Users and approval by the Court.

2. Filing Fees

Any Electronic Document or Electronic Image requiring payment of a filing fee to the office of the Wayne County Clerk in order to achieve valid filing status shall be filed electronically in the same manner as any other electronically filed document.

3. Collection of Fees by Vendor

The Vendor, as limited agent for the Wayne County Clerk, will collect filing fees from Users through direct billing of the User.

4. Transmittal of Fees to Court by Vendor

The Vendor will electronically transmit all filing fees to a financial account designated by the Wayne County Clerk and will electronically provide the Office of the Wayne County Clerk with whatever information it requires for each deposit.

ROBERT J. COLCIMO, JR.

ATTEST
CATHY M. ...
WAYNE COUNTY CLERK
BY *[Signature]* DEPUTY CLERK

EXHIBIT A

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

* Case No. NP
Hon. Robert J. Colombo, Jr.
Plaintiff,
v
*
Defendants.

* Plaintiff's Attorney

NOTICE OF COMPLAINT

COMPLAINT AND JURY DEMAND

NOW COME * and * by and through their attorneys, *, and for their Complaint against each Defendant, state as follows:

1. In compliance with Wayne County Circuit Court Judge Robert J. Colombo, Jr.'s Case Management Order of _____, 2003 ("Order"), paragraph _____, a Complaint was filed with this Court's "Master File" entitled "Asbestos Master Complaint—Living Plaintiff and Spouse," Standard Pleading No. _____. Plaintiffs adopt by reference each and every allegation in this Master Complaint.

2. Pursuant to the Court's Order, Plaintiffs* and * state as follows:

Living Plaintiff: *

Plaintiff's Residence: *

Spouse: *

Disease: *

Date of Diagnosis: *

Period of Exposure to Asbestos: *

Occupation: *

Employer: *

Social Security Printout included:
(check one) Yes _____ No _____ (has been ordered)

Geographical Situs of Asbestos Exposure:
Wayne County, Michigan

Currently Known Non-Parties Whose Asbestos-Containing
Products Plaintiff Has Reason To Believe He Or She Was Exposed
To During His Or Her Work Career: *
*
*

A TRIAL BY JURY IS HEREBY DEMANDED.

Plaintiff's Attorney

Date:

IF YOU OR YOUR ATTORNEY DO NOT HAVE A COPY OF
THE MASTER COMPLAINT, PLAINTIFF'S ATTORNEY
SHALL PROVIDE A COPY UPON REQUEST.

EXHIBIT B

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

* Personal Representative of the
Estate of *, deceased

Case No. NP
Hon. Robert J. Colombo, Jr.

Plaintiff,

v

*

Defendants.

* Plaintiff's Attorney

NOTICE OF COMPLAINT IN WRONGFUL DEATH CASE

COMPLAINT AND JURY DEMAND

NOW COMES *, Personal Representative of the Estate of *, deceased, by and through her attorneys, * and for her Complaint against each Defendant, states as follows:

1. In compliance with Wayne County Circuit Court Judge Robert J. Colombo, Jr.'s Case Management Order of _____, 2003 ("**Order**"), paragraph _____, a Complaint was filed with this Court's "Master File" entitled "Asbestos Master Complaint—Living Plaintiff and Spouse," Standard Pleading No. _____. Plaintiffs adopt by reference each and every allegation in this Master Complaint.

2. Pursuant to the Order, Plaintiffs* and * state as follows:

Deceased Plaintiff: *

Plaintiff's Residence: *

Spouse: *

Disease: *

Date of Diagnosis: *

Period of Exposure to Asbestos: *

Occupation: *

Employer: *

Social Security Printout included:
(check one) Yes _____ No _____ (has been ordered)

Geographical Situs of Asbestos Exposure:
Wayne County, Michigan

Currently Known Non-Parties Whose Asbestos-Containing Products Plaintiff Has Reason To Believe He Or She Was Exposed To During His Or Her Work Career: *
*
*

A TRIAL BY JURY IS HEREBY DEMANDED.

Plaintiff's Attorney

Date:

IF YOU OR YOUR ATTORNEY DO NOT HAVE A COPY OF
THE MASTER COMPLAINT, PLAINTIFF'S ATTORNEY
SHALL PROVIDE A COPY UPON REQUEST.

EXHIBIT C

Name:

Initial Data Form

1. **Plaintiff Identification Data:**
 - a. **Name:**
 - b. **Current Address:**
 - c. **Z Number:**
2. **Primary Job Classification as a Seaman:**
3. **Geographical Situs of Asbestos Exposure:**
4. **Wage/Disability/Retirement Information:**
5. **Social Security Printout Included:**
(check on) Yes _____ No _____ (has been ordered)
6. **Injury, Illness or Disease:**
7. **Date of First Discovery of Illness or Disease:**
8. **Union/Benefit Information:**
9. **Toxin:**
10. **Language:**
11. **Employment History:**

Started Sailing:

Employer Name	Dates Aboard	Vessel Name	VSL # Rating
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EXHIBIT D

Wayne County Circuit Court
Asbestos – Personal Injury
Trial Date and Discovery Schedule

DEADLINE			
FINAL BROCHURE			
PLAINTIFF EXPERT MEDICAL REPORTS AND MATERIALS ON DEATH CASES			
PLAINTIFF EXPERT MEDICAL REPORTS AND MATERIALS ON LIVING CASES			
PLAINTIFF IME'S BY DEFENDANTS			
DEFENDANT MEDICAL REPORTS AND RETURN OF MATERIALS TO PLAINTIFF			
PLAINTIFFS TO PROPOSE DEPOSITION DATES FOR PLAINTIFFS/PERSONAL REPRESENTATIVES			
DEPOSITIONS OF PLAINTIFFS			
NON-MEDICAL FACT WITNESS DEPOSITION CUT-OFF			
WITNESS LIST EXCHANGE			
NOTICE OF INTENT TO CALL TREATING DOCTORS			
TRIAL DATE			

APPLICABLE TIME OUT PERIODS:

PLAINTIFF TRIAL GROUPS:

EXHIBIT E

CHANGE OF VENUE

Case:

No.

Plaintiff's Residence:

Job Sites:

Wayne County _____

Michigan _____

Other _____

Plaintiff's Doctors Reside:

Plaintiff's Hospital:

Non-Expert Witnesses for Plaintiff:

Number _____

Wayne County _____

Michigan _____

Other _____

Expert Witnesses for Plaintiff:

Wayne County _____

Michigan _____

Other _____

Medical Records:

Number _____

Wayne County _____

Michigan _____

Other _____

Other: