

GENERAL ORDER NO. 90-23

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

OCT 16 1990

MURRAY D. HARRIS, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

REVISED AND UPDATED STANDING ORDER ON ASBESTOS CASES

The Standing Order for Asbestos Cases in the Eastern District of Texas, filed of record by this Court on July 15, 1982, is hereby revised and updated, to wit:

This order shall apply to all cases filed in the Eastern District of Texas that claim damages for injury, illness, or wrongful death as a result of exposure to products containing asbestos. In all cases currently pending for one year or more, the parties shall have sixty (60) days to comply with provisions of this order with which they are not already in compliance. In all cases currently pending for less than one year, the parties shall have one hundred twenty (120) days to achieve full compliance.

1. AFFIDAVIT OF COMPLIANCE

At the time suit is filed on behalf of a plaintiff claiming damages for an asbestos-related injury or disease, the plaintiff's attorney shall also file an affidavit that the following information has been compiled and will be served on each named defendant with the original complaint:

a. The names and addresses of all consulting, treating, or diagnosing physicians, together with the names and addresses of any physicians the plaintiff may have seen and any hospitals or clinics in which plaintiff may have been a patient for any reason

in the past ten (10) years, and authorization signed by the plaintiff allowing said physicians, hospitals, and clinics to release the medical records for examination and copying by the defendants. Psychiatric records shall be excepted from this provision, unless the plaintiff is relying on psychiatric testimony to prove damages. The defendants shall furnish a copy of any records obtained, to the plaintiff, at the plaintiff's expense for copying, within thirty (30) days of obtaining them.

b. A copy of any medical or hospital records relied on by the plaintiff to establish the existence of any asbestos-related disease or injury, supplemented as allowed by and strictly within the deadlines set by scheduling orders.

c. A copy of the plaintiff's income tax records for the past five (5) years or, in lieu thereof, an authorization for income tax records for the past five (5) years, executed in favor of each named defendant. The defendants shall promptly furnish the plaintiff with a copy of any records they obtain, at the plaintiff's expense for copying.

d. Authorization in favor of each named defendant to secure Social Security records; whoever first actually secures these records shall promptly furnish a copy of them to the opposing party, at the opposing party's expense for copying.

e. Complete answers to the defendants' joint master set of interrogatories in the master asbestos file in the District Clerk's office, supplemented as allowed by order of the court.

f. The full style, docket number, and date of filing of

any suit or worker's compensation claim, filed by the plaintiff in any jurisdiction, which contains the same or similar allegations against any of the same defendants.

g. The time and place of filing of any Social Security disability claim by the plaintiff, a copy of the claim, and any accompanying medical reports or authorization in favor of the defendants to obtain the reports.

h. A statement signed by the plaintiff and his attorney alleging the state and county of the plaintiff's residence at the time the suit is filed. If such allegation is later found to be false, then the Court may impose appropriate sanctions, including dismissal.

i. A copy of the General Order on Integration of Manville Corporation Asbestos Disease Compensation Fund.

j. A copy of General Order No. 90-25: Revised and Updated Standing Order on Asbestos.

k. A copy of plaintiff's Affidavit of Compliance

l. A copy of Notice to Counsel [See section 8(e) of this Order.]

2. EFFECT OF NON-COMPLIANCE

The Clerk's office shall not accept for filing any asbestos suit that does not contain the above-described affidavit, unless the plaintiff's attorney certifies, in writing, that the statute of limitations may be about to run or that the filing of suit is necessary to perpetuate testimony. Upon such certification, the Clerk's office shall accept the suit and the plaintiff's attorney shall be permitted thirty (30) days to furnish the attachments to

the defendants. Failure to furnish the attachments within thirty (30) days shall result in automatic dismissal of the plaintiff's claim without prejudice, upon motion of any party.

3. JURY DEMANDS

Jury demands are deemed to be asserted in each asbestos case filed. The Clerk of Court is instructed not to accept or file any jury demand. Should a party not wish to assert a jury demand, a specific motion to that effect must be filed with the Clerk.

4. IDENTIFICATION OF CAUSE BY CATEGORY

Plaintiff's attorney shall classify the case as to occupation of plaintiff and disease category at the time the case is filed, including this information in the cause-of-action statement on the Civil Cover Sheet.

Occupation categories include the following:

- .Automobile worker
- .Carpenter
- .Insulator
- .Manufacturer
- .Pipe Fitter
- .Plumber
- .Refinery Worker
- .Seaman
- .Shipyard worker
- .Spouse of worker
- .Welder
- .Other (specify)

Disease categories include the following:

- .Asbestos-related lung cancer
- .Asbestos-related "other cancer"
- .Mesothelioma
- .Pleural asbestosis
- .Pulmonary asbestosis
- .Other (specify)

5. GEOGRAPHICAL LOCATION

On, or in conjunction with, the Civil Cover Sheet, counsel for plaintiff shall specify the geographical location within the

Eastern District of Texas where plaintiff alleges the exposure to asbestos occurred. In the event the exposure site is outside of the Eastern District of Texas, this shall be noted and the location identified.

6. DOCKET NUMBER

Pleadings submitted for filing in individual cases shall bear the docket number of the individual case and Master Docket Numbers 1:90mc1000 and 1:90mc2000. Pleadings submitted for filing in the Master Asbestos Files shall bear Master Docket Numbers 1:90mc1000, and 1:90mc2000, and shall include an attached list of cases to which the pleading applies, said list being in numerical case-number order.

7. FILING OF PLEADINGS.

To expedite processing of pleadings and decrease the volume and expense of docketing and record keeping, the Clerk's office has established Master Asbestos Dockets to which pleadings pertaining to multiple cases are docketed.

Attorneys shall (1) file an original and two copies of all pleadings pertaining to eleven or more cases at a time; (2) adhere to the Court's orders regarding correct identification of case numbers and parties and attorneys to be noticed; and (3) file such pleadings at the Beaumont Division Clerk's office, where the Master Asbestos Dockets for the entire Eastern District are located. As ordered in section "6" of this standing order, Master Asbestos Docket Numbers 1:90mc1000 and 1:90mc2000 should be shown on each pleading filed, in addition to the individual case

number(s) shown. The Clerk's Asbestos Specialist will forward a copy to other divisions as needed. Filings of pleadings affecting one to eleven cases only should continue to be made at the divisional office of the Clerk where the case is pending.

8. DESIGNATION OF LOCAL AGENT FOR SERVICE OF PROCESS.

Companies named as parties-defendant in asbestos-related suits shall designate with the District Clerk's office a local agent for service of process, which shall apply to all such suits filed in the Eastern District of Texas naming said companies as parties-defendant. The agent need not reside in the Eastern District of Texas. The agent shall accept service of process by certified mail, sent directly by the plaintiff, as substitute service. A defendant may designate a new agent at any time, effective upon formal notice to the District Clerk's office. This designation is for the convenience of the Court and the parties, and shall in no way affect residence for purposes of venue considerations.

9. LIAISON COUNSEL.

Defendants shall designate liaison counsel, as specified in paragraphs (a) through (c) below, to coordinate discovery, filing of motions and responses, and pretrial matters, and to serve as primary communications contact with the Clerks Office. It shall be the responsibility of the liaison counsel to avoid duplication in any pretrial matters and to ensure that no party is unnecessarily inconvenienced by the scheduling of depositions. All other defense counsel shall confer with the liaison counsel before filing any motion or scheduling any deposition. If defendants

represented by the office of the liaison are dismissed or settle out of individual cases, said liaison counsel remains responsible for the case through pre-trial order submission to the date of jury selection. Lead counsel for trial shall be designated in the pre-trial order.

(a) In a single case.

The identity of liaison counsel shall be promptly communicated to the plaintiffs' attorneys, to the Court, and to the Clerk's Office, but in no event later than thirty (30) days after all defendants named in the original complaint have filed answers or responsive pleadings.

(b) In a designated group of cases.

Counsel in cases proceeding as a group by virtue of consolidation, class action, or other special designation of the court, shall advise the plaintiffs' attorneys, the Court, and the Clerk promptly, but in no event later than thirty (30) days after designation of group status, the name(s) of liaison representing the group.

(c) Division-wide.

Pursuant to General Order 90-15, dated July 23, 1990, Liaison attorneys already serving in (a) or (b) above, shall designate one attorney from their number, per Division office in the Eastern District of Texas, to serve as spokesman in communications with the Clerk's Office Asbestos Team. A list of these spokesmen, including mailing addresses and telephone numbers shall be furnished to the Court and to the Clerk promptly, and updated at such time as any change in spokesmen is made.

(d) Liaison counsel shall maintain a current list of all asbestos attorneys and parties represented in the area for which they are designated as liaison; i.e. in a single case, in a designated group of cases, in a particular Division of the Eastern District; and shall provide a copy of such list to the Clerk and Court upon request.

(e) Plaintiff shall have served upon each defendant, at the time of service of summons and complaint, a copy of the current "Notice to Counsel," Attachment "A" to this Standing Order on Asbestos, and a current list of liaison counsel, with mailing addresses and phone numbers. The "Notice to Counsel" instructs parties to inform liaison counsel of their entrance into specific cases.

10. NOTICING, AND SUBSTITUTION OF COUNSEL.

Pursuant to General Order No. 90-15, dated July 23, 1990, attorneys representing defendants in asbestos cases pending in the U. S. District Court, Eastern District of Texas, shall keep on file with the court a current list of all asbestos defendants they represent within the district. Said list shall contain each attorney's bar number, current mailing address(es) and phone number(s). The filing of such list shall be to Master Asbestos File Number 1:90mc2000, and shall be filed in the Beaumont Division Clerk's Office. Notification of representation of additional parties shall be made in like manner, at the time such additional representation is initiated.

Copies of sua sponte orders of the Court shall be furnished by the Clerk to liaison counsel, who shall be responsible for

notice to all other attorneys of record.

If a dismissal order is entered as to individual defendants, (in contrast to dismissal of the case), the Clerk shall forward a copy of the dismissal order to the plaintiff and to the dismissed defendant, and it shall be the responsibility of that dismissed defendant to furnish copies to all other counsel of record.

Copies of orders ruling on motions filed only in individual cases shall be furnished by the Clerk to the attorneys filing such motions, who shall be responsible for notice to all other attorneys of record in the individual cases.

Attorneys submitting proposed judgments or orders in asbestos cases shall furnish with each such proposed judgment or order a current list of all attorneys to whom the signed order or judgment should be mailed [with current mailing addresses].

Attorneys filing motions to substitute counsel shall file the motion in a single case and furnish with each such motion a current, updated list, in numerical case-number order, of all cases to which the motion applies.

11. CLARIFICATION OF PARTIES AND CASES.

Reiterating General Order Number 90-10, of May 14, 1990, prior to submitting to the court any pleading, or proposed order or judgment, parties named in such pleadings, or named in proposed orders or proposed judgments shall be verified by counsel as being officially-named parties to the specific case in which the proposed pleading, order or judgment is to be filed, and shall be further verified by counsel as being currently pending parties, to whom the action of the pleading, order, or judgment is directed or

applies.

In instances wherein a motion, proposed order, proposed judgment, or similar document relates to numerous cases, such cases shall be listed as an attachment, in numerical case-number order, and said list shall contain only and all cases to which said motion, order, or similar document applies. The foregoing paragraph relating to the accuracy of party identification shall also apply.

12. DISCOVERY.

a. All notices pertaining to discovery that are required under the Federal Rules of Civil Procedure to be sent by certified mail may be sent by regular mail.

b. Master Set of Interrogatories

Within thirty (30) days after filing an answer or first responsive pleading, each defendant shall answer completely the plaintiff's master set of interrogatories in the master asbestos file in the District Clerk's office. The defendant may place in the master asbestos file, Master Docket 1:90mc1000, a standard set of answers which do not vary. In that event, the defendant shall refer the plaintiff to the standard set of answers and answer all the other interrogatories in the plaintiff's master set within the thirty-day period. The defendant shall supplement answers with any new information as it is received, as allowed by and strictly within the deadlines set by scheduling orders of the court.

No additional interrogatories or requests for admission shall be submitted to any party, nor filed with the Clerk, except by agreement between the parties or by order of the Court upon motion

demonstrating extraordinary circumstances.

c. Non-filing of Discovery

No depositions, notices of depositions, requests for admissions, interrogatories, or answers or objections thereto shall be filed in the District Clerk's office except by order of the Court. The record shall be maintained, absent order of the Court, in the attorneys' files. A party filing a motion to compel or a response to a motion to compel, shall attach a copy of interrogatories or requests referred to in the motion. In the event that the case is appealed, all of the above items must be filed in the District Clerk's office no later than twenty (20) days after the notice of appeal is filed.

d. Depositions

Attorneys handling asbestos cases in the Eastern District of Texas shall consult with each other concerning persons whom they desire to depose and, to the extent practicable, they shall coordinate scheduling of depositions desired for more than one case so as to minimize inconvenience and expense to the deponents or any party of record.

Notices of depositions shall be served at least two (2) weeks prior to the date they are taken, except by agreement of all counsel, or by order of the Court upon motion showing extraordinary circumstances.

The Court hereby approves the proper utilization of multi-state depositions by all parties in order to prevent unnecessary expense and delay. General objections to the taking of multi-state depositions will be considered to have been timely

filed and are hereby overruled. In the event of the taking of any expert witness's multi-state or out-of-state deposition, at least twenty-one (21) days' notice must be given.

e. Video Depositions

Video depositions may be taken without leave of court, unless objected to within ten days of receipt of notice of the taking of such deposition, by the party objecting to the taking by means of video, in which case, the Court will rule upon a motion presented.

Motions for leave to take video depositions shall not be filed, absent objections to the taking.

f. Editing of Depositions

All depositions to be read into evidence in trial shall be edited to exclude all unnecessary, repetitious and irrelevant testimony. Only those portions relevant to the issues in controversy shall be read into evidence. Likewise, video depositions to be presented in evidence in trial shall be edited to exclude all unnecessary, repetitious and irrelevant testimony. Only those portions relevant to the issues in controversy shall be presented in evidence. Editing of video depositions shall be accomplished with due protection to the original video tape.

g. Plaintiff's Deposition

Within ninety (90) days after filing suit, the plaintiff's attorney shall tender the plaintiff to defendants' liaison counsel for deposition.

f. Medical Examination of Plaintiff

Within forty-five (45) days after the defendants have taken the plaintiff's deposition, the defendants may have, upon request

and at their own expense, an independent medical examination conducted of each plaintiff. No surgical procedures for the removal of tissue or other purposes other than routine blood testing shall be permitted except by order of the Court upon motion showing extraordinary circumstances. Expenses shall include the cost of the examinations and, if the examinations are conducted in a location other than the areas in which the plaintiff resides or works, any reasonable cost of travel, lodging, or food. Within thirty (30) days of the examinations, the plaintiff's counsel shall be furnished with copies of all reports resulting from the examinations or from evaluations conducted for defendants of medical evidence of the plaintiff's condition, except that the defendants need not furnish the opinions of experts who have reviewed records if they will not be called to testify, Fed.R.Civ.P. 26(b)(4)(B). The provisions of Fed.R.Civ.P. 35 shall apply with respect to the waiver of the patient-physician privilege.

g. Additional Parties

No additional parties may be joined after thirty (30) days from the taking of the plaintiff's deposition, or after one hundred twenty (120) days from the filing of suit, whichever comes first. Motions to join parties, after these dates, shall not be filed; and complaints adding parties after these dates shall not be filed.

h. Cross Actions

Each defendant is deemed to be asserting a cross-action for contribution against all other defendants, and all other

defendants are deemed to have answered such cross actions. The Clerk of Court is instructed not to accept or file any cross actions or answers to cross actions.

In the event that any defendant is dismissed from the main action, all cross-actions deemed by this paragraph to have been asserted by or against said defendant will be deemed automatically dismissed as of thirty (30) days thereafter, unless formal cross-actions are filed within the thirty-day period; therefore, motions for dismissal of cross claims should not be filed. These provisions do not apply to third-party complaints that allege the breach of a direct responsibility to the third-party plaintiff; such complaints require formal filing and dismissal.

13. MOTIONS.

a. Motions to Dismiss or Transfer

Motions to dismiss or transfer for improper venue or for forum nonconveniens shall be filed no later than thirty (30) days after the plaintiff's deposition is taken.

No defendant shall conduct any further discovery until all defendants of record have complied with sections 8 and 11b of this order, except by order of the Court upon motion showing extraordinary circumstances.

b. Standard Motions

A copy of the following standard motions and standard responses thereto shall be filed in the Master Asbestos File in the District Clerk's office and shall not be filed in individual cases. In all cases in which they are applicable, those motions and responses will be considered for purposes of appeal to have

been timely filed, and are disposed of as indicated. [See paragraph (11), below, for preservation of the record for appeal.]

(1) Motions to dismiss for lack of IN PERSONAM JURISDICTION are DENIED until further order of the Court. Objections to jurisdiction based upon lack of in personam jurisdiction are deemed asserted.

(2) The plaintiffs' MOTION FOR PARTIAL SUMMARY JUDGMENT on grounds of Collateral Estoppel is DENIED until further order of the Court.

(3) The plaintiffs' MOTION FOR LEAVE TO ASSERT CLAIM FOR PUNITIVE DAMAGES against all defendants is GRANTED until further order of the Court.

(4) MOTIONS FOR BIFURCATION OF ISSUES or for REVERSE BIFURCATION are DENIED until further order of the Court.

(5) The parties' MOTIONS TO USE DEPOSITIONS TAKEN IN OTHER CASES is GRANTED, subject to specific objections at time of trial to the admissibility of specific parts. The party desiring to use any such deposition shall promptly furnish a copy of it to all other parties, or, if previously furnished, shall promptly refer them to it. The parties shall designate to each other by page and line the parts of such deposition that they intend to use, no later than five (5) days prior to jury selection. This sub-paragraph in no way limits the use of depositions taken in other cases for impeachment.

(6) MOTIONS TO QUASH SERVICE OF PROCESS are DENIED.

(7) MOTIONS TO SEVER claims against defendants due to the involvement of said defendants in bankruptcy proceedings are

GRANTED for such time as bankruptcy proceedings are in progress or until further order of this Court.

(8) All defendants' MOTIONS FOR SUMMARY JUDGMENT on grounds that the plaintiff was not exposed to their products are DENIED. The plaintiffs' failure to nonsuit any particular defendant before pretrial status is a representation to the Court that the plaintiff will present competent evidence at trial that he was exposed to the defendant's products. The failure of the plaintiff to present such evidence will subject the plaintiff to appropriate sanctions, including but not limited to costs and reasonable attorney's fees for the defendant in question.

(9) Standard MOTIONS IN LIMINE by plaintiff and defendant shall be filed in the master asbestos file in the District Clerk's office. Other matters may also be raised in limine at the time of trial, but shall not be filed before then.

(10) Joint Motions

When the interests of more than one defendant are the same in regard to a particular motion, the motion shall be deemed a joint motion of all defendants. When the interests of more than one plaintiff are the same in regard to a particular motion, the motion shall be deemed a joint motion of all plaintiffs. When the interests of all parties are the same in regard to a particular motion, the motion shall be deemed a joint motion of all parties.

Liaison counsel shall be the responsible spokesman for a joint motion. No party shall waive any rights by failing to attend a hearing on such motion, unless the attendance of the party has been ordered by the Court. The designation of liaison

counsel to act as spokesman for a group of plaintiffs or defendants shall not preclude other counsel from participating to the extent necessary to represent the individual interests of their clients, as long as said participation does not involve duplication. This section obviates adoption of motions by other parties; no such adoptions shall be filed.

(11) Preservation of Motions for Appeal.

In the event that the case is appealed, all of the above motions that any party desires to preserve for appeal must be actually filed in the District Clerk's office no later than twenty (20) days after the notice of appeal is filed. Responses to those motions must be filed no later than ten (10) days thereafter.

(12) Motions Applicable to More than One Case

To the extent practicable, any motion that applies to more than one case, but less than eleven cases, shall be filed as a single motion, listing by attachment, in case-number numerical order, all cases to which it applies. The movant shall designate one of those cases in which to file the motion and any response. No copy of the motion or response shall be filed in the other cases, but only a record of the motion and response shall be docketed and a reference to the case file in which the motion and response can be found.

Any motion that applies to 11 or more cases shall be filed to the Master Asbestos Docket as a single motion, listing by attachment, in case-number numerical order, including the style of each case, all cases to which the motion and/or response applies. The proposed order accompanying the motion shall have attached a

list of all attorneys to receive a copy of the signed order. The motion and response shall be docketed to Master Asbestos Docket No. 1:90mc1000 and filed in the Master Asbestos File. A copy of any order acting upon a motion applicable to more than one case shall be furnished by the Clerk to the attorney who filed the motion, and it shall be the responsibility of that attorney to furnish copies of that order to counsel listed on the attachment to the order.

14. WITNESS LISTS, EXHIBIT LISTS, DEPOSITION LISTS

When cases are set for joint trial [trial of more than one case at a time, either in part or in whole, by consolidation, class action, or other ordered grouping], witness lists, exhibit lists, deposition lists, and other pretrial documents shall be filed in one case only, to the extent practicable, listing in case-number numerical order, all other cases to which the same document applies. (If there is a lead case, as in a consolidation or class action, file in the lead case. Otherwise, file in Master File 1:90mc1000.)

Parties shall exchange all exhibits to be used at trial and a list of all witnesses to be called. No exhibits or witnesses not furnished to the opposing side may be used at trial except for impeachment or by order of the court upon motion showing extraordinary circumstances.

15. BANKRUPTCY NOTICE.

Counsel representing defendants who are entitled to an automatic stay of judicial proceedings, pursuant to bankruptcy proceedings under 11 USC Section 362, shall file with the U. S.

District Clerk in the Eastern District of Texas a notice of such action, without relying upon this Court being informed through other channels. Likewise, upon completion of proceedings in the bankruptcy court, counsel representing said defendants shall file with the U. S. District Clerk in the Eastern District of Texas a notice of the conclusion of the bankruptcy proceedings. Such notices of bankruptcy status shall include a list of cases, in case-number numerical order, to which the notice shall apply.

16. INTEGRATION OF MANVILLE TRUST.

All answers filed by defendants are deemed amended to include standard third-party actions against the Manville Corporation Asbestos Disease Compensation Fund ("Fund"), and the Fund shall be deemed to have answered and denied those allegations through its attorneys, Holtzman & Urquhart, 900 Two Houston Center, 909 Fannin Street, Houston, Texas 77010. The Fund may file a standard answer with affirmative defenses or may file individual answers, if it so chooses. Plaintiffs are directed to file Proof-of-claim forms with the Manville Personal Injury Settlement Trust. (General Order No. 89-26 on Integration provides additional instruction.)

17. JUDGMENTS/ORDERS INVOLVING REGISTRY FUNDS.

Judgements/Orders to deposit or disburse funds in the Registry of the Court, when pertaining to ten or more cases, shall be docketed to the Master Asbestos Docket to satisfy the entry-on-docket date for purposes of appeal time.

18. SANCTIONS.

Failure to comply with this order shall subject a party and/or its attorney to appropriate sanctions, including, but not

limited to, costs and reasonable attorney's fees, the dismissal with prejudice of plaintiff's claim, or the striking of defendant's defenses. A party may be excused from strict compliance with any provision of this order upon motion showing extraordinary circumstances.

19. EXCEPTION.

Cases which are presently set for trial and which are proceeding under the provisions of a District Court scheduling order will continue to be governed by that order. Where any provision of the revised standing order creates a deadline in conflict with the scheduling order, the deadline set forth in the District Court's scheduling order will rule. In these cases only, all filing will be done in the District Court where the case is set for trial.

SIGNED this 16th day of October, 1990.

A handwritten signature in black ink, appearing to read "Robert M. Parker", with a long horizontal flourish extending to the right.

Robert M. Parker
Chief Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXASNOTICE TO COUNSEL
REGARDING FILING REQUIREMENTS IN ASBESTOS CASES IN THIS DISTRICT

On file with the Clerk of Court is a Revised and Updated Standing Order on Asbestos Cases, General Order Number 90-23, with which all counsel of record in asbestos litigation before the Court in the Eastern District of Texas are expected to comply.

Counsel for the plaintiff is ordered to serve a copy of the Revised and Updated Standing Order on Asbestos, General Order Number 90-23, with the complaint.

Counsel for the plaintiff shall inform liaison counsel of their filing a case in this district. The most recent list of liaison counsel is furnished as an attachment to this notice. Refer to General Order Number 90-23 for additional instructions pertaining to counsel.

The Clerk is ordered by the Court to refuse to accept for filing pleadings and documents not in compliance with the Revised and Updated Standing Order.

This Notice to Counsel is an abbreviated extract of the Revised and Updated Standing Order. Following this abbreviated list in no way shall be construed as satisfying counsel's responsibility for complying with all aspects and requirements of the Standing Order.

FILING A NEW CASE:

1. Complaint
2. Affidavit of Compliance
3. Filing fee
4. Civil Cover Sheet, with the following added information:
 - .Occupation category
 - .Disease category
 - .Geographical location where exposure occurred
5. Notification to liaison counsel of filing of new case
6. Answers to defendants' master set of interrogatories

SERVICE UPON DEFENDANTS:

1. Complaint
2. Revised and Updated Standing Order on Asbestos
3. Affidavit of Compliance with Revised and Updated Standing Order on Asbestos
4. Notice to Counsel
5. A Current List of Liaison Counsel w/addresses and phone numbers
6. General Order No. 89-26 on Integration of Manville Fund

CASE NUMBERS ON PLEADINGS:

- .Master Asbestos Docket 1:90mc1000 -- On all pleadings
- .Master Asbestos Docket 1:90mc2000 -- On all pleadings
- .Assigned Case Number for Individual Case -- In addition to the
master docket numbers

In addition to the individual civil action number, the master asbestos docket numbers should be included on all filings.

PARTIES GENERALLY SHALL NOT FILE:

- *1. Jury Demand
- *2. Cross Actions or Responses or Objections thereto
- 3. Depositions
- 4. Notices of Deposition
- 6. Requests for Admissions or Production, and Responses or Objections thereto
- *7. Third-party actions against the Manville Corporation Asbestos Disease Compensation Fund
- 8. Adoptions of Motions [See Section (10) of Standing Order.]

[* = Deemed Filed, as noted in the Standing Order]

PARTIES SHALL FILE ONCE ONLY, TO THE MASTER ASBESTOS DOCKET, AND SHALL NOT FILE IN INDIVIDUAL CASES:

1. Standard Motions, including the following:
 - .Motions to dismiss for lack of in personam jurisdiction
 - .Motions for partial summary judgment on grounds of collateral estoppel
 - .Motions of plaintiffs for leave to assert claim for punitive damages against defendants
 - .Motions for bifurcation of issues or for reverse bifurcation
 - .Motions to use depositions taken in other cases
 - .Motions to quash service of process
 - .Motions to sever claims against defendants involved in bankruptcy proceedings
 - .Motions for summary judgment on grounds that plaintiffs were not exposed to defendants' products
 - .Motions in limine
2. Motions Applicable to Eleven or More Cases [See Section (12) of the Revised, Updated Standing Order.]
3. Witness Lists, Exhibit Lists, Deposition Lists and Other Pretrial Documents, to the extent practicable [See Section (14) of the Revised, Updated Standing Order.]

4. Notice of Bankruptcy
5. Notice of Exit From Bankruptcy

PARTIES SHALL FILE ONCE, IN AN INDIVIDUAL CASE, DESIGNATING ALL CASES TO WHICH THE INSTRUMENT APPLIES:

1. Joint Motions (other than "standard motions" as listed above) involving parties in more than one case, and responses thereto
2. Motions (other than "standard motions") that apply to less than eleven cases

IDENTIFICATION OF CASES, PARTIES AND ATTORNEYS

Attachment to Motions, Proposed Orders/Judgments, Other Documents:

- .List, in numerical case-number order, only and all cases to which document applies
- .Current list of all attorneys to whom copy of orders/judgments should be mailed

Verification of Parties:

- .Proposed orders/judgments shall not name parties who are not officially-named currently pending parties in the specific case to which the order/judgment applies

PLACE OF FILING:

Pleadings pertaining to less than eleven cases should be filed at the division office in which the cases are pending.

Pleadings pertaining to eleven or more cases at a time should be filed at the Beaumont Division, where they will be docketed to the Master Asbestos Dockets. The Clerk's Asbestos Specialist will forward a copy to any other division as needed.

Submit 1 original and 2 copies of all pleadings pertaining to 11 or more cases at a time.

MAILING OF COPIES:

Orders dismissing defendants upon settlement or agreement with plaintiff:

The dismissed defendant shall send a copy of the dismissal order to all other counsel of record, upon receipt filemarked copy.

Sua sponte orders of the Court:

Liaison counsel shall send copies to all other attorneys of record

Orders ruling on motions:

Counsel who filed the motion shall send copies of the order to all other attorneys of record.

ASBESTOS TASK FORCE

The District Clerk's Office has designated a special Asbestos Team for managing the Clerk's asbestos filings and records. The Team Leader is Mrs. Pat Heintzeman, in the Beaumont office. She may be reached by calling (409)839-2429.

CONTENTS OF MASTER DOCKETS AND MASTER FILES

The Master Asbestos Dockets and Master Asbestos Files maintained in the Clerk's office are located at the Beaumont Division, and include, but are not limited to, the following:

Master Asbestos Docket No. 1:90mc1000

- .Master Set of Interrogatories, by Plaintiff
- .Master Set of Interrogatories, by Defendants
- .Master Set of Answers to Interrogatories, by Plaintiff
- .Master Set of Answers to Interrogatories, by Defendants
- .Standard Motions
- .Responses to Standard Motions
- .Declaration of Bankruptcy of Defendants
- .Change of Name of Defendant Corporation
- .Motions in Limine
- .General Orders and Amendments Thereto
- .Standing Orders and Amendments Thereto
- .Orders establishing case management efforts such as ADR, Class Actions, etc.
- .Motions and Orders affecting 10 or more cases at a time

- .Settlement of individual defendants with plaintiff in 11 or more cases
- .Severance Orders removing the same defendant in 11 or more cases
- .Reassignments of large number of cases between judges
- .Judgments affecting 11 or more cases
- .Trial Settings for 11 or more cases at a time
- .Appointment of Special Masters and Special Monitors
- .Consolidation of Claims
- .Severances of Issues
- .Requests for Exclusions
- .Appeals in some instances

Master Asbestos Docket No. 1:90mc2000

- .Designations of Liaison Attorneys
- .Motions to Substitute Counsel
- .Orders to Substitute Counsel

Regular Asbestos Dockets for Individual Cases:

- .Complaint
- .Affidavit of Compliance
- .Filing Fee Status
- .Original Complaint
- .Reference to Standing Order
- .Reference to Current General Orders
- .Returns on Service
- .Issuance of Summons
- .Original Answer
- .Motions and Responses to Motions
- .Orders
- .Amended Pleadings
- .Substitution of Parties on Suggestion of Death
- .Scheduling Orders
- .Pretrial Matters
- .Judgments
- .Other issues exclusive to the individual case