

GENERAL ORDER NO. 90-27

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

DEC 18 1990

MURRAY L. HARRIS, CLERK
BY DEPUTY Lita Robbins

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

Rule 25 Suggestion of Death. Substitution of Parties and Wrongful
Death Claims in Asbestos Cases in the Eastern District of Texas

IT IS HEREBY ORDERED that, in lieu of a motion to substitute parties, and in lieu of a motion for leave to amend (with amended complaint), filed in conjunction with a Rule 25 Suggestion of Death of a deceased plaintiff, a Notice of Substitution of Parties, naming the representative for the decedent and any wrongful death beneficiaries, shall be deemed to be sufficient evidence to the court of the necessity to substitute parties, and shall be construed on behalf of the estate and the wrongful-death beneficiaries to be asserting the claims arising from the decedent's wrongful death; and said claims shall be deemed filed.

This order SHALL NOT APPLY in instances where a minor is involved or when conflicts between beneficiaries are such that the estate representative is unable to represent each wrongful death beneficiary. In such instance, an individual amended complaint must be filed, subject to approval of plaintiff's motion for leave to amend.

Further, this order SHALL APPLY only to asbestos cases
filed in the Eastern District of Texas.

SIGNED this 18th day of December, 1990.

A handwritten signature in black ink, appearing to read "Robert M. Parker", written over a horizontal line. The signature is stylized and cursive.

Robert M. Parker

Chief Judge