

LAW OFFICES
COLLINS, EINHORN, FARRELL & ULANOFF
A PROFESSIONAL CORPORATION

4000 TOWN CENTER, SUITE 909
SOUTHFIELD, MICHIGAN 48075-1473

NEIL W. MacCALLUM
Direct: (248) 351-5434
Direct Fax: (248) 351-5455
neil.maccallum@ceflawyers.com

TELEPHONE (248) 355-4141
FACSIMILE (248) 355-2277
www.ceflawyers.com

STUART A. ULANOFF
OF COUNSEL
ABE A. SCHMIER
(1903-1988)

August 9, 2010

Clerk to the Hon. Gary Giguere
Kalamazoo County Circuit Court
277 West Michigan Avenue
Kalamazoo, Michigan 49007

Re: Proposed March 29, 2011 Asbestos Litigation Trial Group

LEO O. FRANZ, SR.	CASE NO. 09-0013-NP
HARRY HIEMSTRA	CASE NO. 10-0089-NP
JAMES LAMOREAUX, dec'd	CASE NO. 10-0019-NP
AL MOSLEY, dec'd	CASE NO. 09-0515-NP
ROBERT PERKINS	CASE NO. 08-0283-NP
LAWRENCE ROE	CASE NO. 10-0053-NP
PATRICIA STROBA	CASE NO. 08-0506-NP

Dear Clerk:

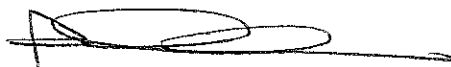
As to plaintiffs involved in the referenced proposed trial group, please find enclosed originals of proposed Discovery and Scheduling Orders regarding each plaintiff and one return copy for my attention. Also enclosed are Notices of Presentment of Orders for Entry under Michigan Court Rule 2.602(B), together with Proofs of Service.

If no objections are filed pursuant to the Rule and if the proposed Order is satisfactory to the Court, please enter the orders in your usual manner and return a true copy to my attention in the enclosed self-addressed postage-paid envelope.

I thank you for your attention to this matter. Should you have any questions or concerns, please do not hesitate to contact me. I remain,

Very truly yours,

COLLINS, EINHORN,
FARRELL & ULANOFF, P.C.



Neil W. MacCallum

NWM:lta
enclosures
cc: All Counsel of Record (via email)
N:\DOCS\ASB055\108795WWL\TR\24T1027.DOC

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF KALAMAZOO

Re: March 29, 2011 Trial Group – Asbestos Personal Injury Litigation

LEO O. FRANZ, SR.
HARRY HIEMSTRA
JAMES LAMOREAUX, dec'd
AL MOSLEY, dec'd
ROBERT PERKINS
LAWRENCE ROE
PATRICIA STROBA

CASE NO. 09-0013-NP
CASE NO. 10-0089-NP
CASE NO. 10-0019-NP
CASE NO. 09-0515-NP
CASE NO. 08-0283-NP
CASE NO. 10-0053-NP
CASE NO. 08-0506-NP

Plaintiffs,

HON. GARY GIGUERE

v.

A.J. BAXTER & COMPANY, et al.

Defendants.

BRYAN M. FRINK (P54494)
Attorney for Plaintiffs
Mazur & Kittel, PLLC
30665 Northwestern Highway, Suite 175
Farmington Hills, MI 48334
248-432-8000

NEIL W. MACCALLUM (P33916)
Coordinating Attorney for Defendants
Collins, Einhorn, Farrell & Ulanoff, P.C.
4000 Town Center, Suite 909
Southfield, MI 48075
248-355-4141

NOTICE OF PRESENTMENT OF ORDER FOR ENTRY

Defendants, A.J. Baxter & Company, et al, and Plaintiffs, pursuant to Michigan Court Rule 2.602(B), submit the attached Order for entry by the Court, and further state as follows:

1. PLEASE TAKE NOTICE that if written objections are not filed to the attached Order, within seven (7) days, the Clerk of the Court shall submit the Order for entry.
2. If the proposed Order does not comport with the decision of the Court, the parties shall thereafter be notified by the Clerk, under direction of the Judge, to appear before the Judge at a date certain for settlement thereof.
3. If written objections are filed, the defendants shall notice the Order for settlement before the Court within seven (7) days after receiving notice of the objections.

Respectfully submitted,

COLLINS, EINHORN, FARRELL & ULANOFF, P.C.




NEIL W. MacCALLUM (P33916)
Coordinating Counsel for Defendants
4000 Town Center, Suite 909
Southfield, MI 48075
(248) 355-4141

Dated: August 9, 2010

PROOF OF SERVICE

Leah T. Anania says that on the 9th day of August, 2010 she served copies of Notices of Presentment of Discovery and Scheduling Orders, Proposed Discovery and Scheduling Orders and Proofs of Service to the Kalamazoo County Circuit Court via US mail service, and to all counsel of record via email. I hereby declare that the statement above is true to the best of my knowledge, information and belief.

Signed: 
Leah T. Anania

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF KALAMAZOO

Re: *March 29, 2011 Trial Group – Asbestos Personal Injury Litigation*

LEO O. FRANZ, SR.
HARRY HIEMSTRA
JAMES LAMOREAUX, dec'd
AL MOSLEY, dec'd
ROBERT PERKINS
LAWRENCE ROE
PATRICIA STROBA

CASE NO. 09-0013-NP
CASE NO. 10-0089-NP
CASE NO. 10-0019-NP
CASE NO. 09-0515-NP
CASE NO. 08-0283-NP
CASE NO. 10-0053-NP
CASE NO. 08-0506-NP

Plaintiffs,

HON. GARY GIGUERE

v.

A.J. BAXTER & COMPANY, et al.

Defendants.

BRYAN M. FRINK (P54494)
Attorney for Plaintiffs
Mazur & Kittel, PLLC
30665 Northwestern Highway, Suite 175
Farmington Hills, MI 48334
248-432-8000

NEIL W. MACCALLUM (P33916)
Coordinating Attorney for Defendants
Collins, Einhorn, Farrell & Ulanoff, P.C.
4000 Town Center, Suite 909
Southfield, MI 48075
248-355-4141

DISCOVERY & SCHEDULING ORDER

At a session of said Court held on:

PRESENT: HON.

Circuit Court Judge

Following is the Court's Discovery and Scheduling Order entered in the above-referenced cases.

NOW THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:

I. GENERAL

The purpose of this Order is to establish a uniform procedure for the conduct and coordination of orderly discovery, to uniformly and consistently resolve common issues of law in such cases, to facilitate orderly pretrial proceedings and to dispose of the cases by avoiding duplication of effort and reducing the cost of such proceedings for all litigation.

LAW OFFICES COLLINS, EINHORN, FARRELL & ULANOFF, P.C. 4000 TOWN CENTER STE 909, SOUTHFIELD, MI 48075 (248) 355-4141

The Court, mindful of similar litigation pending throughout the State, and the creation of a "Master File for the Personal Injury Asbestos Docket" by the Wayne County Circuit Court, #03-310422-NP, hereby orders:

II. PLEADINGS

- A. Plaintiff shall submit Answers to Defendants' Standard Wayne County Circuit Court Asbestos Interrogatories.
- B. Defendants shall submit a set of Answers to Plaintiff's Standard Wayne County Circuit Court Interrogatories and Request for Production of Documents – Revised Version 2003. Defendant is required to supplement those interrogatory answers under the Michigan Court Rules if additional information becomes known. If any such Defendant has filed Answers in accordance with that court's Case Management Order requirements, such shall be deemed to have been filed in these cases.
- C. Any party may submit Supplemental Interrogatories as to matters and issues not covered by the Standard Wayne County Interrogatories.
- D. If any party has filed and served a master witness list in accordance with the Wayne County Circuit Court's Case Management Order, such shall satisfy the requirements of exchanging witness lists pursuant to this Order. If a party chooses to supplement its witness list in any individual case, it shall be done in compliance with the requirements of paragraph III H of this Order.

III. DISCOVERY SCHEDULE

- A. All parties are to appear for a settlement conference on **March 18, 2011 at 9:00 am**, with all unresolved parties to meet with the court at **4:00 p.m.** Trial to follow on **March 29, 2011 at 9:00 a.m.** The Order of Trial to be determined at the Settlement Conference.
- B. The cases are consolidated for the purposes of Discovery and Pretrial matters only.
- C. Parties are to answer the standard interrogatories by **October 1, 2010.**
- D. At the time of filing the Brochure, it shall be the duty of the Plaintiff's attorney, or the Plaintiff if not represented by counsel, in all malignancy cases, to serve a copy of all submitted bankruptcy claim forms to all Defendants; this is a continuing obligation until the conclusion of Trial or Settlement. In all other cases, bankruptcy claim forms shall be submitted (48) hours before jury selection.
- E. Plaintiffs are to serve Defendants with Brochures, (see below), by **October 29, 2010.** A Defendant may serve supplemental interrogatories regarding additional information noted on the brochure.
- F. Plaintiffs shall serve representatives of the Defendants all expert medical reports, x-rays, tissue samples or other data relied upon by the Plaintiff by **October 29, 2010.**
- G. Depositions of Plaintiffs shall be concluded by **February 4, 2011.**
- H. Defendants shall serve on Plaintiffs by **February 11, 2011,** Non-Party Discovery Brochures as to any non-party identified as a result of information obtained from Plaintiff's Brochure or at

Plaintiff's deposition. Defendant's Brochures shall comply with the Brochure elements required in section V below.

- I. Parties shall exchange witness lists by **February 18, 2011**. Except for good cause shown, the parties shall be prohibited from calling a witness at trial that has not been disclosed in the witness lists. During trial, each side will be required to provide opposing counsel with a list of witnesses 36 hours before those witnessed will testify. This notice provision will also apply to any document evidence that will be introduced at trial.
- J. Defendants shall serve Plaintiffs with expert medical reports, and shall return all x-rays, tissue samples or other data to Plaintiff by **February 25, 2011**.
- K. Non-medical fact witness deposition cut-off is **February 25, 2011**.
- L. Exhibit lists shall be exchanged by **March 25, 2011**.

IV. DISCLOSURE OF ASBESTOS EXPOSURES

In Plaintiff's Answers to Interrogatories and Product Identification Brochure ("Brochure"), Plaintiff shall disclose information concerning all exposures to asbestos-containing products known or reasonably available to Plaintiff.

V. BROCHURES AND FACT WITNESS DEPOSITIONS

A. Elements of the Product Information Brochure

The elements of the Brochure are intended to include reasonable notice to Defendants of product identification information reasonably available to Plaintiff and/or Plaintiff's counsel. The Brochure shall be deemed Supplemental Answers to Interrogatories and is to be signed by the Plaintiff or Plaintiff's attorney. To the extent reasonably available, the elements of the brochures shall include:

1. The specific product name or description of the product and manufacturer/supplier of products to which the Plaintiff was exposed.
2. Names of employers.
3. Specific location of the job site where Plaintiff worked and where the products were used or observed on the site, including the name and address of the job site.
4. The date(s) Plaintiff worked on each job site.
5. The identification of all other products that were used on the same job site and at the same time which may contain asbestos.
6. The names, addresses and telephone number of witnesses whom Plaintiff or Defendant believes to have personal knowledge of the above information.
7. The identity (by document number or otherwise) of any writing supporting identification.
8. The names and addresses of all persons known to Plaintiff or Plaintiff's counsel who worked with the Plaintiff at each site.

9. A brief synopsis of other evidence which Plaintiff claims establish product identification against a Defendant, whether or not directed to a specific job site.

B. Evidence excluded if not in Brochure

1. Except for good cause shown, Plaintiff or Defendant shall be prohibited from introducing product identification evidence, including for use in allocation of fault or apportionment, where the same has not been disclosed in the Brochure.

- a. If a Defendant or a Plaintiff conducts a deposition of a co-worker and during the deposition additional exposures or job sites are developed a party may move to amend the Brochure to add the additional exposures or job sites developed by submitting a proposed order to amend under the seven- (7) day rule provision of MCR 2.602 (B)(3), stating specifically the information the party requests to be added to the Brochure.

- b. If a Defendant is not present at the deposition of the co-worker identified by the Plaintiff because the Brochure did not include evidence that said 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.

2. Discovery depositions of fact witnesses may be taken up to the date set for the close of fact witness depositions. De bene esse depositions of fact witnesses may be taken up to date set for trial.

3. Whenever a Defendant attends a deposition of a fact witness listed in Plaintiff's Brochure, because the Brochure indicated that the witness would testify Plaintiff was exposed to the Defendant's asbestos containing product(s) or worked at a premises-liability Defendant's job site, and the witness during the course of the deposition is asked if he can identify that Defendant's product(s) or job site, and exposure to Plaintiff, as identified in Plaintiff's Brochure, and said witness states under oath that he cannot identify said Defendant's product(s) or a job site as specified in Plaintiff's Brochure, and at time when Plaintiff reasonably may have been exposed to that product or job site, the Defendant may file a motion requesting costs for the time incurred in the preparation, travel to, and attendance at the 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 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.

4. The Brochure shall identify which witnesses Plaintiff or Defendant reasonably believe can identify a Defendant's product(s) although unable to place the product(s) on a job site at a particular time, if the submitting party, Plaintiff or Defendant, reasonably believes the witnesses will be able to testify that more likely than not the Plaintiff was exposed to that Defendant's product(s) during Plaintiff's working career.

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

VI. PLAINTIFF DEPOSITION

- A. 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 forth herein, absent special circumstances meriting a deposition of the Plaintiff at an earlier date.
- B. Unless otherwise ordered by the Court or stipulated to by all parties, before the Plaintiff's de bene esse deposition is taken, Defendants shall have a reasonable opportunity to obtain a discovery deposition, if same was not previously taken.
- C. Prior to the discovery and 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 de bene esse deposition.

VII. MEDICAL DISCOVERY

A. Production of Materials for Review by Defendants

- 1. Plaintiff 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 deadlines set forth herein.
- 2. The defense medical counsel assigned to the case shall coordinate activities for purposes of sharing the material and to the extent possible the cost of review of the material by defense expert(s).
- 3. 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 time limits for sharing the medical.
- 4. Defendants shall return to Plaintiff's attorney any and all items that were provided to Defendants' attorney in accordance with the deadlines set forth herein.

B. Medical Authorizations

Plaintiff shall provide medical authorizations to any party who advises Plaintiff that they will be a medical counsel for the case, whether it be a medical counsel on behalf of a group of Defendants or a single Defendant.

C. Medical Experts

- 1. No medical expert (except for treating physicians, fiber defense and state of the art witnesses) shall be allowed to testify at trial unless a report has previously been

provided pursuant to the requirements of this order, unless the Court, based upon good cause, allows the expert to testify without having previously submitted a report.

2. De bene esse and discovery depositions of experts may be taken at any time except during trial hours.

D. Expert Medical Reports

1. Plaintiff shall provide all attorneys of record with a copy of Plaintiff's experts' medical reports which shall include an opinion on diagnosis and prognosis, as well as a statement of material reviewed, significant medical findings, tests performed, results of the tests, interpretations of said 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.

2. Defendants shall provide Plaintiff with medical experts' reports which will set forth the same type of information as Plaintiff are required to provide in Plaintiff's experts' reports.

3. In the event Plaintiff intends to provide medical rebuttal evidence at the time of trial, Plaintiff must provide the Defendants with the medical expert's report which will include additional and revised opinions of the Plaintiff's expert in accordance with the deadlines set forth herein.

VIII. MOTION PRACTICE

A. Non-Dispositive Motions

1. 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.

2. All counsel, however, shall be provided a cover letter summarizing the nature of the motion, the relief sought and the date set for hearing.

3. Upon request, copies of such pleadings and documents filed with the Court shall be furnished to other counsel in the case.

B. Dispositive Motions

1. Any party may file dispositive motions after the filing of the brochure. Any dispositive motions must be filed before the final settlement conference and noticed for hearing at least one week before trial. In the case of premises Defendants dispositive motions may be filed at any time after Plaintiff and Defendant have answered the master set of interrogatories.

2. 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 the serving of 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. Motions Applicable to More Than One Party

1. One moving party shall file motions seeking relief, which would be applicable equally to all parties in the same position or situation as the movant. 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.

2. Motions that 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)."

D. Entry of Orders on Unopposed Motions

Motions that 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 Court will set the motion for hearing and notify the parties.

E. Motions for Change of Venue

The Defendants shall have the right to file a motion to decline jurisdiction or change venue but not before the filing of a Plaintiff's Brochure and no later than thirty-five (35) days after the filing of a Plaintiff's Brochure. Either party may serve Interrogatories on opposing parties as to any matter related to the issue of jurisdiction or forum non conveniens.

IX. SOCIAL SECURITY PRINTOUT

If not previously requested, counsel for Plaintiff shall immediately apply for a Social Security Printout except in single worksite cases. When the Social Security Printout is received, counsel for the Plaintiff shall promptly supply each counsel for the Defendants with a copy of the Social Security Printout.

X. TIME LIMITS

To facilitate planning for vacations and holidays considering the number of attorneys involved in the asbestos litigation statewide, the Court will adopt "time-out" periods during which no motions, depositions nor other asbestos matters will be permitted except by unanimous stipulation of all counsel involved in matter to be scheduled. The Court, hereby Orders that the time-out periods established by Order of the Wayne County Circuit Court shall be fully in effect regarding the asbestos cases enumerated in this Order, to wit: **December 18, 2010 to January 2, 2011.**

XI. THEORIES OF LIABILITY RE: NON-PREMISES DEFENDANTS

Plaintiff's theories of liability as to the non-premises Defendants shall be limited to failure to warn, failure to test, negligent design and breach of implied warranty and gross negligence as to all Defendants and exemplary damage claims as to Defendant Rapid American only and fraud, misrepresentation, and conspiracy claims as to Defendants Metropolitan Life Insurance Company and Owens-Illinois only, 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, Plaintiff shall file at least ninety-one (91) days before trial, a motion and demonstrate a change in the law or a new factual development, which justifies retention of the theory.

XII. DAMAGE CLAIMS

All monetary damages claimed, except compensatory damages as to all Defendants and exemplary damage claims as to Defendant Rapid American only, to which this Defendant objects, 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, Plaintiff 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.

XIII. ADMISSION OF ATTORNEYS

Motions pursuant to MCR 8.126, Temporary Admissions to the Bar, may be filed as provided for in paragraph VIII. D. above. 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.

XIV. SUBMISSION OF RELEASES AND SETTLEMENT PAYMENTS

A. Releases

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

B. Settlement Payments

Unless otherwise agreed between the parties, payment of all settlement proceeds by a specific Defendant shall be due twenty-eight (28) days after a specific Defendant has received the properly executed Release and Stipulation for Dismissal or Order of Consent Judgment or Order for Authority to enter into a settlement relating to a specific Defendant. In the event a Defendant fails to submit the settlement proceeds consistent with this Order in death cases, interest may 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, which ever occurred last. In all other cases, where the Defendant fails to submit the settlement proceeds consistent with this Order, interest may accrue from the date the Defendant received the properly executed Release and Stipulation for Dismissal.

XV. AMENDMENT OF PLEADINGS

In the event Plaintiff determines there are additional parties that should be added to the case, Plaintiff must obtain an ex parte order permitting said amendment to add parties and serve the amended summons and complaint on said added parties. At time of service, Plaintiff shall notify each added Defendant's known counsel and provide each added party with Plaintiff's responses to Defendant's standard interrogatories, deposition notice and scheduling order if issued. If the order permitting amendment to add parties is entered within 35 days of the Plaintiff's brochure due date, and an added party requests adjournment, Plaintiff shall request that the court enter an order adjourning the trial date for a period of not less than 120 days and extending discovery accordingly as to all parties.

XVI. ELECTRONIC SERVICE OF DOCUMENTS

A. When a party to this Litigation is required by the Michigan Court Rules to serve a document to all counsel of record, that party may effectuate service of the document by the procedure set forth below, subject to the exceptions outlined. All references to "document" in this Order shall be interpreted to include any exhibits or attachments to said document.

B. Lexis shall make available to the Court and to attorneys in this litigation a system for providing electronic service, storage and delivery of documents ("the system"). Upon implementation of the system described herein, on the day any document is filed with the Court or designated as a serve only document not filed with the Court, a copy of that document shall be sent to Lexis by one of the following methods: electronic transfer, via the Internet through the system Lexis has established for this litigation, of the document file (either a word-processing file or a scanned image of the document); fax transmission; or overnight mail. Lexis will convert all documents into Adobe Portable Document Format and make them available to parties on an Internet web site maintained by Lexis ("the Website").

C. Timing for posting to the Website is as follows:
(1) electronic documents will be posted by Lexis within one (1) hour of receipt.
(2) faxed documents will be posted by Lexis within six (6) business hours of receipt.
(3) mailed hard copy documents will be posted by Lexis within twenty-four (24) hours of receipt of the overnight mail package.

D. All documents on the system will be identified by the name of the filing law firm, the precise title of the document, and the case-specific identifier(s) to which the document applies. The system shall contain an index of all documents served in this litigation, which will be searchable and sortable according to methods that provide useful access to the documents.

E. Word-processing documents transferred to Lexis via the Internet will not contain visual representations of the filing attorneys' signatures. On word-processing files that they submit, attorneys shall, in place of a signature and where the signature would normally appear, place "Original Signature on File with Court."

F. Access to the system will be limited to registered users. Registered users will consist of authorized Court personnel and counsel of record. Lexis will provide each registered user with a username and password to access the system. Lexis personnel will perform all administrative functions for the system, but all additions, deletions or changes to the service list must go through Liaison Counsel noted below.

G. Within one hour of posting the document to the system, Lexis shall send an e-mail to all relevant registered users, notifying them of the posting. Lexis provides an alternative daily digest notification option for those attorneys interested, which aggregates all the e-mails distributed in one day into a single e-mail. The e-mail or digest shall contain hypertext link(s) to the document location(s) on the system.

H. Any document electronically served pursuant to this Order shall be deemed served as of the date and time it is transmitted to Lexis. Any document transmitted to the system shall certify

LAW OFFICES COLLINS, EINHORN, FARRELL & ULANOFF, P.C. 4000 TOWN CENTER STE 909, SOUTHFIELD, MI 48075 (248) 355-4141

in the Certificate of Service that a true and correct copy was electronically served to counsel of record.

I. This Order relates only to the process by which documents are served. Nothing in this Order shall have any effect on the process by which documents are filed in the Court. All documents filed with the Court shall be made via traditional means.

XVII. MEDICARE SECONDARY PAYER ACT

Wayne County Case Manage Order #17, Regarding Requirements of MMSEA Sec. 111 and Medicare Secondary Payer Act, entered June 18, 2010, attached hereto, is adopted and incorporated into the Order, in total.

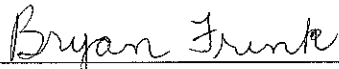
IF ANY DEFENDANT HAS NOT BEEN SERVED WITH THE COMPLAINT AT THE TIME THIS ORDER IS ISSUED, PLAINTIFF SHALL PROMPTLY SERVE A COPY OF THIS ORDER WITH THE COMPLAINT AND FILE A PROOF OF SERVICE.

IT IS SO ORDERED.

CIRCUIT COURT JUDGE

Dated: August 9, 2010

Approved as to form and submitted by:



*Bryan Frink, Esq. (P54494)

Attorney for Plaintiffs

*Signed with consent 8-9-2010



Neil W. MacCallum, Esq. (P33916)

Coordinating Counsel for Defendants