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July 31, 2013

VIA CM/ECF FILING SYSTEM AND FIRST CLASS MAIL

Judge Marianne Bowler
John Joseph Moakley U.S. Courthouse
1 Courthouse Way
Boston, Massachusetts 02210

Re: United States District Court for the District of Massachusetts Asbestos Cases
Proposed Case Management Order

Dear Judge Bowler:

Enclosed for your review please find the proposed Case Management Order to govern asbestos cases filed in the United States District Court for the District of Massachusetts. The enclosed Case Management Order is submitted on behalf of Plaintiffs' Liaison Counsel, Defendants' Liaison Counsel, the Defendants' Executive Committee and the majority of Defendants.

Thank you for your attention in this matter, and please feel free to contact me with any questions.

Very truly yours,



Stephen T. Armato

cc: All Counsel of Record (Via CM/ECF Filing System)

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE:

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF
MASSACHUSETTS ASBESTOS
CASES**

CASE MANAGEMENT ORDER

As a result of conferences with counsel, meetings between representatives for the plaintiffs and defense bar, and after hearing, the Court concludes that it would serve the interests of justice and promote judicial efficiency to enter this Case Management Order. This “Order” applies to all cases listed on the attached Exhibit A, all of which allege personal injury, death, disease or loss of consortium arising out of exposure to asbestos or asbestos-containing products, and to all similar future cases filed in, or removed to, this Court, except as otherwise ordered by this Court, or upon motion, for good cause shown, by the party seeking to have this Order declared inapplicable. Any motion by a party seeking to have this Order declared inapplicable to a future case shall request a hearing to be set as soon as practicable by the Court.

This Order incorporates by reference the provisions of the “Order of Referral to Magistrate Judge and Scheduling Order” signed by Judge Zobel on April 12, 2013 (hereinafter “Referral Order”), as if fully set forth herein, and attached as Exhibit B.

Both this Order and the Referral Order shall be posted on the Pacer docket for each case to which it applies by Counsel for the plaintiff in a case initially filed in this Court, by Counsel for the removing defendant, or by any party contending that a case is one to which this Order applies.

Engaging in discovery pursuant to this Order and the Referral Order shall not constitute a waiver of any party's request for remand to State Court or objections to the jurisdiction of the Federal Court.

I. COORDINATION OF PARTIES

A. Plaintiffs' Coordination

Appointment of Plaintiffs' Liaison Counsel to act on behalf of the plaintiffs will facilitate communications with the Court and plaintiffs' counsel, minimize duplication of effort, coordinate joint positions, and provide for the efficient progress and control of this litigation. To that end, the Court appoints, with the consent of the Plaintiffs' Group, David McMorris of Thornton & Naumes, LLP as Plaintiffs' Liaison Counsel. Plaintiffs' Liaison Counsel shall perform the following duties and have the following powers:

- To receive on behalf of and distribute promptly to counsel notices and other documents from the Court;
- To act as a spokesperson at pre-trial or pre-hearing conferences subject to the right of each party to present individual or divergent positions where necessary;
- To call meetings of counsel for the purpose of agreeing upon responses to questions and suggestions of the Court, and for the purpose of initiating proposals, suggestions, proposed orders, proposed schedules, joint briefs and joint schedules, and also for the purposes of initiating or opposing other pre-trial proceedings when appropriate; and
- To perform such other functions as may be expressly authorized by further order of the Court.

Payment of Liaison Counsel for services and monies disbursed shall be by submission of bills to other counsel for Plaintiffs.

B. Defendants' Coordination

Appointment of Defendants' Liaison Counsel and Executive Committee to act on behalf of all defendants, after appropriate consultation where necessary, will facilitate communications with the Court and defense counsel, minimize duplication of effort, coordinate joint positions, and provide for the efficient progress and control of this litigation. To that end, with the consent

of the Defense Group, the Court appoints Lawrence G. Cetrulo, Esq., Cetrulo LLP, 2 Seaport Lane, Boston, MA, 02210, to act as Defendants' Liaison Counsel and a Defendants' Executive Committee, to be comprised of the following firms and attorneys:

- Adler, Cohen, Harvey, Wakeman and Guekguezian, LLP (A. Bernard Guekguezian, Esq.)
- Cetrulo LLP (Lawrence Cetrulo, Esq., Stephen T. Armato, Esq., and Francis M. Lynch, Esq.)
- Eckert Seamans Cherin & Mellott, LLC (Craig R. Waksler, Esq.)
- Governo Law Firm LLC (Jeniffer A.P. Carson, Esq. and Bryna Rosen Misiura, Esq.)
- Pierce, Davis & Perritano, LLP (Judith A. Perritano, Esq.)

Defendants' Liaison counsel shall have the duty and power to:

- Receive on behalf of the Defense Group and distribute promptly to all counsel all litigation-wide notices and documents from the Court;
- Call defense group meetings to discuss litigation-wide issues and establish joint defense positions on litigation wide issues;
- Serve as spokesperson, after consultation with the Defendants' Executive Committee and/or the defense group, at Court conferences to address litigation-wide issues, and subject to the right of each party to present individual or divergent positions. Case specific issues may be reserved for Lead Discovery Counsel; and
- Perform such other functions after consultation with the Executive Committee and/or Defense Group.

Furthermore Defendants' Liaison Counsel shall be able to recoup fees and expense for limited activities including:

- Payment and Maintenance (addition/subtraction of counsel) to the ListServ;
- Responding to inquiries by the court or co-defendants on litigation wide issues;
- Issuing written reports to the court or the defense group on litigation wide issues;
- Drafting of joint pleadings as dictated by the executive committee; and
- Other projects as authorized by the Defendants' Executive committee and/or Defense Group.

Fees and expenses shall be capped at \$30,000 per year, which will be paid for by defendants based on the number of cases then pending against those defendants at the commencement of each quarter to whom an invoice for such charges is rendered. Defense consent is mandatory

should an increase in the cap be necessary in the future.

The Defendants' Executive Committee shall have the duty and power to:

- Conduct meetings of the Defense Group for the purpose of agreeing upon litigation-wide responses to questions and suggestions of the Court, and for the purpose of initiating litigation-wide joint proposals, joint briefs, joint schedules, and also for the purpose of initiating or opposing other litigation-wide pre-trial proceedings when appropriate;
- Appoint Lead Discovery Counsel for each individual case, based on the facts and circumstances of the individual case and composition of defendants in the case. Lead Discovery Counsel will be responsible for the following case-specific duties: (1) Facilitating communications among the parties to the case; (2) Calling defense counsel meetings; (3) Conducting lead examination at depositions, or securing other counsel to conduct lead examination when appropriate; (4) Collecting records (i.e. medical, employment, social security, etc.) for the defendants; (5) Propounding defendants' joint discovery requests; and (6) filing joint defense motions as requested by the defendants in a case; and (7) performing other functions as is requested by the defendants in that individual case. Lead Discovery Counsel in the cases listed on the attached Exhibit A have previously been designated and are so noted on Exhibit A.
- Perform other such functions as may be expressly authorized by the Defense Group or further order of this Court.

In order to facilitate communications with the Court and with counsel for the plaintiffs, to minimize duplication of effort, to coordinate joint positions and to provide for the efficient progress of the litigation, defendants under the leadership of the Defendants' Executive Committee and Defendants' Liaison Counsel, have met and conferred on a regular basis and will continue to do so. Each member of the Defense Group and its counsel have acknowledged and agreed that these efforts are privileged and confidential, and the substance of any discussions, meetings, and writings exchanged or other forms of joint defense effort are not to be revealed to anyone other than members of the Defense Group and their respective clients, and shall be considered part of the Joint Defense Privilege.

I. PLEADINGS

Each defendant may, within sixty (60) days after service or removal, or such other time as may be agreed to between plaintiff and defendant, serve an “Acknowledgment of Service” in the form attached to this Order as Exhibit C. Upon the filing of such document, the defendant will be deemed to have denied all material allegations contained in the plaintiffs’ complaint, as well as to have sufficiently noted the appearances of all counsel so identified in that document for the docket of that case as to that defendant.

So as to further streamline Pacer filings, the Acknowledgement of Service may also contain the following content, so long as the title of the document reflects this additional content:

- Corporate Disclosure per Federal Rule of Civil Procedure, Rule 7.1
- Affirmative Defenses (either as stated in the document or via adoption of a standard set of Affirmative Defenses)
- Adoption of Model Cross-Claim per Section II.B. of the Referral Order

The filing of the Acknowledgement of Service shall not constitute a waiver of the Defendants right to challenge any defect in process or service of process and, by filing said Acknowledgement of Service, the defendant shall be deemed to have fulfilled the requirements of Federal Rule of Civil Procedure, Rule 12.

Any defendant may choose to file an answer in lieu of “Acknowledgement of Service,” and if such a selection is made, must do so within sixty (60) days of service of the complaint upon a defendant or the removal to this Court, whichever is later.

Any defendant may choose to file a Federal Rule of Civil Procedure Rule 12 motion or other pleading/motion in lieu of an answer or “Acknowledgement of Service,” and if such a selection is made, must do so within sixty (60) days of service of the complaint upon a defendant

or the removal to this Court, whichever is later, or such other time as may be agreed to between plaintiff and defendant.

For any case removed to this Court, no defendant who previously filed an “Acknowledgement of Service” or answer to the Plaintiffs’ Complaint need re-file that in this Court, except that that defendant may re-file that “Acknowledgement of Service” or answer to the Complaint without leave of Court within sixty (60) days of the date the case is removed. However, any defendant relying on its state-filed response to the Complaint shall still file a Corporate Disclosure in conformance with Federal Rule of Civil Procedure, Rule 7.1.

III. DISCOVERY

The parties are directed to prepare standard discovery requests addressing common issues in the litigation that will be used in each of the cases filed hereunder. This will be lieu of the Rule 26 automatic disclosures.

A. Discovery for Plaintiffs’ Response

1. Standard Interrogatories and Requests for Production of Documents

Defendants, through their Liaison Counsel and Executive Committee, shall prepare a standard set of Interrogatories and Requests for Production of Documents and Things, addressing such discovery as is common in asbestos personal injury cases.

Defendants, through their Lead Discovery Counsel, may serve on Plaintiff(s) the standard set of Interrogatories and Requests for Production of Documents and Things at any time after the case is filed or removed. Each plaintiff shall respond to these discovery requests within 90 days of service. Plaintiffs agree not to interpose objections based on the number of interrogatories contained therein. Nothing shall preclude a plaintiff from objecting to a particular discovery

request on legal or substantive grounds, and plaintiffs do not agree that the information sought by this discovery is either admissible or discoverable.

2. Supplemental Interrogatories and Requests for Production

The defendants, via Lead Discovery Counsel, may serve supplemental interrogatories and requests for production of documents on behalf of the defense group, which does not duplicate defendants' standard discovery requests referenced in Section III.A. above. Plaintiffs agree not to interpose objections based on the number of interrogatories contained therein.

The individual defendants may serve additional non-duplicative interrogatories and requests for production of documents, only upon leave of court and after the individual defendants meet and confer with plaintiff's counsel regarding the need for additional discovery.

B. Discovery for Defendants' Response

1. Standard Interrogatories and Requests for Production of Documents

Plaintiffs, through their Liaison Counsel, shall prepare a standard set of Interrogatories and Requests for Production of Documents and Things addressing such discovery as is common in asbestos personal injury cases.

Plaintiffs, through their counsel, may serve on Defendants the standard set of Interrogatories and Requests for Production of Documents and Things at any time after the case is filed or removed. Each defendant shall respond to these discovery requests within 90 days of service. Defendants agree not to interpose objections based on the number of interrogatories contained therein. Nothing shall preclude a defendant from objecting to a particular discovery request on legal or substantive grounds, and defendants do not agree that the information sought by this discovery is either admissible or discoverable. A defendant may refer to prior discovery

responses in this Court in lieu of responding to repetitive discovery requests. This shall not constitute a waiver of Plaintiff's right to object to the sufficiency of the prior responses.

2. Supplemental Interrogatories and Requests for Production

The plaintiff(s), via their counsel, may serve supplemental interrogatories and requests for production of documents, which does not duplicate plaintiffs' standard discovery requests referenced in Section III.B.1., above. Defendants agree not to interpose objections based on the number of interrogatories contained therein.

C. Requests for Admission

Requests for admissions are permitted in the cases and should be governed by the Federal and Local Rules.

D. Procedure for Resolving Discovery Disputes

The procedure for resolving discovery disputes shall be in compliance with the Federal and Local Rules of Civil Procedure. All discovery disputes shall be heard in accordance with the Referral Order.

IV. RECORD COLLECTION AND MEDICAL MATERIAL EXCHANGE

A. Records Authorizations

Each Plaintiff shall produce to defendants within sixty (60) days after the case is either filed in, or removed to, this Court authorizations for the defendants to collect plaintiff's medical, employment, social security, tax, military service, workers compensation/longshoreman claims, disability, and veterans claim records. The authorizations shall be made out to Discovery Lead Counsel. Plaintiff shall also produce to defendants within sixty (60) days a list of all known medical care providers who have treated the plaintiff and a list of all known employers, for the purpose of obtaining copies of medical and employment records. Copies of the authorizations are attached hereto as Exhibit D. Such forms may be updated as required by the respective

agencies, employers, providers, or as required by law. Such updated forms shall be deemed to be included in Exhibit D, absent an objection by plaintiffs within 30 days of notification of the new form to be used. Defendants will provide Plaintiffs with copies of all documents received within seven (7) days of their receipt.

B. Pathology/Radiology Materials

Plaintiffs shall produce all radiology and pathology materials in their possession for a particular case subject to this Order to Defense Lead Discovery Counsel no later than 60 days prior to the date that Defendants' expert reports are due, or as agreed to by the parties.

Defendants shall return said materials on the date that Defendants' expert reports are due, or as agreed upon by the parties.

V. PRODUCT IDENTIFICATION AND EXPOSURE DISCOVERY

Plaintiff shall disclose to all parties 120 days prior to the fact discovery deadline all sources of product identification information, including but not limited to, witnesses, documents and physical evidence. "Product identification information" is documentary or testimonial information that plaintiff will rely on to show the presence of any asbestos-containing product at any location where plaintiff was present. The product identification witnesses on whose testimony the Plaintiffs intend to rely on at trial and who have not yet been deposed shall be identified as such. In addition, Plaintiffs may list witnesses who have previously provided testimony relevant to the Plaintiffs' exposure to asbestos. Plaintiffs shall produce copies of the transcripts of such testimony with this product identification disclosure, unless previously provided. To the extent that an additional deposition of such a witness is possible, the procedures for the deposition of fact witnesses outlined below will apply.

Plaintiffs shall make every effort to secure dates for the depositions of their witnesses. If the Plaintiffs are unable to secure a date for the deposition of a witness, they shall inform the Defendants of such, together with all known information regarding the identity and addresses of the witness. The Defendants may then subpoena the witness for a deposition, pursuant to the Federal Rules. In the event the Defendants are unable to convene the deposition via subpoena, the witness shall be precluded from testifying at trial, unless good cause shown. Plaintiffs shall produce all product identification witnesses for deposition no later than 30 days prior to the close of fact discovery. If, at the close of the fact discovery period, a defendant has not yet served its responses to written discovery, if served, and provided a 30(b)(6) witness or witnesses, if noticed, the parties shall meet and confer to discuss a timeline for completion of that discovery. If the parties cannot agree, any party may seek the intervention of the Court. In any event, fact discovery as to a particular defendant shall not close until 30 days after the completion of that defendant's discovery obligations, unless by agreement of the parties or order of the Court.

VI. DEPOSITIONS

The parties shall be entitled to take the depositions of all witnesses and Federal Rule of Civil Procedure 30 shall not be operable with respect to the number of depositions. Depositions of fact witnesses, including witnesses with a terminal illness, shall be completed within fourteen (14) hours. However, if the physical condition of the witness does not permit a deposition in excess of seven (7) hours, plaintiff's counsel shall notify Lead Discovery Counsel of same, and the deposition shall proceed with a seven (7) hour time limit. In circumstances where a party requires additional time to complete its examination of a deponent, counsel shall meet and confer to determine the additional time necessary to complete the deposition. In the event that the parties cannot agree, any party may request a conference with the Magistrate Judge.

In discovery depositions, unless all parties agree otherwise, all objections, except as to the form of the question, and all motions to strike shall be reserved to the time of trial. Any objection by one party will be deemed an objection by all parties present at the deposition. The provisions of this section shall apply to all discovery depositions and need not be stated on the record at any deposition.

Whenever possible, a senior member of the Massachusetts defense bar will be assigned as Lead Discovery Counsel and will conduct the initial examination of a Plaintiff on behalf of defendants. After Lead Discovery Counsel examines a plaintiff, any defendant may conduct further cross-examination of the Plaintiff, but shall not be permitted to ask repetitive questions.

VII. TRIAL PRESERVATION DEPOSITIONS

The parties may act to perpetuate testimony by conducting trial preservation depositions. Trial preservation depositions shall be considered trial testimony, and all objections and motions to strike, with grounds stated, shall be made on the record. Prior to taking a trial preservation deposition, a party will offer to make the witness available for a discovery deposition. The trial preservation deposition will not take place less than two days after completion of the discovery deposition, except by agreement of the parties, unless the witness lives more than 50 miles from the United States District Courthouse in Boston, Massachusetts, the witness is *in extremis*, or the witness is a non-party whose schedule does not permit waiting two days between depositions, in which case the trial preservation deposition shall not take place less than one day after completion of the discovery deposition. If the opposing party does not elect to take the discovery deposition, the offering party may proceed with the trial preservation deposition.

VIII. EXPERT WITNESS DEPOSITIONS

Depositions of expert witnesses will be governed by the Federal Rules of Civil Procedure. Expert depositions will be limited to seven (7) hours, except as agreed otherwise by the parties or by leave of Court.

IX. PRE-TRIAL PREPARATION GROUPS AND SCHEDULES

There shall be two pre-trial preparation schedules annually for cases on this docket. All cases filed or removed to this Court between January and June shall be assigned for pre-trial preparation in accordance with the schedule attached as Exhibit E. All cases filed or removed to this Court between July and December shall be assigned for pre-trial preparation in accordance with the schedule attached as Exhibit F. If Plaintiffs or the Defendants through the Defendant's Executive Committee, reasonably believes that the nature, progress of discovery, or number of cases assigned to a group under this Order hinders or precludes the efficient resolution of the cases, the Court shall hold a hearing for the parties to be heard regarding the trial preparation schedule for that group. Regardless, should a particular group contain 20 or more cases, the Court will hold a hearing to discuss the trial preparation and trial schedule for that particular group.

X. OTHER PRE-TRIAL PREPARATION

At the completion of the activities described in this Order, the Magistrate Judge shall refer unresolved cases back to the assigned presiding District Court Judges for hearing on motions for summary judgment and a Final Pre-trial conference at which, among other things, the Court will establish a schedule for the filing of a Pretrial Memorandum, motions in limine

and trial briefs. All other pre-trial preparation shall comply with the Federal and Local Rules of Civil Procedure and the assigned presiding District Judges' individual standing orders.

SO ORDERED THIS ____ day of _____, 2013.

Magistrate Judge Marianne Bowler
United States District Court for the
District of Massachusetts

EXHIBIT A

EXHIBIT A

GROUP	REMOVAL DATE	PLAINTIFF NAME	USDC-MA DOCKET NUMBER	DISEASE ALLEGED
A	12/1/2011	Allphin, John W.	1:11-cv-12148-RGS	Deceased lung cancer
A	6/8/2012	Lee, Richard Henry	1:12-cv-11031-WGY	Deceased lung cancer
A	6/8/2012	Hantakas, Estate of Thomas (Donna M. Sweeney as expected representative)	1:12-cv-11032-WGY	Deceased lung cancer
A	7/25/2012	Avagianos, Ernest	1:12-cv-11365-RWZ	Deceased restrictive lung disease
A	8/9/2012	Racicot, Virginia	1:12-cv-11483-RGS	Deceased lung cancer
A	8/9/2012	Erickson, Robert T.	1:12-cv-11484-NMG	Living asbestosis
A	8/17/2012	Saliba, David J.	1:12-cv-11528-NMG	Deceased mesothelioma
B	8/17/2012	Ricker, Alan E.	1:12-cv-11532-RWZ	Deceased mesothelioma
B	8/31/2012	Cary, William	1:12-CV-11630-GAO	Living asbestosis
B	11/8/2012	Jones, Ronald F.	1:12-cv-12087-RWZ	Deceased lung cancer
B	11/16/2012	Daigle, William	1:12-cv-12138-WGY	Deceased lung cancer
B	11/16/2012	Freeman, Richard, Estate of (Pearl Vachon as expected representative)	1:12-cv-12142-RGS	Deceased lung cancer
B	11/28/2012	Hanlon, Edward	1:12-cv-12201-DJC	Living lung cancer
B	12/19/2012	Murray, Catherine, as Executrix of the Estate of John EO Murray	1:12-cv-12355-MLW	Deceased asbestosis
B	2/5/2013	DeSimone, Elizabeth A., as Personal Representative of the Estate of Emilio J. Marchionne.	1:13-cv-10223-GAO	Deceased mesothelioma
B	5/22/2013	Larry M. Reynolds, Sr. and Suzanne Reynolds	1:13-cv-11251-DJC	Living asbestosis

EXHIBIT B

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE:

MASSACHUSETTS ASBESTOS
CASES

CA 12-11532

**ORDER OF REFERRAL TO MAGISTRATE JUDGE
AND SCHEDULING ORDER**

As a result of conferences with counsel, and after hearing, the Court concludes that it would serve the interests of justice to enter this Order of Referral to Magistrate Judge and Scheduling Order. This order applies to the cases listed on Exhibit A, all of which are cases removed to this Court that allege personal injury, death, disease or loss of consortium arising out of exposure to asbestos or asbestos-containing products. Applicability of this Order to any future cases originating in, or transferred to, this Court will be determined upon agreement by the parties.

**I. REFERRAL TO MAGISTRATE JUDGE FOR PRE-TRIAL DISCOVERY,
SETTLEMENT CONFERENCE, AND PREPARATION FOR TRIAL**

A. The cases on Exhibit A shall be referred to a Magistrate Judge ^{Bowler} who has been appointed to conduct pre-trial procedures, supervision of discovery, and preparation for trial.

B. Settlement conferences will be conducted by a separate Magistrate Judge determined by the appointed Magistrate Judge.

C. Referral to the Magistrate Judge will occur without the need for a Rule 16 Joint Statement to be filed or Scheduling Conference to occur. To the extent that the Rule 16 process

has already occurred in a case on Exhibit A, the deadlines in this order will supersede the deadlines set forth in prior scheduling orders entered by this Court in those cases.

D. The Magistrate Judge may enter such orders as may be necessary to facilitate the aforementioned tasks, subject to review by the District Court Judge, subject to Rule 72.

E. All motions assented to by all necessary parties shall be recorded on the docket as Allowed by the Court, without the necessity of hearing.

F. The parties are directed to use Lexis/Nexis File & Serve or its equivalent to serve case-related filings that are not required to be posted to the PACER docket. Initial service of process shall be effectuated pursuant to the applicable Federal Rules of Civil Procedure.

II. PLEADINGS

A. CROSS-CLAIMS

In lieu of filing separate cross-claims, defendants may adopt in whole or in part the Model Cross-Claim of Defendants annexed hereto as Exhibit B by so indicating in their responsive pleadings. Unless otherwise stated, such cross-claims shall be deemed to be stated against all defendants and after-joined defendants. Defendants that choose not to raise cross-claims shall so indicate in their responsive pleadings.

Defendants shall not file individual answers to cross-claims. All defendants will be deemed to have denied all material allegations raised in any cross-claim filed and to have incorporated any standard set of defenses to cross-claim that they may file. Nothing herein shall preclude a defendant from filing cross-claims against other defendants that state claims not made in the Model Cross-Claims of Defendants.

B. COMPLAINT AMENDMENTS

1. Motions to Amend to Add Wrongful Death Claims

Plaintiffs may, without leave of Court, amend complaints to add claims of wrongful death which are alleged to have occurred after the filing of the complaint as a result of exposure to asbestos. However, nothing shall preclude a defendant from filing an objection thereto.

2. Motions to Amend to Add Survivorship or Loss of Consortium Claims

Plaintiffs may, without leave of Court, amend complaints to add claims based on survivorship or loss of consortium or society. However, nothing shall preclude a defendant from filing an objection thereto.

3. Motions to Amend to Add New Parties

All amendments to join defendants may be made only with leave of Court and pursuant to the applicable Federal Rules of Civil Procedure.

4. Answers to Amended Complaints

When a complaint is amended in a case, all defendants who previously filed an answer shall be deemed to have answered the amended complaint, denied all material allegations, and to have incorporated their prior claims and defenses.

5. Other Amendments

Other amendments to pleadings shall be filed pursuant to the Federal Rules of Civil Procedure, Rule 15.

C. STIPULATIONS OF DISMISSAL

Notwithstanding the requirement of Federal Rule of Civil Procedure, Rule 41, requiring the signature of all parties, unless objection is served within ten (10) days, stipulations of dismissal signed by Plaintiffs' counsel and counsel for a particular defendant shall operate as a dismissal of the case as to that particular defendant.

III. ALLEGATIONS OF NO PRODUCT IDENTIFICATION

Within 10 days after the close of fact discovery in a case, or as otherwise agreed to by the parties, any Defendant may provide to the Plaintiff an Allegation of No Product Identification, alleging that no product identification has been offered against it in the case. Within 10 days, the Plaintiff will notify the Defendant that it agrees or disagrees. If the Plaintiff agrees, or fails to respond within 10 days, the Defendant may file an Assented to Motion for Dismissal without Prejudice of the case as to the moving Defendant.

IV. PRE-TRIAL PREPARATION SCHEDULE

The cases subject to this order shall be divided into two groups for pre-trial preparation. The cases listed in Group A (on Exhibit A) shall be assigned for pre-trial preparation in accordance with the schedule attached as Exhibit C. The cases listed in Group B (on Exhibit A) shall be assigned for pre-trial preparation in accordance with the schedule attached as Exhibit D. The attached schedules will supersede the Federal Rules of Civil Procedure in the event of a conflict.

V. FUTURE PROPOSED DISCOVERY ORDER

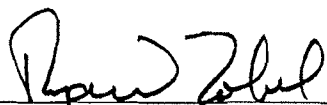
The parties have agreed to submit by June 15, 2013, to the Magistrate Judge a proposed joint order relating to discovery, which will govern to the extent possible discovery all cases governed by this order.

VI. MOTIONS FOR ADMISSION PRO HAC VICE

All motions for admission *pro hac vice* must comply with this Court's rules for such admission. Motions for *pro hac vice* shall be filed in the each case in which admission is sought, and must certify that the appropriate fee, if any, has been paid to the Court, or other payee designated by the Court. The affidavit(s) in support of the Motion must acknowledge that a

Massachusetts District Court admitted attorney will accompany the out-of-state attorney at all court-ordered proceedings.

SO ORDERED THIS 12th day of April, 2013.



United States District Court Judge

EXHIBIT A

GROUP	REMOVAL DATE	PLAINTIFF NAME	USDC-MA DOCKET NUMBER	DISEASE ALLEGED
A	12/1/2011	Allphin, John W.	1:11-cv-12148-RGS	Deceased lung cancer
A	6/8/2012	Lee, Richard Henry	1:12-cv-11031-WGY	Deceased lung cancer
A	6/8/2012	Hantakas, Estate of Thomas (Donna M. Sweeney as Expected Representative)	1:12-cv-11032-WGY	Deceased lung cancer
A	7/25/2012	Avagianos, Ernest	1:12-cv-11365-RWZ	Deceased restrictive lung disease
A	8/9/2012	Racicot, Virginia	1:12-cv-11483-RGS	Deceased lung cancer
A	8/9/2012	Erickson, Robert T.	1:12-cv-11484-NMG	Living asbestosis
A	8/17/2012	Saliba, David J.	1:12-cv-11528-NMG	Deceased mesothelioma
B	8/17/2012	Ricker, Alan E.	1:12-cv-11532-RWZ	Deceased mesothelioma
B	8/31/2012	Cary, William	1:12-CV-11630-GAO	Living asbestosis
B	11/8/2012	Jones, Ronald F.	1:12-cv-12087-RWZ	Deceased lung cancer
B	11/16/2012	Daigle, William	1:12-cv-12138-WGY	Deceased lung cancer
B	11/16/2012	Freeman, Richard, Estate of (Pearl Vachon as expected representative)	1:12-cv-12142-RGS	Deceased lung cancer
B	11/28/2012	Hanlon, Edward	1:12-cv-12201-DJC	Living lung cancer
B	12/19/2012	Murray, Catherine, as Executrix of the Estate of John EO Murray	1:12-cv-12355-MLW	Deceased asbestosis
B	2/5/2013	DeSimone, Elizabeth A., as Personal Representative of the Estate of Emilio J. Marchionne.	1:13-cv-10223-GAO	Deceased mesothelioma

EXHIBIT B

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE:
MASSACHUSETTS ASBESTOS CASES

MODEL CROSS-CLAIM OF DEFENDANTS

1. The plaintiff, or the representative of his/her estate, seeks recovery for injury to the plaintiff's health caused by alleged exposure to asbestos products.
2. In some instances the plaintiff's spouse seeks recover for loss of consortium as a result of the plaintiff's injuries.
3. In some instances plaintiff's child(ren) seek(s) recovery for loss of parental society as a result of the plaintiff's injuries.
4. Cross-claimant herein is a corporation organized in Massachusetts or elsewhere.
5. Plaintiffs have alleged that all other named defendants (hereinafter "co-defendants") at all relevant times processed, manufactured, packaged, distributed, supplied, and sold for use various asbestos-containing products.
6. The plaintiff(s) has/have alleged that cross-claimant and the co-defendants were negligent in that they wrongfully processed, manufactured, packaged, distributed, delivered, supplied and sold various asbestos-containing products and materials and failed to render proper, adequate and correct warnings, advice, instruction and information.
7. The plaintiff(s) has/have further alleged that cross-claimant and the co-defendants expressly and/or impliedly warranted that said asbestos materials and products were of merchantable quality, fit and safe for the purposes for which they were mined, processed, manufactured, fashioned, packaged, inspected, tested, distributed, sold, and intended for use, and

that cross-claimant and the co-defendants breached warranties in that said asbestos materials and products were not of merchantable quality, or safe for the purposes for which they were mined, processed, manufactured, fashioned, packaged, inspected, tested, distributed, sold, intended, and used.

8. The plaintiff(s) has/have further alleged that cross-claimant and the co-defendants distributed, supplied, sold, and placed asbestos products into the stream of commerce in a defective, dangerous, and unsafe condition.

9. The plaintiff(s) has/have further alleged that the said acts and failures to act constituted gross negligence and wanton, willful and malicious conduct, a reckless indifference to the rights of the plaintiff and a reckless disregard for the consequences cross-claimant and co-defendants knew or should have known would result.

10. The plaintiff(s) has/have further alleged that said asbestos-containing products were sold or used by the plaintiff's employer and that the plaintiff was ultimately exposed to such product to his detriment.

11. Cross-claimant denies that it is liable to the plaintiff(s), as is set forth in its individual answer. If, however, the plaintiffs(s) are found to be entitled to recover judgment against the cross-claimant, such cross-claimant would be entitled to recover by way of contribution against co-defendants since they would be joint tortfeasors with regard to plaintiff's damages.

WHEREFORE, the cross-claimant seeks judgment against the said co-defendants for contribution for the sums cross-claimant may be required to pay the plaintiffs, together with costs.

EXHIBIT C

**PRE-TRIAL PREPARATION SCHEDULE
FOR CASES IN GROUP A**

1. All fact discovery, including depositions, be completed by:November 1, 2013
2. Allegations of No Product IdentificationNovember 11, 2013
3. Responses to Allegations of No Product Identification.....November 21, 2013
4. Settlement conference¹.....December 1-15, 2013
5. Plaintiffs' final expert reports must be served by: February 1, 2014
6. Defendant's expert reports must be served by:..... March 1, 2014
7. Any rebuttal expert report shall be served on or before: April 1, 2014
8. Any dispositive motions must be filed by: May 1, 2014
9. Responses to any dispositive motions must be filed by:..... May 22, 2014
10. Replies to any dispositive motions must be filed by: May 30, 2014
11. Referral to Trial Judge, who will schedule a pre-trial conference
and will issue orders for remaining deadlines..... June 1, 2014

****All deadlines listed in this schedule shall occur on the stated date or on the next Court business day thereafter, whichever is later.**

¹ Settlement conferences to be conducted by Magistrate Judge separately assigned by appointed Magistrate Judge.

EXHIBIT D

**PRE-TRIAL PREPARATION SCHEDULE
FOR CASES IN GROUP B**

1. All fact discovery, including depositions, be completed by: April 1, 2014
2. Allegations of No Product Identification..... April 11, 2014
3. Responses to Allegations of No Product Identification..... April 21, 2014
4. Settlement conference² May 1-15, 2014
5. Plaintiffs' final expert reports must be served by: July 1, 2014
6. Defendant's expert reports must be served by: August 1, 2014
7. Any rebuttal expert report shall be served on or before: September 1, 2014
8. Any dispositive motions must be filed by: October 1, 2014
9. Responses to any dispositive motions must be filed by: October 22, 2014
10. Replies to any dispositive motions must be filed by: October 30, 2014
11. Referral to Trial Judge, who will schedule a pre-trial conference and
will issue orders for remaining deadlines November 1, 2014

****All deadlines listed in this schedule shall occur on the stated date or on the next Court business day thereafter, whichever is later.**

² Settlement conferences to be conducted by Magistrate Judge separately assigned by appointed Magistrate Judge.

EXHIBIT C

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE:

MASSACHUSETTS ASBESTOS
CASES

CIVIL ACTION NO. __-__-____

ACKNOWLEDGMENT OF SERVICE

Pursuant to the Case Management Order, the Defendant, _____, hereby acknowledges receipt on or about _____ of a Summons and a copy of Plaintiffs' Complaint served by the Plaintiffs in this action.

The Defendant, as listed above, does not, at this time, adopt the Model Cross-Claim of Defendants. The Defendant, as listed above, does adopt the Model Complaint of Defendants against Manville Fund.

The Defendant **DEMANDS A TRIAL BY JURY** on all issues brought by or against it in this action.

By its attorney,

XXXXX, Esq.
BBO # 000000

Dated: _____

CERTIFICATE OF SERVICE

I hereby certify that on _____, I served the foregoing by causing a copy of same to be electronically served on all counsel of record via the Court's CM/ECF system.

XXXXX, Esq.

Dated: _____

EXHIBIT D

AUTHORIZATION TO USE OR DISCLOSE PROTECTED HEALTH INFORMATION

1. I hereby authorize _____
Name of hospital/physician

to use /disclose the following protected health information from the medical records of the patient listed below. I understand that the information used or disclosed pursuant to this authorization could be subject to redisclosure by the recipient and, if so, may not be subject to federal or state law protecting its confidentiality.

2. Patient Name: _____ Date of Birth: _____

Address: _____ Date of Death: _____

Social Security #: _____

3. Information to be disclosed to:

4. Disclose the following information for treatment dates: _____ to _____.

- Complete Records
- Original Radiology Films
- Original Pathology Material
- Billing Information

*This Authorization specifically **does not** permit the medical provider to discuss the patient's medical condition or treatment in any way.*

5. The above information is disclosed for legal purposes.

6. I understand I may revoke this authorization at any time by requesting such of the above referenced hospital / physician practice in writing, unless action has already been taken in reliance upon it, or during contestability period under applicable law.

7. The above named provider may not condition treatment, payment, enrollment in a health plan, or eligibility for benefits on the individual's failure to provide an authorization.

8. This Authorization shall remain in force and effect until there is a resolution, settlement, dismissal, verdict or other final disposition of all claims made in the Massachusetts Asbestos Litigation by or on behalf of the person whose medical records and materials are the subject of this authorization.

X _____
Signature of Patient or Legal Representative

9. Date

X _____
Printed Name of Patient or Patient's Representative

10. Relationship to Patient or Authority to act for Patient

N.B. An additional authorization to release sensitive, legally protected information may be required.

AUTHORIZATION TO RELEASE CLAIMS INFORMATION

To Whom It May Concern:

You are hereby authorized to furnish to _____, or any representative of their office, copies of any and all documents relating to any workers compensation claims filed by _____ and/or his/her attorneys with your department, including, but not limited to, results of medical examinations, and records of injuries sustained in the course of employment.

A photostatic copy of the executed original of this Authorization is fully sufficient for the release of the information. This Authorization shall remain in force and effect until revoked by me, in writing.

Name of Employee

Witness

Signature of Person Authorizing Release

Date

Street Address

City State Zip Code

Dates of Employment

Social Security Number

Date of Birth

AUTHORIZATION TO RELEASE EMPLOYMENT INFORMATION

To Whom It May Concern:

You are hereby authorized to furnish to _____,
or any representative of their office, copies of any and all documents relating to
_____ employment by you, including, but not limited to, applications
for employment, wage records, personnel files, attendance records, records of medical
examinations, and records of injuries sustained in the course of employment with your company.

A photostatic copy of the executed original of this Authorization is fully sufficient for the
release of this information. This Authorization shall remain in force and effect until revoked by
me, in writing.

Name of Employee

Witness

Signature of Person Authorizing Release

Date

Street Address

City State Zip Code

Dates of Employment

Social Security Number

Date of Birth

AUTHORIZATION FOR RELEASE OF OFFICIAL PERSONNEL FOLDER

To: General Services Administration
National Personnel Records Center
(Civilian Personnel Records)
111 Winnebago Street
St. Louis, MO 63118

You are hereby authorized to furnish to _____,
or any representative of their office, all information included within the Official Personnel
Folder pertaining to _____.

A photostatic copy of the executed original of this Authorization is fully sufficient for the
release of the information. This Authorization shall remain in force and effect until revoked by
me, in writing.

Name of Employee

Witness

Signature of Person Authorizing Release

Date

Street Address

City State Zip Code

Dates of Employment

Social Security Number

Date of Birth

AUTHORIZATION FOR RELEASE OF INCOME TAX RECORDS

To Whom It May Concern:

You are hereby authorized to furnish to _____,
or any representative of their office, copies of all income tax returns of _____ for the
years _____ to present.

A photostatic copy of the executed original of this Authorization is fully sufficient for the
release of the information. This Authorization shall remain in force and effect until revoked by me,
in writing.

Name of Tax Payer

Witness

Signature of Person Authorizing Release

Date

Street Address

City State Zip Code

Dates of Employment

Social Security Number

Date of Birth

REQUEST FOR SOCIAL SECURITY EARNINGS INFORMATION

1. From whose record do you need the earnings information?

Print the Name, Social Security Number (SSN), and date of birth below.

Name _____ Social Security Number _____
Other Name(s) Used _____ Date of Birth _____
(include Maiden Name) _____ (Mo/Day/Yr) _____

2. What kind of information do you need?

Detailed Earnings Information For the period(s)/year(s): _____
(If you check this block, tell us below why you need this information.)

Certified Total Earnings For Each Year. For the year(s): _____
(Check this box only if you want the information certified. Otherwise, call 1-800-772-1213 to request Form SSA-7004, Request for Earnings and Benefit Estimate Statement)

3. If you owe us a fee for this detailed earnings information, enter the amount due using the chart on page 3 A. \$ _____

Do you want us to certify the information? Yes No

If yes, enter \$15.00 B. \$ _____

ADD the amounts on lines A and B, and enter the TOTAL amount C. \$ _____

- You can pay by CREDIT CARD by completing and returning the form on page 4, or
- Send your CHECK or MONEY ORDER for the amount on line C with the request and make check or money order payable to "Social Security Administration"
- DO NOT SEND CASH.

4. I am the individual to whom the record pertains (or a person who is authorized to sign on behalf of that individual). I understand that any false representation to knowingly and willfully obtain information from Social Security records is punishable by a fine of not more than \$5,000 or one year in prison.

SIGN your name here (Do not print) > _____ Date _____

Daytime Phone Number _____
(Area Code) (Telephone Number)

5. Tell us where you want the information sent. (Please print)

Name _____ Address _____
City, State & Zip Code _____

6. Mail Completed Form(s) To: **Exception: If using private contractor (e.g., FedEx) to mail form(s), use:**

Social Security Administration
Division of Earnings Record Operations
P.O. Box 33003
Baltimore Maryland 21290-3003

Social Security Administration
Division of Earnings Record Operations
300 N. Greene St.
Baltimore Maryland 21290-0300

Form Approved
OMB No. 0960-0566

Social Security Administration
Consent for Release of Information

TO: Social Security Administration

Name	Date of Birth	Social Security Number
------	---------------	------------------------

I authorize the Social Security Administration to release information or records about me to:

NAME	ADDRESS

I want this information released because:

(There may be a charge for releasing information.)

Please release the following information:

- Social Security Number
- Identifying information (includes date and place of birth, parents' names)
- Monthly Social Security benefit amount
- Monthly Supplemental Security Income payment amount
- Information about benefits/payments I received from _____ to _____
- Information about my Medicare claim/coverage from _____ to _____
(specify) _____
- Medical records
- Record(s) from my file (specify) _____
- Other (specify) _____

I am the individual to whom the information/record applies or that person's parent (if a minor) or legal guardian. I declare under penalty of perjury that I have examined all the information on this form and it is true and correct to the best of my knowledge. I understand that anyone who knowingly gives a false or misleading statement about a material fact in this information, or causes someone else to do so, commits a crime and may be sent to prison, or may face other penalties, or both.

Signature: _____
(Show signatures, names, and addresses of two people if signed by mark.)

Date: _____ Relationship: _____

Form **4506**
 (Rev. October 2008)
 Department of the Treasury
 Internal Revenue Service

Request for Copy of Tax Return

- ▶ Do not sign this form unless all applicable lines have been completed. Read the instructions on page 2.
- ▶ Request may be rejected if the form is incomplete, illegible, or any required line was blank at the time of signature.

OMB No. 1545-0429

Tip: You may be able to get your tax return or return information from other sources. If you had your tax return completed by a paid preparer, they should be able to provide you a copy of the return. The IRS can provide a **Tax Return Transcript** for many returns free of charge. The transcript provides most of the line entries from the tax return and usually contains the information that a third party (such as a mortgage company) requires. See **Form 4506-T, Request for Transcript of Tax Return**, or you can call 1-800-829-1040 to order a transcript.

1a Name shown on tax return. If a joint return, enter the name shown first.	1b First social security number on tax return or employer identification number (see instructions)
2a If a joint return, enter spouse's name shown on tax return.	2b Second social security number if joint tax return
3 Current name, address (including apt., room, or suite no.), city, state, and ZIP code	
4 Previous address shown on the last return filed if different from line 3	
5 If the tax return is to be mailed to a third party (such as a mortgage company), enter the third party's name, address, and telephone number. The IRS has no control over what the third party does with the tax return.	

Caution: DO NOT SIGN this form if a third party requires you to complete Form 4506, and lines 6 and 7 are blank.

6 Tax return requested. (Form 1040, 1120, 941, etc.) and all attachments as originally submitted to the IRS, including Form(s) W-2, schedules, or amended returns. Copies of Forms 1040, 1040A, and 1040EZ are generally available for 7 years from filing before they are destroyed by law. Other returns may be available for a longer period of time. Enter only one return number. If you need more than one type of return, you must complete another Form 4506. ▶ _____

Note. If the copies must be certified for court or administrative proceedings, check here.

7 Year or period requested. Enter the ending date of the year or period, using the mm/dd/yyyy format. If you are requesting more than eight years or periods, you must attach another Form 4506.

_____/_____/_____ ____/____/_____ ____/____/_____ ____/____/_____

_____/____/_____ ____/____/_____ ____/____/_____ ____/____/_____

8 Fee. There is a \$57 fee for each return requested. Full payment must be included with your request or it will be rejected. Make your check or money order payable to "United States Treasury." Enter your SSN or EIN and "Form 4506 request" on your check or money order.	
a Cost for each return	\$ 57.00
b Number of returns requested on line 7	_____
c Total cost. Multiply line 8a by line 8b	\$ _____

9 If we cannot find the tax return, we will refund the fee. If the refund should go to the third party listed on line 5, check here

Signature of taxpayer(s). I declare that I am either the taxpayer whose name is shown on line 1a or 2a, or a person authorized to obtain the tax return requested. If the request applies to a joint return, either husband or wife must sign. If signed by a corporate officer, partner, guardian, tax matters partner, executor, receiver, administrator, trustee, or party other than the taxpayer, I certify that I have the authority to execute Form 4506 on behalf of the taxpayer.

	Telephone number of taxpayer on line 1a or 2a ()
▶ Signature (see instructions)	Date
▶ Title (if line 1a above is a corporation, partnership, estate, or trust)	
▶ Spouse's signature	Date

Standard Form 180 (Rev. 09/08) (Page 1)
 Prescribed by NARA (36 CFR 1228.168(b))

Authorized for local reproduction
 Previous edition unusable

OMB No. 3095-0029 Expires 10/31/2011

REQUEST PERTAINING TO MILITARY RECORDS

* Requests from veterans or deceased veteran's next-of-kin may be submitted online by using eVetRecs at <http://www.archives.gov/veterans/cvetrecs/> *

(To ensure the best possible service, please thoroughly review the accompanying instructions before filling out this form. Please print clearly or type.)

SECTION I: INFORMATION NEEDED TO LOCATE MILITARY RECORDS (Furnish as much as possible)

1. NAME USED DURING SERVICE (last, first, and middle)		2. SOCIAL SECURITY NO.	3. DATE OF BIRTH	4. PLACE OF BIRTH		
5. SERVICE, PAST AND PRESENT (For an effective records search, it is important that all service be shown below.)						
	BRANCH OF SERVICE	DATE ENTERED	DATE RELEASED	OFFICER	ENLISTED	SERVICE NUMBER (If unknown, write "unknown")
a. ACTIVE COMPONENT						
b. RESERVE COMPONENT						
c. NATIONAL GUARD						
6. IS THIS PERSON DECEASED? If "YES" enter the date of death. <input type="checkbox"/> NO <input type="checkbox"/> YES _____			7. IS (WAS) THIS PERSON RETIRED FROM MILITARY SERVICE? <input type="checkbox"/> NO <input type="checkbox"/> YES			

SECTION II: INFORMATION AND/OR DOCUMENTS REQUESTED

1. CHECK THE ITEM(S) YOU WOULD LIKE TO REQUEST A COPY OF:

DD Form 214 or equivalent. This form contains information normally needed to verify military service. A copy may be sent to the veteran, the deceased veteran's next of kin, or other persons or organizations if authorized in Section III, below. NOTE: If more than one period of service was performed, even in the same branch, there may be more than one DD214. Check the appropriate box below to specify a deleted or undeleted copy. When was the DD Form(s) 214 issued? YEAR(S):

UNDELETED: Ordinarily required to determine eligibility for benefits. Sensitive items, such as, the character of separation, authority for separation, reason for separation, reenlistment eligibility code, separation (SPD/SPN) code, and dates of time lost are usually shown.

DELETED: The following items are deleted: authority for separation, reason for separation, reenlistment eligibility code, separation (SPD/SPN) code, and for separations after June 30, 1979, character of separation and dates of time lost.

All Documents in Official Military Personnel File (OMPF)

Medical Records (Includes Service Treatment Records (outpatient), inpatient and dental records.) If hospitalized, provide facility name and date for each admission:

Other (Specify):

2. PURPOSE: (An explanation of the purpose of the request is strictly voluntary; however, such information may help to provide the best possible response and may result in a faster reply. Information provided will in no way be used to make a decision to deny the request.) Check appropriate box:

Benefits Employment VA Loan Programs Medical Medals/Awards Genealogy Correction Personal

Other, explain:

SECTION III: AUTHORITY AND VERIFICATION

1. REQUESTER IS: (Signature Required in # 3 below of veteran, next of kin, legal guardian, authorized government agent or "other" authorized representative. If "other" authorized representative, provide copy of authorization letter.)

Military service member or veteran identified in Section I, above

Next of kin of deceased veteran (Must provide proof of death).
 Show relationship: _____
 (See item 2a on accompanying instructions.)

Legal guardian (Must submit copy of court appointment)

Other (specify) _____

2. SEND INFORMATION/DOCUMENTS TO:
 (Please print or type. See item 4 on accompanying instructions.)

Name _____

Street _____ Apt. _____

City _____ State _____ Zip Code _____

3. AUTHORIZATION SIGNATURE REQUIRED (See items 2a or 3a on accompanying instructions.) I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the information in this Section III is true and correct.

Signature Required - Do not print

 ()
 Date of this request _____ Daytime phone _____

Email address _____

This form is available at <http://www.archives.gov/research/order/standard-form-180.pdf> on the National Archives and Records Administration (NARA) web site.

EXHIBIT E

EXHIBIT E

**PRE-TRIAL PREPARATION SCHEDULE
FOR CASES IN GROUP A**

1. FRCP 12 Motions Due 60 days after service of complaint/removal
2. Substitute Answer Due 60 days after service of complaint/removal
3. Original Acknowledgment of Service or Answer Due 60 days after service of complaint/removal
4. Plaintiffs' Responses to Standard Discovery Due 90 days after service
5. Defendants' Response to Standard Discovery Due 90 days after service
6. Plaintiffs' Authorizations Per Section IV due to Defendants.60 days filing/removal¹
7. Plaintiffs' Section V Product Identification Disclosure DueJuly 1, 2013
8. Plaintiffs' production of all Section V PID witnesses October 1, 2013
9. All fact discovery, including depositions, be completed by: November 1, 2013
10. Allegations of No Product Identification..... November 11, 2013
11. Responses to Allegations of No Product Identification..... November 21, 2013
12. Settlement conference²December 1-15, 2013
13. Plaintiffs' Production of Radiology/Pathology to DefendantsJanuary 1, 2014
14. Plaintiffs' final expert reports must be served by:..... February 1, 2014
15. Defendant's expert reports must be served by:.....March 1, 2014
16. Any rebuttal expert report shall be served on or before:April 1, 2014
17. Any dispositive motions must be filed by:May 1, 2014
18. Responses to any dispositive motions must be filed by: May 22, 2014
19. Replies to any dispositive motions must be filed by: May 30, 2014
20. Referral to Trial Judge, who will schedule a pre-trial conference and will issue orders for remaining deadlines June 1, 2014

**All deadlines listed in this schedule shall occur on the stated date or on the next Court business day thereafter, whichever is later.

¹ Copy of documents received in response to authorizations supplied by plaintiff due 7 days after receipt.

² Settlement conferences to be conducted by Magistrate Judge separately assigned by appointed Magistrate Judge

EXHIBIT F

EXHIBIT F

**PRE-TRIAL PREPARATION SCHEDULE
FOR CASES IN GROUP B**

1. FRCP 12 Motions Due 60 days after service of complaint/removal
2. Substitute Answer Due 60 days after service of complaint/removal
3. Original AOS or Answer Due..... 60 days after service of complaint/removal
4. Plaintiffs' Responses to Standard Discovery Due 90 days after service
5. Defendants' Response to Standard Discovery Due 90 days after service
6. Plaintiffs' Authorizations Per Section IV due to Defendants.60 days filing/removal³
7. Plaintiffs' Section V Product Identification Disclosure DueDecember 1, 2013
8. Plaintiffs' production of all Section V PID witnesses March 1, 2013
9. All fact discovery, including depositions, be completed by:April 1, 2014
10. Allegations of No Product IdentificationApril 11, 2014
11. Responses to Allegations of No Product IdentificationApril 21, 2014
12. Settlement conference⁴May 1-15, 2014
13. Plaintiffs' Production of Radiology/Pathology to Defendants..... June 1, 2014
14. Plaintiffs' final expert reports must be served by:July 1, 2014
15. Defendant's expert reports must be served by:.....August 1, 2014
16. Any rebuttal expert report shall be served on or before:..... September 1, 2014
17. Any dispositive motions must be filed by: October 1, 2014
18. Responses to any dispositive motions must be filed by:..... October 22, 2014
19. Replies to any dispositive motions must be filed by:..... October 30, 2014
20. Referral to Trial Judge, who will schedule a pre-trial conference and will issue orders
for remaining deadlines November 1, 2014

**All deadlines listed in this schedule shall occur on the stated date or on the next Court business day thereafter, whichever is later.

³ Copy of documents received in response to authorizations supplied by plaintiff due 7 days after receipt.

⁴ Settlement conferences to be conducted by Magistrate Judge separately assigned by appointed Magistrate Judge.