

RHODE ISLAND SUPERIOR COURT
CASE MANAGEMENT ORDERS

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Prepared April 22, 1997
Revised June 1, 1998

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

William Witherell)

Plaintiff)

vs.)

ACandS, Inc., et al.)

Defendants)

C.A. No.: 94-2573

CASE MANAGEMENT ORDER

This matter came before the Superior Court, Associate Justice Netti C. Vogel presiding, on January 25, 1995, on the Plaintiffs' motion seeking the entry of a consolidation or case management order concerning pre-trial matters pursuant to Rules 16 and 42 of the Rhode Island Superior Court Rules of Civil Procedure. Identical motions were filed in 28 other actions involving allegations of personal injury and/or wrongful death due to exposure to asbestos. One Defendant joined in the motion and all other Defendants opposed the motion. Upon consideration of the papers and after hearing oral argument from the parties, it is hereby

ORDERED, ADJUDGED AND DECREED

1. The Defendants, collectively, may serve one Master Set of Interrogatories on the Plaintiff(s), not to exceed forty (40) questions with reasonable subparts. The Defendants, collectively, may serve a different Master Set of Interrogatories in a wrongful death action,

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CLERK OF SUPERIOR COURT
PROVIDENCE, RHODE ISLAND

not to exceed forty (40) questions with reasonable subparts. In addition to the Master Set, each Defendant may serve on each Plaintiff up to an additional ten (10) Supplemental Interrogatories that are non-duplicative of the Master Set.

2. The Plaintiffs' counsel will agree on a single Master Set of Interrogatories to each of the Defendants not to exceed forty (40) questions with reasonable subparts. In addition to the Master Set, the Plaintiff(s) may serve on each Defendant up to ten (10) Supplemental Interrogatories to each Defendant that are non-duplicative of the Master Set.

3. Upon written motion and a showing of good cause, a party may be allowed to serve such additional interrogatories as the court may allow.

4. The Master Set, Supplemental Interrogatories, and any additional interrogatories allowed by the court, and responses thereto, shall be deemed to be filed in each of the cases listed on Schedule A, attached hereto, in which the defendant has appeared until such time as the party's response is amended or supplemented.

5. The Defendants, collectively, may serve one Master Set of Requests for Production on each Plaintiff. Each Plaintiff shall respond to that Master Set only once. In addition to the Master Set, each Defendant may serve additional non-duplicative Requests for Production on each Plaintiff. Documents produced in response to the requests shall be duplicated only once and made available for inspection by the Defendants at the Providence, R.I. law office of Ness, Motley, Loadholt, Richardson & Poole, P.A. Any Defendant may request that Plaintiffs' counsel duplicate the responsive documents and the reasonable expense of the duplication shall be borne by the Defendant requesting the copy. When documents are available for inspection and copying a notice shall be sent to all counsel notifying them of the availability of the documents.

A party seeking to avoid producing documents in Providence has the burden of proving in a request for a protective order that producing the documents in Providence would be unduly burdensome. The motion must contain a graphic description of the documents involved including their quantity, weight, and size. A photograph of the documents in question must be provided.

6. The Plaintiffs, collectively, may serve one Master Set of Requests for Production on each Defendant. Each Defendant shall only respond once to the Master Set. The Master Set of Requests for Production to each Defendant, and each Defendants' response shall be deemed to be filed in each asbestos personal injury case noted on Schedule A, attached hereto, in which the Defendant has appeared. The documents produced in response to the Master set of Requests for Production shall be duplicated only once and made available for inspection at an office in Providence, R.I. Any Plaintiff(s) may request that the Defendant's counsel duplicate the responsive documents and the reasonable expense of the duplication shall be borne by the Plaintiff(s) requesting the copy. When documents are available for inspection and copying a notice shall be sent to all counsel notifying them of the availability of the documents.

7. Depositions shall be noticed and conducted pursuant to the R.I. Superior Court Rules of Civil Procedure. In the event that any party notices a non-case specific deposition, such notice must be given to all counsel in each case noted on Schedule A, attached hereto. Examining counsel shall use their best efforts to avoid duplicative questioning.

8. The Plaintiffs' counsel shall circulate a master service list of all attorneys representing any party in the cases noted on Schedule A, attached hereto.

9. This order is subject to modification if the R.I. Superior Court Rules of Civil

Procedure or Practice are subsequently formally amended or revised.

10. No additional discovery shall be undertaken by the Defendants until they serve the Master Set of Interrogatories and Requests for Production described in paragraph 1 and 3 and no additional discovery shall be undertaken by the Plaintiff(s) until they serve the Master Set of Interrogatories and Request for Production described in paragraph 2 and 4.

11. The Plaintiff's motion is otherwise denied to the extent reflected in the record of the hearing.

SO ORDERED ON THIS DAY OF MARCH, 1995.

D. McLoughlin

Withheld
6/26/95

SCHEDULE A

Allard vs. ACandS, Inc.,	C.A. No. 94-4193
Anderson vs. Metropolitan Life Insurance Company,	C.A. No. 94-4189
Beauregard vs. ACandS, Inc.,	C.A. No. 94-4187
Benjamin vs. ACandS, Inc.,	C.A. No. 94-4199
DeLuca vs. CSR Limited,	C.A. No. 94-4205
Desmarais vs. Armstrong World Industries, Inc.,	C.A. No. 94-0479
Florio vs. Armstrong World Industries, Inc.,	C.A. No. 93-5998
Grant vs. Metropolitan Life Insurance Company,	C.A. No. 94-4203
Giuliano vs. Armstrong World Industries, Inc.,	C.A. No. 94-5214
Harding vs. ACandS, Inc.,	C.A. No. 94-4197
Heaney vs. Georgia-Pacific Corporation,	C.A. No. 93-5591
Katowicz v. Owens-Corning Fiberglas Corp.,	C.A. No. 92-3882
Keller vs. Armstrong World Industries, Inc.,	C.A. No. 94-4736
Johnson vs. ACandS, Inc.,	C.A. No. 94-4198
LaPierre vs. ACandS, Inc.,	C.A. No. 94-4195
LaSalle vs. Anchor Packing Company,	C.A. No. 94-7067
Maccarone vs. ACandS, Inc.,	C.A. No. 94-2574
Mahoney vs. ACandS, Inc.,	C.A. No. 94-4196
Page vs. ACandS, Inc.,	C.A. No. 93-5590
Pearson vs. ACandS, Inc.,	C.A. No. 94-1251
Pelletier vs. ACandS, Inc.,	C.A. No. 94-4194
Petrella vs. ACandS, Inc.,	C.A. No. 94-4201-
Pidgeon vs. Foster Wheeler,	C.A. No. 95-0544
Reddy vs. ACandS, Inc.,	C.A. No. 93-5592
Rinaldo vs. ACandS, Inc.,	C.A. No. 93-5592
Roberti vs. ACandS, Inc.,	C.A. No. 94-4188
Romano vs. ACandS, Inc.,	C.A. No. 94-4192
Santos vs. Garlock, Inc.,	C.A. No. 93-2173
Tuthill vs. Armstrong World Industries, Inc.,	C.A. No. 94-4889
Witherell vs. ACandS, Inc.,	C.A. No. 94-2573

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

96-9999

IN RE: RHODE ISLAND ASBESTOS LITIGATION

CASE MANAGEMENT ORDER NO. 2

This order shall apply to all cases filed in the Superior Court for Providence County where the plaintiff claims injury or death caused by asbestos exposure and where the plaintiff is represented by either Early, Ludwick & Syweeney or Ness, Motley, Loadholt, Richardson & Poole. In particular, this order is intended to apply to all cases filed since the entry of Justice Vogel's Case Management Order dated January 25, 1995 (hereinafter "CMO No. 1") and which may be filed in the future.

- 1) Each case covered by this Order shall be assigned for all purposes to The Honorable Alice Gibney, Trial Justice, for all purposes.
- 2) Each such complaint filed following the date of this Order shall have the words "asbestos litigation" endorsed prominently upon the first page.
- 3) All orders bearing the caption "In re Asbestos Litigation" shall apply to all cases filed in the future and all cases currently pending which were not before the court as of January 25, 1995.
- 4) Any time a defendant who has not appeared previously in the litigation is named and served in a complaint covered by this order, counsel for the plaintiff shall,

STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

IN RE: ASBESTOS LITIGATION

96-9999

ORDER

This matter came on for a hearing before the Honorable Alice B. Gibney on October 29, 1996 in Providence Superior Court regarding Motions for Admission of Counsel Pro Hac Vice, absent objection by any of the parties.

After hearing thereon and in consideration thereof, it is hereby ORDERED: that once a Plaintiff or Defendant has moved for a Pro Hac Vice appearance in one asbestos-injury case, such appearance shall be so granted and extended to all cases pending and to be filed with this Court in the future, so long as no party objects.

BY ORDER:

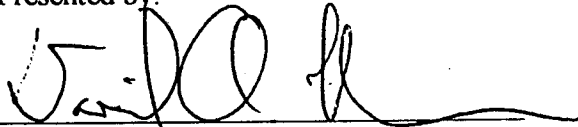


Honorable Alice B. Gibney

11/4/96

Dated

Presented by:



Early, Ludwick & Sweeney
David A. Shaw, Esq.
265 Church Street, P.O. Box 1866
New Haven, CT 06508-1866
203-777-7799
R.I. Bar #3497

Devin M. [unclear]
Asst. Clerk

SUPERIOR COURT
96 NOV-4 AM 11:57

STATE OF RHODE ISLAND and PROVIDENCE PLANTATIONS

Providence, sc.

Superior Court

IN RE ASBESTOS LITIGATION

MASTER FILE

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: C.A. NO 96-9999
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ORDER GRANTING DEFENDANTS REQUEST FOR MODEL CROSSCLAIMS AND ANSWERS TO CROSSCLAIMS IN ALL ASBESTOS CASES

These matters came on for hearing before the Honorable Judge Gibney on November 13, 1996 in Providence Superior Court. The court find:

1) Defense counsel involved in asbestos litigation before the court have agreed on the use of model crossclaims and model answers to crossclaims;

2) The use of model crossclaims streamlines the litigation, conserves judicial resources, reduces filings within the clerk's office, and is otherwise of convenience to the parties;

THEREFORE, it is hereby ORDERED:

1. Each defendant shall be deemed to have a crossclaim against all other defendants and third-party defendants without filing such claims by adopting in its original answer the model crossclaim and answer thereto which are appended hereto;

2. Each crossclaim defendant shall be deemed to have asserted all affirmative defenses, made in response to the plaintiff's complaint, in response to the allegations made in the crossclaim;

3. It is not necessary for any further filings to preserve crossclaims;

4. All discovery deadlines established by the court in any case shall be applicable to all crossclaims.

5. For any party which has filed an answer in any case prior to October 15, 1996, it is stipulated that the model crossclaim and answer has been adopted without filing such claim or answer thereto;

6. If the primary Plaintiff's claim against a defendant is dismissed then all crossclaims will be deemed dismissed against that defendant. This paragraph does not prohibit any party from opposing any motion for summary judgment or eliminate the requirements of Rhode Island Rules of Civil Procedure 41.

ORDERED: _____

Dennis M. Thacker
Ass. Clerk

ENTERED: _____

Gibney, J.
12/3/96

disease and injuries was caused in whole or in part by exposure to products negligently or otherwise tortiously manufactured, produced, marketed, sold, distributed, and/or supplied by each and every crossclaim defendant, their predecessors and successors in interest.

WHEREFORE, the crossclaim plaintiff demands judgment against the crossclaim defendants, each and every one of them for contribution in tort under the Joint Tortfeasors Act of the State of Rhode Island.

A DEMAND FOR A JURY TRIAL IS MADE AS TO ALL ISSUES

STATE OF RHODE ISLAND and PROVIDENCE PLANTATION

Providence, sc.

Superior Court

IN RE ASBESTOS LITIGATION

MASTER FILE

MODEL ANSWER OF ALL DEFENDANTS AND THIRD-PARTY
DEFENDANTS TO CROSSCLAIM OF DEFENDANT/CROSSCLAIM PLAINTIFF

1. Crossclaim defendants admit to the allegations of paragraph 1 of the crossclaim by the defendant/crossclaim plaintiff.
2. Crossclaim defendants DENY the allegations of paragraph 2 of the crossclaim by the defendant/crossclaim plaintiff.
3. Crossclaim defendants deny the allegations of paragraph 3 of the crossclaim by the defendant/crossclaim plaintiff that its products were defective or unreasonably dangerous or failed to comply with any warranties, and denies that it failed to exercise reasonable care in the production, marketing, sales, distribution, and/or supply of said products.
4. Crossclaim defendants deny the allegations of paragraph 4 of the crossclaim by the defendant/crossclaim plaintiff that plaintiffs' disease and injuries were caused in whole or in part by exposure to its products and denies that defendant/crossclaim Plaintiff and crossclaim defendants are joint tortfeasors under Rhode Island law.

5. Crossclaim defendants assert that all the affirmative defenses made in response to the plaintiff's complaint are deemed to be asserted in response to the allegations made by the crossclaim plaintiff.

WHEREFORE, crossclaim defendants and third-party defendants demand judgment against the defendant/crossclaim plaintiff together with costs

A DEMAND FOR A JURY TRIAL IS MADE AS TO ALL ISSUES

IN RE RHODE ISLAND ASBESTOS LITIGATION

ORDER

Upon consideration of the defendants' oral motion in the above-captioned matter, it is hereby

ORDERED

1. Lawrence G. Cetrulo, Esq., of Cetrulo & Capone, is appointed Defendants' Liaison Counsel for the Rhode Island Superior Court Asbestos Litigation.
2. Appointment of Liaison Counsel does not waive or in any way impair the rights of any individual defendant to:
 - (1) Take action on its own behalf on any matter.
 - (2) Enter an objection on any matter.
 - (3) File pleadings, motions, oppositions or other papers with the court.
 - (4) Orally argue motions, oppositions or other pleadings on its own behalf.
 - (5) Serve and respond to discovery.
3. Appointment of Liaison counsel does not relieve any party, plaintiff or defendant, of its legal obligations regarding service and filing of pleadings or other papers in accordance with Super. R. Civ. P. 5 (as amended September 5, 1996).

Enter: Sidney, J 11/8/96

Per Order: J. Paul Bettendorf
Asst. Clerk
11-8-96

Submitted by:

Shelia High King

Shelia High King
Bar I.D. #3926
CETRULO & CAPONE
The Heritage Building
321 South Main Street
Providence, R.I. 02903
t: (401) 274-7850
f: (401) 274-9670

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of November, 1996, I served a true copy of the foregoing document on all known counsel of record by first class mail postage prepaid.

Shelia High King
Shelia High King

30790

ASBESTOS
COR _____
FED _____ ST
OTHER _____
CO. C) hon
DATE RECORDED 3/4/98

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT


CA NO: 96-9999

IN RE: ASBESTOS LITIGATION

MOTION TO AMEND CASE MANAGEMENT ORDER

The undersigned respectfully moves this Court to amend its current standing Case Management Order to cover cases where asbestos related injuries are claimed and the plaintiff is represented by Attorney David A. Shaw. The undersigned, in support of this motion, represents that its granting will result in judicial economy and a saving of transaction costs among the parties.

PLAINTIFFS RICHARD AND
NANCY COLLETTI

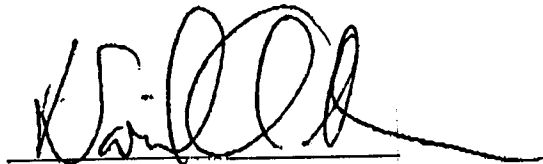

David A. Shaw
94 Prospect Street
P.O. Box 3552
New Haven, CT 06525
203-784-0331
Bar # 3497

Please take notice that this motion will be heard by the Court, Gibney, J., on Wednesday, March 11, 1998, at 9:30 AM

CERTIFICATION

It is hereby certified that a copy of this deposition notice was served, via telocopier, to the following counsel, this 3rd day of March, 1998.

Paul E. Dwyer; 781-963-6203
Peter J. Rubin; 207-774-1127
Kevin E. Young; 617-624-9360
John W. Kershaw; 401-421-7218
Peter C. Netburn; 617-371-0075
Francis A. Connor, III; 401-273-2904
James McKenna; 401-751-1797
John R. Mahoney; 401-331-7373
Robert G. Jeffrey; 401-454-4563
Fred A. Kelly; 401-454-1030
Howard E. Walker; 401-277-9600
Richard P. Kirby; 617-330-1113
Thomas C. Angelone; 401-274-7538
Lisa Snyder; 617-737-3113
Y. Curtis Smith; 518-458-1392

A handwritten signature in black ink, appearing to read "K. Willard", is written over a horizontal line. The signature is stylized with large, overlapping loops.