

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

FILED - CLERK
U.S. DISTRICT COURT

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IN RE:

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AS RELATED TO ALL BY CASES

INTEGRATION ORDER

This Order shall apply to those cases filed in the Eastern District of Texas, excluding those filed in the Marshall Division and those filed in the Cimino consolidated action and class action. A list of such qualifying cases shall be prepared by C. Edward Fowler, Jr. and shall be appended to and made a part of this Order.

I.

Effective July 28, 1989, all answers filed by defendants shall be deemed amended to include standard third-party actions against the Manville Corporation Asbestos Disease Compensation Fund ("Fund"), and the Fund shall be deemed to have answered and denied those allegations through its attorneys, Holtzman & Urquhart, 900 Two Houston Center, 909 Fannin Street, Houston, Texas 77010.

A. Nothing herein shall prevent the Fund from filing a standard answer with affirmative defenses or from filing individual answers, if it so chooses.

B. Each defendant asserting such a third-party claim in a particular action shall, within forty-five (45) days of the effective date of this Order, serve notice in that specific case of their intention to assert such a claim.

II.

Plaintiffs are directed to file Proof of Claim forms ("POC") with the Manville Personal Injury Settlement Trust ("Trust") in all cases within forty-five (45) days of the date of this Order.

III.

In all cases where the plaintiff has already filed a POC and has completed the Claims Resolution Procedures ("CRP") set forth as Annex B to the Trust Agreement incorporated into the Second Amended and Restated Plan of Organization ("Plan"), such plaintiffs shall be deemed to have amended their complaint to assert a claim directly against the Fund, and such claims will be deemed denied.

A. Each plaintiff who believes they have already met these criteria shall serve notice of their intent to assert a direct claim against the Fund and shall do so within fourteen (14) days of the effective date of this Order; and at all subsequent times when these criteria are met, plaintiff shall serve such a notice fourteen (14) days after completion of CRP.

B. The Trust shall have seven (7) days to verify that these criteria have in fact been met and to serve notice if it contests that fact.

IV.

The following schedule shall control the timing and manner by which the Trust shall become integrated into pending litigation. The effective date from which to calculate this schedule (unless otherwise stated) shall be October 2, 1989.

A. Each plaintiff's attorney shall be required and responsible for providing to the Trust (through its counsel), each plaintiff's medical records.

B. Each plaintiff's attorney shall be required and responsible for providing to the Trust, complete copies of all pleadings and answers to interrogatories on each case covered by this schedule.

C. The defendants shall provide the Trust with copies of all prior deposition transcripts, exchanged discovery documents and other records, and the reasonable cost of that duplication shall be borne by the Fund. The total duplication cost, including copying, handling, forwarding, etc., shall not exceed 20 cents per page.

D. In all cases in which discovery is complete:

1. All such cases shall be stayed until completion of the following scheduled events;
2. The Trust shall acquire or be provided with all prior discovery, as mentioned above, within sixty (60) days of the effective date;
3. Within ninety (90) days of the effective date, the Trust shall determine whether or not additional, non-standard, affirmative defenses are necessary and shall designate the cases in which special defenses are appropriate or serve and file defenses responsive to those cases;
4. Within ninety (90) days of the effective date, the Trust shall determine whether or not additional discovery is necessary and shall so advise the parties and the Court as to what discovery is necessary.

E. In all cases in which the discovery cut off date has not been reached, but is within one-hundred twenty (120) days of the effective date:

1. The discovery cut off date in such cases is extended to one-hundred twenty (120) days from the effective date;
2. The defendants shall provide the Trust, within sixty (60) days, with all previously served pleadings, interrogatories, previously conducted deposition transcripts and other exchanged discovery documents;
3. The Trust shall have thirty (30) days thereafter to determine whether or not additional, non-standard affirmative defenses are necessary and shall within that time so state.

The Clerk is directed to mail a copy of the Order to plaintiffs' and defendants' co-liaison counsel who are directed to make distribution to all counsel forthwith.

SO ORDERED.

SIGNED this 3rd day of November, 1989.



ROBERT M. PARKER
UNITED STATES DISTRICT JUDGE