



1/16/2005

January 16, 2005

The following 54 cases have been designated as comprising the November 2004 in extremis trial cluster.

| <u>Belluck & Fox</u> (8 cases: 7 ME, 1 LC) | <u>Index No.</u> | <u>Disease</u> |
|--|-------------------------|-----------------------|
| Ak, Aliye D. | 104333/04 | Mesothelioma |
| Bahr, Jennie | 104580/04 | Mesothelioma |
| Lockman, John S. | 104156/04 | Lung Cancer |
| Magarino, John | 102272/04 | Mesothelioma |
| Malek, Patricia Ann | 106547/04 | Mesothelioma |
| O'Neill, John A. | 103962/04 | Mesothelioma |
| Peyrek, Richard R. | 104155/04 | Mesothelioma |
| Portues, Donald S. | 101675/04 | Mesothelioma |

| <u>Early & Strauss</u> (4 cases: 4 ME) | <u>Index No.</u> | <u>Disease</u> |
|--|-------------------------|-----------------------|
| Christenson, Frank T. | 107906/04 | Mesothelioma |
| Lally, Francine | 105540/04 | Mesothelioma |
| Orlando, Salvatore | 106268/04 | Mesothelioma |
| Varni, Jr., Nicholas | 104290/04 | Mesothelioma |

| <u>Levy Phillips & Konigsberg</u> (4 cases: 4 ME) | <u>Index No.</u> | <u>Disease</u> |
|---|-------------------------|-----------------------|
| Addeo, Richard ## | 109662/02 | Mesothelioma |
| Bercu, Barbara # | 109091/03 | Mesothelioma |
| Burke, Frank E. | 105829/04 | Mesothelioma |
| Conti, Jacob | 107338/04 | Mesothelioma |

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| <u>Law Office of John C. Dearie & Assoc.</u> (5 cases: 5 LC) | <u>Index No</u> | <u>Disease</u> |
|---|-----------------|----------------|
| Anderson, James | 105827/04 | Lung Cancer |
| Cuccurrullo, Pasquale | 104346/04 | Lung Cancer |
| Krebs, Joseph # # | 108887/03 | Lung Cancer |
| Schlossberg, Reuben | 104344/04 | Lung Cancer |
| Vito, Louis | 105193/04 | Lung Cancer |

| <u>Wilentz Goldman & Spitzer</u> (3 cases: 1 ME, 2 LC) | <u>Index No.</u> | <u>Disease</u> |
|---|------------------|----------------|
| Calicchio, James ## | 104726/03 | Lung Cancer |
| Castelluzzo, Anthony ## | 104695/96 | Mesothelioma |
| Murdock, Alphonse # | 120149/03 | Lung Cancer |

| <u>Weitz & Luxenberg</u> (32 cases: 25 ME, 7 LC) | <u>Index No.</u> | <u>Disease</u> |
|---|------------------|----------------|
| Berger, Herman | 107764/04 | Mesothelioma |
| Brocad, James | 105599/04 | Mesothelioma |
| Cettina, Frank | 104947/04 | Mesothelioma |
| Curry, Retha | 107763/04 | Mesothelioma |
| D'Amore, Frank | 107873/04 | Mesothelioma |
| Dankenbrink, Andrew | 104216/04 | Mesothelioma |
| DeNave, Charles | 104217/04 | Mesothelioma |
| Eichner, William A. | 106095/04 | Mesothelioma |
| Feeley, Hubert | 105919/04 | Lung Cancer |
| Finig, Kenneth # | 118279/03 | Lung Cancer |
| Goldstein, George | 106178/04 | Mesothelioma |
| Greico, Angiolilo Julius | 120250/03 | Lung Cancer |
| Gualdoni, Richard F. | 106296/04 | Mesothelioma |
| Khamis, Abraham | 120161/03 | Lung Cancer |
| Klopsis, Theodore | 107416/04 | Mesothelioma |
| Marino, Francis | 116830/03 | Mesothelioma |
| Marrazzo, Rudolfo | 104074/04 | Mesothelioma |
| Mass, Norman | 101931/04 | Mesothelioma |
| Matullo, Michael | 107757/04 | Lung Cancer |
| McFarlane, Ferdinand | 107756/04 | Mesothelioma |
| Mucci, Peter * | 107828/04 | Mesothelioma |
| Nass, Paul | 104007/04 | Lung Cancer |
| Pendergast, Theodore | 104850/04 | Mesothelioma |
| Picano, Andrew | 107491/04 | Lung Cancer |
| Sammaritano, Michael | 105390/04 | Mesothelioma |

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|-------------------|-----------|--------------|
| Sauvan, Carol | 104053/04 | Mesothelioma |
| Seidman, Theodore | 107699/04 | Mesothelioma |
| Sulik, Arthur | 107272/04 | Mesothelioma |
| Thompson, Arthur | 107791/04 | Mesothelioma |
| Zuckerman, Tammi | 105624/04 | Mesothelioma |

The following Weitz & Luxenberg cases are removed to federal court:

| | | |
|-------------------|-----------|--------------|
| Lala, Vincenza | 103929/04 | Mesothelioma |
| Maita, Phillip P. | 105533/04 | Mesothelioma |

A decision as to their status will be made should they be remanded

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**NEW YORK ASBESTOS LITIGATION
DISCOVERY SCHEDULE
November 2004 ACCELERATED TRIAL CLUSTER**

| <u>DATE DUE</u> | <u>ACTIVITY TO BE COMPLETED NO LATER THAN DATE DESIGNATED</u> |
|-------------------|---|
| 3/18/04 – 5/25/04 | Period to file letter applications for inclusion in trial cluster |
| 6/18/04 | Designation of trial cluster by Court and publication of discovery schedule by Special Master (XV.A.) |
| 6/21/04 | Defendants identify discovery and medical liaison counsel for trial group (XIV.B.) |
| 7/12/04 | Plaintiffs serve product identification interrogatories and requests for production on defendants. |
| 8/9/04 | Deposition of plaintiffs completed. If plaintiff is unable to testify due to physical illness, mental impairment or death, plaintiff will produce two co-workers for deposition no later than seven days after this date. |
| 8/16/04 | Defendants respond to plaintiffs' product identification discovery. |
| 8/16/04 | Third party complaints filed. |
| 8/16/04 | Plaintiffs serve expert witness reports, including economists, on remaining defendants |
| 8/26/04 | Plaintiffs deliver to defense medical liaison counsel all radiology and pathology materials. |
| 9/13/04 | Depositions of plaintiffs' experts completed (as Court permits) |
| 9/30/04 | Plaintiffs serve fact witness list |

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| 10/12/04 | Plaintiffs serve exhibit and expert witness list. |
| 10/12/04 | Defendants serve notices of deposition of plaintiffs' fact witnesses |
| 10/14/04 | Defendants serve fact witness list |
| 10/14/04 | Independent medical examinations of plaintiffs completed |
| 10/26/04 | Plaintiffs serve notices of deposition of defendants' fact witnesses |
| 10/26/04 | Defendants serve expert witness reports, including economists |
| 10/26/04 | Defendants serve exhibit and expert witness lists |
| 11/1/04 | Court announces trial group(s) and format |

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