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MEMORANDUM

To: All Counsel

From: Laraine Pacheco, Special Master

Date: June 20, 2008

Re: Designation Conference Summary 6/19/08 and other matters

Trial Assignments:

The Belluck & Fox May 2008 cases are being sent to Judge Nobis.

The Early & Strauss May 2008 cases are being retained by Judge Freedman.

The Levy Phillips August 2006 and August 2007 cases are being sent to Judge Madden.

Consult the current cluster lists for the case names and index numbers.

The Weitz TAB A, B, C FIFOs are being sent to Judge Shulman.

Judge Shulman will have a status conference on these cases on July 9 at 2:30 pm.

To the extent defendants have discovery issues with the TAB A cases they are to FIRST call Frank Ortiz to try to resolve them and then, if the issue is not resolved, send me an email with a copy to Frank describing the issue. Please complete this process by July 1.

Remaining Defendant Lists

I have asked counsel for plaintiffs to provide updated and accurate remaining defendant lists for all cases assigned to judges and all MAY 08 cases no later than June 30 at which time I will post them on the website.

Medical Objections

The revised November 2008 Cluster List is posted. All medical objections must be resolved by July 18. I am asking liaison counsel to keep me posted on an ongoing basis as objections get resolved.

Weitz FIFO Proposal

On Wednesday June 18, I called a meeting with representatives of defendants and plaintiffs at which time we explored some of the defendants' concerns regarding increasing the number of FIFO cases scheduled for trial, concerns that they would want reflected in a CMO amendment. They are (in no particular order):

Due process (completed deposition, completed interrogatories, medical records, SS records, full discovery schedule)

An understanding of the universe of cases

Consideration given to the staleness of records

In the case of deceased plaintiffs, confidence that there is an estate representative legally entitled to pursue the claim

Remaining defendant lists carefully pared down early on (to avoid unnecessary transaction costs) and NOSJMs promptly executed

Cases tried in FIFO order

No out of town depositions

Triggering mechanism for trial readiness

Penalty for failure to prepare cases on time

Separate judge(s) to handle the large volume of FIFOs, perhaps with a penchant for settling cases.

The attorneys present at that initial conference and THOSE ATTORNEYS ONLY will attend a follow up conference with Judge Freedman on Friday June 27 at 10 am.

From that core group of counsel, the following individuals will prepare a draft CMO amendment, the deadline for completion to be set by Judge Freedman on Friday June 27.

Frank Ortiz, Audrey Raphael, Bob Malaby, Kerry Ann Cook, Anna Dilonardo

Address your questions, if any, to the these five attorneys.