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MEMORANDUM

To: All Counsel
From: Laraine Pacheco, Special Master
Date: April 24, 2004
Re: Deferred Docket Procedures Update

This memorandum memorializes the procedures agreed upon in my meeting with plaintiffs' counsel and defense liaison counsel on April 22, 2004.

FIFO Cases Filed In 1997 And 1998

The time to apply to the Active Docket for these cases has expired. In the event any plaintiff whose case is now on the Deferred Docket has a change in medical condition that would qualify him/her for the Active Docket, plaintiff's counsel should make the application to the appropriate liaison counsel. Defense liaison counsel should note the date of the application. If that case is certified for the Active Docket, the date of application will become the FIFO date for that case. Defense counsel should communicate to me (with a copy to plaintiff's counsel) that the case is now certified for the Active Docket in an email in the following format:

Law Firm Name

Last Name, First Name Index Number Disease New FIFO Date

FIFO Cases Filed In 1999 And 2000

The deadline by which all such cases must be submitted to defense counsel for review is June 1, 2004. ANY CASE SUBMITTED AFTER THAT DATE WILL LOSE ITS PLACE IN FIFO ORDER.

Defense counsel must complete their review of all 1999 and 2000 cases by July 1, 2004. Between July 1 and July 31, plaintiff's counsel and defense counsel should try to resolve any disputes with one another and with my help, if needed. By August 1, 2004, each plaintiffs' firm must submit to me two lists, one containing its 1999 and 2000 Active Docket unclustered cases and one containing its 1999 and 2000 Deferred Docket cases. The lists should be submitted to me in the following format

Jones Law Firm 1999-2000 Active Docket Unclustered Cases
as of August 1, 2004

Last Name, First Name Index Number Disease

Jones Law Firm 1999-2000 Deferred Docket Cases as of August 1, 2004

Last Name, First Name Index Number Disease

Cases must be listed in index number order. The document should be prepared in Word or WordPerfect, without grids, or other fancy formatting.

After the July 1 deadline, the identical procedure described above for late activation of the 1997-1998 cases will be followed for these cases.

FIFO Cases Filled In 2001 And Through December 19, 2002

The deadline by which all such cases must be submitted to defense counsel for review is January 3, 2005. ANY CASE SUBMITTED AFTER THAT DATE WILL LOSE ITS PLACE IN FIFO ORDER

Defense counsel must complete their review of all 2001 and 2002 cases (filed by 12/19/02) by June 1, 2005. Between June 2 and July 31, plaintiff's counsel and defense counsel should try to resolve any disputes with one another and with my help, if needed. By August 1, 2005, each plaintiffs' firm must submit to me two lists, one containing its 1999 and 2000 Active Docket unclustered cases and one containing its 1999 and 2000 Deferred Docket cases. The lists should be submitted to me in the following format

Jones Law Firm 2001- 2002 (through 12/19/02) Active Docket Unclustered
Cases as of August 1, 2005

Last Name, First Name	Index Number	Disease
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and similarly for the Deferred Docket list.

Cases must be listed in index number order. The document should be prepared in Word or WordPerfect, without grids, or other fancy formatting.

The following law firms will be handling review of the 2001-2002 cases

Anderson Kill

Baron & Budd, Belluck & Fox, Dearie, Early & Strauss, Levy, Locks

Flemming Zulack

Wilentz

The Weitz & Luxenberg cases will be divided among L'Abbate Balkan, McGuire Woods, Malaby Carlisle & Bradley, Law office of Paul Scrudato, Marin Goodman and McCarter & English. Weitz & Luxenberg should send the CD Rom and list to each of those firms and they will divide up the work among themselves.

Should defense counsel fail to review the cases according to schedule (assuming timely submission), the cases may be deemed to be on the Active Docket.

A Reminder To All Plaintiff's Counsel

The CMO requires all FIFO cases filed after 12/19/2002 to specifically plead the conditions that would make the case eligible for the Active Docket. Plaintiffs' counsel has a grace period until September 1, 2004, to amend their cases filed after 12/19/02 to include the required language. After that date, any complaint that is not properly pled will lose its place in the FIFO order.

My thanks to all concerned for all the hard work you have done to make this procedure work so well.