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MEMORANDUM

To: All Counsel
From: Laraine Pacheco
Date: 10/21/2006
Re: Follow-up on October 18th Conference

The following summarizes the results of the conference that took place on October 18, 2006 before Judge Freedman.

Cases being sent out for trial: be sure Notes of Issue have been filed!!

I urge everyone to work diligently toward settling these cases. As always, I am available 24/7 to assist you.

Weitz

To Judge Madden

May 06 In Extremis Cluster

George Shepard 113155/05 Mesothelioma
Lautaro Lange 113580/05 Mesothelioma

FIFO Cases (Malignancies)

August 2004 Cluster

Thomas J. Buckley	Lung Cancer & Pleural	104349-98
Charles J. Constantino	Lung Cancer	102111-99
John J. Courtney, Jr.	Lung Cancer	119410-97
John H. Connors	Mesothelioma	107734-98

John J. Ryan	Mesothelioma	109421-98
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February 2005 FIFO Cluster

Joseph A. Iorio	Lung Cancer	113060-98
Robert W. Sauer	Lung Cancer	116125-98

Status Conference: TBA

Remaining with Judge Freedman
FIFO cases (non malignancies)

January 2001 FIFO Cluster

Gerald Barrett	Asbestosis	124376-94
Joseph Semple	Asbestosis	124390-94

August 2004 FIFO Cluster

James Burns	Asbestosis	112938-98
Kenneth Kuhn	Asbestosis	121434-97
Anthony Suchan	Asbestosis & Pleural	113037-98
Ronald Wesslock	Asbestosis	121747-97

February 2005 FIFO Cluster

Raymond Barthmare	Pleural	114975-98
Gene Bernath	Pleural	115003-98
Brian John Brennan	Asbestosis	117727-98
George Brischler	Asbestosis & Pleural	121086-97
Raymond Buerkert	Asbestosis	117714-98
Anthony Caiazzo	Pleural	117763-98
Kathleen Callahan	Asbestosis	117770-98
Norman Fives	Asbestosis	122394-97
Joseph M. Flanagan	Asbestosis	118579-98
Robert Heim	Pleural	107046-97
Nick Lobasso	Asbestosis	111459-98
Thomas McGoldrick	Asbestosis & Pleural	123332-97
Charles Salerius	Asbestosis	112491-01

Status Conference November 20th 9:30 am

Levy

To Judge Smith

May 06 In Extremis Cases

Bisman, Arnold	115403/05	Mesothelioma
Cepeda, Carlos	115887/05	Mesothelioma
Gargiulo, Elio	106169/05	Lung Cancer
Hertzner, Kenneth	116161/05	Mesothelioma
Simon, Harold	107074/05	Mesothelioma

FIFO Cases

August 2004 FIFO Cluster

Berger, William	103660/98	Mesothelioma
Calderone, Phillip	114928/98	Mesothelioma
Chaney, Gerald	100158/98	Mesothelioma
Davison, Arthur	107801/98	Mesothelioma
Fulton, Hugh	115900/98	Mesothelioma
Heim, George	114583/98	Mesothelioma
Lotwis, John	114584/98	Mesothelioma
Peterson, Theodore	113525/98	Mesothelioma
Rudolph, Paul	104278/98	Mesothelioma
Russo, Fred	107763/98	Mesothelioma
Wood, Arthur	111535/98	Mesothelioma

August 2005 FIFO Cluster

Grann, David	115962/98	Mesothelioma
Hoyt, Robert	103765/99	Asbestosis
Langstaff, Edward	123031/98	Lung Cancer
Scarlett, James	103903/99	Asbestosis

Status Conference: TBA

Early & Strauss

Remaining with Judge Freedman

August 2005 FIFO Cluster

Platinsky, Leslie	98-116673	Mesothelioma
Fisher, William Robert	98-118937	Lung Cancer
Patten, Joseph F.	98-120530	Lung Cancer
Koprowski, Matthew	98-120942	Mesothelioma
Kay, David	98-120956	Mesothelioma
Brenchak, Donald	98-122190	Mesothelioma
Aguirre, Salvatore	98-122714	Lung Cancer
Lebron, Jose	99/100892	Mesothelioma
Fortunato, Ralph	99/100893	Mesothelioma
Gehnrich, Charles	99/102594	Mesothelioma
Little, John	99/103382	Mesothelioma
Coyne, Patrick	99/103546	Lung Cancer
Ahern, Martin	99/103581	Lung Cancer
Huskisson, Kenneth	99/104353	Lung Cancer
Schultz, William	99/104800	Lung Cancer
Appell, Frank	99/108526	Lung Cancer
Spodnik, Steven	99/109394	Asbestosis
Esposito, Dominic	99/109603	Asbestosis

Status Conference: November 20th 9:30 am

Locks

The Blond case remains with Judge Freedman and is set for trial on October 30.

Wilentz

To Judge Marcy Friedman

August 2004 FIFO Group

William Jones, Jr.	Asbestosis	114072/03
Morton Leventhal	Asbestosis	114110/03
Dominic Spano	Asbestosis	100757/98
Alfred Glade, Sr.	Asbestosis	114113/03
Patrick J. Tighe, Sr.	Asbestosis	110002/98

Nicholas Garuccio	Asbestosis	112319/98
John Gaughan	Asbestosis	112320/98
Ronald Bolger	Asbestosis	101378/98
Philip Casa, Jr.	Asbestosis	101363/98
Patrick Franco	Asbestosis	101388/98
Ronald Fung	Asbestosis	101387/98
Raymond Greene	Asbestosis	101384/98
Arthur Habeeb	Asbestosis	101383/98
Edward G. Schanil	Asbestosis	114114/03
Joseph Bellaby	Asbestosis	114108/03
William Billings	Asbestosis	114107/03
Nathaniel Brown	Asbestosis	114106/03
Michael Coluni	Asbestosis	114105/03
Robert Corbo	Asbestosis	114104/03
Thomas Devaney	Asbestosis	114103/03
Anthony Farchione	Asbestosis	114102/03
Robert Gallione	Asbestosis	114101/03
Richard Garrett, Jr.	Asbestosis	114100/03
Antonio Chiarelli	Asbestosis	102280/98
William G. Daly	Asbestosis	102279/98
William J. Fitzgerald	Asbestosis	102275/98
Stephen D. Julias	Asbestosis	103514/98
John Hansen, Sr.	Asbestosis	114112/03
Patrick Dolce	Asbestosis	117866/97

February 2005 FIFO Group

Lawrence Uhl	Lung Cancer and Asbestosis	107451/98
William Fitton	Asbestosis	118882/03
Printices Anderson	Colon Cancer and Asbestosis	112310/98
John Gibbons	Asbestosis	112321/98
Rudolph Bremer	Asbestosis	101369/98
Thomas Stagnitta, Jr.	Asbestosis	108233/98
Frank Barone	Asbestosis	102268/98
Giuseppe Cerrato	Asbestosis	102281/98
William Burns	Asbestosis	118880/03
John Ferrante	Asbestosis	118879/03
Joseph Vincento	Asbestosis	103524/98
Frank Ammirata	Asbestosis	105488/98
Frank A. Barbato III	Asbestosis	105481/98
John Bogovic	Asbestosis	105479/98

Daniel E. D'Alessio	Asbestosis	106886/98
John Erd	Asbestosis	106888/98
Anthony Azzarelli	Asbestosis	100775/98
Frank J. Cullinan	Mesothelioma	100771/98
Dante DeAngelis	Mesothelioma	100776/98
Dominic DeFranco	Mesothelioma	100769/98
Stanley Jacob	Mesothelioma	100765/98
Frank Spinelli	Asbestosis	100756/98
Frank Catania	Asbestosis	118881/03
Battista Archetti	Mesothelioma	117463/98
Michael Cioffoletti	Asbestosis	117468/98
Edward Beauparlant	Asbestosis	110019/98
Thomas Hughes	Mesothelioma	110017/98
Norman Chasse	Mesothelioma	118878/03
Ignazio Catalosi	Colon Cancer and Asbestosis	117368/98
Giuseppe Graffagnino	Mesothelioma	117371/98
Anthony Jubie	Mesothelioma	117372/98
James Marullo	Asbestosis	117365/98
Dominick Borrelli	Asbestosis	101196/98
Raymond DeMott	Asbestosis	101189/98
Edwin G. Erdman	Asbestosis	101186/98
Frederick J. Bauer, Jr.	Asbestosis	111697/98
Mario DiSanto	Asbestosis	111717/98
George Rubich	Asbestosis	111692/98
Angelo Caputo	Asbestosis	104182/98
Richard Connell	Asbestosis	104184/98
Pasquale D'Alleva	Asbestosis	104187/98
Frank J. Seirmarco	Mesothelioma	104193/98
James R. Campitiello	Asbestosis	104296/98
Martin Chevalier	Asbestosis	104299/98
John B. Atkin	Asbestosis	113412/98
Stephen Bradford	Asbestosis	113416/98
Salvatore Iannolo	Asbestosis	113399/98
Allen Dennison	Asbestosis	106060/98
Alexander McMinn	Asbestosis	106052/98
Edwin Meyer	Asbestosis	106051/98
Royal E. Scott	Colon Cancer and Asbestosis	106071/98
James Soper	Asbestosis	106066/98
James Wilbur	Asbestosis	105935/98

Remaining defendant lists for all the above-referenced cases are posted on the website.

Conference set for November 13, 9:30 am

There will be a conference with Judge Freedman on November 13 at 9:30 am to assign the following groups of cases to judges

All 2002-2003 FIFO cases (Weitz and Wilentz)

The cases under consideration with remaining defendant lists will be posted on the website NO LATER THAN November 2. (Weitz, Wilentz and Liaison Counsel please note that date). Demands must be communicated no later than November 9.

After conferring with counsel for plaintiffs, to the extent defense liaison counsel and counsel for plaintiffs cannot agree on whether an individual case meets the medical criteria, liaison counsel should make a single motion pertaining to all such cases as soon as possible.

Judge Freedman and I have been more than generous in extending deadlines for the parties to comply with deadlines that have long past. There can be no more delay in prosecuting these older cases and there will be no more extensions granted.

Once the universe of cases is posted, to the extent a defendant believes it has the basis to move for summary judgment in any of these cases, such motions should be made as soon as possible.

and

AFTER SPEAKING TO PLAINTIFF'S COUNSEL, to the extent any defendant believes that plaintiff has not complied with and will be unable to comply with its basic obligations either to provide proper authorizations to RecordTrak or produce a product identification witness, that defendant should move to dismiss the case. In my view, no motion should be necessary. Any such case should be withdrawn from consideration for trial.

Dispositions

Counsel for plaintiffs: Please send to Tom Schiel a list of cases from any of the FIFO or in extremis groups that can be marked settled as soon as you can, on a rolling basis. This procedure applies to cases where RJI's have been filed.

Additional FIFO cases to be considered at Designation Conference

All parties should be prepared to discuss their remaining FIFO cases from other FIFO clusters as follows.

Wilentz: August 05

All Firms: February 06

May I remind you that the discovery schedules called for discovery to be complete for these clusters by this time. Counsel for plaintiffs must ensure that updated authorizations have been provided to RecordTrak and that depositions of plaintiffs or co-workers have taken place or have been scheduled. We simply cannot allow these cases to be further delayed.

Please provide me with a complete list of those cases from these clusters that you wish to pursue, with remaining defendants, no later than December 1.

Please be sure that defendants have demands no later than December 1 and that NOSJM's have been signed by that same date.

Discovery Issues

To the extent there are ANY discovery issues pertaining to any of these cases, please contact me by email as soon as possible with a copy to all counsel.

PLEASE CALENDAR ALL THESE DEADLINES SO THAT I NEED NOT SEND REMINDERS.

KEN: PLEASE ENTER THESE DEADLINES ON DATES AND DEADLINES ON THE WEBSITE