

SUPREME COURT OF THE STATE OF NEW YORK — NEW YORK COUNTY
PRESENT: Hon. LOUIS B. YORK PART 2

Justice

-----X
IN RE: NEW YORK CITY ASBESTOS LITIGATION
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This Document Relates To:

ALFRED D’ULISSE and MARGARET D’ULISSE,

Plaintiffs,

-against-

AMCHEM PRODUCTS, INC., Et Al,

Defendants.

Index No. 113838/04

Motion Date 05/25/06

Motion Seq. 012

Motion Cal. No.

-----X
The following papers, numbered 1 to were read on this motion to

Notice of Motion/ Order to Show Cause — Affidavits — Exhibits _____

PAPERS NUMBERED

| _____ |
Answering Affidavits — Exhibits _____

-----X
Replying Affidavits _____

Cross-Motion: Yes No

The defendants challenge this Court’s assertion at a pre-trial conference stating that I intended to try this action by reverse bifurcation. The plaintiffs argue in favor of reverse bifurcation.

Motion sequence numbers 011 and 012 are hereby consolidated for disposition.

Because of there being only two actions at most that may be tried together with the extensive and spirited arguments of the defendants in which they claim to show that intensive research results will clearly show that work with friction products does not cause mesothelioma, I have decided to try the issues of liability and damages in a single, unitary

trial, rather than by reverse bifurcation. Given that in this particular case

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causation in general has given rise to such a hotly contested issue, the Court considers an all-issues trial to be the most appropriate method of trying this action.

Dated: July 10, 2006

Enter:

Louis B. York, J.S.C.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION

Check if appropriate: DO NOT POST REFERENCE