

W E I T Z  
&  
L U X E N B E R G  
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February 11, 2010

All Counsel on  
Attached Rider

Re: Weitz & Luxenberg  
November/December 2009 FIFO Group  
Judge Feinman

Counselors,

Attached is a scheduling Order from Justice Paul Feinman regarding the above referenced matters.

Please note that the argument date for any joinder Motion filed by Weitz & Luxenberg is April 15, 2010 at 10:00 AM. The Pre-Trial Conference is scheduled for April 27, 2010 at 10:00 AM with jury selection to commence on May 5, 2010 at 9:00 AM.

Very truly yours,

  
Frank M. Ortiz

FMO/sm

cc: Special Master  
Laraine Pacheco

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: PART 12

-----X  
IN RE NEW YORK CITY ASBESTOS LITIGATION  
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	<i>Index Number</i>
Frank Camardella	108846/2000
Thomas Carroll	112962/1999
Lawrence F. Cavese	100058/2001
Charles J. Henry	121309/2000
Wade Hoover	111496/2000
Ernest J. Horney, Jr.	104561/1999
Gerald J. Krueger	102293/2001
Peter Leruzic (deceased)	127675/2002
Joseph Levesque (deceased)	122041/2002
Dan Loucks	104020/2001
Frank Luisi	104011/2001

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**SCHEDULING ORDER**

**PAUL G. FEINMAN, J.:**

The above-listed cases were referred to Part 12 for trial from the Part 30 by order of the Administrative Judge, Hon. Sherry Klein Heitler dated December 16, 2008.

After consideration of this part's pending caseload, the court makes the following schedule for motions, conferences and jury selection:

1. Any motion for joinder for trial purposes of all or any sub-group(s) of the above-referenced case shall be electronically filed and served on or before March 4, 2010; any opposition papers shall be electronically filed and served on or before March 29, 2010; any reply papers shall be electronically filed and served by April 9, 2010.

2. Oral argument on any joinder motions shall be had on Thursday, April 15, 2010 at 10:00 a.m. At the time of oral argument counsel for plaintiff shall bring a spreadsheet listing all plaintiffs and defendants still actively litigating in these actions, not just the ones plaintiffs are seeking to join for trial.

3. To the extent not already done, all parties must consent to electronic filing in these actions by February 26, 2010.

4. A final pre-trial conference on these matters will be held on Tuesday, April 27, 2010 at 10:00 a.m. in Part 12, Room 212, 60 Centre Street, New York, New York 10007.

5. Jury selection in any joined matters will commence on May 5, 2010, 9:00 a.m in the Norman Goodman Jury Assembly Room, Room 459, 60 Centre Street, New York, New York 10007, with opening statements to commence on Monday, May 10, 2010 at 10:00 a.m. in Part 12, Room 212, 60 Centre Street, New York, New York 10007. Any matters not tried jointly, will then be tried *in seriatim* commencing, with the first listed matter, upon 48 hours notice after completion of the first matter, and so forth. Plaintiff's counsel shall be held responsible to notify all parties by either facsimile or email as to the status of the cases each day at the close of business. Nevertheless, defense counsel shall endeavor to keep themselves informed of the status of the any matter by keeping in telephone contact with the Clerk of Part 12. The parties are advised that failure to appear may result either in a dismissal of a claim or cross-claim or entry of a default judgment. 22 NYCRR 202.27.

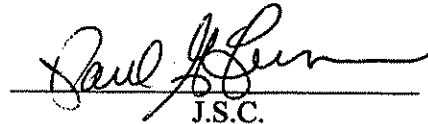
6. The parties shall not to file written *in limine* motions until further order of the court. The court will address procedures for *in limine* motions at the time it resolves any joinder motion, or if no joinder motion is filed, at the April 27, 2010 pre-trial conference.

7. The parties are advised that any motion or cross-motion must be responded to by use of affirmations/affidavits; the court does not consider letters.

8. The parties are reminded that unless a *consolidation* order is entered, the actions retain their separate identities, even if ultimately *joined* for trial and papers must be filed in each of the appropriate cases.

This is the order of the court. A copy of this order will be forwarded to plaintiffs' counsel for posting on the NYCAL website and for service upon all parties who have appeared in these actions.

Dated: February 9, 2010

  
J.S.C.

Camardella, et al. 108846/2000

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