

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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IN RE: NEW YORK CITY ASBESTOS LITIGATION

Index No. 40000/88

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**THIS DOCUMENT RELATES TO**

**ALL WEITZ & LUXENBERG CASES IN WHICH  
GEORGIA-PACIFIC IS A DEFENDANT**

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**DISCOVERY RULING OF THE SPECIAL MASTER LARAINÉ PACHECO**

On May 9, 2011 the parties and the Special Master conferred by telephone regarding a dispute as to the timing of a Georgia-Pacific document production related to completed and ongoing studies financed by Georgia-Pacific involving “re-created” Georgia-Pacific joint compounds.

The CMO demands a continuing obligation to produce documents responsive to standard discovery. Georgia Pacific has been in possession of these documents since approximately 2006 and has failed to produce them. Their reliance on a deposition notice served by Weitz & Luxenberg as the “due date” for production is misplaced. The documents should have been produced 5 years ago. This is an accelerated docket and it is routine for documents to be produced on a rolling basis. Georgia Pacific’s refusal to do so is unwarranted. Its rationale for refusing to do so – that it wants to be “organized” -- is an unacceptable excuse.

Pursuant to the New York City Asbestos Litigation Case Management Order, Sec. III B., after hearing argument of counsel for Plaintiffs and counsel for Georgia-Pacific and after due consideration of the parties’ respective positions, it is hereby ORDERED that:

1. The production of documents and a privilege log for documents referenced above is part of Georgia-Pacific’s continuing duty to produce under the NYCAL Standard Interrogatories and Request to Produce Documents;
2. Georgia-Pacific shall produce all documents referenced above and a privilege log relating to documents withheld and/or redacted pursuant to a claim of privilege (or for any other reason) on a “rolling” basis as documents are reviewed and as documents withheld are segregated for inclusion in the privilege log commencing on Monday, May 16, 2011, with a second production of documents and a privilege log on Monday, May 23, 2011, and a final production of documents and a privilege log on Monday, May 30, 2011. Georgia-Pacific has informed the Special Master that documents produced by Georgia-Pacific in the Nelson case to other Plaintiffs were sent to Plaintiffs on Monday, March 9, 2011.

Dated: May 10, 2011

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Laraine Pacheco, Special Master