

THE CIRCUIT COURT  
THIRD JUDICIAL CIRCUIT  
MADISON COUNTY, ILLINOIS

IN RE: ALL ASBESTOS LITIGATION )  
FILED IN MADISON COUNTY )

**FILED**  
AUG 19 2016  
CLERK OF CIRCUIT COURT #66  
THIRD JUDICIAL CIRCUIT  
MADISON COUNTY, ILLINOIS

STANDING CASE MANAGEMENT ORDER FOR ALL ASBESTOS PERSONAL  
INJURY CASES

Dated: August 19, 2016 January 2011

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Preface

This matter comes on the Court's initiative to revise the Standing Case Management Order dated November 17, 1995.

In 1995, this Court entered a Standing Case Management Order governing all asbestos cases filed in Madison County, Illinois. Since that time, various new circumstances have made it difficult for the Court and parties to operate with maximum efficiency and fairness, thus necessitating changes in the Standing Case Management Order.

IT IS THEREFORE ORDERED: The provisions of this Standing Order shall henceforth apply to all asbestos cases on file or to be filed in the future in Madison County, Illinois, and unless otherwise specifically included by reference, this Order shall supersede all previously entered Orders of general applicability to all asbestos cases. It is further ordered that this Court's November 2, 1989 Order regarding the integration of the Manville Corporation, and the October 30, 1991 Order to Healthcare Providers shall remain in full force and effect.

All parties shall have forty-five (45) days from the date upon which this Order is entered to comply with any new shortened deadlines, including, but not limited to, filing any motions.

This Order is not an Agreed Order. This Order reflects the rulings of this Court. This Order does not imply the consent, agreement, or assent of any party. No party will be deemed to have waived any appellate rights or any objections to this Order or to any provision contained herein. All parties are deemed to have made and preserved all objections they may have had or have to this Order as a whole, and to any and all specific provisions contained herein, and this Order is deemed entered over those objections. The Court has ruled that the parties did not need to file or make specific objections in order to preserve all objections.

**I.**  
**PLEADINGS**

**A. Complaint and Responsive Pleadings.**

There shall be a complaint and a responsive pleading. A plaintiff need not reply to an answer or to any affirmative defense raised therein. All affirmative defenses are deemed denied unless admitted. A plaintiff need not respond to a request for a bill of particulars. Such a request shall be deemed denied unless allowed by the Court, and it shall be the responsibility of the party making the request to set the matter for a hearing. A defendant that has responded to either the Complaint or to an Amended Complaint need not file an additional response to any subsequently filed Amended Complaints and may stand on its prior response unless plaintiff serves notice either in the motion for leave to amend or otherwise that the amended complaint adds additional theories or counts to which a new response may be required. If defendant is filing a new response, the response shall be due 30 days after service of the above mentioned notice. The Court retains the authority and discretion to allow leave to file any additional responses.

**1. Factual Specificity Required.**

Plaintiff's Complaint must, at minimum, set forth facts relating to disease claimed and asbestos exposures with sufficient specificity to apprise each respective defendant of the nature of Plaintiff's claims against it. The Complaint shall include:

- (a) Disease claimed;
- (b) Date of Diagnosis;
- (c) Where Plaintiff resides.

**2. Claims Related to Specific Premises.**

If Plaintiff sets forth claims relating to exposure at, from or connected to specific premises, such claims shall include the following facts:

(a) Name and location (including city and state), if known, of each of such premises; and

(b) Time period(s), if known, during which exposure relating to each premises occurred.

**B. Counterclaims**

1. Preface

(a) This Court finds that there is a significant volume of asbestos cases currently on file, that there are a significant number of defendants in each case, and that a significant number of cases have been routinely consolidated for pre-trial scheduling and discovery. The Court further finds that a significant number of cases tend to remain as “active” cases on its docket despite the apparent resolution of these cases and the Court’s efforts to remove them from the “active” list.

(b) WHEREFORE, the Court finds that it is necessary to implement procedures that will save resources and paper in these pending suits concerning the manner in which counterclaims are asserted, maintained and resolved. The intent of these procedures is to create efficient procedures while maintaining the rights of parties to contribution actions as they are embodied in applicable legislation and common law.

2. Filing

(a) A defendant shall be deemed to have filed a counterclaim for contribution and set off sufficient at law against Plaintiff and every other defendant that has filed a general appearance. For those cases pending at the time this Order is entered, all

counterclaims deemed filed under this Court's previous Standing Order remain effective.

For all cases filed after the entry of this Order, counterclaims shall be deemed to be filed by each Defendant as to all Counterdefendants which have then entered a general appearance in the case as of the date of the Defendant's first general appearance; as to those Co-Defendants which subsequently enter a general appearance in the case, each Defendant which has already entered a general appearance shall be deemed to have filed counterclaims against those Co-Defendants as of the date of each Co-Defendant's first general appearance.

Counterdefendants are deemed to have denied all material allegations contained in counterclaims against them. It is not necessary that Counterdefendants file responsive pleadings to counterclaims with the Circuit Clerk. Affirmative defenses available to Counterclaims are deemed filed. All counterclaims are hereby severed from the plaintiffs' action for both discovery and trial. Any party opposing severance of the contribution actions for trial shall file with the Circuit Clerk a Motion to Consolidate requesting such relief.

(b) A defendant may elect to forego the provisions of Section B.2(a) and proceed to file a counterclaim for contribution with the Circuit Clerk separately identifying the various defendants against whom the contribution action is brought. Any counter-claimant who files a Contribution action with the Circuit Clerk shall be deemed to have abandoned any counterclaims, responsive pleadings and affirmative defenses deemed filed as provided in Section B.2(a).

(c) A defendant may elect to file a pleading in response to the deemed counterclaims for contribution with the Circuit Clerk together with affirmative defenses. A defendant that files a pleading with the Circuit Clerk in response to a



deemed filed counterclaim abandons any counterclaims, responsive pleadings and affirmative defenses deemed filed as provided in Section B.2(a), except when ordered by the Court to file such a pleading.

(d) Any defendant that contests the sufficiency and operation of deemed counterclaims as provided in Section B.2(a) shall file a Motion to Dismiss the deemed counterclaim with the Circuit Clerk's office within 60 days of entering its appearance in the case. Any defendant that files a Motion to Dismiss pursuant to this paragraph shall be deemed to abandon any counterclaims, responsive pleadings and affirmative defenses deemed filed as provided in Section B.2 (a). Failure to file a motion to dismiss as provided in this paragraph shall constitute a waiver and bar against asserting this argument at any other time.

(e) A defendant that is served with a Counterclaim, a Motion to Dismiss Counterclaim, or Affirmative Defenses to Counterclaims shall be deemed to have timely filed an appropriate responsive pleading denying all material allegations of such a pleading. A party that receives such a pleading may elect to file an appropriate response with the Circuit Clerk and filing such a response shall not constitute an abandonment of any counterclaims, responsive pleadings and affirmative defenses deemed filed as provided in Section B.2(a).

### 3. Settling Defendants

(a) A defendant who enters into a good faith settlement with the plaintiff, and who files a motion for good faith settlement and obtains a finding by the trial court that the settlement was in good faith, shall be dismissed with prejudice from the plaintiff's

direct action and from all counterclaims brought against it in connection with that plaintiff's case, whether the counterclaims were deemed filed or actually filed.

(b) A settling defendant/counterplaintiff that desires to maintain a contribution action against remaining defendants on the basis that its settlement has resulted in having paid more than its pro rata share shall file with the Circuit Clerk within 30 days after the finding of a good faith settlement a complaint for contribution identifying separately the defendants against whom the action is brought. This contribution action shall be considered as a continuation of the counterclaim that was deemed to have been filed. Failure to file such a complaint for contribution shall be an abandonment of the "deemed" counterclaim for contribution, and the contribution claim shall be deemed to be dismissed without prejudice for want of prosecution without further order of Court on the 31st day after a good faith finding is made by the Court. A settling defendant that had previously filed a counterclaim with the Circuit Clerk, as opposed to relying on the deemed filed counterclaim, shall seek leave of Court no later than the 30th day after the good faith finding to amend its claim for contribution reflecting that it has settled the case with the plaintiff and that it is seeking to recover from defendants in contribution. Failure to do so will result in a dismissal without prejudice for want of prosecution without further order of court on the 31st day after a good faith finding is made by the court.

#### 4. Defendants Dismissed Without Prejudice.

To maintain a contribution action against a defendant/counterdefendant that has been voluntarily dismissed, or otherwise dismissed without prejudice, a defendant/counterplaintiff must file within 30 days after the voluntary dismissal or dismissal without prejudice a

complaint for contribution with the Circuit Clerk, identifying separately the defendants against which the action is brought. This contribution action shall be considered as a continuation of the counterclaim that was deemed to have been filed. Failure to file a complaint for contribution with the Circuit Clerk within this time shall constitute an abandonment of the contribution action and the contribution action shall be deemed to be dismissed without prejudice on the 31st day following the voluntary dismissal or dismissal without prejudice for want of prosecution without further order of Court. A dismissal without prejudice or plaintiffs' voluntary dismissal shall not affect a claim for contribution that was filed with the Circuit Clerk by a defendant/counterplaintiff prior to dismissal without prejudice or the voluntary dismissal by the plaintiff.

**5. Plaintiff's Right to Voluntarily Dismiss Without Prejudice.**

Plaintiff shall have the right to voluntarily dismiss a case or claim without prior notice. Upon receipt of an order of dismissal, a defendant has ten (10) days to object to being voluntarily dismissed without prejudice. A defendant who does not object within ten (10) days is presumed to have agreed to be voluntarily dismissed without prejudice. Any party seeking costs shall have a right to do so within ten (10) days of receipt of the order of dismissal.

**6. Defendants That Have Been Granted Summary Judgment or Have Been Dismissed With Prejudice.**

To maintain a contribution action against a defendant/counterdefendant that has been granted summary judgment or has been dismissed with prejudice, a defendant/counterplaintiff must file with the Circuit Clerk within 30 days after the order granting summary judgment or dismissal with prejudice a complaint for contribution, identifying separately the defendants against which the action is brought. This contribution action shall be considered as a

continuation of the counterclaim that was deemed to have been filed. Failure to file a complaint for contribution with the Circuit Clerk within this time shall constitute an abandonment of the contribution action and the contribution action shall be deemed to be dismissed without prejudice on the 31st day following the order of summary judgment for want of prosecution without further order of Court. An order of summary judgment or dismissal with prejudice in favor of a defendant shall not affect a claim for contribution against that defendant which was filed with the Circuit Clerk by a defendant/counterplaintiff prior to the dismissal with prejudice or grant of summary judgment.

7. Defendants Who Have Judgments Rendered Against Them.

Defendants who have had judgments rendered against them in the plaintiffs' case and who have a basis to maintain an action for contribution must file with the Circuit Clerk a complaint for contribution within 30 days after all appellate remedies are either barred or exhausted. The Complaint for contribution shall identify separately the defendants against which the action is brought. This contribution action shall be considered as a continuation of the counterclaim that was deemed to have been filed. Failure to file a complaint for contribution in this manner shall be an abandonment of the "deemed" counterclaim for contribution, and the contribution claim shall be deemed to be dismissed without prejudice for want of prosecution on the 31st day after all appellate remedies are either barred or exhausted without further order of Court.

8. Proceeding with Counterclaims.

No defendant/counterplaintiff may further prosecute a deemed counterclaim until it has filed a claim for contribution with the Circuit Clerk identifying separately the counter/defendants against whom it is brought. Filing fees on "deemed filed" counterclaims

are deferred until such time as a defendant/counterplaintiff files a complaint for contribution with the Circuit Clerk. Claims for contribution that are filed with the Circuit Clerk shall be accompanied by the appropriate filing fee at the time they are filed with the Circuit Clerk.

9. Applicability.

The provisions in this section on Counterclaims and Contribution actions apply to all pending cases that are on file as of the date this order. All available affirmative defenses to counterclaims are deemed filed and asserted on behalf of counterdefendants for those counterclaims which pre-date the entry of this standing order. For example, a statute of limitations defense is deemed filed in those cases which were filed more than two years prior to entry of this order, and in which counterclaims were not otherwise preserved, while cases which are less than two years old at the time of entering this order are deemed to have timely counterclaims filed by and against all defendants.

Defendants that have had judgments entered against them and all further appellate remedies are barred or exhausted as of the date of entering this order and who wish to maintain a contribution action against another defendant must file with the Circuit Clerk within 30 days after entry of this order a complaint for contribution identifying separately the defendants against whom the action is brought.

Defendants that have obtained a good faith finding pursuant to a settlement with the plaintiff and who wish to maintain a contribution action against another defendant must file with the Circuit Clerk within 30 days after entry of this order a complaint for contribution identifying separately the defendants against whom the action is brought.

For a current defendant/counterplaintiff to maintain a contribution action against a defendant/counterdefendant that has been voluntarily dismissed, or otherwise dismissed

without prejudice, a defendant/counterplaintiff must file within 30 days after entry of this order a complaint for contribution identifying separately the defendants against whom the action is brought.

For a current defendant/counterplaintiff to maintain a contribution action against a defendant/counterdefendant that has been granted summary judgment, or has otherwise been dismissed with prejudice, a defendant/counterplaintiff must file within 30 days after entry of this order a complaint for contribution identifying separately the defendants against whom the action is brought.

Nothing herein shall be construed as creating or reviving any rights that did not otherwise exist before entry of this order, including, without limitation, any claims for contribution or any right of action that was barred by any statute of limitations, including 735 ILCS 5/13-204 or any other applicable statute.

## II CASE MANAGEMENT

### **A. Docketing Assignment and Trial Setting.**

#### **1. (a) Docketing.**

Any asbestos personal injury case filed in Madison County, Illinois shall, at the time of filing, be docketed both individually and as part of All Asbestos Litigation Filed in Madison County. Such cases shall be further classified by the law firm representing the plaintiff.

Proceedings may be held in "All Asbestos Litigation," including, but not limited to, motions or discovery. Such proceedings, if specifically noticed in "All Asbestos Litigation," shall be presumptively effective as to any party receiving notice at least seven (7) days of the same, including any defendant or plaintiff in any asbestos case at the time and, where applicable, any respondent in discovery. Such proceedings are also presumptively effective as

to the future clients of any plaintiffs' lawyer or law firm receiving notice. The Court shall serve all parties with the motion docket identifying the matters set for hearing regardless of the parties' involvement in the proceeding. Parties not receiving the requisite seven (7) days notice are not bound by the results of such a proceeding. Proceedings may also be held in all cases filed by a particular plaintiff lawyer or law firm representing plaintiffs. Such proceeding shall comply with the notice requirements set forth above, except that the notice shall specify "All Asbestos Cases Filed by [Plaintiffs Firm]." Such proceeding is presumptively effective as to all parties to those cases receiving the requisite notice, but shall not affect the existing or future clients of other lawyers or law firms representing plaintiffs.

All other proceedings shall be effective only as to the particular case or group of cases for which the proceeding was noticed.

(b) Filing Procedures.

The Court finds that significant savings in the amount of paper and judicial resources can be achieved by modifying the filing procedures in asbestos cases. As set forth in Section I.A.1.a. (Docketing) and in Section II.A.3. (Trial Setting) of this Standing Order, certain general issues and individual cases will be handled in various groupings. Consequently, the various groupings of cases and general issues affect filing procedures. Parties shall comply with all local rules and filing procedures not inconsistent with or pre-empted by this Order;

(i) Individual Cases and Trial Groupings.

All pleadings that are filed in an individual case shall be filed and docketed in that individual's case. Parties filing pleadings in these cases shall file one original pleading with the Circuit Clerk's office which will file and docket the pleading in the individual file for that plaintiff.

Discovery shall not be filed with the Clerk's office except as provided in this paragraph. Parties serving discovery requests in addition to the automatic discovery requests deemed served in this order shall file a certificate of service with the Clerk's office in lieu of the discovery request. Parties complying with both automatic discovery requests and supplemental discovery requests shall file a certificate of service with the Clerk's office in lieu of the discovery compliance. Notices of Deposition shall be filed in the Clerk's office.

(ii) "All Asbestos Litigation" and "All Asbestos Cases Filed by [Plaintiff's] Firm".

The Clerk's office shall maintain a separate Court file for "All Asbestos Litigation" and a file for each plaintiff's firm called "All Asbestos Cases Filed by [Plaintiff's Firm]." Parties filing pleadings relating to general issues which are not unique to an individual Plaintiff's case shall be filed in either "All Asbestos Litigation" or "All Asbestos Cases Filed by [Plaintiff's Firm]." The category of "All Asbestos Cases Filed by [Plaintiff's Firm]" is a subpart of "All Asbestos Litigation." Proceedings and pleadings identified as "All Asbestos Cases Filed by [Plaintiff's Firm]" are not effective as to Plaintiff's firms other than the one identified. Proceedings and pleadings identified as "All Asbestos Litigation" or "All Asbestos Cases Filed by [Plaintiff's Firm]" are effective only as to all parties served and noticed of same.

## 2. Chief Asbestos Judge.

There shall be a "Chief Asbestos Judge" who shall oversee the Madison County asbestos litigation. Matters pertaining to All Asbestos Litigation Filed in Madison County, to all asbestos cases filed by a particular Plaintiff lawyer or law firm, or arising in any case or group of cases prior to sixty (60) days before the date of trial shall be heard by the Chief Asbestos Judge or the Judge's designate. The Chief Asbestos Judge or trial judge may hear



certain matters within sixty (60) days of trials. Only the Chief Asbestos Judge may modify this Standing Order unless the parties agree or for good cause shown and in consultation with the Chief Asbestos Judge. Any motions to modify this Standing Order shall be filed with the Chief Asbestos Judge. Any objection raised to this Standing Order and any denial of a motion to modify this Standing Order is deemed preserved in any case to which this Standing Order applies. It is not necessary to reassert objections to this Standing Order at the time of trial. Parties should attempt to assert any challenges they might have to this Standing Order well in advance of trial.

Any judge to whom a case or group of cases is assigned for trial should not alter the application of this Standing Order for that trial unless the parties agree to such alteration or only when necessary and for good cause shown and in consultation with the Chief Asbestos Judge.

### 3. Trial Setting.

Upon filing of a new case, 30 days after all parties named therein have been served, Plaintiff may submit a request for trial, and serve same, together with a notice of hearing, on all defense counsel of record, identifying the case(s) and the proposed dates for trial. In order to accommodate the needs of counsel, parties, and the administration of justice, the Court will determine the number of jury weeks to be used for asbestos jury trials and the number of Plaintiff's firms assigned to any given trial week but in no event will more than two firms be assigned to any trial docket.

~~On or before March 10 of each year, each Plaintiff's firm shall submit a request for trial dates for the following year and serve the same on all defense counsel of record. The request need not specify cases to be set. The Court shall hear objections and exceptions to the requests~~

~~on the last regular motion docket in March and, thereafter, issue a trial schedule for the following year. The Chief Asbestos Judge will determine the number of jury weeks to be used for asbestos jury trials and will limit the number of Plaintiff's firms assigned to any given trial week to accommodate the needs of counsel, parties, and the administration of justice.~~

~~Within fourteen (14) days of the date on which the trial schedule issues, each Plaintiff's firm shall file and serve a proposed calendar for setting pending cases on the assigned trial dates, and notice the same for hearing. The Court will not set any case for a date sooner than fifteen (15) months after it was filed, except upon a properly supported motion for an expedited setting. A Plaintiff's firm may move to add cases to its dockets after the initial calendar is approved. However, for those motions to add cases to the dockets, no case will be set sooner than one year after the motion is filed and the proposed setting may not be sooner than fifteen (15) months after the case was filed, except for cases qualifying for expedited settings. No trial date shall apply to a defendant which is properly served in any case fewer than nine (9) months in a non-expedited case or six (6) months in an expedited case before that date. Plaintiff must seek a trial date in less time by motion and hearing for good cause shown.~~

Beginning with the 2017 trial dockets, the Court will "first set" for trial no more than 780 cases annually. Upon good cause shown, exceptions to this maximum number may be made in the Court's discretion in order to fairly and efficiently manage the Court's docket.

Any Plaintiff's firm intending to move cases to trial on a given trial docket shall first file a list of the cases to be designated as priority cases for that trial docket and also file pre-trial reports with the Court certifying which case(s) set on that docket are "trial-ready". The pre-trial reports shall include the following information:

- a) Case name and number;

b) Attestation that all applicable provisions of the Court's Standing Order concerning pre-trial deadlines have been satisfied and the case is prepared for trial in all other respects;

c) A listing of all expert reports that have been filed;

d) Attestation that discovery is complete or will be complete 30 days before trial or otherwise by agreement of the parties ;

The pre-trial reports shall be filed and served not less than forty five (45) days from the first date of trial and a list of priority cases shall be filed and served not less than thirty (30) days from the first day of trial. Said pre-trial reports shall be supplemented fourteen (14) days before trial. The parties in any case where a pre-trial report is supplemented at this time and which are not fully resolved, shall be subject to the provisions of Section V. of this order regarding submission for a settlement conference in the week before the case is set for trial. Any party may object to a case being designated trial ready or eligible to be considered a priority case on a particular trial docket.

Beginning with the 2016 trial dockets, no more than 19 cases may be identified as priority cases for a jury trial week notwithstanding the number of Plaintiff firms assigned to trial in that given week or the number of cases for which certificates of readiness of trial are filed.

Cases that allege the disease of mesothelioma, having living plaintiffs with a shortened life expectancy attributable to asbestos exposure as shown by a qualified diagnosing physician report or are over the age of 70 years shall generally receive priority.

Any case not on the priority list cannot be called out to trial except for good cause shown with notice to remaining defendants.

Other than in situations where the court orders cases to be consolidated, no defendant shall be assigned out to trial in more than one case on any trial docket unless good cause is shown. In the event that a defendant is assigned out to trial in more than one case on a trial docket, the cases shall be tried consecutively unless plaintiff can show good cause why the prejudice to plaintiff in starting trial consecutively outweighs the prejudice to defendant. "Consecutively" means that the subsequent case(s) shall begin trial, one at a time, at a date and time determined by counsel or ordered by the court upon considering the schedules of counsel, witnesses, and the court.

The issue of which, if any, cases set on a docket will be consolidated for trial shall be decided on the first day of trial and shall be determined by principles of fairness, including the following:

- (1) Work site - whether plaintiffs in the group worked at the same site(s) for all or most of their careers;
- (2) Craft trade or union - whether plaintiffs in the group belonged to the same craft, trade or union and worked at various common sites; and/or
- (3) Disease - whether the group of plaintiffs have the same or similar asbestos-related diseases, and whether the group includes wrongful death/survival act cases;
- (4) Similarity of contexts of exposures (e.g., premises, occupational, friction, home improvement, etc.);
- (5) Choice of law issues; and/or
- (6) Commonality of defendants.

The order and manner in which a group of cases is consolidated for trial shall be determined by the trial judge to whom that group is assigned.

**B. Motion Practice.**

1. General rules regarding all motions.

For purposes of preserving a party's right to file a motion for substitution of judge, all pre-trial motions, including motions on the pleadings and motions asserting lack of jurisdiction, change of judge, *forum non conveniens*, or statute of limitations (whether on the pleadings or evidence) shall be deemed procedural, and shall be heard by the Chief Asbestos Judge or that judge's designate. The hearing of such motions by any judge, including the judge to whom the case is assigned for trial, shall not waive or render untimely a motion for change of judge as of right. However, any party which, at any time, takes a change as of right, shall exhaust its change as of right.

All motions for summary judgment based upon lack of product identification or insufficient exposure shall be heard no sooner than sixty (60) days before the start of trial by the judge to whom the case is assigned for trial. Such motions, and any other motion heard less than sixty (60) days before the trial setting by the judge to whom the case is assigned for trial, are deemed substantive for purposes of a change of judge.

It shall be the responsibility of the moving party to set and notice a hearing on any motion. The notice must specify the motions to be heard and may not generally state that all pending motions in a case or group of cases will be heard. A non-moving party may, but need not, set a motion for hearing.

All motions must be noticed at least seven (7) days in advance, except in extraordinary circumstances, where at least 48 hours advance notice is required. All dispositive motions shall be served and noticed at least ten (10) days in advance of hearing, without exception.

In any instance in which the Court enters an Order upon a motion in a specific case, the proponent of the motion shall serve a copy of the Order via LexisNexis or other agreed-to method of electronic service to all counsel of record within two business days of entry. In any instance in which the Court enters an Order captioned "All Asbestos Cases Filed by [Plaintiffs Firm]" the Plaintiff's Firm shall be responsible for serving a copy of the Order via LexisNexis or other agreed to method of electronic service within two business days of entry.

2. Particular Motions.

(a) Forum Non Conveniens.

All motions to dismiss or to transfer pursuant to the doctrine of forum non conveniens shall be governed by Illinois Supreme Court Rule 187.

(i) Raising the issue of *forum non conveniens* in any motion or pleading within 90 days after the last day allowed for the filing of that party's answer shall satisfy the requirements of Illinois Supreme Court Rule 187(a), as to the party filing said motion or pleading. "Raising the issue" requires only a short, plain indication that a party is asserting the doctrine and need not specify alternative jurisdictions; however, a general incorporation of defenses asserted by other parties is not sufficient.

(ii) In any case in which the issue of *forum non conveniens* will be heard and resolved by the Court the moving party shall file and serve a particularized motion and memorandum of law in support (if said memorandum of law in support is to be filed) setting forth all facts, exhibits and authorities upon which it intends to rely no less than 10 days prior to the date on which the matter is to be heard. Said motion shall be initially noticed for hearing within a

reasonable time prior to the date set for trial and so as to allow sufficient time to conduct discovery on forum issues, as required by Rule 187(b). The timing of the motion for *forum non conveniens* shall be presumptively reasonable where it is first noticed for hearing to be held 60 days or more before trial. The timing of the motion for *forum non conveniens* shall be presumptively unreasonable where any *forum non conveniens* motion is first noticed for hearing to be held less than 60 days before trial.

(iii) The involved parties may waive or extend, by agreement, any deadline set forth in this section, with or without the filing of a formal notice of hearing.

(b) Lack of Jurisdiction.

Motions for lack of jurisdiction shall be filed within the time prescribed by the Illinois Supreme Court Rules and Code of Civil Procedure.

(c) Change of Judge.

Except where the assignment in question is made within ninety (90) days prior to the trial setting:

(i) a motion for change of judge as of right from a trial judge shall be filed no later than 90 days prior to trial; and,

(ii) said motion shall be noticed for hearing by the moving party, not more than sixty (60) days and not less than forty (40) days before trial.

Where the assignment in question is made within ninety (90) days before trial, a motion for change of judge as of right from a trial judge shall be filed within 15 days of a party's

receipt of notice of the assignment. The motion shall be noticed for a hearing within seven (7) days of filing the motion.

Notwithstanding any time limitation set forth herein, a party's motion for substitution of judge as a matter of right is timely if filed within fifteen (15) days of notice to that party of the assignment in question. Motions filed under this paragraph shall be noticed for hearing within seven (7) days of filing the motion.

C. Central Records Depository ("CRD"), Document and Materials Depository(ies).

Certain defendants established and maintained the Central Records Depository ("CRD") which could be utilized by all parties. The CRD collected and maintained documents, pathology slides and blocks, radiology and other such materials relating to Madison County asbestos cases. Since that time, at least one other entity, namely Pohlman USA, has provided the same type of service. For purposes of the Standing Order, such entities, whether CRD, Pohlman or otherwise, will be known as Document and Materials Depository(ies) ("DMD"). This Court will not select the DMD for the parties to this litigation; however, to encourage the efficient administration of these cases, this Court discourages the use of more than one DMD on any case. To that end, this Court orders as follows:

(1) Plaintiff's counsel will select the DMD to be utilized in each case by placing at the DMD of their choice the documents and materials required as pre-conditions to bringing a motion to have that case set for trial and shall serve a certificate regarding such placement on all defendants.

A plaintiff may effect service upon defendants of any record, document (excluding pleadings or answers to interrogatories) or tangible item (including pathological materials and x-rays) by filing the same with the DMD and serving upon defendants within 3 business days of deposit, a written notice of filing which specifies the item(s) being filed. Where the filing



with the DMD is of a document other than medical records, the document or record itself, redacted as necessary, should also be served on all parties of record. Medical records, redacted as necessary, should also be served where it is practical to do so. Plaintiff must directly serve any disclosure, exhibit list or like item which is specific to a particular defendant, on that particular defendant but may also serve the other defendants by filing the same with the DMD. Except as to tangible items not capable of being copied, filing with the DMD is ineffective service in any case going to trial fewer than 14 days from the date of filing. Deposit of records, documents and tangible items in response to discovery requests is proper service upon any party. Deposit of plaintiff specific records, such as medical, employment, social security, tax, etc. in the DMD is proper service upon plaintiff and defendants. Except as provided in this order, deposit of any record, document or tangible item in the DMD is not effective service. Defendants will place a copy of all plaintiff specific records received in the DMD and provide written notice of deposit to all parties within three (3) business days of placement. Plaintiff may retrieve copies of plaintiff specific records from the DMD at the same per page price as members if the particular DMD is an entity that collects membership fees; otherwise, all parties will pay the same charges.

Releases shall be executed by plaintiffs for obtaining information, medical records and other materials and deposited in the DMD. Such releases will be executed to allow the DMD and defense firms to collect records and materials. Such releases should not be served on the parties as the DMD may require such release to collect records and materials and the releases may contain Social Security numbers and other such confidential information. Certain defendants have established and maintained the CRD which may be utilized by all parties. A plaintiff may effect service upon defendants of any record, document (excluding pleadings or

~~answers to interrogatories) or tangible item (including pathological materials and x-rays) by filing the same with the CRD and serving a written notice of filing upon defendants within 3 business days of deposit, which specifies the item(s) being filed. Where the filing with the CRD is of a document other than medical records, the document or record itself, redacted as necessary, should also be served via LexisNexis or other agreed to method of electronic service on all parties of record. Medical records, redacted as necessary, should also be served via LexisNexis (or other method of electronic service) where it is practical to do so. Plaintiff must directly serve any disclosure, exhibit list or like item, which is specific to a particular defendant, on that particular defendant but may also serve the other defendants by filing the same with the CRD. Except as to tangible items not capable of being copied, filing with the CRD is ineffective service in any case going to trial less than 14 days from the date of filing. The filing by a defendant of a record, document or tangible item in the CRD is ineffective as service upon a plaintiff or plaintiffs because plaintiffs are not members of the CRD, with the exception of plaintiff records, such as medical, employment, social security, tax, etc. Defendants will place a copy of all plaintiff records received in the CRD and provide written notice of deposit to all parties within three (3) business days. Plaintiff may retrieve copies of plaintiff records from the CRD at the same per page price as members.~~

~~Releases shall be executed by plaintiffs for obtaining information, medical records and other materials, served via LexisNexis or other agreed to method of electronic service and filed with the CRD, which shall attempt to obtain and file the information for the parties. If the CRD is unable to obtain certain information or material, defendants shall seek the cooperation and assistance of the plaintiff prior to moving to compel the same, as required by S. Ct. Rule 201(k).~~

**D. Trial Settings**

**1. Expedited Trial Settings: Any plaintiff who is seventy years of age or older, or who has been diagnosed by a properly licensed health care provider as having a very limited life expectancy, may apply for an expedited trial setting in accordance with the procedures set forth below. At the time of the hearing on a motion for an expedited trial setting, Plaintiff shall provide evidence of his age or his limited life expectancy. A diagnosis of mesothelioma shall qualify a case for an expedited setting.**

~~Any plaintiff who is seventy years of age or older, or who has been diagnosed by a properly licensed health care provider as having a very limited life expectancy, may apply for an expedited trial setting in accordance with the procedures set forth below. A diagnosis of mesothelioma shall qualify for an expedited setting. The motion to expedite and a notice of hearing on the motion may be served along with the complaint. The hearing may not be conducted sooner than thirty (30) days from the date of service of the complaint. In such cases, a defendant's appearance and participation in the hearing on the motion to expedite shall not constitute a waiver of any defense, including lack of jurisdiction, improper venue or improper forum. Any appearance at such hearing by a defendant shall be deemed special and limited until a responsive pleading is due or filed.~~

**If the motion to expedite is granted, the Court shall, in its discretion, set a trial date and establish a discovery schedule, including a schedule for the Plaintiff's deposition. The Court shall not schedule a trial sooner than 180 days after the date upon which Plaintiff's Motion to Expedite is granted. Plaintiff shall make every effort to appear for a discovery deposition as soon as practical taking into account plaintiff's health and medical treatment, unless otherwise ordered or agreed.**

Any case set sooner than fifteen (15) months from the date of filing shall be considered an expedited case.

2. Conditions Precedent to Obtain a Trial Setting: As conditions precedent to obtaining an Order setting a case for trial, Plaintiff must meet the following requirements on the date of the hearing or in such expedited time period thereafter as the Court may order:

(a) Provide answers to standardized written interrogatories and request to produce;

(b) Provide two sets of the following authorizations: (1) HIPAA-compliant authorizations for all medical records, radiology, pathology, and other such material; (2) authorizations for union, employment, workers' compensation, social security and military records; and (3) authorizations for state and federal income tax returns to the DMD if a wage loss claim is being made. Such authorizations should be executed to allow the DMD and defense firms to collect records and materials, but should not be served on the parties as the DMD may require such authorizations to collect records and materials and the authorizations may contain Social Security numbers and other such confidential information.~~4. As conditions precedent to obtaining an Order expediting a case for trial, Plaintiff must meet the following requirements on the date of the hearing or in such expedited time period thereafter as the court may order:~~

~~(a) Answer standardized written interrogatories and request to produce;~~

~~(b) Provide two sets of the following authorizations: (1) HIPAA-compliant authorizations for all medical records, radiology, pathology, and other such material; (2) authorizations for union, employment, workers' compensation, social security and military records; and (3) authorizations for state and federal income tax returns to the Central Records Depository. One set will authorize the CRD to collect records and the second set will authorize~~

~~the following law firms to collect records: Armstrong-Teasdale, LLP; Boyle-Brasher LLC; Foley & Mansfield, PLLP; Greensfelder, Hemker & Gale, P.C.; HeplerBroom, LLC; Guntz & McCarthy; Herzog-Grebe LLP; Heyl, Royster, Voelker & Allen, P.C.; Hawkins, Parnell, Thackston & Young, LLP; Husch Blackwell LLP; Johnson & Bell, Ltd.; Kernell Law Firm, PC; Kurowski, Bailey & Shultz, LLC; Matushek, Nilles & Sinars, LLC; O'Connell, Tivin, Miller & Burns, LLC; Pitzer Snodgrass PC; Polsinelli, Shalton & Welte, P.C.; Segal, McCambridge, Singer & Mahoney, Ltd.; and Williams, Venker & Sanders (or their authorized representatives).~~

(c) Provide a copy of all medical records, military, employment and Social Security Administration records of Plaintiff in Plaintiff's or Plaintiff's counsel's possession at that time. Plaintiff shall also place in the depository all B-read reports, pulmonary function test reports, x-rays, tissue blocks, slides, or other pathology specifically including but not limited to pathology reviewed by and/or in possession of plaintiff's experts or in Plaintiff's or Plaintiff's counsel's possession. If Plaintiff's expert has been instructed or directed by a medical provider to return pathology directly to the provider after the expert's review/testing, Plaintiff's Counsel shall inform the Court and all defendants' counsel of the name and address of the provider and the instruction or request at least ten (10) days prior to the hearing on the motion for expedited trial. The court may conduct an expedited hearing in conjunction with the hearing on the motion for expedited trial to ascertain whether the pathology in question can be made available to defendant(s) or their experts.

(d) Provide a copy of a treating doctor's diagnosing report or expert opinion upon which the Plaintiff now relies for prosecution of the alleged asbestos related malignancy

claim. If the diagnosis is of an alleged asbestos related non-mesothelioma malignancy, either the diagnosing report or expert opinion provided must indicate in substance the following:

1. The plaintiff/decedent's diagnosis and that exposure to asbestos was a substantial cause of plaintiff's/decedent's disease; and
2. That the diagnosis and causation opinion are based on medically accepted principles and practices; and
3. The diagnosis and causation opinion are made by or based on statements made by reputable medical organization(s) that require at least, occupational, para-occupational or environmental exposure histories to find asbestos exposure as a cause of disease; and
4. Date of diagnosis of the disease.

(e) The requirements set forth in Paragraph (d) are established only to assist the Court in managing its docket to determine when a Claimant may obtain a trial setting. The fact that the Court sets a case for trial based on satisfaction of the requirements set forth in Paragraph (d) shall not constitute an admission nor shall it create a presumption that a Claimant suffers from cancer or that the cancer alleged was caused by exposure to asbestos.

(f) The Court, on its own motion or upon motion by any party and for good cause shown, may in any case which has already been assigned a trial date, remove that case from the assigned trial date. Plaintiff's failure to meet the requirements set forth in Paragraph (d) above may constitute a showing of good cause. If the Court removes a case from a trial date for failure to meet the requirements set forth in Paragraph (d), the case shall not be re-set on another trial docket until those requirements are met. Further, any case a Plaintiff voluntarily removes from a trial setting in response to a motion filed pursuant to the terms of this

paragraph, shall not be re-set on another trial docket until the requirements set forth in Paragraph (d) are met.

Notwithstanding the above, Plaintiff may deposit the above required information in the DMD or otherwise serve the parties. Information containing Social Security numbers or like confidential information shall not be served upon the parties unless redacted.

~~(d) — At the time of the hearing on a motion for an expedited trial, Plaintiff shall provide evidence of his age or his limited life expectancy.~~

~~Plaintiff may file the above information in the CRD but in any event shall serve the information that is in documentary form via LexisNexis or other agreed to method of electronic service as provided in section II C above. If the motion to expedite is granted, the Court shall, in its discretion, set a trial date and establish a discovery schedule, including a schedule for the Plaintiffs deposition. The Court shall not schedule a trial sooner than 180 days after the date upon which Plaintiff's Motion to Expedite is granted. Plaintiff shall make every effort to appear for a discovery deposition as soon as practical taking into account plaintiff's health and medical treatment, unless otherwise ordered or agreed.~~

**D.E. Defense Liaison Counsel.**

Defendants will appoint one or more defense counsel to act as liaison counsel for coordinating various aspects of discovery with plaintiffs' counsel, including noticing of depositions and coordinating the dissemination of the plaintiffs x-rays or pathology. If defense counsel cannot agree among themselves as to who will serve as liaison counsel, the Court will entertain a motion by any party to appoint a defense liaison counsel. For any depositions noticed by defense liaison counsel, the cost of such deposition, including cost of a conference room, shall be split among those defense attorneys participating in such deposition, either in person or via telephone. These costs may be collected by the Court Reporter.

III  
PRETRIAL MATTERS

A. Discovery.

1. Schedule for Regular Asbestos Trial Docket.

When a case is set for trial on the Master Trial Calendar or for any case whose trial setting is not expedited, discovery deadlines shall be as follows:

No Later Than 240 days before Trial:

(a) Plaintiff shall answer Defendant's standard written interrogatories;

(b) Plaintiff shall deposit in the DMD the following authorizations: (1) HIPAA-compliant authorizations for all medical records, radiology, pathology, and other such material; (2) authorizations for union, employment, workers' compensation, social security and military records; and (3) authorizations for state and federal income tax returns (if Plaintiff claims lost wages). Such authorizations should executed to allow the DMD and defense firms to collect records and materials, but should not be served on the parties as the DMD may require such authorizations to collect records and materials and the authorizations may contain Social Security numbers and other such confidential information. ~~Plaintiff shall provide two sets of the following authorizations: (1) HIPAA-compliant authorizations for all medical records, radiology, pathology, and other such material; (2) authorizations for union, employment, workers' compensation, social security and military records; and (3) authorizations for state and federal income tax returns (if Plaintiff claims lost wages). One set will authorize the GRD to collect records and the second set will authorize the following law firms to collect records: Armstrong Teasdale, LLP; Boyle Brasher LLC; Foley & Mansfield, PLLP; Greensfelder, Hemker & Gale, P.C.; HeplerBroom, LLC; Gunty & McCarthy; Herzog~~



~~Grebs LLP; Heyl, Royster, Voelker & Allen, P.C.; Hawkins, Parnell, Thackston & Young, LLP; Husch-Blackwell LLP; Johnson & Bell, Ltd.; Kemell Law Firm, PC; Kurowski, Bailey & Shultz, LLC; Matushek, Nilles & Sinars, LLC; O'Connell, Tivin, Miller & Burns, LLC; Pitzer-Snodgrass PC; Polsinelli, Shalton & Welte, P.C.; Segal, McCambridge, Singer & Mahoney, Ltd.; and Williams, Venker & Sanders (or their authorized representatives);~~

(c) Plaintiff shall provide a copy of all medical records in possession of Plaintiff or in possession of Plaintiff's experts.

180 days before trial:

(a) Plaintiff shall place in the depository all B-read reports, pulmonary function test reports, x-rays, tissue blocks, slides, or other pathology in possession of Plaintiff or Plaintiff's experts and/or provide Defendants with a list of the pathology known to them;

(b) Discovery deposition of the Plaintiff shall be completed.

120 days before trial:

(a) Plaintiff to disclose all known fact, exposure, and site witnesses. As to each, Plaintiff shall indicate whether the witness will be tendered upon request or must be subpoenaed. Plaintiff must provide the addresses of subpoena-only witnesses. Plaintiff shall also list the names of potential witnesses as to whom no further information is available.

(b) Defendant to disclose all known fact, exposure and site witnesses;

(c) All parties shall have the right to supplement when newly discovered fact, exposure or site witnesses become known up to the discovery cutoff;

(d) Plaintiff to disclose all expert witnesses.

90 days before trial:

- (a) Plaintiff to produce all expert witness reports;
- (b) Depositions of all known fact, exposure or site witnesses to be completed;
- (c) Defendants to complete IME;
- (d) Defendants to disclose expert witnesses.

60 days before trial:

Plaintiff's expert depositions to be completed.

30 days before trial:

- (a) Defendants' expert depositions to be completed;
- (b) Defendants' expert witness reports due;
- (c) All discovery completed.

The foregoing schedule deadlines may be modified by agreement of the parties or upon order of the court for good cause shown.

All supplemental deposition designations, exhibit lists and pre-trial motions shall be filed on the first day of trial or as soon as practical thereafter.

Any plaintiff who fails to give a discovery deposition more than ninety (90) days prior to trial may be barred from testifying at trial (including by evidence deposition) or their case may be continued to a date more than ninety (90) days from the discovery deposition.

2. Schedule For Expedited Cases.

In all expedited cases, the following adjustments are to be made:

- (a) Conditions Precedent

See Section II D regarding conditions precedent to obtaining an Order expediting a case for trial.

- (b) Pathology materials

~~(i) — Among defendants, the medical trust group shall receive all pathology and x-ray material first. Defendant-medical-trust-group shall receive all pathology and x-ray material first; and~~

(ii) Defendants shall return the pathology and x-ray material to the DMD within 90 days of receipt unless otherwise agreed by the parties.

120 days before trial:

(a) Plaintiff shall disclose all known fact, exposure, and site witnesses. As to each, plaintiff shall indicate whether the witness will be tendered upon request or must be subpoenaed. Plaintiff must provide the addresses of subpoena-only witnesses. Plaintiff shall also list the names of potential witnesses as to whom no further information is available;

(b) Defendants shall disclose all known fact, exposure and site witnesses;

(c) All parties shall have the right to supplement when newly discovered fact, exposure or site witnesses become known up to the discovery cutoff;

(d) Plaintiff shall disclose all expert witnesses.

90 days before trial:

(a) Plaintiff shall provide all Plaintiff-specific expert witness reports.

(b) Discovery deposition of the plaintiff to be completed. Defendants need not request such tender in cases governed by this Part. Nothing prevents a plaintiff from making an earlier tender.

75 days before trial:

(a) Depositions of all known fact, exposure or site witnesses to be completed;

(b) Plaintiff's expert depositions to be completed.

60 days before trial:

Defendants to disclose expert witnesses;

30 days before trial:

- (a) Defendants' expert depositions to be completed;
- (b) Defendants' expert reports due;
- (c) All discovery to be completed.

The foregoing schedule deadlines may be modified by agreement of the parties or upon order of the court for good cause shown.

All supplemental deposition designations, exhibit lists and pre-trial motions are due on the first day of trial or as soon as practical thereafter.

Any plaintiff who fails to give a discovery deposition more than sixty (60) days prior to trial may be barred from testifying at trial (including by evidence deposition) or the case may be continued to a date more than sixty (60) days from the discovery deposition.

Defense liaison counsel shall coordinate activities for purposes of sharing the x-rays, tissue blocks, slides and other pathology. In the event cooperation cannot be achieved among the defendants in this regard, the Court will assign time limits for sharing the material. Defense counsel shall be responsible for seeing that the x-rays, CT Scans, MRI's, tissue blocks, slides and other pathology provided by the plaintiff are returned to the CRD within ninety (90) days from receipt, except for material lost through destructive testing. Destructive testing by defendants may only occur by Court Order. Destructive testing does not include the immunohistochemical staining of slides.

### 3. Discovery Deposition Guidelines.

Discovery depositions of plaintiffs, family members and all exposure / site witnesses tendered by Plaintiffs shall proceed as follows:

(a) Plaintiff's counsel should supply the defense counsel a priority of defendants which they expect in the witness' testimony so the defendants can determine the most efficient manner in which to take the deposition. As much as possible, any highly involved party(ies) should take the lead in asking questions in their respective areas of interest, such as any premises at which plaintiff/decendent worked for several years or more.

(b) The deposition may be terminated by the court as to any defendant that asks questions that are unreasonably repetitive, harassing, oppressive and/or otherwise improper. The court may also limit the scope and manner of taking the examination and allow it to be resumed under those conditions.

(c) Plaintiff's counsel may suspend the deposition as to a particular defendant or particular defendants that are asking questions that are unreasonably repetitive, harassing, oppressive and /or otherwise improper without withdrawing the witness from the entire deposition, subject to subsequent review by the court. Following the completion of the deposition as to all other witnesses, if counsel are unable to resolve the issues and the dispute concerns a discovery deposition of a plaintiff, counsel may attempt to reach the court via teleconference to discuss the dispute.

(d) To obtain review regarding the discovery deposition of a deponent who is not a plaintiff, defendant(s) must file and serve a motion for additional time within seven (7) days of the date of the deposition and notice the same for a hearing on the next available hearing date, unless plaintiff agrees to a later date. Said motion must articulate the basis for the relief sought.

(e) In no instance, unless by order of the court for good cause shown, shall the time allowed for any deposition be less than is allowed by Illinois Supreme Court Rule 206(d).

(f) In ruling on such motions, the Court will be guided by the following:

(1) Allowing defendants at least 1½ hours for general background and ½ hour for medical questions;

(2) Allowing each defendant a minimum of 15 minutes for follow-up exposure questions;

(3) Allowing the following minimum time limits for the deposition as a whole:

(a) Plaintiff suffering from disease alleged - 4 hours

(b) Plaintiff in wrongful death / survival action - 3 ½ hours

(c) Exposure / site witness - 3 hours

(d) Other case-specific fact witness - 2 hours

(4) Preventing questioning that is unreasonably repetitive, harassing, oppressive and/or otherwise improper (or just plain inane).

(5) Considering the nature and extent of the witnesses' knowledge concerning the defendant(s) involved, their products or premises and, in the case of exposure / site witnesses, knowledge of Plaintiff's/Decedent's exposures.

(6) Considering the nature and extent of a defendant's involvement, such as how often a plaintiff/decendent used that defendant's products or how much time s/he was at that defendant's premises.

Time limitations governing depositions of other witnesses:

(a) Treating Physician – three (3) hours (inclusive only of defendants' inquiry whereas plaintiff inquiry shall not be computed in the time);

(b) Medical Expert – two (2) hours for the first plaintiff and ½ hour for each additional plaintiff;

(c) State-of-the-Art Expert – six (6) hours; and

(d) Economist Expert – two (2) hours for the first plaintiff and ½ hour for each additional plaintiff.

The time limits for depositions may be expanded or modified by agreement of the parties or by order of the Court upon Motion for good cause shown.

4. Procedure for Plaintiff and Exposure Witness Depositions.

(a) General

A tender is a written indication of when and where a witness will be produced for deposition without subpoena. If served by email, LexisNexis, other agreed to method of electronic service or facsimile, all deposition tenders shall be given at least seven (7) days in advance for depositions occurring in Illinois, Missouri, or Indiana, and ten (10) days in advance for depositions occurring elsewhere. Three (3) additional days notice is required for service by mail. Service of a corresponding notice of deposition is acceptance of a tender. The Court encourages the parties to utilize an electronic notification system such as LexisNexis, wherever possible.

(b) Plaintiffs.

Plaintiff's counsel shall tender all Plaintiffs for deposition without Defendants requesting the same.

(c) Exposure Witnesses and Site Witnesses.

(i) "Exposure Witnesses" shall include any witness who will offer testimony relating to plaintiff's or plaintiff's decedent's alleged exposures to asbestos, including, but not limited to, co-workers, family members, and product identification witnesses.

(ii) A site witness is a witness who will offer testimony as to product identification at specific work site(s) but who will not put plaintiff at a particular work site or offer any testimony as to a particular plaintiff's exposure at the work site(s). Plaintiff may file a Master Site Witness Disclosure, but all master and case-specific site witness disclosures shall include the name, address, and work site for each site witness.

(iii) Plaintiffs shall identify which exposure and/or site witnesses will appear for a deposition only if subpoenaed by defendants, and provide such witnesses' complete address and, if known, telephone number.

(iv) Plaintiff should endeavor to tender any exposure and/or site witnesses who are willing to appear upon request without being subpoenaed.

(v) Plaintiffs' failure to tender or produce an exposure and/or site witnesses for deposition or identify him as one who must be subpoenaed shall be grounds for excluding that witness at trial.

(vi) Any exposure and/or site witness disclosed after the scheduled deadline and permitted to testify pursuant to Court Order or by Agreement shall be tendered for deposition.



(vii) Plaintiff's counsel must allow defendants an opportunity to conduct cross-examination of all family members before Plaintiff's counsel can conduct his/her direct examination.

(viii) If a Plaintiff's counsel conducts a discovery deposition by providing notice and conducting the direct examination before Defendants conduct cross-examination, all objections as to form and foundation are deemed preserved.

Upon reasonable inquiry and in good faith, Plaintiff's counsel, prior to the discovery deposition of Plaintiff must serve on all parties, no later than five (5) business days and prior to the deposition of a site or exposure witness, three (3) business days, a list of manufacturers or brand names of products, owners and/or operators of premises and types of products about which the plaintiff or site/exposure witness will have no testimony. If a company or product type is included on such a list of defendants against which the plaintiff or witness will have no testimony, those defendants included on the list need not appear for the discovery deposition. If the plaintiff or other witness will subsequently testify in an evidence deposition or at trial about a defendant which was included on the list, he/she must be tendered for discovery deposition as to that defendant before such trial testimony.

(i) A Motion to Accelerate a deposition must be accompanied at the time of the hearing with a report or record from a physician, hospice facility or provider, or for other good cause shown indicating the need to have the deposition of the plaintiff taken in an expedited time frame.~~If the discovery~~

~~deposition of plaintiff or of a site or exposure witness occurs outside a 40-mile radius of the Madison County, Illinois Courthouse, plaintiff must provide, no later than three (3) business days before said discovery deposition, a list of manufacturers or brand names of products, owners and/or operators of premises and types of products about which the plaintiff or site/exposure witness will have no testimony. If a company or product type is included on a list against which the plaintiff or witness will have no testimony, that company or defendant who manufactures, sells or distributes a listed type of product need not appear for the discovery deposition. If the plaintiff or other witness will subsequently testify about that company or defendant who manufactures, sells or distributes a listed type of product in an evidence deposition or at trial he/she must be tendered for discovery deposition as to the stipulated company or defendant who manufactures, sells or distributes a listed type of product.~~

(d) Treating Physicians.

A plaintiff has no obligation to tender a treating physician for deposition. Any treating physician identified by a plaintiff in his interrogatory answers or in medical records disclosed in the litigation may be called to testify at trial by any party, regardless of whether that physician is identified on any fact witness list. Seven (7) days written notice of a deposition of any treating physician shall be given to opposing counsel unless otherwise agreed to by the parties.

(e) Persons Controlled by a Defendant.

Upon plaintiffs' request that a defendant tender for deposition any officer, employee, agent or other person within its control, that defendant shall:

- (i) tender the witness for deposition;
- (ii) notify plaintiff that the witness is not within its control; or
- (iii) move for a protective order if defendant believes that plaintiffs

are not entitled to depose the witness in question.

A defendant has no obligation to tender such witness for deposition until plaintiffs request that it do so.

(f) Family Members and Fact Witnesses with No Exposure Testimony.

Any party wishing to depose such witnesses shall request that the party listing that witness on a fact witness list tender the witness for deposition. The party listing the witness shall either tender the witness for deposition or notify the requesting party that the witness must be subpoenaed.

(g) General Provisions.

The fact witness lists should set forth possible fact witnesses known to that party by name. Any defendant that lists an officer, director, employee and/or agent (past and present) must list that person by name and position, not merely by description. Any party may list categories of witnesses by description to the extent that the names of those witnesses are unknown, but must supplement its list if names become known. The failure to properly list a witness on a party's fact witness list may be grounds for excluding the witness' testimony at trial, unless the witness is otherwise fairly disclosed. Any party who serves a Supplemental or Amended Master Fact Witness Disclosure shall indicate in bold type, highlighting, underlining or otherwise specifying any newly added Fact Witnesses or information about which previously listed witnesses will testify.

The party tendering or subpoenaing any witness for deposition shall make every reasonable effort to arrange for the deposition at a location with telephone access. Any parties wishing to attend telephonically shall be required to insure that necessary equipment (such as a speakerphone) is provided and that arrangements for a conference call are made. The parties who attend by telephone shall bear all telephone costs. Additionally, the parties attending by telephone shall coordinate with the court reporter to insure that, prior to the time the deposition is scheduled to begin: (1) the telephone link has been established; (2) all parties attending by telephone are on the line; and (3) all parties attending by telephone have provided appearance information. Depositions—particularly those of terminally ill plaintiffs—shall not be delayed to accommodate parties attending by telephone who fail to abide by this provision.

If a fact witness has been deposed prior to the close of discovery in the Plaintiff's case, that witness may be called to testify at trial by any party, subject to any other grounds for excluding the witness. A party may call to testify at trial any witness properly identified on that party's fact witness list, regardless of whether the witness was deposed, unless that party, in response to a proper request, failed to either tender the witness for deposition or notify the requesting party that the witness had to be subpoenaed.

The parties may, by agreement, extend the close of discovery as to some or all fact witnesses.

The parties shall endeavor to avoid unnecessarily duplicative or burdensome depositions, particularly of plaintiffs and coworkers who may be potential coworker witnesses in numerous other cases. Defendants who have already had a fair opportunity to depose a site witness will not be allowed to redepose that witness without agreement of the parties or leave of Court. A site witness is a witness who will offer testimony as to product identification at

specific work site(s) but who will not offer any testimony as to a particular plaintiffs' exposure at the work site(s). Defendants have an absolute right to depose any witness who will be offering plaintiff specific product identification testimony if the defendant has not previously had a fair opportunity to depose the witness as to that plaintiff. Defendants have an absolute right to depose a plaintiff in his own case, regardless of the number of prior coworker depositions given by the plaintiff.

Any person appearing at a plaintiff or fact witness deposition that refuses to identify himself or herself and the party that person represents shall not be allowed to participate in any way in the deposition and shall not be allowed to remain in the room while the deposition is being taken.

5. Experts.

Any party listing a new expert shall serve, with the expert witness list, a disclosure setting forth the general subject matter of the expected testimony, the substance of the expert's opinions, the basis thereof and curriculum vitae for that expert. The sponsoring party must also tender such expert to the opposing party for deposition. Expert witnesses shall be retendered for discovery deposition if exposure evidence relevant to that expert's testimony and/or opinions is adduced after he/she is originally tendered or deposed that impacts or changes the disclosed opinions. The opposing party will then be responsible for noticing up the deposition should he/it wish to take the expert's deposition. Any party who serves Supplemental or Amended Expert Witness Disclosure shall indicate in bold type, highlighting, underlining or otherwise specify any newly added expert witnesses or information about which previously listed expert witnesses will testify.

For purposes of this Order, expert testimony is classified as either “general” or “case specific.”

(a) General Expert Testimony.

General expert testimony includes opinions and conclusions that apply to a large number of asbestos personal injury cases and which, essentially, remain unchanged from case to case. The objective with regard to general expert testimony is to provide full and fair discovery, while avoiding unnecessary duplication.

Once an expert has been deposed in All Madison County Asbestos Litigation with regard to general testimony, there shall be no further deposition with regard to that general testimony by any party which had fair notice of the deposition and an opportunity to participate, unless there is a change in that expert’s opinions, conclusions or the basis thereof. Notice to, or participation by, a plaintiffs’ lawyer or plaintiff law firm in said deposition is effective as to all of that lawyer’s or law firm’s pending or future clients.

If an expert witness has been deposed as to general issues in an asbestos case in another jurisdiction, that witness may testify within the fair scope of such deposition in any Madison County asbestos case where the witness has been disclosed and the deposition identified (and provided if requested).

Once an expert has been deposed with regard to general issues, it shall be sufficient disclosure to list that expert on an expert witness list. Such an expert may testify at trial within the fair scope of his/her prior general testimony.

If an expert’s opinions, conclusions or the basis thereof with regard to general issues have changed since his/her last deposition or the expert will testify as to additional matters, the party sponsoring the expert shall serve, with the expert witness list, a supplemental disclosure

setting forth the subject matter of the changes or additions, the substance of the expert's opinion with regard to the changes or additions and the basis of that opinion. The party sponsoring the expert shall produce the expert, if requested, to the opposing party for a deposition limited to the changes or additions in the expert's opinions, conclusions or the basis thereof. The opposing party must notice the expert's deposition if he/it wishes to take the expert's deposition.

If an expert, who has previously been deposed, will testify concerning the net worth or financial condition of a defendant, any review of updated information constitutes a change that must be disclosed. Any new deposition shall be limited to the updated information and its impact upon the expert's opinion.

Any party which believes that it has not had a full and fair opportunity to participate in the deposition of an expert as to general testimony shall request that that expert be tendered for deposition. If the sponsoring party refuses, it shall be the duty of the party requesting the tender to move to compel. A party moving to compel the deposition of a previously-deposed expert as to general issues must specifically identify the areas of inquiry which justify further deposition and the reasons such inquiry was not or could not have been made in the prior deposition.

With regard to general issues, an expert may testify at trial:

- (i) within the fair scope of prior testimony or disclosure; and
  - (ii) within the fair scope of any supplemental disclosure where no deposition has been taken.
- (b) Case-Specific Expert Testimony.

Case-specific expert testimony is that which is unique to a particular plaintiff's or defendant's case. The most common types of case-specific expert testimony are opinions as to the plaintiff's specific exposure, medical condition or lost wages. As to the defendants, the most common is liability or product testimony about a specific company or its products. This does not require defendants' company representatives to prepare reports unless their testimony relates to the plaintiff or one of plaintiff's work sites. The Court recognizes that one expert may be called upon to give both general and case-specific testimony, particularly medical experts. Different procedures, therefore, may apply to the same expert with regard to general, as opposed to case-specific testimony.

Any party sponsoring an expert witness who is expected to give case-specific testimony must provide a report setting forth the expert's opinions and conclusions in the cases in which he/she is being tendered. The report shall be provided pursuant to the schedule deadlines, but in no event less than three (3) business days before the deposition. The sponsoring party shall tender such expert to the opposing party for deposition upon request. If a case or defendant specific expert witness supplements his/her report a party may request re-tender of that expert witness. The tender shall be in writing and at least seven (7) days in advance of the proposed deposition date. Any expert witness not tendered for deposition shall be barred from giving case-specific testimony. Any case-specific expert that reviews additional materials does not have to provide a supplemental report unless it changes or alters their opinion.

An expert may not give case-specific testimony at trial unless he/she has been disclosed as a case-specific witness and tendered for deposition in a timely fashion, and a report has been timely provided. The witness' case-specific testimony shall be limited to the fair scope of the disclosure, report, and deposition. An expert who is tendered for deposition may give case-



specific testimony at trial within the fair scope of the disclosure and report, regardless of whether the opposing party elected to depose the expert. The scope of an expert's testimony may not be limited by the failure of a deposing party to inquire into matters within the fair scope of the disclosure and report. Once an expert who will give defendant-specific or premises-specific testimony has been disclosed and properly tendered for deposition, that process need not be repeated case by case unless that expert will give plaintiff-specific testimony or his/her opinions significantly change.

The disqualification of an expert from giving case-specific testimony for failing to follow these procedures shall not affect general expert testimony by the same witness.

6. Respondents in Discovery.

Any party that has been previously named as a respondent in discovery for All Asbestos Litigation shall retain that status and be available for further discovery by any party, subject to usual and customary objections. A respondent in discovery shall be notified of any proceeding affecting its interests. The standard set of questions entitled: "Deposition Upon Written Questions," which was previously approved by the Court for deposing respondents in discovery shall continue to be the standard set used for future respondents in discovery.

Any authentication of documents which has occurred in accordance with procedures applicable at the time or which complies with the Illinois Rules of Evidence shall be effective.

7. Written Discovery.

Any Plaintiff filing an asbestos personal injury or wrongful death case in Madison County is deemed served with the standardized interrogatories and requests for production, which are attached hereto as Exhibits. All answers to the standard interrogatories and requests for production shall include both the question and the answer.

Duplicative discovery on behalf of all parties is to be avoided.

A corporate official or agent of defendant corporations shall verify a defendant's responses to written discovery. Each plaintiff shall verify his/her responses to written discovery. ~~Any Plaintiff filing an asbestos personal injury or wrongful death case in Madison County is deemed served with the standardized interrogatories and requests for production which are attached hereto as Exhibits. All answers to the standard interrogatories and requests for production shall include both the question and the answer.~~

Once Plaintiff has responded to the revised standard written discovery, supplemental product or case-specific written discovery may be served by individual defendants only by agreement or leave of court.

Each lawyer/law firm representing plaintiffs in asbestos cases shall serve written discovery requests upon each defendant from the lawyer/law firm's clients as a whole and not from each client individually (unless necessary and non-duplicative). ~~Duplicative discovery on behalf of different plaintiffs or groups of plaintiffs is to be avoided.~~ Once a defendant produces any information or document to a plaintiff's lawyer/law firm, such information or document is deemed produced in all other existing and future asbestos cases of that lawyer/law firm. Once a defendant has responded to general written discovery served by a particular Plaintiff's firm, that Plaintiff's firm may not serve that defendant with additional general discovery requests except by agreement or with leave of court. Plaintiff may submit site specific or Plaintiff specific discovery without leave of court. Within 60 days of the date of this Order a Plaintiff's firm may submit revised Master discovery to be appended to this Order for future use. All Plaintiff's Counsel shall endeavor to the extent possible, to avoid having different Master discovery.

~~A corporate official or agent of defendant corporations shall verify defendant's responses to written discovery. Each plaintiff shall verify his responses to written discovery.~~

All parties have a continuing obligation to update and seasonably supplement their discovery responses on a timely basis without request as new information is discovered.

8. Medical Examinations Conducted by Defendants.

Defendants as a group are entitled to a single medical examination of each plaintiff, pursuant to Illinois Supreme Court Rule 215. This may include, without further application, chest x-rays, CT scans (without contrast), MRIs (without contrast), pulmonary function tests, medical history and a physical examination. Stress testing, exercise testing, and invasive testing procedures, including, but not limited to, venous or arterial punctures, are prohibited. Plaintiff may be accompanied by his attorney or an agent thereof throughout the entire medical examination, which includes any testing or physical examination. Within thirty (30) days after submitting an affidavit evidencing the costs incurred, a plaintiff, upon whom an examination was performed, shall be reimbursed by the party requesting the examination for mileage, parking and any lost wages incurred as a result of his appearance at the medical examination.

The report of the physician conducting the examination shall be provided to plaintiff's counsel within thirty (30) days of the date upon which the examination was conducted or three (3) days prior to the deposition of that physician, whichever is sooner.

9. Preservation of Tissue.

(a) In Living Cases:

- 1) Plaintiff's Counsel will make reasonable efforts to stay abreast of Plaintiff's health;

2) Upon learning of Plaintiff's death Plaintiff's Counsel will notify Defense Counsel;

3) Should Plaintiff undergo any surgical procedure wherein lung tissue is removed, Plaintiff will endeavor to have said tissue preserved; and,

(b) In All Cases:

Should any autopsy be performed at Plaintiff's Counsel's request, Defendants will be notified at least 72 hours in advance and given the opportunity to send a single qualified representative to be present

**B. Evidence Depositions.**

1. General.

An evidence deposition may be conducted at any time by any party, in accordance with the Supreme Court Rules. The expediting of trial is not a prerequisite to conducting an evidence deposition of any witness, including a Plaintiff. The party conducting the evidence deposition may videotape the deposition with proper notice to the opposing parties. The admissibility of an evidence deposition shall be determined at the time of trial.

2. Discovery Deposition Required Prior to Evidence Deposition.

All opposing parties are entitled to complete necessary discovery, including a discovery deposition of the witness as provided in Supreme Court Rule 202.

3. Interval between Discovery and Evidence Depositions.

(a) General Procedure: Any evidence deposition shall occur no sooner than seven (7) days after the conclusion of the discovery deposition unless otherwise agreed by the parties or ordered by the Court.

(b) Local Deposition Procedure: If plaintiff is produced for discovery deposition within a 40 miles radius of the Madison County Courthouse, the evidence deposition

shall not occur sooner than 24 hours but at least encompassing one full business day from 8:30-5:30 central time from receipt by defendants of the discovery deposition transcript or as otherwise ordered by the court.

(c) Shorter Interval Based on Exigent Circumstances: Plaintiff may seek leave to shorten the interval between discovery and evidence deposition. Upon good cause shown, upon the Court's consideration of Plaintiff's health and planned medical treatment of Plaintiff, the Court may shorten the interval between discovery and evidence deposition. There must be an interval of at least one (1) calendar day between the date upon which the discovery deposition was concluded and the date upon which the evidence deposition can commence.

4. Duration of Evidence Depositions.

~~No time limits shall apply to any evidence depositions. Based upon the court's inherent authority to manage its own cases and trial testimony, and based upon the court's observations and knowledge from reviewing evidence depositions, no time limits shall apply to any evidence depositions except that of plaintiff or a defendant's corporate representative where the limit for either shall be three (3) hours: one and one-half (1½) hours per side. Time limitations for these evidence depositions may be expanded by agreement of the parties or by order of the court upon motion and a showing that, based upon the amount of the information and/or the complexity of the issues raised with those witnesses in discovery, good cause exists for additional time.~~ Illinois Supreme Court Rule 206(e) applies for the suspension or termination of any examination.

C. Miscellaneous.

1. Autopsy.

Defendants are entitled to have an expert of their choice analyze whatever pathology materials are obtained during an autopsy, and plaintiff, shall preserve the same for such purpose.

2. General

(a) Any provision of this Order relating to pretrial matters which does not expressly require Court approval may be modified by agreement of the parties. No such agreement, however, may modify or impair the trial setting.

(b) If any dispute arises concerning discovery, the parties shall attempt to resolve that dispute, as provided in Supreme Court Rule 201(k), before bringing such dispute before the Court.

(c) Participation of a defendant in Motion practice, depositions or discovery shall not constitute waiver of any of its defenses, including but not limited to those regarding service, jurisdiction or venue.

3. Special Closed Docket

(a) Any case which is concluded except for finalization of settlements or for purposes of bankruptcy trust claims may be "special closed". Plaintiff may, at the appropriate time, request a case be special closed and shall in the proposed Order special closing the case, list the defendants which are being dismissed without prejudice and include a statement that as to all other defendants which are parties to the case, the case is being special closed.

Any defendant which is not dismissed when a case is special closed may have a dismissal without prejudice entered, with written notice to Plaintiff, no sooner than 6 months after the date the case is special closed. Upon such written notice, Plaintiff's

counsel may, within 7 days of receipt of such written notice, serve on that defendant a written response certifying that the case as to that defendant should not be dismissed but should remain in special closed status because either the claims against that defendant are being made via a bankruptcy trust or settlement with that defendant is pending. If Plaintiff's counsel timely serves such a written response, no dismissal without prejudice may be entered until/unless, via written Motion to Dismiss for Failure to Prosecute filed and noticed, the court dismisses the case as to that defendant.

(b) Any case may be "special closed" by the Court in its discretion without further notice; cases in the following circumstances may be special closed unless good cause is shown why a case should be excepted from the provisions of this Section:

1. Any case which has been given a trial setting but for which a Pre-Trial Report as required by § II. A. 3 of this Order is not timely filed;

2. Any case filed alleging that exposure to asbestos was the cause of a Plaintiff's or Decedent's illness and/or death where the criteria regarding medical causation listed in § II. D. 2(d) is not met with the (1) year of the filing date;

3. Any case on the Court's annual "cleanup" docket which Plaintiff's counsel does not set for trial, dismiss or special close by January 31 of the year following the "cleanup" docket.

#### IV PUNITIVE DAMAGES

In October, 1988, an extensive hearing was held in All Asbestos Litigation on the issue of plaintiffs' leave to amend to pray for punitive damages. By Order dated October 7, 1988,

the Court granted plaintiffs leave to include a prayer for relief seeking punitive damages against certain defendants and denied leave as to others.

The Court finds that the likelihood of proving facts at trial, in an asbestos case, sufficient to support an award of punitive damages against a certain defendant depends upon the conduct of that defendant and does not vary from one plaintiff's case to another. The Court further finds that it would be unnecessary, unduly burdensome and contrary to the interests of judicial economy to require subsequent asbestos plaintiffs to re-establish such reasonable likelihood after a finding to that effect has been made. This is particularly true where, as occurred here, the hearing on the matter and defendants' participation in that hearing exceeded the requirements of Section 2-604.1.

The Court, therefore, FINDS: that there exists a reasonable likelihood that any plaintiff alleging an asbestos personal injury claim can prove facts at trial sufficient to support an award of punitive damages against the following defendants:

A. W. Chesterton, Anchor Packing, General Refractories, Flintkote Company, Owens-Illinois, Pfizer, General Gasket, John Crane, Inc., Certain-Teed, and Quigley.

That leave is granted to plaintiffs in all pending asbestos cases in Madison County, Illinois and plaintiffs in all future asbestos cases which may be filed in Madison County, Illinois, to include a prayer for relief seeking punitive damages against any or all of the above defendants.

These Findings and Order relate solely to the requirements of 735 ILCS 512-604.1, and do not preclude any defendant from moving to strike a prayer for punitive damages on the grounds of bankruptcy, settlement or similar grounds.



With regard to defendants other than those named above, any plaintiff or group of plaintiffs may move for leave to amend to include a prayer for relief seeking punitive damages. The hearing on such motion shall be before the Chief Asbestos Judge, who will establish the procedure to be followed when such a motion is filed. If the motion is granted, it shall be binding as to that defendant in all pending and future Madison County asbestos cases wherein that defendant is named. If the motion is denied, the lawyer or law firm presenting the motion shall not present a similar motion against the same defendant except upon discovery or obtaining new evidence relevant to the issue of punitive damages.

V  
SETTLEMENT CONFERENCE

**A. Preface.**

A settlement conference under these rules involves a process whereby the court will designate a non-party, hereinafter referred to as “mediator”, to assist the litigants in reaching a mutually acceptable agreement. It is an informal and non-adversarial process. The role of the mediator includes, but is not limited to, assisting the parties in identifying issues, fostering joint problem-solving, exploring settlement alternatives, and reaching an agreement. Parties and their representatives are required to negotiate in good faith.

**B. Scheduling of Settlement Conference.**

In all cases set for trial, forty five (45) days before the trial date plaintiff shall provide written settlement demands to all defendants from which he/she seeks indemnity, if not previously provided. Settlement conferences shall occur on the Wednesday prior to a given trial week at 1:00 p.m.

After 1:00 p.m. of the first scheduled day of the trial week, any party may petition the court for a settlement conference in any asbestos injury case filed in Madison County, Illinois.

~~If a settlement conference is ordered by the Court or agreed to by the parties, each party shall present to the mediator a brief, written summary of the case containing a list of issues as to each party. The summary shall include the facts of the occurrence, opinions on liability, all damages and injury information, and any offers or demands regarding settlement. At the time of the settlement conference Plaintiff shall provide the court with the aggregate amount of total outstanding demands and the aggregate amount of total setoffs (amounts of settlement monies agreed to between plaintiff and settling defendants). Further, Plaintiff shall provide to each defendant remaining in a case the identity of all remaining defendants.~~

Unless all parties and the mediator otherwise agree, the settlement conference will be held at the Madison County Courthouse in Edwardsville, Illinois.

C. Settlement Conference Procedures.

1. ~~Appointment of Mediator~~— The Presiding Asbestos Judge, or anyone designated by the Presiding Asbestos Judge, shall preside over the settlement conference. The Presiding Asbestos Judge or his designee shall direct the settlement conference and the procedures to be followed in the settlement conference. Counsel shall be permitted to communicate privately with their clients.

2. Attendance at Settlement Conference.

(a) Unless otherwise agreed by the parties, each party must have an attorney or other representative who is familiar with the case present at the settlement conference in order to be able to provide a meaningful discussion of the facts of the case, opinions on liability, all damages and injury information, and any offers or demands regarding settlement. The person present for the party must have either settlement authority or have telephone or email contact with the person who has full, immediate settlement authority. All local attorneys or record shall be present at each

~~settlement conference unless excused by court order. All parties, other attorneys, and representatives with settlement authority may be present at each settlement conference.~~

(b) The court may take action relating to any party or attorney who fails to comply with this rule or negotiate reasonably. Such action may include, but is not limited to, awarding costs and reasonable attorney fees relating to the settlement process, ~~and a continuance of the trial~~ or the striking of pleadings. The court may also continue the trial if the mediator determines that further discussions on settlement, through mediation or otherwise, would be helpful.

~~3.(b) Counsel — The mediator shall at all times be in control of the settlement conference and the procedures to be followed in the settlement conference. Counsel shall be permitted to communicate privately with their clients.~~

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~~4.3. Reporting to Presiding Judge — In those circumstances where the mediator is not the Presiding Asbestos Judge is not presiding over the settlement conference, the mediator designee shall report to the Presiding Judge the status of the settlement negotiations by 4:00 p.m. of the first day of trial the settlement conference.~~

~~5.4. Termination of Settlement Conference — The settlement conference shall terminate in the following circumstances:~~

- (a) All issues referred for settlement conference have been resolved;
- (b) The parties have reached an impasse, as determined by the Presiding Asbestos Judge or his designee mediator; or
- (c) The ~~mediator~~ Presiding Asbestos Judge or his designee concludes that the willingness or ability of any party to participate meaningfully is so lacking that an agreement on voluntary terms is unlikely to be reached by prolonging the negotiations.

(d) Confidentiality of Communications – All oral or written communications in a settlement conference shall be confidential and inadmissible as evidence in the underlying cause of action.

VI.  
TRIAL MATTERS

A. Use of Discovery, Depositions and Trial Testimony from Other Cases, and Medical Records.

1. Various employees of parties, former employees of parties, witnesses with knowledge, and expert witnesses have been deposed in other cases and/or given trial testimony involving alleged asbestos-related personal injuries. In addition, there has been extensive document discovery conducted in other cases involving alleged asbestos-related personal injuries. Each defendant and plaintiff shall make such depositions available to other counsel. Counsel for any party may inspect or have copies, at his expense and at reasonable cost, any transcript which he does not already have in his possession, custody or control.

2. Any party seeking to use any portion of such prior deposition or trial testimony as substantive evidence at trial shall, no later than seven (7) days before a scheduled trial date (if not previously provided in a master pleading), provide opposing counsel with a listing of (a) the depositions that such party wishes to use; (b) the parties named in the lawsuit in which the deposition was taken; (c) the parties against whom each deposition will be used; and (d) the specific issues on which the deposition will be offered as substantive evidence. Each party will then review the deposition and advise opposing counsel whether there is any objection to use of the proffered deposition, in lieu of a new deposition of the witness. Any party objecting to use of the deposition shall file a statement (if not previously provided in a “master pleading) setting forth grounds at least 24 hours

before the deposition testimony is to be offered. If no objection is made at that time, such deposition can be used as if noticed and taken in any of the asbestos cases filed in Madison County, Illinois, against those parties or their successors in interest who were present at the prior deposition. If there is an objection, the Court will determine on motion of the party seeking to use it, whether the deposition may be used in this litigation in lieu of a new deposition of the witness. If any portion of such prior deposition is introduced as substantive evidence at trial, the party introducing such evidence shall not oppose a jury instruction that limits the applicability of such evidence to the parties listed in (c) above and to the issues listed in (d) above. Any party who serves Supplemental or Amended Master Deposition Designations shall indicate in bold type, highlighting, underlining or otherwise specify deposition designations which are being added for the first time or which are being supplemented.

3. The standards for determining use at trial of the prior deposition shall be the Illinois Code of Civil Procedure, the Illinois Supreme Court Rules, and the Illinois Rules of Evidence and may include showing of good cause, relevance, economy of efforts by the Court and counsel, and the factors set forth herein in subsection 4. The burden of persuasion shall rest with the parties seeking to use at trial prior deposition testimony taken in a case outside of this litigation.

4. In determining whether prior depositions may be used, the Court may consider the following factors, among others: (a) the health of the deponent or fact that deponent is living or deceased; (b) the identity of the deponent; (c) the date of the deposition; (d) the nature of the case where the deposition was taken; (e) the nature of the pending case, and, particularly, the place of employment, illness, product exposure, and duration of exposure

of the plaintiff to asbestos products; (f) the purposes for which the deposition was taken; (g) the deponent's area and extent of corporate responsibility, if any; (h) the deponent's knowledge, at the date of the deposition, of the matters about which he was interrogated, (i) the deponent's knowledge, at the present time, of the matter about which he was or is likely to be interrogated; (j) the adequacy of the opportunity for cross-examination, particularly in light of the date, nature and purposes of the prior deposition; (k) the issues for which evidentiary use of the deposition is sought in this litigation; (l) the degree of prejudice to the party opposing use of the prior deposition; and (m) the extent of compliance with the procedural requirements of the jurisdiction where the deposition was taken.

5. Unless otherwise agreed or ordered, all parties shall notify all counsel of the witnesses they will call during the following trial day by 5:00 the day preceding or if for Monday by Saturday at noon.

**B. Foundation for Records.**

Upon receipt of records, the DMD will notify all parties of receipt of the records. If a party does not object to the foundation of any plaintiff specific records (such as plaintiff's medical, employment, social security, workers' compensation, union, military and tax records) for which it has received notice, within fourteen days of receiving such notice, foundation objections are waived and the court shall deem a business records foundation laid and authenticity established. Any other objections a party may have to the admissibility of records are not affected by this provision. ~~Upon receipt of records, CRD shall notify all parties of receipt of records. If a party does not object to the foundation of any plaintiff specific records (such as plaintiff's medical, employment, social security, workers' compensation, union, military and tax records) for which it has received notice within fourteen (14) days, foundation objections are waived and the court shall deem a business records foundation laid and~~

authenticity established. Any other objections a party may have to the admissibility of records are not affected by this provision.

C. Exhibit Lists.

All parties shall file an Exhibit list at least fourteen (14) days before trial. Parties may file Master Exhibit lists and need not re-file for each case. No party may use an exhibit that is not disclosed on its list, except where the document is a medical record, employment record or a like case-specific record that was timely placed in the DMD and the party against which it is offered had notice of the same. Supplemental or Amended Master Exhibit Lists shall indicate in bold type, highlighting, underlining or otherwise specify any Exhibit which is being added for the first time.~~All parties shall file an Exhibit list at least fourteen (14) days before trial. Parties may file Master Exhibit lists and need not re-file for each case. No party may use an exhibit that is not disclosed on its list, except where the document is a medical record, employment record or a like case-specific record that was timely placed in the CRD and the party against which it is offered had notice of the same. Supplemental or Amended Master Exhibit Lists shall indicate in bold type, highlighting, underlining or otherwise specify any Exhibit which is being added for the first time.~~

Additionally, a party may supplement its exhibit list less than fourteen (14) days before trial under the following circumstances:

- (a) Where the document was obtained from another fewer than fourteen (14) days before trial;
- (b) Where the document was produced in discovery to the party offering it by the party against which it is offered;
- (c) Where the document was improperly withheld in discovery by the party against which it is offered.

The Court retains the right to rule on issues of admissibility or other uses of exhibits.

**D. Trial Procedure of Consolidated Wrongful Death and Personal Injury Cases.**

The order and manner in which a group of consolidated cases is presented to the jury shall be determined by the trial judge at the time of trial. The trial court may, in its discretion, require that the cases be presented in smaller groups, but may not sever any case(s) for a different setting. Only the Chief Asbestos Judge can sever cases once a trial group is set.

**E. Pre-Trial Motions, Jury Questionnaires, Jury Selection.**

1. Pre-Trial motions shall be filed/served no later than the first day of trial of a particular case;

2. Jury questionnaires may be given to jurors the afternoon of the first day of the week of a given trial docket or thereafter based upon availability of jurors and the discretion of the court;

3. Jury selection shall begin on the Wednesday of a given trial week except by agreement of the parties with court approval or by court Order.

**F. Voir Dire.**

Before the jury selection process begins, the entire jury array may complete one of the asbestos jury questionnaires as approved by the Chief Asbestos Judge which are attached hereto as Exhibit 2 (for use in mesothelioma cases) and Exhibit 3 (for use in lung cancer cases with the added question 29 regarding smoking). Counsel may by agreement choose not to use juror questionnaires in which case voir dire will proceed with questioning by the court and counsel. The actual selection process and time allocated to each side for questioning prospective jurors shall be determined by the trial court.



G. Opening Statements and Closing Arguments.

A specified time will be assigned to each side, as determined by the trial court according to the circumstances of the case(s). It shall be the duty of defense counsel to agree upon a division of the time allotted to that side. In the absence of such agreement, the court will divide the time.

VII.  
ASBESTOS DEFERRED REGISTRY

A. Findings of Fact and Conclusions of Law

1. This Court has the inherent power to control cases on its docket and to order the trial or disposition of these cases in a manner consistent with an economical allocation of judicial resources and the parties' interests.

2. This Court system has over seventeen (17) years of experience managing asbestos cases, and has conducted numerous trials involving the cause, development and consequences of latent diseases that occur due to exposure to asbestos.

3. This Court is currently managing a high volume of asbestos malignancy cases. The demands created by those cases make it important for the Court to manage its resources judiciously.

4. Some of the asbestos personal injury cases filed in Madison County involve plaintiffs who claim exposure to asbestos but who are not now physically impaired. An asbestos-related condition resulting in physical impairment of some of the plaintiffs may develop, but in some cases, the disease process will not progress to physical impairment.

5. Plaintiffs and their attorneys have stated that they have filed lawsuits that do not involve any present impairment because they reasonably believe that the statute of limitations

would expire before their conditions progressed to a stage of actual physical impairment.

6. Defendants have expended and would continue to expend substantial sums in appearing, engaging in pretrial discovery, and defending against claims which do not involve physical impairment. Many defendants with strained and depleted resources have expressed a preference to allocate their resources to malignancy cases.

7. This Court has been advised of methods employed by other courts in the United States in their efforts to manage large numbers of asbestos cases and conserve judicial resources. In particular, this Court has been advised that courts in Cook County, Illinois, Baltimore City, Maryland, New York City, New York, the states of Massachusetts and Connecticut, and the U.S. District Courts for the Eastern District of Pennsylvania and the Northern District of Illinois have deferred discovery and trial in claims involving asbestos-related conditions which do not involve actual impairment. This Court has also been advised that in 2003, the American Bar Association adopted a Standard for Non-Malignant Asbestos-Related Disease Claims after an ABA commission interviewed a cross-section of experts in the area of asbestos-related conditions and diseases.

8. Motions for an Asbestos Deferred Registry were before the Court beginning in March 2003. At a hearing in December 2003, arguments and objections regarding a deferred registry were heard, during which substantial portions of the Madison County bar representing asbestos claimants either supported the creation of a registry or did not actively oppose one. This Court then set the motion for final hearing on January 23, 2004.

9. Commensurate with its inherent authority to control its docket, this Court has the authority to place certain claims or potential claims in a deferred status until such time that the claim is appropriate for judicial attention and relief. The Court finds that an asbestos

deferred registry under the terms set forth herein is justified to control its docket and to manage cases involving asbestos-related conditions that have not progressed to a stage of actual impairment.

10. Part of the rationale for deferring the allocation of limited judicial resources to non-impaired asbestos cases is the volume of asbestos malignancy cases currently being managed by this Court. The Court reserves the right to reevaluate whether non-malignancy cases will be allocated priority trial time.

11. The placement of a deferred claim on the Court-supervised registry [to be known as the Asbestos Deferred Registry (or the "Registry")], and notice (as defined herein) to such persons or entities who may be subject to suit at a later date constitutes public notice to such persons that is sufficient to satisfy the "commencement" requirements embodied in the statutes of limitations, e.g., 735 ILCS 5/13-202, 735 ILCS 5/13-203, and 735 ILCS 5/13-209 , the product liability statute of repose, 735 ILCS 5/13-213, and the construction statute of repose, 735 ILCS 5/13-214.

12. This Order has been entered over objections of counsel in accordance with the aforesaid Findings of Fact and Conclusions of Law,

IT IS HEREBY ORDERED that the "Asbestos Deferred Registry" ("Registry") has been established as a repository for claims for unimpaired, non-malignant asbestos-related personal injury filed on or after December 1, 2003.

IT IS FURTHER ORDERED that the Asbestos Deferred Registry is intended as a device to administer and direct the handling of claims for unimpaired nonmalignant diseases allegedly caused by exposure to asbestos. This Registry shall not affect the manner in which claims for asbestos-related malignancies, or asbestosis or diffuse pleural thickening with

impairment, are filed and prosecuted. This Registry shall also not affect claims against railroad defendants alleging asbestos injury brought under the Federal Employees Liability Act.

IT IS FURTHER ORDERED that this Registry shall be administered by the Judges and Clerk of the Third Judicial Circuit, Madison County, Illinois pursuant to such terms and provisions as follow.

B. Filings on Registry

1. *Master File:* The Clerk's office shall maintain a separate Court file for "ALL CLAIMS ON THE ASBESTOS DEFERRED REGISTRY" Parties filing pleadings relating to general issues which are not unique to an individual claim shall be filed in "ALL CLAIMS ON THE ASBESTOS DEFERRED REGISTRY."

2. *Listing of Claims:* The Clerk's office shall maintain a master list of all claims on the Registry which shall be kept in the master file. The Clerk's office shall place all non-malignant asbestos claims on the master list until such time as the Court orders their removal from the Registry.

3. *Caption:* The caption of all non-malignant claims shall include the words "ASBESTOS DEFERRED REGISTRY" immediately under the cause number (See the captions of Exhibits A & B attached to this Order). The caption for all notices, motions and orders pertaining to claims on the Registry shall also include the words "ASBESTOS DEFERRED REGISTRY" immediately under the cause number.

4. *Designation of Defendant's Counsel:* Each Defendant who is presently a party in any currently filed asbestos lawsuit in Madison County shall, using the "ALL CLAIMS ON THE ASBESTOS DEFERRED REGISTRY" caption, have on file with the Clerk of the Court a designation by name, address and title, of the person who is to be served with documents and

filings made in accordance with this Order. The designation shall be served upon all Defendants' counsel and all Plaintiffs' counsel with whom they have present claims pending. Notice of any changes of counsel shall promptly be given to the Clerk and to all counsel.

5. *Service:* Whenever the provisions of this Order require that counsel make service of the specified material, counsel shall file the original document with the Clerk of the Court, and shall include with such filing a Certificate of Service which shows the names, addresses and dates of service upon all other persons.

If the document is filed by the Claimant, counsel shall serve a completed and legible copy of the document filed upon each Defendant's designee by first-class mail or by Lexis-Nexis file and serve.

If the document is filed by a Defendant, counsel shall serve a complete and legible copy of the document filed upon the Claimant (or Claimant's counsel) by first-class mail or by Lexis-Nexis file and serve.

6. *Dissolved Corporations:* Notices regarding the expiration of the five-year statute of limitations for dissolved corporation pursuant to the Business Corporation Act of 1983, 805 ILCS 5/12.80, as amended, or the dissolution statutes of other jurisdictions, may be filed using the "ALL CLAIMS ON THE ASBESTOS DEFERRED REGISTRY" caption. Proper filing of such notice constitutes notice to all Claimants' counsel participating in the Registry that said corporation is no longer a viable Defendant, and may not be named in any claims added to, or current claims removed from, the Registry.

7. *Effect of Signature:* Illinois Supreme Court Rule 137 shall apply to all papers filed by counsel or parties in connection with the Registry.

8. *Multiple Claims:* All filings shall be on an individual basis. No claims on

behalf of a group or class of claimants shall be permitted.

C. Prior cases remain on Registry.

All non-malignant claims filed on or after December 1, 2003 and any other case placed on the Deferred Registry prior to entry of this Order remain upon the Registry and shall be considered "inactive" upon the conditions and with the reservations of rights contained in Paragraph D of this Order. All applicable statutes of limitations as to such cases shall be considered tolled as of the original date of filing to the extent of the alleged asbestos-related claims alleged in the pleadings up to that time, and as to the Defendants named up to that time.

D. Placement of Additional Claims on Registry

1. *Procedure*

(a) All asbestos-related claims shall begin with a complaint properly filed and duly served on all defendants, including all defendants added after the filing of the original complaint. All filing fees and all other fees associated with the filing of a complaint shall be paid at the time of the filing of the complaint.

(b) All claims involving non-malignancy shall be placed upon the Registry, and shall remain on the Registry unless and until removed in accordance with the procedure established herein.

(c) A plaintiff may file a Request for Removal at the time of filing of the complaint or anytime thereafter.

(d) A claimant may amend the Complaint after the claim is placed on the Registry.

2. *Responsive pleadings and discovery.*

(a) No answers are due or defaults permitted until such time as the case is

removed from the Registry pursuant to Paragraph E below. Defendants shall not have to appear until a case is removed. Defendants shall have thirty (30) days from receiving notice of the removal to appear and file a responsive pleading.

(b) Claims on the Registry are exempt from discovery provisions of the Illinois Supreme Court Rules, the Illinois Rules of Civil Procedure and the Rules of the Third Judicial Circuit, Madison County, Illinois and they shall not "age" for any purpose.

E. Removal of Claims From Registry

1. *Procedure:* Claims may be removed from the Registry only as follows:

(a) A Claimant may be voluntarily dismissed from the Registry upon the filing of a Motion by the Claimant's attorney that states that the Claimant is dismissing his/her claims. Plaintiff may at any time dismiss without prejudice his or her action or any part thereof as to any defendant.

(b) A Claimant may file a Request for Removal in conjunction with a lawsuit alleging one of the diseases meeting minimum criteria for removal from the Registry. The Request shall be in the form attached hereto as Exhibit B along with all medical reports, B-Read reports, and pulmonary function test reports (as set forth in Paragraph E.4) which support the Claimant's Request for Removal. The Request shall be filed in accordance with the Service provisions in Paragraph B.3 of this Order, and shall be served upon other parties at the time suit is filed. No additional fees will be assessed upon a Claimant's exit from the Registry.

(c) Upon motion of a Claimant and notice to all Defendants, the Court may, in special circumstances and for good cause shown, permit a Claimant who meets the criteria for removal from the Registry to remain on the Registry.

2. *Objection procedures.* Within thirty (30) days of a Claimant's filing of a Request

for Removal, any objecting Defendant may file with Claimant's counsel and the Clerk of the Court a submission which states in no more than one page per Claimant, any objections Defendant has concerning whether each Claimant alleged by Claimant's counsel to be eligible for removal from the Registry meets the criteria established herein for removal. The Court will decide disagreements on the papers thus submitted, and will issue an order determining which claims are removed from the Registry. Hearings will be conducted only if the Court, in the exercise of its discretion, grants any party's request for a hearing.

3. *Definitions:*

(a) "Board-certified pulmonologist" means a physician currently actively licensed to practice medicine in one or more of the States of the United States who is currently actively certified by the American Board of Internal Medicine in the Subspecialty of Pulmonary Medicine.

(b) "Currently certified B-reader" means an individual who has successfully completed the National Institute for Occupational Safety and Health ("NIOSH") - sponsored x-ray interpretation course and whose NIOSH-certification is up-to-date.

(c) "ILO grade" shall refer to the radiological ratings of the International Labor Office set forth in "Guidelines for the Use of ILO International Classification of Radiographs of Pneumoconiosis" (1980).

(d) "Chest x-rays" means chest films taken in four views (PA, Lateral, Left and Right Oblique) that are graded quality 1 for reading according to the ILO criteria.

(e) "Pulmonary Function Testing" shall refer to spirometry, lung volume testing and diffusing capacity testing which conform to quality criteria established by the American Thoracic Society ("ATS") and is performed on equipment which meets ATS



standards for technical quality and calibration, all as set for the in 20 C.F.R. 718.103 and Appendix B thereto or in the ATS' guidelines in 144 American Review of Respiratory Disease 1202-18 (1991). Each subject must be tested with and without inhaled bronchodilators, with best values taken. Predicted values for spirometry and lung volumes shall be those published by Morris, Clinical Pulmonary Function Testing, 2d Edition, Intermountain Thoracic Society (1984). Predicted values shall be corrected for race or ethnic origin as appropriate.

4. *Criteria:* The minimum criteria for exiting the Registry pursuant to Paragraph E. 1. (b) is as follows:

(a) An Asbestos-Related Malignancy; or

(b) Satisfaction of the ABA Standard For Non-Malignant Asbestos-Related Disease Claims (2003) as evidenced by a detailed narrative Medical Report and Diagnosis signed by the diagnosing doctor, which verifies all of the following:

(i) That the doctor or a medical professional employed by and under the direct supervision and control of the diagnosing doctor has taken:

a) A detailed occupational and exposure history from the person ("claimant") whose alleged injury forms the basis for the action or, if that person is deceased, from the person most knowledgeable about the exposures that form the basis for the action. The history shall include all of the principal employments and exposures of the claimant involving exposures to airborne contaminants. It should indicate whether each employment involved exposure to airborne contaminants (including, but not limited to, asbestos fibers, and other disease causing dusts) that can cause pulmonary impairment and the nature, duration, and level of any such exposure; and

b) A detailed medical and smoking history that includes a

thorough review of claimant's past and present medical problems, and their most probable cause.

(ii) That at least 15 years has elapsed between the claimant's first exposure to asbestos and the time of diagnosis.

(iii) That the claimant has:

a) A quality 1 chest x-ray taken in accordance with all applicable state and federal regulatory standards (in a death case where no pathology is available, the necessary radiological findings may be made with a quality 2 film if a quality 1 film is not available), and that the x-ray has been read by a certified B-reader according to the ILO system of classification as showing bilateral small irregular opacities (s, t, or u) graded 1/0 or higher or bilateral diffuse pleural thickening graded b2 or higher including blunting of the costophrenic angle; or

b) Pathological asbestosis graded 1(B) or higher under the criteria published in the *Asbestos-Associated Diseases*, Special Issue of the Archives of Pathology and Laboratory Medicine, Volume 106, Number 11, Appendix 3 (October 8, 1982).

(iv) That the claimant has asbestos-related pulmonary impairment as demonstrated by Pulmonary Function Testing, performed using equipment, methods of calibration and technique that meet the criteria incorporated in the AMA Guides to the Evaluation of Permanent Impairment (5<sup>th</sup> Ed.) and reported as set forth in 20 CFR 404, Subpt. P, App 1, Part (A) §3.00 (E) and (F), and the interpretative standards set forth in the Official Statement of the American Thoracic Society entitled "Lung Function Testing: Selection of Reference Values and Interpretative Strategies" as published in Am. Rev. Resp. Dis. 1991;144:1202-1218 that shows:

a) Forced Vital Capacity below the lower limit of normal and FEV1/FVC ratio (using actual values) at or above the lower limit of normal; or

b) Total Lung Capacity, by plethysmography or timed gas dilution, below the lower limit of normal; or

c) Where the Pulmonary Function Test results do not meet the requirements set forth in Paragraph E.3.(b)(iv)1 or E.3.(b)(iv)2, a claimant may submit an additional report, by a board certified pulmonologist, internist or occupational physician that states:

i) That the doctor has a doctor/patient relationship with the claimant; and

ii) That the claimant has a quality 1 chest x-ray taken in accordance with all applicable state and federal regulatory standards (in a death case where no pathology is available, the necessary radiological findings may be made with a quality 2 film if a quality 1 film is not available), and that the x-ray has been read by a certified B-reader according to the ILO system of classification as showing bilateral small irregular opacities (s, t, or u) graded 2/1 or higher; and

iii) That the claimant has restrictive impairment from asbestosis and set forth in detail the specific pulmonary function test findings that the doctor relies upon to establish that the claimant has restrictive impairment; and

iv) That the physician shall submit the reports and readouts from all pulmonary function, lung volume, diffusing capacity or other testing relied upon for the report's conclusions. Such tests must comply with the equipment, quality and reporting standards set forth herein.

(d) That the doctor has concluded that the claimant's medical findings and impairment were not more probably the result of other causes revealed by claimant's employment and medical history.

F. Miscellaneous Provisions

1. This Order is intended to apply to claims for which the Third Judicial Circuit, Madison County, Illinois is likely to be the most convenient forum for ultimate adjudication of any civil action.

(a) *No Waiver*: No waiver of forum non conveniens defenses shall arise from the non-assertion of the doctrine against a claim on the Registry before its conversion to an active civil action. The pendency of a claim on the Registry shall not constitute a factor in favor of Madison County as a forum in the resolution of any forum non conveniens motion.

(b) *Orders granting forum non conveniens motions*: The Court retains its discretion as to conditions, if any, that will be imposed in an order granting a forum non conveniens motion as to a claim on the Registry. Orders granting forum non conveniens motions will, however, usually be conditioned on the Defendants' agreement to waive any statute of limitations defense which argues that statutes of limitation were not tolled while the claim was on the Registry.

2. The terms "impaired," "impairment," and "asbestos-related" are used herein solely as a means of separating claims and ordering them for disposition. The use of these terms in the context of this Order shall not be deemed to be a finding or admission that any physical conditions or changes are, or are not, asbestos-related in a legal or factual sense, and shall not constitute a basis for finding of liability against any person.

3. The use and adoption by the Court of any standard measurement for testing, or

the reporting of test results, shall not be deemed a final and conclusive adoption or endorsement of that particular standard by the court or any counsel, nor the rejection of any competing or alternative standard, but reflects only the selection of a reasonable and consistent system to help ensure that uniform standards are maintained as between individual claims.

4. The fact that a Claimant satisfies the removal criteria for non-malignant lung disease shall not be construed to be an admission that he has asbestosis, nor shall the removal criteria be cited, referred to or otherwise use in the trial of any case as diagnostic criteria for the determination of whether a Plaintiff, in fact, has asbestosis. Such criteria are established only to determine when a Claimant may convert a Registry claim into an active lawsuit.

5. Neither the filing by any Defendant of any papers regarding an objection to a Claimant's request to be removed from the Registry, nor the appearance by any Defendant at a hearing in connection with such a request, shall be deemed an "appearance" submitting to the Court's jurisdiction in the event the claim is placed on the active docket.

6. Following this Order shall not be considered a Defendant's admission of liability or a Claimant's admission that he or she is not suffering any injury or disability from an asbestos-related condition.

7. The existence of the Registry, and the fact that a claim was placed on the Registry, shall not be admissible in any subsequent case, except for the limited purpose of a judge determining whether the provisions of the Registry Order were complied with in that particular case, or for considering whether a claim is time-barred.

8. Failure to give proper notice to any Defendant of placement of a claim on the Registry shall not toll the statutes of limitations or repose as to that defendant. A Defendant who has received proper notice of placement of a claim on the Registry may assert any

objections it may have had to removal from the Registry after the complaint has been filed and served.

9. The existence of the Registry and the fact that a claim was placed on the Registry or is eligible to be placed on the Registry shall not serve as a basis to allow any Plaintiff or any Defendant to void or withdraw from any settlement of any present claim which was reached or agreed to on or before the Date of entry of the Order.

10. The provisions of this Order establishing and governing the Registry shall be severable and if any portions of this Order are stricken or modified on appeal, it shall not diminish the effectiveness of this Order.

11. Any amendments to this portion of this Order shall be prospective only unless the Court finds in the interest of justice that such amendments shall have retroactive application.

12. Material terms of this Order may not be modified except by a stipulation signed by all parties and entered by the Court or by the Court, or by the Court following notice to all parties of record.

13. This Order shall be published and its provisions shall be incorporated into and made a part of the rules of the Third Judicial Circuit, Madison County, Illinois and the Madison County Standing Order. Notice of any proposed amendments to this Order shall also be published. In the event the Court orders that personal notice of any amendments, late court orders or other matters to any claimant is required, service by the Clerk by U.S. Mail to Claimant's attorney, or if no attorney is listed, to the last known address of the Claimant as stated on the Registry form, shall constitute sufficient service. Copies of this order and any amendments shall be available in the Clerk's office and the office of the judge presiding over

the asbestos-related personal injury cases.

IN THE CIRCUIT COURT

THIRD JUDICIAL CIRCUIT  
MADISON COUNTY, ILLINOIS

	)	
	)	
Claimant,	)	
	)	
v.	)	Cause No. _____
	)	Asbestos Deferred Registry
Defendants.	)	
	)	

CLAIMANT REGISTRY FORM - PRESENT CLAIM

1. Claimant's Name: \_\_\_\_\_
2. Case Number: \_\_\_\_\_
3. Claimant's Date of Birth: \_\_\_\_\_
4. Claimant's Social Security Number: \_\_\_\_\_
5. Claimant's Current Address: \_\_\_\_\_
6. Claimant's Statement of Exposure: I believe that I was occupationally exposed to asbestos-containing materials during the years \_\_\_\_ to \_\_\_\_ in the course of my employment as a \_\_\_\_\_ during which years I worked as a (trade or occupation) member of Local # \_\_\_\_\_ of the \_\_\_\_\_ (Union).
7. Claimant's Statement of Injury: On \_\_\_\_\_, \_\_\_\_\_, I was informed by Dr. \_\_\_\_\_ that I have the following medical evidence of non-malignant, physical changes due to asbestos exposure. Chest x-ray dated \_\_/\_\_/\_\_ revealed:
  - a. Pleural plaques      Yes      No
  - Pleural thickening      Yes      No
  - Parenchymal abnormalities      Yes      No
  - Profusion rating \_\_\_\_/\_\_\_\_
  - b. If profusion 1/0 or greater, or B2 or greater, list pulmonary function test results:  
 Test Date: \_\_\_\_/\_\_\_\_  
 TLC \_\_\_\_ DLCO \_\_\_\_ FEV-1 \_\_\_\_ FVC \_\_\_\_ FEV-1/FVC \_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Registrant's/Attorney's Signature

Exhibit A



IN THE CIRCUIT COURT  
 THIRD JUDICIAL CIRCUIT  
 MADISON COUNTY, ILLINOIS

v. Claimant, )  
 )  
 )  
 ) Cause No. \_\_\_\_\_  
 ) Asbestos Deferred Registry  
 Defendants. )  
 )

Request for Removal from Asbestos Registry

1. Claimant's Name: \_\_\_\_\_  
                                     Last                  First                  Middle
2. Date original Claimant Registry Form was filed (if applicable): \_\_\_\_\_
3. I hereby request removal of the above-captioned claim from the Registry.
4. The specific asbestos-related condition(s) claimed is/are:  
 \_\_\_\_\_  
 \_\_\_\_\_
5. The reasons for this request are as follows (here state the specific reasons for removal, specifying which criteria have been satisfied):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
6. The following documentation required by the Registry Order is attached hereto in support of this request:  
 \_\_\_\_\_ dated \_\_\_\_\_  
 \_\_\_\_\_ dated \_\_\_\_\_  
 \_\_\_\_\_ dated \_\_\_\_\_  
 \_\_\_\_\_ dated \_\_\_\_\_  
 \_\_\_\_\_ dated \_\_\_\_\_

\_\_\_\_\_ Date

\_\_\_\_\_ Registrant's Attorney's Signature

Attorney ID No.  
 Attorney's Name  
 Address

Exhibit B

VIII.  
ELECTRONIC SERVICE OF DOCUMENTS

WHEREAS, in light of the volume of pleadings and the cost, efficiencies, and technological advantages of serving documents electronically rather than by hand delivery, regular mail, facsimile or other traditional methods, in all asbestos-related cases filed or to be filed in Madison County, Illinois ("the Asbestos Litigation"), the Court hereby approves of electronic service of documents, as follows:

1. All counsel involved in Asbestos Litigation who do not opt-out of the provisions of this Order, pursuant to paragraph 2 hereof, shall accept electronic service of documents provided by Lexis Nexis File and Serve or other electronic service provider as agreed by the parties or ordered by the Court, ("LNFS") as detailed in this Order. All references to "document" in this Order shall be interpreted to include any exhibits or attachments to said document.

2. Any attorney may opt out of participation in electronic service by filing a notice with the Court, serving the notice on all counsel, and sending a copy to LNFS or whichever other electronic service provider is being utilized. Attorneys who opt out of participation in electronic service must be served with all documents via traditional means.

3. LNFS shall make available to the Court and to counsel in this Asbestos Litigation a system for providing electronic service, storage and delivery of documents ("the system"). Upon implementation of the system described herein, on the day any document is filed with the Court, whenever a document is to be served electronically a copy of that document shall be sent to LNFS by one of the following methods in accordance with the procedures set forth on the system: (1) electronic transfer, via the Internet through the system, of the document file (either a word-processing file or a scanned image of the document); (2)

fax transmission; or (3) hard copy received via overnight mail or U.S. mail. Regardless of transmission method, all document service must be initiated on the website by a registered user. LNFS will convert all documents into Adobe Portable Document Format and make them available to parties on an Internet web site maintained by LNFS ("the Website").

4. LNFS will post all documents to the Website according to the following timetable:

(a) electronic documents will be posted to the Website within one (1) hour or receipt of such document from a user;

(b) faxed documents will be posted to the Website within six (6) business hours of receipt from a user; and

(c) mailed hard copy documents will be posted to the Website within twenty-four (24) hours of receipt of the overnight mail package.

All users should title their documents to clearly identify the document and the party on whose behalf such document is being submitted.

5. All documents on the system will be identified by (1) the name of the filing law firm (2) the precise title of the document and (3) the case-specific identifier(s) to which the document applies. The system shall contain an index of all documents served in this litigation, which will be searchable and sortable according to methods that provide useful access to the documents.

6. Word-processing documents transferred to LNFS via the Internet will not contain visual representations of the filing attorneys' signatures. On word-processing files that they submit, attorneys shall, in place of a signature and where the signature would normally appear, place "Original Signature on File with the Court."

7. Access to the system will be limited to registered users. Registered users will consist of authorized Court personnel and counsel of record or their designees within their law firms. LNFS will provide each registered user with a username and password to access the system. LNFS personnel will perform all administrative functions for the system.

8. Within one hour of posting the document to the Website, LNFS shall send an e-mail to all registered users, notifying them of the posting. LNFS provides an alternative daily digest notification option for those attorneys interested, which aggregates all the e-mails distributed in one day into a single e-mail. The e-mail or digest shall contain hypertext link(s) to the document location(s) on the system.

9. Any document electronically served pursuant to this Order shall be deemed served as of the date and time it is made available to service recipients through posting on the LNFS system, pursuant to paragraph 4 of this Order. Any document transmitted to the system shall certify in the Certificate of Service that a true and correct copy was electronically served to counsel of record.

10. Until further notice, no documents that are filed under seal (“sealed documents”) shall be served via the system. Rather, service of sealed documents shall be made via traditional means.

11. This Order relates only to the process by which documents are served. Nothing in this Order shall have any effect on the process by which documents are filed in the Court.

IX.  
MEDICARE REPORTING

To assist all parties in compliance with MMSEA Section III reporting, this Court hereby orders as follows:

(a) No later than the date that plaintiff deposits or serves answers to interrogatories in accordance with this order, each plaintiff shall complete and deposit in the DMD the CMS Form ("Form A-1") (or such new or amended form as CMS may provide) and the authorization ("Form A-2"). No trial setting will be given prior to such proper completion and deposit of these Forms. Properly completed Forms shall include Forms executed by the special administrator for a decedent and for the special administrator individually if the special administrator sues in his or her individual capacity. These Forms should be deposited in the DMD and should not be otherwise served as they contain Social Security numbers and other such sensitive information.

(b) For all cases in which plaintiff has already deposited Forms A-1 and A-2 but amends the complaint to add or change the party plaintiffs, particularly but not only due to death of a plaintiff, plaintiff shall promptly complete and deposit new or additional properly completed Forms A-1 and A-2 in the DMD for the new or additional plaintiffs. This paragraph (b) is subject to Illinois Supreme Court Rule 201(k).~~(a) No later than the date that plaintiff deposits answers to interrogatories in the CRD, plaintiff will complete and deposit the CMS Form ("Form A-1") (or such new or amended form as CMS may provide) and the authorization ("Form A-2") in the CRD. No trial setting will be given prior to such proper completion and deposit of this Form in the CRD.~~

~~(b) For all cases in which plaintiff has already deposited answers to interrogatories in the CRD and has a trial setting prior to June 30, plaintiff will within 30 days from the date of this Order or 7 days before trial, whichever is earlier, complete and deposit the Form A-1 and Form A-2 in the CRD. For all other cases in which plaintiff has already deposited answers to interrogatories in the CRD and has a trial setting, plaintiff will within 90 days from the date of~~

~~this Order complete and deposit the Form A-1 and Form A-2 in the CRD. This paragraph (b) is subject to Illinois Supreme Court Rule 201(k).~~

(c) As a condition of any settlement, plaintiff will promptly complete in full and return the Reporting Form ("Form B") to settling defendant along with the release or settlement agreement. No settlement is final and enforceable until this Form B is completed. Except to defend against a claim of lien or fine, alleged, potential or otherwise, relating to Medicare reporting or Medicare payments or liens, any completed Form B will be held confidential by plaintiff(s) and defendant(s), its insurers and re-insurers and their attorneys and will not be used or admissible in evidence in any proceeding or discovery. Form B will be signed by at least one counsel for plaintiff and will state that the signature of the attorney constitutes a certificate by him that he has read the information supplied in this Form and that all information stated therein is well grounded in fact to the best of his knowledge, information and belief formed after reasonable inquiry. If defendant intends to report information that is inconsistent with the information on Form B, prior to doing so, defendant will reasonably notify plaintiff of that information to be reported. This paragraph will apply only to settlements after the federal government/CMS requires reporting under MMSEA Section 111.

(d) Plaintiff(s) need not provide any written answers to any interrogatories or requests for admission or, unless otherwise agreed by the parties, complete additional forms to provide information to comply with or assist in compliance with reporting requirements under MMSEA Section 111. This paragraph (d) of this Order does not preclude any discovery that is relevant, material or discoverable for any reason unrelated to the reporting requirements of MMSEA Section 111 and does not preclude any contracts or agreements including but not limited to

those intended to protect or provide for the satisfaction, discharge or release of any Medicare lien.

(e) As soon as practically possible after first learning the amount of any Medicare lien, plaintiff will deposit with the DMD a document showing the initial amount of the lien as claimed for Medicare benefits. Plaintiff will deposit in the DMD verification showing satisfaction, discharge or release of the Medicare lien within a reasonable time after such occurs.  
~~(e) As soon as practically possible after first learning the amount of any Medicare lien, plaintiff will deposit in the CRD a document showing the initial amount of the lien as claimed for Medicare benefits. Plaintiff will deposit in the CRD verification showing satisfaction, discharge or release of the Medicare lien within a reasonable time after such occurs.~~

(f) Although this Court is not requiring use of the agreements which are the subject of this paragraph (f), this Court encourages the parties to use agreements such as Forms C-1 and C-2 to protect Medicare liens and regard such agreements as an acceptable way for the parties to settle cases and provide for the protection of Medicare liens. This Court also regards it as best practice that the release or settlement agreement should state in some manner that settlement funds may need to be held by plaintiff's counsel.

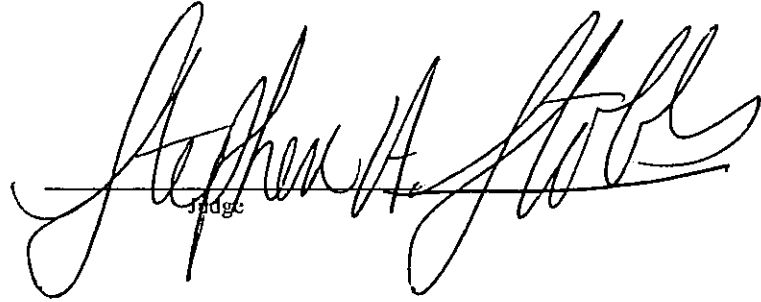
(g) This Order is subject to revision as the statutes, rules, regulations and practices of the federal government and CMS may change or become more defined.

(h) The term "lien" will also include the term "claim."

The Court hereby enters the foregoing as the Order of the court and encompassing prior orders of the court. This order is entered pursuant to the court's case management authority. The sections and provisions of this order are separate and several. If any portion of this order is found to be invalid or otherwise voided on review, that ruling will have no effect on the

remaining provisions. The above sections and the forms attached hereto are included and adopted as a part of this order entered this date.

Entered ~~January 26, 2011~~ August 19, 2016

  
Judge



FORM A-1

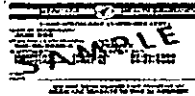
Page 1 of 2

The Centers for Medicare & Medicaid Services (CMS) is the federal agency that oversees the Medicare program. Many Medicare beneficiaries have other insurance in addition to their Medicare benefits. Sometimes, Medicare is supposed to pay after the other insurance. However, if certain other insurance delays payment, Medicare may make a "conditional payment" so as not to inconvenience the beneficiary, and recover after the other insurer pays.

Section 111 of the Medicare, Medicaid and SCHIP Extension Act of 2007 (MMSEA), a new federal law that became effective January 1, 2008, requires that liability insurers (including self-insurers), no-fault insurers, and workers' compensation plans report specific information about Medicare beneficiaries who have other insurance coverage. This reporting is to assist CMS and other insurance plans to properly coordinate payment of benefits among plans so that your claims are paid promptly and correctly.

We are asking you to help prevent the questions below so that we may comply with this law.

Please review this picture of the Medicare card to determine if you have, or have ever had, a similar Medicare card.



Section I

Are you presently, or have you ever been, enrolled in Medicare Part A or Part B?										<input type="checkbox"/> Yes		<input type="checkbox"/> No			
Full Name: (Please print the name exactly as it appears on your SSN or Medicare card if available)															
Medicare Claim Number:										Date of Birth (Mo/Day/Year)					
Social Security Number: (If Medicare Claim Number is Unavailable)										Sex		<input type="checkbox"/> Female		<input type="checkbox"/> Male	

Section II  
I understand that the information requested is to assist the requesting insurance arrangement to accurately coordinate benefits with Medicare and to meet its mandatory reporting obligations under Medicare law.

Claimant Name (Please Print) \_\_\_\_\_ Claim Number \_\_\_\_\_

Name of Person Completing This Form if Claimant is Unable (Please Print) \_\_\_\_\_

Signature of Person Completing This Form \_\_\_\_\_ Date \_\_\_\_\_

If you have completed Sections I and II above, stop here. If you are refusing to provide the information requested in Sections I and II, proceed to Section III.

FORM A-1

Page 2 of 2

Section III

\_\_\_\_\_  
Claimant Name (Please Print)

\_\_\_\_\_  
Claim Number

For the reason(s) listed below, I have not provided the information requested. I understand that if I am a Medicare beneficiary and I do not provide the requested information, I may be violating obligations as a beneficiary to assist Medicare in coordinating benefits to pay my claims correctly and promptly.

Reason(s) for Refusal to Provide Requested Information:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Person Completing This Form

\_\_\_\_\_  
Date

Form A-2

## *Authorization to Release Information*

NAME: \_\_\_\_\_

(If applicable, exactly as shown on your Medicare card)

SOCIAL SECURITY NUMBER: \_\_\_\_\_

MEDICARE NUMBER (HICN): \_\_\_\_\_

(If applicable, the number on your Medicare card)

DATE OF BIRTH: \_\_\_\_\_

DATE OF INJURY/ILLNESS: \_\_\_\_\_

In compliance with the Federal Privacy Act of 1974 and the HIPAA Privacy Rule, the undersigned authorizes the Centers for Medicare & Medicaid Services (CMS), and their contractors, to release to

\_\_\_\_\_

or its/their designee(s), agent(s) and representative(s) (collectively "the Company") any and all information concerning conditional payments made by Medicare resulting from the personal injury/illness, which occurred/was diagnosed on or about the date listed above.

The undersigned also hereby authorizes the Company to disclose my personal information (including but not limited to my Social Security number) and information related to my injury/illness and any settlement for the specified injury/illness to CMS and its contractors.

The undersigned also hereby authorizes the Company to disclose my Social Security number to the Social Security Administration to determine social security benefits (for the purposes of determining Medicare eligibility).

This form expires in three years from the date of execution; however, I understand that I may revoke this "Authorization to Release Information" at any time.

SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_

**FORM B**  
**MEDICARE CONFIDENTIAL REPORTING INFORMATION FORM**

Pursuant to Section 111 of the Medicare, Medicaid and SCHIP Extension Act of 2007

Case Name:		Case Number:	
Is the injured party presently or has he/she ever qualified for or been enrolled in Medicare Part A or B? <input type="checkbox"/> Yes <input type="checkbox"/> No			
<b>Section A</b> ALLEGED INJURED PARTY INFORMATION (If party is DECEASED, also complete Section F)		*Please see footnote at bottom of page	
4. Medicare Claim Number (also known as MCN)			
5. Social Security Number:		6. Injured Party Last Name: (Please print name exactly as it appears on Social Security card.)	
7. Injured Party First Name: (Please print name exactly as it appears on Social Security card.)		8. Injured Party Middle Name: (Please print name exactly as it appears on Social Security card.)	
9. Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female		10. Date of Birth (MM/DD/YYYY)	Deceased? <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Section B</b> ALLEGED INCIDENT INFORMATION			
12. CMS Date of Incident: Please state the date of accident or date of first exposure, ingestion, implantation with respect to settling defendant's product and/or premises.			
13. Industry Date of Incident: Please state the date of accident or date of first exposure, ingestion, or implantation with respect to settling defendant's product and/or premises.			
15. Alleged Cause of Injury, Illness or Incident: Please state the alleged cause of injury, incident or illness and the ICD-9-CM (International Classification of Diseases, Ninth Revision, Clinical Modification code(s)) with respect to the same.***			
17. State of Venue			
19. ICD-9 Diagnosis Code 1: Please provide a valid ICD-9 Code for any injury or illness you allege arose from the allegations made against settling defendant. NOTE: separate ICD-9 codes are required for each body part you assert was/it affected. **			
21. ICD-9 Diagnosis Code 2:	23. ICD-9 Diagnosis Code 3:	25. ICD-9 Diagnosis Code 4:	27. ICD-9 Diagnosis Code 5:
29. ICD-9 Diagnosis Code 6:	31. ICD-9 Diagnosis Code 7:	33. ICD-9 Diagnosis Code 8:	35. ICD-9 Diagnosis Code 9:
37. ICD-9 Diagnosis Code 10:	39. ICD-9 Diagnosis Code 11:	41. ICD-9 Diagnosis Code 12:	43. ICD-9 Diagnosis Code 13:
45. ICD-9 Diagnosis Code 14:	47. ICD-9 Diagnosis Code 15:	49. ICD-9 Diagnosis Code 16:	51. ICD-9 Diagnosis Code 17:
53. ICD-9 Diagnosis Code 18:	55. ICD-9 Diagnosis Code 19:		
17. Description of Illness/Injury (Free Form Text Description): ***			

NUMBERS REFLECT CLAIM INPUT FILE FIELD NUMBERS AS SET FORTH IN VERSION 2 OF THE OFFICIAL NCPRP USER GUIDE  
 \*\* CLAIMS SUBMITTED FROM 1/1/11 TO 1/1/11 MUST PROVIDE EITHER (1) BOTH A VALID ALLEGED CAUSE OF INJURY, INCIDENT OR ILLNESS CODE (FIELD 15) AND AT LEAST ONE VALID DIAGNOSIS CODE IN THE ICD-9 DIAGNOSTIC CODE 1 (FIELD 19) OR THE DESCRIPTION OF INJURY ILLNESS (FIELD 17)  
 CLAIMS SUBMITTED ON OR AFTER 1/1/11 MUST CONTAIN BOTH THE ALLEGED CAUSE OF INJURY, INCIDENT OR ILLNESS CODE (FIELD 15) AND THE ICD-9 DIAGNOSTIC CODE 1 (FIELD 19).  
 \*\*\*FIELD 17 IS REQUIRED THROUGH 12/31/10 IF NO ALLEGED CAUSE OF INJURY, INCIDENT OR ILLNESS CODE (FIELD 15) OR NO ICD-9 DIAGNOSTIC CODE 1 (FIELD 19) IS PROVIDED.  
 \*\*\*\*THE CURRENT LIST OF VALID CODES ACCEPTED BY CMS FOR SECTION 111 REPORTED MAY BE FOUND AT:  
[www.cms.gov/ICD9ProviderDiagnosticCodes/DIC\\_codes.asp](http://www.cms.gov/ICD9ProviderDiagnosticCodes/DIC_codes.asp)  
 The information in this form is to be held confidential and not used in discovery or in any proceeding in evidence or otherwise, except to communicate with the U.S. Government or its designee or to defend any claim of lien or file pursuant to Medicare statutes, rules and regulations including MMSEA Section 111. Page 1 of 13

FORM B

Case Name		Case Number	
<b>Section C ALLEGED INJURED PARTY'S ATTORNEY OR OTHER REPRESENTATIVE INFORMATION</b>			
84. Representative Type (please check one): <input type="checkbox"/> A=Attorney <input type="checkbox"/> G=Guardian/Conservator <input type="checkbox"/> P=Power of Attorney <input type="checkbox"/> O=Other			
85. Representative Last Name:		86. Representative First Name:	87. Representative Firm Name:
88. TIN/EIN, if Firm Entry; Social Security Number if Individual:		89. Mailing Address:	
91. City:	92. State:	93. Zip Code +4:	95. Phone:
96. Ext. If any:			
<b>Section D SETTLEMENT INFORMATION</b>			
Name of Settling Defendant:		100. Date of Settlement:	101. Amount of Settlement:
102. Pendency Delayed Beyond TPOC (actual or estimated date of funding):			
<b>Section E SIGNATURE</b>			

I understand that the information requested is to assist the requesting insurance arrangement to accurately coordinate benefits with Medicare and to meet its mandatory reporting obligations under Medicare law.

Name of Attorney representing Plaintiff/Claimant

Date

Printed Name

(The signature of the attorney hereto constitutes a certificate by him/her that he/she has read the information supplied in this form and that all information stated therein is well grounded in fact to the best of his/her knowledge, information and belief formed after reasonable inquiry.)

If you have completed this page in its entirety and Alleged Injured Party in Section A is not deceased, stop here.

Page 7 of 13

FORM B

Case Name:	Case Number:
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ATTENTION

If Alleged Injured Party is NOT DECEASED and you have completed Page 1 & 2, you may stop here.



*Please continue to Section E (Claimant Information) only if Alleged Injured Party in Section A is deceased.  
At least Claimant 1 Information is required if Alleged Injured Party is deceased.*

FORM B

Case Name:		Case Number:	
<b>Section F CLAIMANT INFORMATION</b> (Use only if Alleged Injured Party in Section A is deceased.)			
CLAIMANT			
104. Claimant Relationship to Alleged Injured Party: <input type="checkbox"/> E=Estate (Individual) <input checked="" type="checkbox"/> X=Estate (Entity) <input type="checkbox"/> O=Other (Individual) <input type="checkbox"/> F=Family (Individual) <input type="checkbox"/> Y=Family (Entity) <input type="checkbox"/> Z=Other (Entity)			
105. TIN/EIN, if Entity; Social Security Number, if Individual:		106. Claimant Last Name:	
107. Claimant First Name:		108. Claimant Middle Initial:	
109. Claimant Entity/Organization Name:			
110. Mailing Address:			
112. City:	113. State:	114. Zip Code +4:	116. Phone:
117. Ext. (if any):			
119. Claimant Representative Type: <input type="checkbox"/> A=Attorney <input type="checkbox"/> P=Power of Attorney <input type="checkbox"/> G=Guardian/Conservator <input type="checkbox"/> O=Other			
120. Claimant Representative Last Name:	127. Claimant Representative First Name:	122. Claimant Representative Firm Name:	
123. TIN/EIN, if Firm/Entity; Social Security #, if individual:		124. Representative Mailing Address:	
126. City:	127. State:	128. Zip Code +4:	130. Phone:
131. Ext. (if any):			

Counsel for Claimant:

Date:

Printed Name:

(The signature of the attorney hereto constitutes a certificate by him/her that he/she has read the information supplied in this form and that all information stated therein is well grounded in fact to the best of his/her knowledge, information and belief formed after reasonable inquiry.)





FORM B

Case Name:		Case Number:			
<b>Section F continued CLAIMANT INFORMATION (Use only if Alleged Injured Party is deceased)</b>					
<b>CLAIMANTS (Auxiliary Record)</b>					
A36. Claimant Relationship to Alleged Injured Party: <input type="checkbox"/> E=Estate (Individual) <input type="checkbox"/> X=Estate (Entity) <input type="checkbox"/> O=Other (Individual) <input type="checkbox"/> F=Family (Individual) <input type="checkbox"/> Y=Family (Entity) <input type="checkbox"/> Z=Other (Entity)					
A37. TIN/EIN, If Entity; Social Security Number, If Individual:			A38. Claimant Last Name:		
A39. Claimant First Name:			A40. Claimant Middle Initial:		
A41. Claimant Entity/Organization Name:					
A42. Mailing Address:					
A44. City:	A45. State:	A46. Zip Code +4	A48. Phone:	A49. Ext. (If any):	
A51. Claimant Representative Type: <input type="checkbox"/> A=Attorney <input type="checkbox"/> P=Power of Attorney <input type="checkbox"/> G=Guardian/Conservator <input type="checkbox"/> O=Other					
A52. Claimant Representative Last Name:		A53. Claimant Representative First Name:		A54. Claimant Representative Firm Name:	
A55. TIN/EIN, If Firm/Entity; Social Security #, If Individual:			A56. Representative Mailing Address:		
A58. City:	A59. State:	A60. Zip Code +4	A62. Phone:	A63. Ext. (If any):	

Consent for Claimant 3

Date

Printed Name

(The signature of the attorney herein constitutes a certificate by him/hers that he/she has read the information supplied in this form and that all information stated therein is well grounded in fact to the best of his/her knowledge, information and belief formed after reasonable inquiry.)

FORM B

Case Name:		Case Number:	
<b>Section F continued CLAIMANT INFORMATION (Use only if Alleged Injured Party in Section A is deceased)</b>			
<b>CLAIMANT'S STATUS (Check one)</b>			
A65. Claimant Relationship to Alleged Injured Party: <input type="checkbox"/> E=Estate (Individual) <input checked="" type="checkbox"/> X=Estate (Entity) <input type="checkbox"/> O=Other (Individual) <input type="checkbox"/> F=Family (Individual) <input type="checkbox"/> Y=Family (Entity) <input type="checkbox"/> Z=Other (Entity)			
A64. TIN/EIN, if Entity; Social Security Number, if Individual:		A67. Claimant Last Name:	
A66. Claimant First Name:		A69. Claimant Middle Initial:	
A70. Claimant Entity/Organization Name:			
A71. Mailing Address:			
A73. City:	A74. State:	A75. Zip Code +4:	A77. Phone:
A78. Ext. (if any):			
A80. Claimant Representative Type: <input type="checkbox"/> A=Attorney <input type="checkbox"/> P=Power of Attorney <input type="checkbox"/> G=Guardian/Conservator <input type="checkbox"/> O=Other			
A81. Claimant Representative Last Name:		A82. Claimant Representative First Name:	
A83. Claimant Representative Firm Name:			
A84. TIN/EIN, if Firm/Entity; Social Security #, if Individual:		A85. Representative Mailing Address:	
A87. City:	A88. State:	A89. Zip Code +4:	A91. Phone:
A92. Ext. (if any):			

Counsel for Claimant 4 \_\_\_\_\_ Date \_\_\_\_\_ Printed Name \_\_\_\_\_  
 (The signature of the attorney hereto constitutes a certificate by him/her that he/she has read the information supplied in this Form and that all information stated therein is well grounded in fact to the best of his/her knowledge, information and belief formed after reasonable inquiry.)

FORM B - DEFINITIONS

The following definitions are provided to assist in the completion of the MEDICARE MANDATORY REPORTING INFORMATION FORM.

#	Field Name / Question:	Definition:
4	MEDICARE CLAIM NUMBER (P4CN)	Provide Alleged Injured Party's Medicare Health Insurance Claim Number (if one has been issued). This number can be found on Medicare Card if available.
5	SOCIAL SECURITY NUMBER	Provide Alleged Injured Party's Social Security Number if Medicare Claim Number (P4CN) is not available.
6	LAST NAME	Provide last name of Alleged Injured Party EXACTLY AS IT APPEARS ON SOCIAL SECURITY CARD or Medicare Card if available.
7	FIRST NAME	Provide first name of Alleged Injured Party EXACTLY AS IT APPEARS ON SOCIAL SECURITY CARD or Medicare Card if available.
8	MIDDLE INITIAL	Provide middle initial of Alleged Injured Party EXACTLY AS IT APPEARS ON SOCIAL SECURITY CARD or Medicare Card if available.
9	GENDER	Indicate Alleged Injured Party's gender by selecting MALE or FEMALE.
10	DATE OF BIRTH	Provide Alleged Injured Party's Date of Birth.
	DECEASED?	Indicate if the Alleged Injured Party is deceased by selecting YES or NO.
12	CMS DATE OF INCIDENT	Provide Date of Incident (DOI). DOI is defined by CMS. For an automobile wreck or other accident, the date of incident is the date of the accident. For claims involving exposure (including, for example, occupational disease and any associated cumulative injury) the DOI is the date of FIRST exposure. For claims involving ingestion (for example, a recalled drug), it is the date of FIRST ingestion. For claims involving implants it is the date of the implant (or date of the first implant if there are multiple implants).
13	INDUSTRY DATE OF INCIDENT	Provide Industry Date of Incident (DOI) routinely used by the Insurance/workers' compensation industry. For an automobile wreck or other accident, the date of incident is the date of the accident. For claims involving exposure, or implantation, the date of incident is the date of LAST exposure, ingestion, or implantation.
15	ALLEGED CAUSE OF INJURY, ILLNESS OR INCIDENT	Claims submitted prior to 1/1/11, Claimant must provide either: 1) (p4c) a valid Alleged Cause of Injury, Incident or Illness Code (Field 15) and at least one valid ICD-9 Diagnosis Code (Field 19) OR 2) the Description of Illness/Injury (Field 57). Claims submitted on or after 1/1/11, Claimant must provide (p4c) a valid Alleged Cause of Injury, Incident or Illness Code (Field 15) and at least one valid ICD-9 Diagnosis Code. A description of Illness/Injury (Field 57) will not be accepted on or after 1/1/11.
17	STATE OF VENUE	Provide the US postal abbreviation corresponding to the US State whose state law controls resolution of the claim. Use "US" where the claim is a Federal Tort Claims Act Liability Insurance matter or a Federal workers' compensation claim.
19	ICD-9 DIAGNOSIS CODE 1	(International Classification of Diseases, Ninth Revision, Clinical Modification) - Must be on the current list of valid codes accepted by CMS found at <a href="http://www.cms.hhs.gov/ICD9ProviderDiagnosticCodes06_codes.asp">www.cms.hhs.gov/ICD9ProviderDiagnosticCodes06_codes.asp</a> . At least one valid diagnostic code must NOT be on the list of insufficient codes (found in Appendix H to the NCHRP User Guide, V. 2.0), and NOT end in E or a V Code.
21	ICD-9 DIAGNOSIS CODE 2	See explanation for Field 19.
23	ICD-9 DIAGNOSIS CODE 3	See explanation for Field 19.
25	ICD-9 DIAGNOSIS CODE 4	See explanation for Field 19.
27	ICD-9 DIAGNOSIS CODE 5	See explanation for Field 19.
29	ICD-9 DIAGNOSIS CODE 6	See explanation for Field 19.
31	ICD-9 DIAGNOSIS CODE 7	See explanation for Field 19.
33	ICD-9 DIAGNOSIS CODE 8	See explanation for Field 19.
35	ICD-9 DIAGNOSIS CODE 9	See explanation for Field 19.
37	ICD-9 DIAGNOSIS CODE 10	See explanation for Field 19.

FORM B - DEFINITIONS

#	Field Name / Question:	Definition:
39	ICD-9 DIAGNOSIS CODE 11	See explanation for Field 19.
41	ICD-9 DIAGNOSIS CODE 12	See explanation for Field 19.
43	ICD-9 DIAGNOSIS CODE 13	See explanation for Field 19.
45	ICD-9 DIAGNOSIS CODE 14	See explanation for Field 19.
47	ICD-9 DIAGNOSIS CODE 15	See explanation for Field 19.
49	ICD-9 DIAGNOSIS CODE 16	See explanation for Field 19.
51	ICD-9 DIAGNOSIS CODE 17	See explanation for Field 19.
53	ICD-9 DIAGNOSIS CODE 18	See explanation for Field 19.
55	ICD-9 DIAGNOSIS CODE 19	See explanation for Field 19.
57	DESCRIPTION OF ALLEGED ILLNESS OR INJURY	Enter a free-form text description of alleged illness or injury. Include description of major body part allegedly injured (e.g. head, arm, leg, etc.) and cause of alleged illness/injury.
64	REPRESENTATIVE TYPE	Indicate the type of representative that the Alleged Injured Party has. Select from the options provided: A = Attorney G = Guardian/Conservator P = Power of Attorney O = Other Blank = None If Alleged Injured Party has more than one representative, provide attorney information if available.
65	REPRESENTATIVE LAST NAME	Provide Last Name of Representative.
66	REPRESENTATIVE FIRST NAME	Provide First Name of Representative.
67	REPRESENTATIVE FIRM NAME	Provide the Name of the Representative's Firm.
68	TIN/ EIN, IF FIRM/ENTITY; SOCIAL SECURITY NUMBER IF INDIVIDUAL	Provide Alleged Injury Party's Representative's Federal Tax Identification Number (TIN). If representative is part of a firm, supply the firm's Employer Identification Number (EIN), otherwise supply the representative's Social Security Number (SSN).
69	MAILING ADDRESS	Provide mailing address for the alleged injured party's representative named above.
91	CITY	Provide mailing address city for the alleged injured party's representative named above.
92	STATE	Provide mailing address state for the alleged injured party's representative named above.
93	ZIP CODE +4	Provide mailing address zip code for the alleged injured party's representative named above. Include Zip +4 code if known; if not known enter 0000.
95	PHONE	Provide telephone number of alleged injured party's representative.
96	PHONE EXTENSION, IF ANY	Provide telephone extension of alleged injured party's representative, if extension is available.
	NAME OF SETTLING DEFENDANT	Refer to Section D.
100	DATE OF SETTLEMENT	Date the Release is signed unless court approval is required - then it is the later of the date the Release is signed or the date of court approval. If there is no written agreement, then it is the date of payment.
101	AMOUNT OF SETTLEMENT	Refer to Section D.
102	FUNDING DELAYED BEYOND TPOC (ACTUAL OR ESTIMATED DATE OF FUNDING)	If funding for the TPOC is delayed, provide actual or estimated date of funding.

FORM B - DEFINITIONS

#	Field Name / Question:	Definition:
104	CLAIMANT'S RELATIONSHIP TO ALLEGED INJURED PARTY	Indicate relationship of the claimant to the alleged injured party/handicare beneficiary by selecting from the options provided: E = Estate, Individual Name Provided F = Family Member, Individual Name Provided O = Other, Individual Name Provided X = Estate, Entity Name Provided (e.g. "The Estate of John Doe") Y = Family, Entity Name Provided (e.g. "The Family of John Doe") Z = Other, Entity Name Provided (e.g. "The Trust of John Doe") Blank = Not applicable (rest of the section will be ignored)
105	TIN/ EIN, IF ENTITY; SOCIAL SECURITY NUMBER, IF INDIVIDUAL	Provide Claimant's Social Security Number (SSN) if individual or Federal Tax Identification Number (TIN)/Employer Identification Number (EIN) if claimant is an entity.
106	CLAIMANT LAST NAME	If claimant is an individual (claimant relationship is 'E', 'F', or 'O'), provide last name.
107	CLAIMANT FIRST NAME	If claimant is an individual (claimant relationship is 'E', 'F', or 'O'), provide first name.
108	CLAIMANT MIDDLE INITIAL	If claimant is an individual (claimant relationship is 'E', 'F', or 'O'), provide middle initial.
109	CLAIMANT ENTITY/ORGANIZATION NAME	If claimant is an entity or organization (claimant relationship is 'X', 'Y', or 'Z'), provide entity name: e.g. "The Estate of John Doe", "The Family of John Doe", "The Trust of John Doe", etc.
110	MAILING ADDRESS	Provide mailing address for claimant.
112	CITY	Provide mailing address city of the claimant.
113	STATE	Provide mailing address state of the claimant.
114	ZIP CODE +4	Provide mailing address zip code for the claimant, include Zip +4 code if available.
116	PHONE	Provide telephone number of the claimant.
117	PHONE EXTENSION, IF ANY	Provide telephone extension of claimant, if extension is available.
119	CLAIMANT REPRESENTATIVE TYPE	Indicate the type of representative the claimant has by selecting from the option types provided: A = Attorney G = Guardian/Conservator P = Power of Attorney O = Other Blank = Not applicable (rest of the section will be ignored)
120	CLAIMANT REPRESENTATIVE LAST NAME	Provide the last name of the Claimant's Representative.
121	CLAIMANT REPRESENTATIVE FIRST NAME	Provide the first name of the Claimant's Representative.
122	CLAIMANT REPRESENTATIVE FIRM NAME	Provide the Name of the Claimant's Representative's Firm or Entity.
123	TIN/ EIN, IF FIRM/ENTITY; SOCIAL SECURITY NUMBER, IF INDIVIDUAL	Claimant's Representative's Federal Tax Identification Number (TIN). If representative is part of a firm, supply the firm's Employer Identification Number (EIN), otherwise supply the representative's Social Security Number (SSN).
124	REPRESENTATIVE MAILING ADDRESS	Provide mailing address for the claimant's representative.
126	CITY	Provide mailing address city for the claimant's representative.
127	STATE	Provide mailing address state for the claimant's representative.
128	ZIP CODE +4	Provide mailing address zip code for the claimant's representative.
130	PHONE	Provide telephone number of the claimant's representative.
131	PHONE EXTENSION, IF ANY	

FORM B - DEFINITIONS

#	Field Name / Question:	Definition:
A7	CLAIMANT'S RELATIONSHIP TO ALLEGED INJURED PARTY	Indicate relationship of the claimant to the alleged injured party/Medicare beneficiary by selecting from the options provided: E = Estate, Individual Name Provided F = Family Member, Individual Name Provided O = Other, Individual Name Provided X = Estate, Entity Name Provided (e.g. "The Estate of John Doe") Y = Family, Entity Name Provided (e.g. "The Family of John Doe") Z = Other, Entity Name Provided (e.g. "The Trust of John Doe") Blank = Not applicable (rest of the section will be ignored)
A8	TRIVEN, IF ENTITY; SOCIAL SECURITY NUMBER, IF INDIVIDUAL	Provide Claimant's Social Security Number (SSN) if individual or Federal Tax Identification Number (TIN)/Employer Identification Number (EIN) if claimant is an entity.
A9	CLAIMANT LAST NAME	If claimant is an individual (claimant relationship is "E", "F", or "O"), provide last name.
A10	CLAIMANT FIRST NAME	If claimant is an individual (claimant relationship is "E", "F", or "O"), provide first name.
A11	CLAIMANT MIDDLE INITIAL	If claimant is an individual (claimant relationship is "E", "F", or "O"), provide middle initial.
A12	CLAIMANT ENTITY/ORGANIZATION NAME	If claimant is an entity or organization (claimant relationship is "X", "Y", or "Z"), provide entity name; e.g. "The Estate of John Doe", "The Family of John Doe", "The Trust of John Doe", etc.
A13	MAILING ADDRESS	Provide mailing address for claimant.
A15	CITY	Provide mailing address city of the claimant.
A16	STATE	Provide mailing address state of the claimant.
A17	ZIP CODE +4	Provide mailing address zip code for the claimant. Include Zip +4 code if available.
A19	PHONE	Provide telephone number of the claimant.
A20	PHONE EXTENSION, IF ANY	Provide telephone extension of claimant, if extension is available.
A22	CLAIMANT REPRESENTATIVE TYPE	Indicate the type of representative the claimant has by selecting from the option types provided: A = Attorney G = Guardian/Conservator P = Power of Attorney O = Other Blank = Not applicable (rest of the section will be ignored)
A23	CLAIMANT REPRESENTATIVE LAST NAME	Provide the last name of the Claimant's Representative.
A24	CLAIMANT REPRESENTATIVE FIRST NAME	Provide the first name of the Claimant's Representative.
A25	CLAIMANT REPRESENTATIVE FIRM NAME	Provide the Name of the Claimant's Representative's Firm or Entity.
A26	TRIVEN, IF FIRM/ENTITY; SOCIAL SECURITY NUMBER, IF INDIVIDUAL	Claimant's Representative's Federal Tax Identification Number (TIN). If representative is part of a firm, supply the firm's Employer Identification Number (EIN), otherwise supply the representative's Social Security Number (SSN).
A27	REPRESENTATIVE MAILING ADDRESS	Provide mailing address for the claimant's representative.
A29	CITY	Provide mailing address city for the claimant's representative.
A30	STATE	Provide mailing address state for the claimant's representative.
A31	ZIP CODE +4	Provide mailing address zip code for the claimant's representative.
A33	PHONE	Provide telephone number of the claimant's representative.
A34	PHONE EXTENSION, IF ANY	Provide telephone extension of claimant's representative, if extension is available.

FORM B - DEFINITIONS

#	Field Name / Question:	Definition:
A36	CLAIMANT'S RELATIONSHIP TO ALLEGED INJURED PARTY	Indicate relationship of the claimant to the alleged injured party/Medicare beneficiary by selecting from the options provided: E = Estate, Individual Name Provided F = Family Member, Individual Name Provided O = Other, Individual Name Provided X = Estate, Entity Name Provided (e.g. "The Estate of John Doe") Y = Family, Entity Name Provided (e.g. "The Family of John Doe") Z = Other, Entity Name Provided (e.g. "The Trust of John Doe") (Blank = Not applicable (rest of the section will be ignored))
A37	TIN/EIN, IF ENTITY; SOCIAL SECURITY NUMBER, IF INDIVIDUAL	Provide Claimant's Social Security Number (SSN) if Individual or Federal Tax Identification Number (TIN)/Employer Identification Number (EIN) if claimant is an entity.
A38	CLAIMANT LAST NAME	If claimant is an individual (claimant relationship is "E," "Y," or "O"), provide last name.
A39	CLAIMANT FIRST NAME	If claimant is an individual (claimant relationship is "E," "Y," or "O"), provide first name.
A40	CLAIMANT MIDDLE INITIAL	If claimant is an individual (claimant relationship is "E," "Y," or "O"), provide middle initial.
A41	CLAIMANT ENTITY/ORGANIZATION NAME	If claimant is an entity or organization (claimant relationship is "X," "Y," or "Z"), provide entity name; e.g. "The Estate of John Doe", "The Family of John Doe", "The Trust of John Doe", etc.
A42	MAILING ADDRESS	Provide mailing address for claimant.
A44	CITY	Provide mailing address city of the claimant.
A45	STATE	Provide mailing address state of the claimant.
A46	ZIP CODE +4	Provide mailing address zip code for the claimant. Include Zip +4 code if available.
A48	PHONE	Provide telephone number of the claimant.
A49	PHONE EXTENSION, IF ANY	Provide telephone extension of claimant, if extension is available.
A51	CLAIMANT REPRESENTATIVE TYPE	Indicate the type of representative the claimant has by selecting from the option types provided: A = Attorney G = Guardian/Conservator P = Power of Attorney O = Other (Blank = Not applicable (rest of the section will be ignored))
A52	CLAIMANT REPRESENTATIVE LAST NAME	Provide the last name of the Claimant's Representative.
A53	CLAIMANT REPRESENTATIVE FIRST NAME	Provide the first name of the Claimant's Representative.
A54	CLAIMANT REPRESENTATIVE FIRM NAME	Provide the Name of the Claimant's Representative's Firm or Entity.
A55	TIN/EIN, IF FIRM/ENTITY; SOCIAL SECURITY NUMBER, IF INDIVIDUAL	Claimant's Representative's Federal Tax Identification Number (TIN). If representative is part of a firm, supply the firm's Employer Identification Number (EIN), otherwise supply the representative's Social Security Number (SSN).
A56	REPRESENTATIVE MAILING ADDRESS	Provide mailing address for the claimant's representative.
A58	CITY	Provide mailing address city for the claimant's representative.
A59	STATE	Provide mailing address state for the claimant's representative.
A60	ZIP CODE +4	Provide mailing address zip code for the claimant's representative.
A62	PHONE	Provide telephone number of the claimant's representative.
A63	PHONE EXTENSION, IF ANY	Provide telephone extension of claimant's representative, if extension is available.

FORM B - DEFINITIONS

#	Field Name / Question:	Definition:
A65	CLAIMANT'S RELATIONSHIP TO ALLEGED INJURED PARTY	Indicate relationship of the claimant to the alleged injured party/Medicare beneficiary by selecting from the options provided. E = Estate, Individual Name Provided F = Family Member, Individual Name Provided O = Other, Individual Name Provided X = Estate, Entity Name Provided (e.g., "The Estate of John Doe") Y = Family, Entity Name Provided (e.g., "The Family of John Doe") Z = Other, Entity Name Provided (e.g., "The Trust of John Doe") Blank = Not applicable (rest of the section will be ignored)
A66	TIN/ENR IF ENTITY; SOCIAL SECURITY NUMBER IF INDIVIDUAL	Provide Claimant's Social Security Number (SSN) if individual or Federal Tax Identification Number (TIN)/Employer Identification Number (EIN) if claimant is an entity.
A67	CLAIMANT LAST NAME	If claimant is an individual (claimant relationship is "E," "F," or "O"), provide last name.
A68	CLAIMANT FIRST NAME	If claimant is an individual (claimant relationship is "E," "F," or "O"), provide first name.
A69	CLAIMANT MIDDLE INITIAL	If claimant is an individual (claimant relationship is "E," "F," or "O"), provide middle initial.
A70	CLAIMANT ENTITY/ORGANIZATION NAME	If claimant is an entity or organization (claimant relationship is "X," "Y," or "Z"), provide entity name; e.g. "The Estate of John Doe", "The Family of John Doe", "The Trust of John Doe", etc.
A71	MAILING ADDRESS	Provide mailing address for claimant.
A73	CITY	Provide mailing address city of the claimant.
A74	STATE	Provide mailing address state of the claimant.
A75	ZIP CODE +4	Provide mailing address zip code for the claimant, include Zip +4 code if available.
A77	PHONE	Provide telephone number of the claimant.
A78	PHONE EXTENSION, IF ANY	Provide telephone extension of claimant, if extension is available.
A80	CLAIMANT REPRESENTATIVE TYPE	Indicate the type of representative the claimant has by selecting from the option types provided: A = Attorney G = Guardian/Conservator P = Power of Attorney O = Other Blank = Not applicable (rest of the section will be ignored)
A81	CLAIMANT REPRESENTATIVE LAST NAME	Provide the last name of the Claimant's Representative.
A82	CLAIMANT REPRESENTATIVE FIRST NAME	Provide the first name of the Claimant's Representative.
A83	CLAIMANT REPRESENTATIVE FIRM NAME	Provide the Name of the Claimant's Representative's Firm or Entity.
A84	TIN/ENR IF FIRM/ENTITY; SOCIAL SECURITY NUMBER IF INDIVIDUAL	Claimant's Representative's Federal Tax Identification Number (TIN). If representative is part of a firm, supply the firm's Employer Identification Number (EIN), otherwise supply the representative's Social Security Number (SSN).
A85	REPRESENTATIVE MAILING ADDRESS	Provide mailing address for the claimant's representative.
A87	CITY	Provide mailing address city for the claimant's representative.
A88	STATE	Provide mailing address state for the claimant's representative.
A89	ZIP CODE +4	Provide mailing address zip code for the claimant's representative.
A91	PHONE	Provide telephone number of the claimant's representative.
A92	PHONE EXTENSION, IF ANY	Provide telephone extension of claimant's representative, if extension is available.



Form C-1  
AGREEMENT

This Agreement is entered into this \_\_\_ day of \_\_\_\_\_, 2010 between [NAME OF PLAINTIFF'S FIRM] (hereinafter "PLAINTIFF'S FIRM") and [NAME OF DEFENDANT] (hereinafter "defendant"), as a matter of convenience to resolve certain on-going issues involving possible Medicare claims or liens. It applies to all pending and future asbestos personal injury cases resolved by defendant and the clients of PLAINTIFF'S FIRM by settlement, but is not an agreement to settle such cases or a commitment by either party to do so.

Whereas, defendant by this Agreement endeavors to protect any relevant Medicare claim or claim or lien; and

Whereas, defendant with PLAINTIFF'S FIRM and other parties has been involved in efforts, by Court order or otherwise, to arrange for the protection of Medicare claims or liens and compliance with Medicare reporting requirements;

Therefore, in consideration of the mutual covenants contained herein and other good and valuable consideration, including such settlements as may be reached, in any case wherein defendant settles with a client of PLAINTIFF'S FIRM:

- (1) Defendant will not include any agency of the U.S. Government or its designee as a payee on the settlement check.
- (2) PLAINTIFF'S FIRM agrees to hold in its trust account sufficient funds to pay all Medicare claims or liens relating to such settlement, claim and legal action or has in fact satisfied all Medicare claims or liens in full. PLAINTIFF'S FIRM will notify the U.S. Government or its designee, including CMS, of any settlement which this Agreement governs and will work to satisfy or otherwise obtain discharge or release of any Medicare claim or lien including "set asides," if any.
- (3) If defendant receives a claim for any unsatisfied Medicare claim or lien by lawsuit or otherwise, relating to the above-described settlements, claims and legal actions, defendant will notify PLAINTIFF'S FIRM by regular mail and request from them any evidence that the claim or lien has been satisfied in full which defendant will provide to the governmental authority or its designee. If such evidence is not forthcoming or fails to resolve the claim in full without payment by defendant, defendant may by regular mail notify PLAINTIFF'S FIRM to undertake the principal response to the matter or to arrange payment or other resolution. If the U.S. government or its designee including CMS brings suit, PLAINTIFF'S FIRM will undertake the principal defense of such matter whether joined by the U.S. government or its designee including CMS or joined by defendant through third party claim or

otherwise. PLAINTIFF'S FIRM will not undertake to represent defendant as its client. PLAINTIFF'S FIRM will be liable to defendant for the amount owed or paid by such defendant to the United States Government or its designee including CMS for the allegedly unsatisfied Medicare claim or lien plus all attorney fees and out of pocket expenses reasonably necessary and incurred to obtain judgment or settlement from PLAINTIFF'S FIRM for the amount due hereunder. By consenting to entry of judgment for any amounts due to defendant pursuant to this agreement, PLAINTIFF'S FIRM may cut off liability to defendant for any attorney fees and out of pocket expenses incurred after the date of such judgment. PLAINTIFF'S FIRM will not be liable to defendant for any attorney fees and out of pocket expenses to defend the claim brought by the U.S. government or its designee including CMS.

(4) This Agreement does not waive any rights of indemnity or hold harmless from the PLAINTIFF'S FIRM'S client pursuant to any indemnity or hold harmless in the Release or Settlement Agreement.

(5) This Agreement will apply severally to each described settled asbestos personal injury case, and all remedies and waivers set forth herein shall likewise severally apply.

(6) Either party may terminate this Agreement upon 60 days written notice, but such termination will not affect the obligations of this Agreement for any settlement entered prior to the effective date of such termination.

(7) The undersigned warrant and represent that they are authorized to execute this agreement on behalf of PLAINTIFF'S FIRM and defendant respectively.

(8) "Including" means including but not limited to. The singular means the plural and vice versa when appropriate. The masculine terms include the feminine version of the same terms.

{NAME OF PLAINTIFF'S FIRM}

By: \_\_\_\_\_

Name: \_\_\_\_\_

Defendant, \_\_\_\_\_

By: \_\_\_\_\_  
Its Attorney

Form C-2

AGREEMENT

WHEREAS, \_\_\_\_\_ (individually or collectively referred to as "Releasor") and \_\_\_\_\_ (individually or collectively referred to as "Releasee") have reached a settlement of Releasor's claim(s) against Releasee relating to the action described as \_\_\_\_\_ Plaintiff(s) versus \_\_\_\_\_ et al Defendants in the Circuit Court for the Third Judicial Circuit, Madison County, Illinois, Cause No. \_\_\_\_\_; and

WHEREAS, Releasee by this Agreement endeavors to protect any relevant Medicare claim or lien; and

WHEREAS, Releasee with other parties has been involved in efforts, by Court order or otherwise, to arrange for the protection of Medicare claims or liens and compliance with Medicare reporting requirements;

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in consideration of a payment from Releasee to Releasor in the amount of \_\_\_\_\_, and further in consideration that Releasee will not include any governmental agency of the United States, or its designee, as a co-payee on the settlement payment check, [Plaintiff's law firm name] ("Plaintiff's Counsel") agrees to hold in its trust account sufficient funds with which to pay all Medicare claims or liens relating to the aforementioned settlement, claim and legal action to the extent that all Medicare claims or liens have not otherwise been satisfied in full. Plaintiff's Counsel will notify the U.S. Government or its designee, including CMS, of any settlement which this Agreement governs and will work to satisfy or otherwise obtain discharge or release of any Medicare claim or lien including "set asides," if any.

If Releasee receives a claim for any unsatisfied Medicare claim or lien by lawsuit or otherwise, relating to the above-described settlements, claims and legal actions, Releasee will notify Plaintiff's

Counsel by regular mail and request from them any evidence that the claim or lien has been satisfied in full which Releasee will provide to the governmental authority or its designee. If such evidence is not forthcoming or fails to resolve the claim in full without payment by Releasee, Releasee may by regular mail notify Plaintiff's Counsel to undertake the principal response to the matter or to arrange payment or other resolution. If the U.S. government or its designee including CMS brings suit, Plaintiff's Counsel will undertake the principal defense of such matter whether joined by the U.S. government or its designee including CMS or joined by Releasee through third party claim or otherwise. Plaintiff's Counsel will not undertake to represent Releasee as its client. Plaintiff's Counsel will be liable to Releasee for the amount owed or paid by such Releasee to the United States Government or its designee including CMS for the allegedly unsatisfied Medicare claim or lien plus all attorney fees and out of pocket expenses reasonably necessary and incurred to obtain judgment or settlement from Plaintiff's Counsel for the amount due hereunder. By consenting to entry of judgment for any amounts due to Releasee pursuant to this agreement, Plaintiff's Counsel may cut off liability to Releasee for any attorney fees and out of pocket expenses incurred after the date of such judgment. Plaintiff's Counsel will not be liable to Releasee for any attorney fees and out of pocket expenses to defend the claim brought by the U.S. government or its designee including CMS.

The undersigned warrants and represents that he/she is authorized to execute this agreement on behalf of Plaintiff's Counsel. This Agreement does not waive any rights of indemnity or hold harmless from Releasor pursuant to any indemnity or hold harmless in the Release or Settlement Agreement. "Including" means including but not limited to. The singular means the plural and vice versa when appropriate. The masculine terms include the feminine version of the same terms.

[Name of Plaintiff's Law Firm]

[Name of Defendant]

By: \_\_\_\_\_

By: \_\_\_\_\_

[Name of attorney]

[Title]

IN THE CIRCUIT COURT  
THIRD JUDICIAL CIRCUIT  
MADISON COUNTY, ILLINOIS

**STANDARD ASBESTOS INTERROGATORIES DIRECTED TO PLAINTIFFS**

1. Please state your (decedent's):
  - (a) Full name;
  - (b) Any other name under which you (decedent) has been known;
  - (c) Social Security number;
  - (d) Date and location of birth;
  - (e) Date and location of death;
  - (f) Gender;
  - (g) Health Insurance Claim Number (HICN);
  - (h) Whether you (decedent) are enrolled, or expect to be enrolled with the next thirty (30) months, in the Medicare program;
  - (i) Your (decedent's) highest level of education.

**ANSWER:**

2. List all addresses, including city and state, where you have resided during your lifetime.

**ANSWER:**

3. If you have ever been married:
  - (a) State the full name and last known address of each spouse;
  - (b) The date and place of each marriage;
  - (c) The date each marriage was terminated;
  - (d) How each marriage was terminated; and
  - (e) If you are currently married, please state your spouse's date of birth, spouse's current employer(s) and the amount of spouse's wages or salaries.

**ANSWER:**

4. If you have ever been convicted of or pleaded guilty to a felony, then state the crime, the date of conviction, the court entering the judgment, and the sentence imposed.

**ANSWER:**

5. Have you ever been rejected for or served in the armed forces or performed services for any branch of any governmental agency? If so:

- (a) If rejected, why, and if served in, identify the service branch or governmental agency served;
- (b) The date(s) on which you began and ended your service;
- (c) The locations and inclusive dates for assignment to each location where you served;
- (d) The reason for each discharge;
- (e) Describe all of your job duties while serving;
- (f) If you served onboard a ship, the name and number of each ship on which you served;
- (g) Whether you received any injury or suffered any illness while in the military service and identify all military hospitals in which you were a patient, if any; and
- (h) Whether plaintiff is claiming any disability for any injury, illness, physical or mental condition arising out of the military service and if so state the details, including date of claim, number or other identifying characteristic of claim, disability asserted, nature of claim disability rating and compensation received.
- (i) Military serial number

**ANSWER:**

6. Are you or are your attorneys aware of any statements made by any of the other parties to this litigation or by other persons, signed or unsigned, oral, written or court reported, who claim to have knowledge of the subject matter of this litigation? If so, then for each such statement state:

- (a) The name and address of the person making the statement;
- (b) The name and address of the person to whom the statement was given;
- (c) The names and addresses of all persons who witnessed the giving of the statement;
- (d) Whether a copy or transcription of the statement exists; and
- (e) The name and address of all persons who possess a copy of transcription.

**ANSWER:**

7. Please identify each person who allegedly possesses knowledge of relevant facts concerning your alleged exposure to asbestos-containing products, or other materials manufactured, distributed, sold, or present at defendant's premises, sold by one or more of the defendants, or who was interviewed by or on behalf of you, your attorneys, or agents, and for each such person, please state:

- (a) The name and address of each such person;
- (b) A description of his/her knowledge;
- (c) How he/she acquired such knowledge;

- (d) A description of the products to which you were exposed; and
- (e) His/her relationship (e.g. supervisor, friend, co-worker, family member) to you.

**ANSWER:**

8. If you have retained or employed an expert witness who may be expected to render an opinion at trial, then as to each expert state:

- (a) His name, address, telephone number and employer or other business affiliation;
- (b) The subject matter on which the expert is expected to testify;
- (c) His conclusions and opinions;
- (d) The basis for each conclusion or opinion;
- (e) His qualifications;
- (f) Whether the expert has prepared any written reports, communications, correspondence, or documents of any kind, and a description of each such document;
- (g) The date each said expert was retained;
- (h) Whether said expert has been retained by you or your attorneys on prior occasions;
- (i) A description of each such instance in which the expert was previously retained, including each lawsuit name and number, where the suit was filed, and the subject matter of the expert's opinion.

**ANSWER:**

9. Has any such expert, or anyone at said expert's direction, prepared any field report, field notes, handwritten notes, memorandum, correspondence, records of telephone conversations, diagrams, drawings, blueprints, photographs, statement or any other written, printed, electronically or photographically recorded materials in preparing, investigating, researching, evaluating, or forming any opinions on the issues involved in this case? If so, please identify each document and/or provide a copy of same.

**ANSWER:**

10. State the name, address, date of birth and family relationship of each of your next of kin and identify in the same fashion any family member who claims to be dependent upon you for support, in whole or in part.

**ANSWER:**

11. With respect to all of your present and past employment, please state for each employer:

- (a) The employer's name, the employer's address, and the starting and ending date;
- (b) Identify each location, job site, or facility at which you worked including:
  - a. The address by city and state;
  - b. Your employer at each facility or location;
  - c. The inclusive dates of work for each facility or location
- (c) State your occupation, titles, and duties for each employer identified above, specifying all pertinent dates and reason for leaving said employer;
- (d) State whether you contend you were exposed to asbestos-containing products or materials including but not limited to equipment or other machinery which many have contained asbestos-containing component parts in the course of this employment for each location, job site, or facility;
- (e) State the type of product or materials, including brand name, trade name or manufacturer, suppliers, and distributors which you contend resulted in your exposure to asbestos for each location, job site, or facility and whether you, your attorneys or agents have any samples of these products or packaging from them;
- (f) Name and last known address of any co-workers at these sites; and
- (g) Your earnings for each period of employment ;
- (h) For each job site identify the name and address of any companies, other than your employer, working with asbestos-containing material there, and all trades present;
- (i) Did you (decedent) or any co-worker ever file a complaint, report, or call attention to asbestos-containing materials, dust, gases, or fumes present at any location or job site?

**ANSWER:**

12. With respect to any claim of asbestos exposure not related to your employment identified in your answers to Interrogatory No. 11, including but not limited to, home-remodeling, and automotive maintenance, please state:

- (a) The nature of each activity you were performing that resulted in your alleged exposure to asbestos;
- (b) The time frame in which you performed each activity;
- (c) The location(s) at which you performed each activity; and
- (d) The type of product used in each activity, including brand name, trade name and/or manufacturer and place of purchase, through which you contend you were exposed to asbestos and whether you, your attorneys, or agents have any samples of these products or packaging from them.

**ANSWER:**



13. If you contend you were exposed to asbestos through contact with another individual(s) or the individual(s) clothing (hereinafter "secondary exposure"), as a result of the individual's employment, please state:

- (a) The name and relationship to you of each individual through whom you allege secondary exposure; the Social Security Number of the other person and address of that person and union affiliation;
- (b) The nature of all employment related activities each individual was performing that resulted in their contact with asbestos-containing products, including for each individual identified:
  - a. The name and location of each employer;
  - b. The starting and ending dates for each employer identified in sub-paragraph a;
  - c. The occupation and job duties for each employer identified in sub-paragraph (a);
  - d. The job site(s) the individual is alleged to have worked at including dates, and names and last known address of any co-workers at these sites; and
  - e. The type of asbestos-containing product(s) to which the individual came in contact at each employer including the brand name, trade name, manufacturers, suppliers, and distributors.
- (c) The manner Plaintiff alleges secondary exposure occurred;
- (d) Did the individual you allege secondary exposure through have or claim to have an asbestos-related disease.

**ANSWER:**

14. If you contend you were exposed to asbestos through contact with another individual(s) or the individual(s) clothing (hereinafter "secondary exposure"), as a result of the individual's non-employment activities, please state for each individual:

- (a) The name and relationship to you of each individual through whom you allege secondary exposure; the Social Security Number of the other person and address;
- (b) The nature of all non-employment activities the individual was performing that resulted in their contact with asbestos-containing products, including for each individual:
  - a. The time frame in which each activity was performed;
  - b. The location(s) at which each activity was performed; and
  - c. The type of product used in each activity, including brand name, trade name and/or manufacturer, through which you contend you were exposed to asbestos.
- (c) The manner Plaintiff alleges secondary exposure occurred.

**ANSWER:**

15. State whether you have worked with or around asbestos products, including equipment or other machinery which may have contained asbestos-containing component parts manufactured, distributed, or sold by any company not named as a defendant in this lawsuit, and as to each such company state:

- (a) The name of the company;
- (b) The asbestos products manufactured, distributed, or sold by that company and that you worked with or around; and
- (c) The date, job site and employer when you worked with or around said products.

**ANSWER:**

16. Did you at any time receive, have knowledge, or possess any advice, publication, warning, order, directive, requirement, or recommendation, whether written or oral, which purported to advise or warn you of the possible harmful effects of exposure to, or inhalation of, asbestos, asbestos-containing products, or the dust created thereby, and did you utilize any respiratory protection device to protect you from said exposure? If so, please:

- (a) State then nature and exact wording of such advice, warning, or recommendation;
- (b) Identify each source of such advice, warning or recommendation;
- (c) State the date, time, place, manner and circumstances when each such advice, warning, or recommendation was given; and
- (d) Identify all documents concerning said instructions, recommendations or warnings.
- (e) Identify all such respiratory protective devices and the entity that provided them.

**ANSWER:**

17. Are you or were you ever a member of any labor union? If so, for each union membership, please state:

- (a) The name, address and telephone number of each such international union and its number, along with the local number of each such union;
- (b) The date and time periods during which you maintained membership in such union and your classification of membership;
- (c) All office which you held or committees on which you served in local and/or international union, and the places and dates you served;

- (d) The trade with which the union was involved; and
- (e) The name and type of any publication you received from your local or the international union.
- (f) Did you (decedent) ever attend any union meetings, seminars, or conferences where the subjects of asbestos, exposure to asbestos, or asbestos-related illnesses were discussed.

**ANSWER:**

18. Please specify each disease or condition from which you suffer which allegedly was caused by exposure to products or materials manufactured, distributed or sold by one or more of these defendants and with respect to each disease specified, please state:

- (a) The approximate date upon or period within which you first manifested symptoms or signs of the disease;
- (b) Describe the symptoms or signs manifested; and
- (c) The date on which you were first diagnosed as having the disease;
- (d) The person(s) who made the diagnosis;
- (e) The nature of the test and/or procedure from which the diagnosis was made; and
- (f) Describe the circumstances precipitating the consultation at which the diagnosis was made.
- (g) Date you first suspected said disease was in any way related to asbestos exposure.

**ANSWER:**

19. Please identify by name and last known address each practitioner of any healing art who has examined, attended, treated, or prescribed medication for you at anytime subsequent to your first exposure to asbestos including but not limited to any who provided consultation in connection with any disease specified in your answers to these interrogatories, indicating the date, place, and nature of such services or medication.

**ANSWER:**

20. Did you ever have any medical or physical illness, disease, infirmity, injury, or condition, other than those specified in your answers to Interrogatory No. 18, which in any way affected your pulmonary function, and if so, please describe each such medical or physical disability, illness, disease, infirmity, abnormality, injury, or condition, and:

- (a) Specify the dates and duration thereof;

- (b) Identify each doctor or other healthcare provider who examined, attended, treated, or prescribed medication for you or who was consulted with respect thereto; and
- (c) Specify the date, place and nature of such services provided by each doctor or healthcare provider identified in subpart (b), above;

**ANSWER:**

21. State the name and address of each hospital, clinic or other facility (including mobile x-ray vans) where you were examined or received treatment of any kind for injuries or conditions allegedly due to your alleged asbestos exposure or exposure to products or materials manufactured, distributed, or sold by one or more of these defendants.

**ANSWER:**

22. Have you ever been diagnosed as having or been treated for any form of cancer or any asbestos related disease or condition, including but not limited to asbestosis and pleural thickening? If so, please:

- (a) Describe each such type or form of cancer and/or asbestos related disease or condition and its location;
- (b) State the date on and place at which you were diagnosed as having each such type or form of cancer;
- (c) Identify the person who made each such diagnosis;
- (d) Describe all treatments administered;
- (e) State the dates on or over which and the place at which such treatments were administered;
- (f) Identify each person who administered such treatments;
- (g) Describe the results thereof; and
- (h) Identify each document which reflects any such diagnosis or treatment or any other such asserted facts.

**ANSWER:**

23. Do you or did you or anyone with whom you reside(d) ever use any tobacco products of any type? If your answer is "yes", please state fully and in detail:

- (a) The dates and time periods during which you or anyone with whom you reside(d) used any tobacco product;
- (b) The type of tobacco products you or anyone with whom you reside(d) used, including, if applicable, whether cigarettes were filtered or non-filtered;

- (c) The daily frequency with which you or anyone with whom you reside(d) used any tobacco product;
- (d) For any time period during which you or anyone with whom you reside(d) ceased using tobacco products, the date and the reasons for stopping;
- (e) For any time period you or anyone with whom you reside(d) decreased using tobacco products, the dates thereof and the reasons for the decrease;
- (f) For any time period that you commenced using tobacco products after a period of having stopped using them, the reasons for beginning again; and
- (g) The commercial brand name(s) of any tobacco products that you or anyone with whom you reside(d) used.

**ANSWER:**

24. As a result of your alleged illness are you claiming any wage or earning loss? If so, please state:

- (a) How much time was lost from work or employment, listing the dates involved and the name and address of the employer;
- (b) State the gross amount of salary or earnings which you received on each pay day, stating the intervals of such pay days;
- (c) State the gross amount of salary or earnings actually lost due to the occurrence alleged in the Complaint and the method of calculating said loss; and
- (d) The amount of future lost earnings and the manner or method of calculating such claimed loss;
- (e) The name and address of your employer at the time you learned of your asbestos-related illness;
- (f) The name of any potential employer who refused you work because of your asbestos-related illness.

**ANSWER:**

25. Identify and itemize the amount of medical expenses to which you claim you are entitled as damages; any and all non-medical expenses claimed as damages; and any and all other damages claimed as a result of your asbestos-related disease or condition. In lieu of answering this interrogatory, you may attach copies of all statements, invoices, or bills which you have incurred or paid for such medical, non-medical, or other expenses.

**ANSWER:**

26. Have you ever filed suit or made a claim against any person or entity, including but not limited to any bankruptcy trust, for recovery of damages allegedly caused by an exposure to asbestos other than in this lawsuit or for any other alleged personal injury or condition? If so, state the name and address of the person, entity and/or trust, the date the claim or suit was filed, the nature of the injury, whether the claim or suit is presently pending, the amount of money you received, if any, and/or the amount of money that has been pledged or committed to be paid to you by said trust, if any.

**ANSWER:**

27. Have you at any time made a claim for or received any health or accident insurance benefits, workers' compensation payments, social security benefits, disability benefits, pension, accident compensation payments, or Veteran's disability compensation awards, related to or as the result of the asbestos related injury which is the subject of this suit or for any other personal injury or condition? If your answer is "yes", please state for each:

- (a) The names and addresses of your employer(s) at the time of each claim;
- (b) The name of the board, tribunal, or superior officer before which or to whom the claim or claims were made or filed;
- (c) The date the claim was made or filed;
- (d) The claim, file or other number by which the claim was identified; and
- (e) The amount of benefits, awards, or payments.

**ANSWER:**

28. Have you received any remuneration or compensation of any nature from any source for conditions of ill-being which are the subject matter of this lawsuit, including any compensation benefits, settlements with any bankruptcy trust, a co-defendant or a person or entity who potentially could have been a co-defendant? If your answer is "yes", for each said payment state:

- (a) The name of the party making said payment;
- (b) The amount of said payment;
- (c) The date of said payment; and
- (d) The name, address, and telephone number of the person having custody of documents relating to such payment.

**ANSWER:**

29. For each time that you have been a witness in an asbestos-related or occupationally-related lawsuit, arbitration, workers' compensation claim, administrative action or legislative hearing, identify each case by stating its title, when and where it was brought, and the court or administrative agency's file number.

**ANSWER:**

30. Identify by author, date, substance, and type of document, (e.g., photographs, invoice, shipping order, bill of lading, memorandum, contract, distribution agreement, contractor agreement, delivery ticket, sales register, statement, deposition, correspondence, and note) each and every document which pertains, refers to or reflects your exposure to asbestos, asbestos-containing products or other products manufactured, distributed or sold by any person or entity alleged to be liable to you. Further indicate the person or persons having custody of such documents.

**ANSWER:**

IN THE CIRCUIT COURT  
THIRD JUDICIAL CIRCUIT  
MADISON COUNTY, ILLINOIS

**STANDARD ASBESTOS REQUESTS FOR PRODUCTION DIRECTED TO  
PLAINTIFFS**

(1) Identify and produce all statements given by you to any person or entity, other than your attorney.

**RESPONSE:**

(2) Identify and produce all statements of any witnesses to the incidents alleged in the complaint.

**RESPONSE:**

(3) Identify and produce all documents relating to your (or your decedent's) physical or mental condition prior, during and subsequent to the incidents alleged in the complaint.

**RESPONSE:**

(4) Identify and produce all of plaintiff's (or decedent's) business, employment, military, workers' compensation, union, medical, or health care records and documents obtained through discovery or investigation and provide an executed authorization to obtain all such records and Plaintiff's (or decedent's) Medicare Health Insurance card. (Authorizations attached hereto.)

**RESPONSE:**

(5) Identify and produce all photos, packaging, or any samples of asbestos-containing products to which you claim exposure that you possess.

**RESPONSE:**



(6) Identify and produce all photos, packaging, or samples of any equipment through which you claim exposure that you possess.

**RESPONSE:**

(7) Identify and produce all documents which identify any of the named defendants in this cause and plaintiff's claimed exposure to asbestos.

**RESPONSE:**

(8) Identify and produce copies of your federal income tax returns filed, or an authorization to obtain same, for all years in which you claim to have been exposed to asbestos or asbestos-containing products and all following years.

**RESPONSE:**

(9) Identify and produce the names, addresses, phone numbers and specialties of all 213(f)(2) and (3) expert witnesses (other than non-treating, purely consultant experts who are not to testify at the trial), and produce copies of all reports, articles, publications or documents authored, edited or reviewed in whole or in part by any experts identified by Plaintiff or relied upon by them in forming their opinions.

**RESPONSE:**

(10) Identify and produce all documents which relate to your use of or exposure to asbestos or to asbestos-containing products. If the claimed injury arises from secondary exposure, please respond to this Request with respect to the person(s) involved in the primary exposure.

**RESPONSE:**

(11) Identify and produce all documents including but not limited to any diaries, logs, calendars or journals which may reflect or refer to your employment history, job sites, products used, compensation earned, dates worked or co-workers during your working history.

If the claimed injury arises from secondary exposure, please respond to this Request with respect to the person(s) involved in the primary exposure.

**RESPONSE:**

(12) Identify and produce all documents or other materials including but not limited to pathology slides, blocks, wet tissue; x-rays and other films/studies of the chest and any other part of the body allegedly afflicted by an asbestos related disease or condition upon which you rely to support your belief that your alleged injuries or condition was caused by exposure to asbestos. If the claimed injury arises from secondary exposure, please respond to this Request with respect to the person(s) involved in the primary exposure.

**RESPONSE:**

(13) Identify and produce all documents which relate to damages you are alleging in this lawsuit, including but not limited to any monies expended or expenses incurred for medical care of the injuries alleged in the complaint, and any lost wages or lost profits.

**RESPONSE:**

(14) Identify and produce all documents that contain, refer to or relate to medical examinations or treatment for the injuries alleged in the complaint.

**RESPONSE:**

(15) Identify and produce any social security statement of earnings concerning your employers and all social security disability applications or an executed authorization for the procurement thereof.

**RESPONSE:**

(16) Identify and produce all documents that contain, refer to or relate to any advice or warning you received or saw of the possible harmful effects of exposure to or inhalation of asbestos-containing products or asbestos.

**RESPONSE:**

(17) Identify and produce all documents that contain, refer to or relate to company, employer, supervisor, or union requirements, recommendations or suggestions concerning the use of devices, safety equipment or other means or procedures to reduce exposure to or inhalation of dust or asbestos fibers.

**RESPONSE:**

(18) Identify and produce all documents that relate to any prior claim for disability or any injury or physical condition.

**RESPONSE:**

(19) If the claimed injury arises from secondary exposure, identify and produce all documents that relate to any prior asbestos-related claim for disability or any asbestos-related injury or physical condition with respect to the person(s) involved in the primary exposure.

**RESPONSE:**

(20) Identify and produce all documents relating to insurance, applications therefore, or any benefits applied for, obtained or refused, including but not limited to Medicare benefits.

**RESPONSE:**

(21) Identify and produce all documents that relate or refer to any product and/or equipment manufactured, sold or distributed by any defendants or present at the premises of any Defendant, including but not limited to the results of any internet research, photos or product books reviewed.

**RESPONSE:**

(22) Identify and produce all documents identified in your answers to Defendants' interrogatories.

**RESPONSE**

BC: 01/11

Juror No. \_\_\_\_\_

CONFIDENTIAL JUROR QUESTIONNAIRE ANSWERED UNDER OATH

Juror Name: \_\_\_\_\_ Place of birth (City/State). \_\_\_\_\_
Age \_\_\_\_\_ Gender: \_\_\_\_\_ City or Village where you live now: \_\_\_\_\_ How long? \_\_\_\_\_ yrs Zip code: \_\_\_\_\_
How long you have lived in Madison County? \_\_\_\_\_ yrs Do you have a court case pending in Madison County? ( ) Yes ( ) No

1. What is your highest education level completed?
( ) Less than high school ( ) Some high school
( ) High school diploma ( ) Technical/vocational
( ) Some college ( ) College degree ( ) Graduate school
Major/Degree/Licenses/Certificates: \_\_\_\_\_

2. What is your current or most recent working status?
( ) full time ( ) part time ( ) self-employed
( ) student ( ) homemaker ( ) unemployed
( ) disabled ( ) retired for \_\_\_\_\_ years
If not employed now, describe your previous occupation or your most recent job. If a student, give your school name.

Employer/School:
Job title:
Please describe your job:

How long have you had (or did you have) this job? \_\_\_\_\_ years.

3. Prior Jobs/Employers Dates
\_\_\_\_\_
\_\_\_\_\_

4. Have you had a job considered "management"?
( ) Yes ( ) No
If so, how many people do you or have you managed? \_\_\_\_\_

5. Have you or someone close to you ever been fired, laid off, or asked to resign from a job?
( ) Yes, me ( ) Yes, someone close ( ) No
If yes, please describe:

6. What is your marital status?
( ) Never married ( ) Married for \_\_\_\_\_ yrs ( ) Separated
( ) Living with domestic partner for \_\_\_\_\_ yrs
( ) Divorced, not remarried ( ) Divorced, now remarried
( ) Widowed, not remarried ( ) Widowed, now remarried

7. If married, or sharing a household with another adult, please describe that person's current or most recent job.

Employer or former employer:
Job title:
Please describe their job:

8. What was/is the occupation for each of your parent(s) or Step-parents?
Father: Stepfather:
Mother: Stepmother

9. If you have children/stepchildren, please state the following (include children who do not reside with you).
Sex Age Education Level Employer
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

10. Do you or your family belong to any trade or labor unions?
( ) Yes, currently ( ) Yes, but not currently ( ) No
If yes, what union(s)?

If yes, what offices were held, if any?
Do you support the goals/activities of unions? ( ) Yes ( ) No

11. What clubs, organizations or charities do you belong to or volunteer with?

12. Have you, any member of your family, or close friend ever been employed in or had any experience or special training in any of the following areas?

Table with 2 columns: Area, Yes, No. Rows include Law/Legal Field, Auto Mechanics/Repair/Brakes, Boilers/Furnaces/Water heaters, Building/Construction/ Remodeling, Drywall/Tape joint compound, Electrician, Engineering, Floor or ceiling tiles, Gaskets/valves/pumps, Health care/Medicine/Nursing, Insulation/Insulation Products, Manufacturing, Mental Health or Counseling, Painter/Painting, Steel Mills, Power Plants, or Refineries, Shipyards or Ships, Pipefitting/Pipe Insulation, Safety regulations (e.g. OSHA), Plastics/Moldings/Sealant.

I swear the above answers are true to the best of my knowledge. \_\_\_\_\_ (Sign)

BC: 01/11

Juror No. \_\_\_\_\_

If yes to any of the previous, please explain.

13. Have you or anyone close to you ever worked with or been exposed to substances or chemicals that you believe are a potential health hazard?

Yes, I have  Yes, someone close to me has  No  
If yes, please explain:

14. Generally, do you think environmental regulations we must follow are:

Too tough  About right  Not tough enough  No idea

15. Do you have any concerns about health issues as a result of where you or your family live or work?

Yes  No If yes, please describe:

16. Have you or someone close to you ever worked for a company that you or they believed was not concerned about health and safety?

Yes, I have  Yes, someone close  No  
If yes, please explain:

17. Have you or someone close to you ever made a claim for disability, workers' compensation, or a claim for personal injuries as a result of an accident or sickness involving your job?

Yes, I have  Yes, someone close  No  
If yes, please explain:

Were you satisfied with the result?  Yes  No

18. Are you or anyone close to you currently suffering from any major health problems?

Yes, I am  Yes, someone close to me is  No  
If yes, please explain:

19. Have you or someone close to you ever had any serious breathing problems or lung conditions?

Yes  No If yes, please describe:

20. Have you or any close friend or relative ever had cancer of any kind?

Yes  No If yes, please describe

21. Have you, a close friend, or relative ever sued anyone or been sued by anyone?  Yes  No If yes, please describe

22. Have you, a close friend, or relative ever been in a position where you probably could have sued but decided not to?

Yes  No If yes, please explain:

23. Generally, do you think the number of lawsuits today are:

Too many  About right  Not enough  No idea

24. Have you, a family member, or anyone close to you, ever been exposed to asbestos fibers or any product that contains asbestos?

Yes, I have  Family member/ one close  No  
If yes, please explain:

25. Have you, a family member, or someone close to you ever had any medical condition believed to be caused by exposure to asbestos?

Yes, self  Family member/one close  Not sure  No  
If yes or not sure, please explain:

26. Do you know anyone who has ever been involved in a lawsuit or claim involving personal injury or wrongful death due to exposure to asbestos or another hazardous substance?

Yes  No If yes, please explain:

27. Is there anything that you have heard about asbestos cases in general that you feel would make it hard for you to be a fair and impartial juror?

Yes  No If yes, please describe:

28. Do you have any situation which would make serving on a jury for two weeks a significant hardship?

Yes  No If yes, please describe:

I swear the above answers are true to the best of my knowledge. \_\_\_\_\_ (Sign)

BC: 01/11

Juror No. \_\_\_\_\_

**CONFIDENTIAL JUROR QUESTIONNAIRE ANSWERED UNDER OATH**

Juror Name: \_\_\_\_\_ Place of birth (City/State). \_\_\_\_\_  
Age \_\_\_\_\_ Gender: \_\_\_\_\_ City or Village where you live now: \_\_\_\_\_ How long? \_\_\_\_\_ yrs Zip code: \_\_\_\_\_  
How long you have lived in Madison County? \_\_\_\_\_ yrs Do you have a court case pending in Madison County? ( ) Yes ( ) No

I swear the above answers are true to the best of my knowledge. \_\_\_\_\_ (Sign)

BC: 01/11

Juror No. \_\_\_\_\_

1. What is your highest education level completed?  
 Less than high school       Some high school  
 High school diploma       Technical/vocational  
 Some college       College degree       Graduate school  
Major/Degree/Licenses/Certificates: \_\_\_\_\_

2. What is your current or most recent working status?  
 full time       part time       self-employed  
 student       homemaker       unemployed  
 disabled       retired for \_\_\_ years  
If not employed now, describe your previous occupation or your most recent job. If a student, give your school name.

Employer/School:  
Job title:  
Please describe your job:

How long have you had (or did you have) this job? \_\_\_\_\_ years.

3. Prior Jobs/Employers	Dates
_____	_____
_____	_____
_____	_____

4. Have you had a job considered "management"?  
 Yes       No  
If so, how many people do you or have you managed? \_\_\_\_\_

5. Have you or someone close to you ever been fired, laid off, or asked to resign from a job?  
 Yes, me       Yes, someone close       No  
If yes, please describe:

6. What is your marital status?  
 Never married       Married for \_\_\_ yrs       Separated  
 Living with domestic partner for \_\_\_ yrs  
 Divorced, not remarried       Divorced, now remarried  
 Widowed, not remarried       Widowed, now remarried

7. If married, or sharing a household with another adult, please describe that person's current or most recent job.

Employer or former employer:  
Job title:  
Please describe their job:

8. What was/is the occupation for each of your parent(s) or Step-parents?

Father:	Stepfather:
Mother:	Stepmother:

9. If you have children/stepchildren, please state the following (include children who do not reside with you).

Sex	Age	Education Level	Employer
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

10. Do you or your family belong to any trade or labor unions?

Yes, currently  Yes, but not currently  No  
If yes, what union(s)?

If yes, what offices were held, if any?  
Do you support the goals/activities of unions?  Yes  No

11. What clubs, organizations or charities do you belong to or volunteer with?

12. Have you, any member of your family, or close friend ever been employed in or had any experience or special training in any of the following areas?

	Yes	No
Law/Legal Field	_____	_____
Auto Mechanics/Repair/Brakes	_____	_____
Boilers/Furnaces/Water Heaters	_____	_____
Building/Construction/ Remodeling	_____	_____
Drywall/Tape joint compound	_____	_____
Electrician	_____	_____
Engineering	_____	_____
Floor or ceiling tiles	_____	_____
Gaskets/valves/pumps	_____	_____
Health care/Medicine/Nursing	_____	_____
Insulation/Insulation Products	_____	_____
Manufacturing	_____	_____
Mental Health or Counseling	_____	_____
Painter/Painting	_____	_____
Steel Mills, Power Plants, or Refineries	_____	_____
Shipyards or Ships	_____	_____
Pipefitting/Pipe Insulation	_____	_____
Safety regulations (e.g. OSHA)	_____	_____
Plastics/Moldings/Sealant	_____	_____

If yes to any of the previous, please explain.

13. Have you or anyone close to you ever worked with or been exposed to substances or chemicals that you believe are a potential health hazard?

Yes, I have  Yes, someone close to me has  No  
If yes, please explain:

14. Generally, do you think environmental regulations we must follow are:

Too tough  About right  Not tough enough  No idea



BC: 01/11

Juror No. \_\_\_\_\_

15. Do you have any concerns about health issues as a result of where you or your family live or work?  
( ) Yes ( ) No If yes, please describe:

16. Have you or someone close to you ever worked for a company that you or they believed was not concerned about health and safety?  
( ) Yes, I have ( ) Yes, someone close ( ) No  
If yes, please explain:

17. Have you or someone close to you ever made a claim for disability, workers' compensation, or a claim for personal injuries as a result of an accident or sickness involving your job?  
( ) Yes, I have ( ) Yes, someone close ( ) No  
If yes, please explain:

Were you satisfied with the result? ( ) Yes ( ) No

18. Are you or anyone close to you currently suffering from any major health problems?  
( ) Yes, I am ( ) Yes, someone close to me is ( ) No  
If yes, please explain:

19. Have you or someone close to you ever had any serious breathing problems or lung conditions?  
( ) Yes ( ) No If yes, please describe:

20. Have you or any close friend or relative ever had cancer of any kind?  
( ) Yes ( ) No If yes, please describe

21. Have you, a close friend, or relative ever sued anyone or been sued by anyone? ( ) Yes ( ) No If yes, please describe

22. Have you, a close friend, or relative ever been in a position where you probably could have sued but decided not to?  
( ) Yes ( ) No If yes, please explain:

23. Generally, do you think the number of lawsuits today are:  
( ) Too many ( ) About right ( ) Not enough ( ) No idea

BC: 01/11

Juror No. \_\_\_\_\_

24. Have you, a family member, or anyone close to you, ever been exposed to asbestos fibers or any product that contains asbestos?

Yes, I have  Family member/ one close  No  
If yes, please explain:

25. Have you, a family member, or someone close to you ever had any medical condition believed to be caused by exposure to asbestos?

Yes, self  Family member/one close  Not sure  No  
If yes or not sure, please explain:

26. Do you know anyone who has ever been involved in a lawsuit or claim involving personal injury or wrongful death due to exposure to asbestos or another hazardous substance?

Yes  No If yes, please explain:

27. Is there anything that you have heard about asbestos cases in general that you feel would make it hard for you to be a fair and impartial juror?

Yes  No If yes, please describe:

28. Do you have any situation which would make serving on a jury for two weeks a significant hardship?

Yes  No If yes, please describe:

29. Describe your smoking history.

Current smoker  Former smoker  Never smoked