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5 Designated Defense Counsel
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ELECTRONICALLY

FILED

Superior Court of California,
County of San Francisco

JAN 13 2010

GORDON PARK-LI, Clerk
BY: WILLIAM TRUPEK
Deputy Clerk

8 **SUPERIOR COURT – UNLIMITED JURISDICTION – STATE OF CALIFORNIA**

9 **IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO**

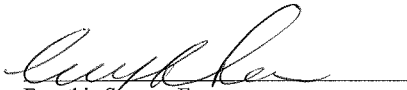
10 IN RE: No. CGC-84-828684
11 COMPLEX ASBESTOS LITIGATION /

**NOTICE OF ENTRY OF ORDER RE
SUBMITTING JOINT STATEMENTS
FOR THE CASE MANAGEMENT
CONFERENCE ON FEBRUARY 18, 2010**

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15 PLEASE TAKE NOTICE that on January 12, 2010, the above-entitled court duly entered
16 the attached Order Re Submitting Joint Statements for the Case Management Conference on
17 February 18, 2010.

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19 Dated: January 12, 2010

BERRY & BERRY
A Professional Law Corporation

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22 Evanthia Spanos, Esq.
23 Designated Defense Counsel
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ENDORSED FILED
 SUPERIOR COURT
 COUNTY OF SAN FRANCISCO

JAN 12 2010

GORDON PARK-LI, CLERK
 BY: ERNALYN BURA
 Deputy Clerk

9 SUPERIOR COURT – UNLIMITED JURISDICTION – STATE OF CALIFORNIA
 10 IN AND FOR THE COUNTY OF SAN FRANCISCO

11 In Re: No. 828684

12 COMPLEX ASBESTOS LITIGATION

13 ~~PROPOSED~~^{gr} ORDER RE SUBMITTING
 14 JOINT STATEMENTS FOR THE CASE
 15 MANAGEMENT CONFERENCE ON
 16 FEBRUARY 18, 2010

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 Oakland, California 94610
 Telephone: 510/250-0200

17 On the Court's own motion, it is hereby ordered that, on or before February 11, 2010,
 18 counsel shall provide the Court with written answers to the following questions as to each case
 19 on calendar for the Case Management Conference in which plaintiffs are seeking a trial date.
 20 The answers are to be set forth in a single joint statement, which shall include the answers of
 21 each plaintiff and each defendant in the case. There will be a single joint statement filed in each
 22 case on calendar for the Case Management Conference in which plaintiffs are seeking a trial
 23 date. The joint statement shall be filed and served electronically with courtesy copies delivered
 24 to Dept 206.

27 Plaintiffs shall answer the following questions as to each such case on calendar:

- 28 1. When was the complaint filed?

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- 2. Has the five year mandatory dismissal statute been tolled or extended for any reason? If yes, why has it been tolled or extended and for how long?
- 3. Have all defendants been served? If no, explain why the defendants have not been served. Plaintiff shall provide a detailed explanation as to why any defendant has been named but not served.
- 4. Have all defendants answered or had default taken? If not, explain why. Plaintiff shall provide a detailed explanation as to why any defendant has been named, served but not answered; or named, served but not answered and not defaulted.
- 5. Describe with specificity the status of discovery, including but not limited to (a) whether or not written discovery has been completed, (b) what depositions have been completed, (c) what depositions remain to be completed, and (d) what other discovery remains to be completed.
- 6. Does plaintiff intend to add any defendants?
- 7. Does plaintiff intend to seek trial preference pursuant to California Code of Civil Procedure section 36?

Defendants shall answer the following questions as to each such case on calendar:

- 1. Has defendant answered?
- 2. Have all cross-complaints been filed?
- 3. Does defendant plan to file a cross-complaint?
- 4. Has the five year mandatory dismissal statute been tolled or extended for any reason? If yes, why has it been tolled or extended and for how long?
- 5. What client-specific discovery has defendant conducted to date, if any?
- 6. What non-expert discovery is anticipated by defendant in the future?

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Oakland, California 94610

1 The last day to file and serve such statements electronically with courtesy copies
 2 delivered to Dept. 206 is February 11, 2010. *Each joint statement shall be filed separately under*
 3 *its own respective case number.* If this is not done, sanctions may be issued.

4 Plaintiffs' counsel are to electronically serve defendants' counsel with a list of the cases
 5 in which they intend to seek a trial date by January 21, 2010.

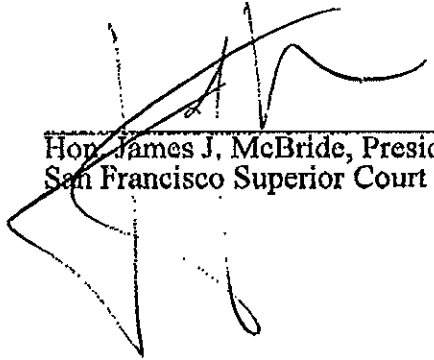
6 The parties are also to file and serve only one list of asbestos cases they have set for trial
 7 in San Francisco between February 22, 2010 and February 21, 2011. This list does not need to
 8 be filed and served as part of the joint statement required in each case set for the February 18,
 9 2010 Case Management Conference. The list shall identify the caption, the number, the trial
 10 date, and the client in each case. The parties may also provide any additional information or
 11 argument as to whether consolidation of cases should be taken into account when determining
 12 the total number of cases set for trial. *Only this information pertaining to the list of asbestos*
 13 *cases counsel has set for trial in San Francisco Superior Court between February 22, 2010 and*
 14 *February 21, 2011 shall be filed under the lead Case Number 828684.* This information shall be
 15 filed and served electronically by each law firm no later than February 11, 2010 with courtesy
 16 copies delivered to Dept. 206.

17 Designated Defense Counsel Berry & Berry is to serve all parties with this order.

18 IT IS SO ORDERED.

19 DATED:

20 1/12/10

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 22 Hon. James J. McBride, Presiding Judge
 23 San Francisco Superior Court

27 BERRY & BERRY
 28 A Professional Law Corporation
 2930 Lakeside Avenue
 Oakland, California 94610

1 PROOF OF SERVICE BY ELECTRONIC TRANSMISSION

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3 I, the undersigned, declare: that I am, and was at the time of service of the documents
4 herein referred to, over the age of 18 years, and not a party to the action; and I am employed in
5 the County of Alameda, California. My business address is Berry & Berry, 2930 Lakeshore
6 Avenue, Oakland, California 94610. My e-mail address is nancyw@berryandberry.com.

7 On the date executed below, at approximately 2:25p.m. I electronically served
8 the document(s) via LexisNexis File & Serve described as:

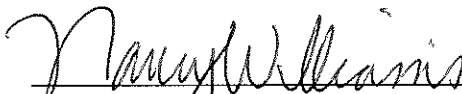
9
10 **Notice of Entry of Order re Submitting Joint Statements for the Case Management
11 Conference on February 18, 2010**

12 in the case of:

13 In Re: Complex Asbestos Litigation
14 San Francisco Superior Court No. CGC-84-828684

15 on the recipients designated on the Transaction Receipt located on the LexisNexis File & Serve
16 website. To the best of my knowledge, at the time of the transmission, the transmission was
17 reported as complete and without error.

18 I declare under penalty of perjury pursuant to the laws of the State of California that the
19 foregoing is true and correct and was executed on January 13, 2010 at Oakland, California.

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22 NANCY WILLIAMS
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