

BERRY & BERRY

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January 19, 2010

To All Defense Counsel Via Email Tree/Fax Server

Re: **Joint Statements for Case Management Conferences on February 18, 2010**
In Re Complex Asbestos Litigation: San Francisco Superior Court No. 828684

Dear Counsel:

The San Francisco Superior Court has issued an Order requiring the parties to file a single joint statement for the cases set for Case Management Conference on February 18, 2010 at 1:30 pm in Department 206.¹ The Order requires the parties to submit answers to specific questions directed to plaintiffs' counsel and defense counsel for all cases in which plaintiffs are seeking a trial date. Plaintiffs' counsel has been ordered to electronically serve their list of cases for which they will be seeking trial dates by January 21, 2010.

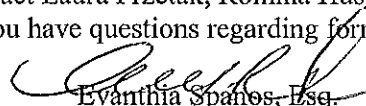
At the request of defendants, Berry & Berry will be coordinating the defendants' statements and working with plaintiffs' counsel to integrate that information into a joint statement. We have attached a NEW FORM for each defendant to fill out and return to our office. The form will also be served on all defense counsel on our defense email tree in Microsoft Word format. If you would like a copy of the form emailed to you in Microsoft Word format, please send a request to the email address, below.

A new form for defendants to fill out is attached. Please complete the form by providing typewritten responses to the questions posed. We will not submit any handwritten forms to the Court. Please do not alter the text or the forms in any way. If at all possible, please limit each submission to a single page. **Please return the completed forms to Berry & Berry no later than February 3, 2010 by emailing them in Microsoft Word or PDF formats to:**

sfcmstatements@berryandberry.com

The subject line should list the case name and reference "FEBRUARY CMC". Every form for each case must be sent in a separate email to this email address so we can monitor the information electronically. If you have more than one client in a single case, you can send one form per client in one email so long as the files are separate. Each email must correspond to only one case. When you email your joint statements to us, you will receive an automatic message from our office confirming receipt. If you fail to receive a message confirming receipt, please double check the email address to make sure there are no typographical errors. Please take notice that if defendants' statements are not received by this deadline, we cannot guarantee they will be included in the joint statements.

Copies of the Court's Order, this correspondence and the accompanying form will also be posted on our web site at www.BerryandBerry.com. Please make sure those in your office who are responsible for filling out the forms are provided a copy of these instructions and the new form. If you have any questions regarding the above, please contact Laura Przetak, Romina Hussein or me. We request you contact our office prior to submission if you have questions regarding format. Thank you very much for your cooperation.


Evanthia Spanos, Esq.
Berry & Berry

¹ A copy of the Court's January 12, 2010 Order is available on Lexis Nexis, transaction number 29010456, or on the home page of our website at www.berryandberry.com.

**DEFENDANT'S CASE MANAGEMENT CONFERENCE STATEMENT
FEBRUARY 18, 2010**

Full Case Name:
[List First and Last Names]

Plaintiff's Attorney:

Case Docket No.:

Client (exactly as it appears on Answer):

Has defendant answered?

Have all cross-complaints been filed?

Does defendant plan to file a cross-complaint?

**Has the five-year mandatory dismissal statute been tolled or extended for any reason?
If so, why and for how long?**

What client specific discovery has defendant conducted to date, if any?

What non-expert discovery is anticipated by defendant in the future?

Firm Name: _____

Attorney's Signature: _____

Date: _____, 2010