

IN RE:

COURTS OF

ASBESTOS LITIGATION

* IN THE 10TH, 56TH, 122ND, 212TH,
* 01 MAR 23 PM 3:29
* 405TH DISTRICT COURT OF
* *Paula J. Hall, Clerk*
* GALVESTON COUNTY, TEXAS
GALVESTON COUNTY, TX.

STANDING ORDER NO. 1

Having considered the type and number of asbestos cases pending in Galveston County and after having heard the argument of counsel, the Courts find that good cause exists for the entry of this Order.

This Order is intended to facilitate the administration of asbestos disease cases in Galveston County by reducing multiple filings and hearings, and by setting out Orders for the orderly disposition of the cases as a whole. This Order shall apply to all cases already filed or to be filed in the future in the District Courts of Galveston County in which a claim for money damages is made for any injury, illness, malignancy, fear of malignancy, mental anguish, loss of consortium, survival benefits, wrongful death, or other damages claimed as a result of exposure to asbestos and/or asbestos fibers.

I.

PROCEDURES

1. Master Service List. The Clerk shall maintain a master service list in the Master Asbestos File of all counsel representing parties in any asbestos case filed in Galveston County. It shall be the responsibility of the party who wished to be added to the service list to see that the list is updated. Motions to Substitute

Counsel should not be accompanied by an Order. They are deemed granted.

No docket entry is required.

2. Prior trial testimony or depositions of any witnesses taken in any other asbestos case may be admitted into evidence if such testimony is designated by style, date page, and line at least 60 days prior to the trial date, provided attorneys representing the same or substantially the same interests as the party affected are present at the proceeding and have the opportunity to examine or cross-examine the witness. Any objections under Rule 7, Texas Rules of Civil Procedure, 802 or 804 of the Texas Rules of Civil Evidence, Statutory or constitutional objections to the use of this testimony must be made in writing not less than 30 days before trial and a hearing requested before the trial Judge in advance of the trial date.
3. Non-Waiver of Objections. The Courts are informed that special appearances to object to the jurisdiction and motions for change of venue will be filed by some Defendants. The Court also understands that some Defendants object to any consolidation of these cases. The entry of this Order will not prejudice Plaintiffs' or the Defendants' right to object to consolidation, venue, or jurisdiction. Further, neither Plaintiffs nor Defendants have waived their right to assert or contest the manner in which these cases should be tried.
4. Cross-Claims. By the filing of any answer to Plaintiffs' complaint, each Defendant is deemed to be asserting a cross-claim against all Defendants for contribution; therefore, the filing of cross-claims is not necessary. Further, the filing of the answer to Plaintiffs' petition shall be deemed to be an answer to and denial of all

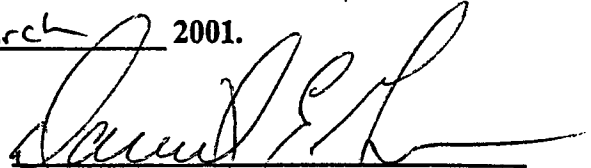
cross-claims. In the event that any Defendant is dismissed or non-suited from the main action, all cross-claims deemed by this paragraph to have been asserted by or against said Defendant will be deemed automatically dismissed as of thirty days thereafter, unless formal cross-claims are filed within the thirty-day period. These provisions do not apply to third-party complaints, which allege the breach of a direct responsibility to the third-party Plaintiff. Additionally, any cross-claims for the indemnity must be filed in a pleading in conformance with the Texas Rules of Civil Procedure.

5. Pro Hac Vice Motions. It is expected that a number of out-of-state attorneys not licensed to practice law in Texas will participate in this litigation. All properly filed pro hac vice motion of out-of-state attorneys duly licensed and in good standing in a state other than Texas shall be deemed granted without further order of the Court unless an objection to any such motion is filed within thirty days of service of the motion.
6. Adoption of Objections and Responses and Motions. Any objection or response to a motion filed by any Defendant will be deemed automatically adopted by all other Defendants filing an adoption pleading or orally joining the objection or response. If a Defendant wishes to adopt a motion filed by another party, said Defendant may be adopted by another party filing a single page adoption.
7. Service. Service of any and all motion shall be upon all counsel on the master service list pursuant to the Texas Rules of Civil Procedure.

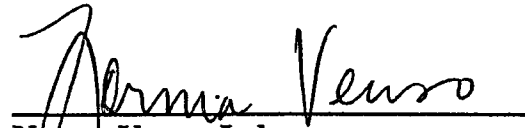
8. Attorney Vacations. Vacations designated pursuant to Local Rule 14 by any attorney or firm trying cases covered by this Order shall be inoperative as to any month except August.

9. Nonsuits. Unless a minor is involved, all nonsuits will be taken by Notice of Nonsuit. No orders will be submitted for signature. ~~Noted on basis required.~~

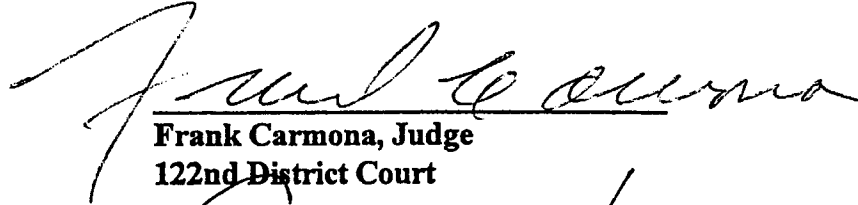
SIGNED this 23 day of March 2001.



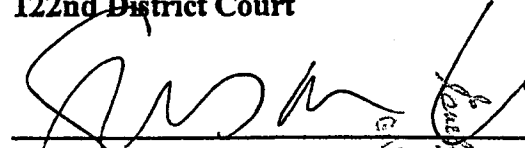
David Garner, Judge
10th District Court



Norma Venso, Judge
56th District Court



Frank Carmona, Judge
122nd District Court



Susan Criss, Judge
212th District Court



Wayne Mallia, Judge
405th District Court

APR 23 PM 3:29
J. Shell
DISTRICT CLERK
EASTON COUNTY, TX.