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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

)	Case No.: JCCP4674/BC
)	
Plaintiffs,)	TRIAL SETTING ORDER FOR ASBESTOS LITIGATION PREFERENCE CASES
vs.)	
)	Date:
)	Time:
Defendants.)	Dept.:
)	
)	
)	
)	Action Filed:
)	

Plaintiff's Motion for Preference in Trial Setting, pursuant to Code of Civil Procedure, section 36, having been heard on _____, the Court makes the following orders:

1. The Motion (is) (is not) granted.
2. This action is set for trial on _____ at _____ a.m.
3. A Final Status Conference (hereafter "FSC") is set on _____ at _____ a.m.
4. A further Status Conference is set on _____ at _____ a.m.
5. This Order supersedes all General Orders pertaining to discovery and trial

1 readiness, except as to General Orders referenced to herein.

2 6. All service or pleadings and discovery shall be made and be controlled by
3 Electronic Service Order dated October 25, 2011.

4 7. Plaintiff represents that as of the date of this order, all defendants have been served,
5 the time for answering the Complaint has passed, and plaintiff(s) represents that the case is at-
6 issue, or that any named defendant who has not appeared has waived at-issue status.

7 8. All percipient/fact discovery shall be completed no later than _____. All
8 responses to General Order Standard Interrogatories shall be due within thirty (30) days from the
9 date of service of the interrogatories. All parties may propound case specific discovery at anytime
10 after entry of this order, provided it is timely served with respect to the discovery cutoff. The
11 hearings on all motions relating to percipient/fact discovery matters shall be held by _____.

12 9. All expert discovery shall be completed no later than _____. The
13 hearings on all motions relating to those expert discovery matters shall be held not later than
14 _____.

15 10. Each party shall file and a list of the former testimony (as provided in First
16 Amended General Order No. 36), which said party intends to use at trial, no later than
17 _____, unless the parties stipulate otherwise. Any objections to said lists of
18 former testimony shall be filed and exchanged no later than the first day of trial, unless the parties
19 stipulate otherwise.

20 11. Each party shall file in and exchange its motions in limine no later than
21 _____. Such motions in limine shall be filed in accordance with Second
22 Amended General Order 37.00 adopted on September 7, 2007. Defendants shall conduct their
23 meet and confer, as required under Second Amended General Order 37.00, no later than thirty-five
24 (35) days before the trial date. The subsequent meet-and-confer of all parties under General Order
25 37.00 shall take place no later than 21 days before the trial date.

26 12. Any written opposition to motions in limine shall be filed and exchanged no later
27 than _____.

28 13. The hearings relating to the motions in limine will be conducted on _____.

1 14. If Plaintiffs have not already answered the General Order Standard Interrogatories
2 served on them by Defendants, those responses shall be served no later than five (5) days after the
3 hearing on plaintiff's motion for preference, or no later than forty-eight (48) hours before the start
4 of plaintiff's deposition, whichever is sooner.

5 15. In this case, relevant bodily tissue and/or fluid samples [do] [do not] exist. If in
6 plaintiff's possession, these samples will be made available to the defendants and their experts not
7 later than 2 weeks from the granting of plaintiffs' motion for preference. The examinations by
8 defendants of the samples shall be completed no later than _____. All provisions of
9 General Order No. 28 shall apply to this matter. With respect to available pathology, plaintiff's
10 available tissue may be used for destructive testing, including an asbestos fiber burden analysis.
11 Each party receiving tissue samples for testing shall preserve at least one-half (1/2) of tissue
12 received by the party. Any tissue remaining after the parties have completed testing shall be
13 returned to the medical facility from which it was obtained.

14 16. Provided plaintiff can physically attend, defendants may conduct an independent
15 medical examination of the plaintiff at such time and place as the Plaintiff and Defendants will
16 agree, but in no event later than two weeks before trial. With the exception of paragraph 4 thereof,
17 the provisions of First Amended General Order No. 27 are applicable to this matter. Solely with
18 respect to this case, the provision of paragraph 4 of General Order No. 27 is amended to read: The
19 defense medical examiner shall prepare and deliver a written report relating to said examination to
20 defendants' counsel. A copy of said report shall be provided to plaintiff or plaintiff's counsel no
21 less than twenty-four (24) hours before the defense medical examiner is deposed, or, if not
22 deposed, testifies at trial.

23 17. Summary judgment motions may be heard up to and including _____.
24 The parties agree to waive the current 75-day notice provision of Code of Civil Procedure section
25 437c. A motion for summary judgment shall be set on _____ days notice from the date the
26 motion is served either electronically or by personal service. Opposition and reply papers shall be
27 served per Code of Civil Procedure, section 437c.

28 18. As of the date of this order, all parties to this action are deemed to have made a

1 demand, pursuant to Code of Civil Procedure, section 2034.210 et seq., for the exchange of
2 information relating to expert trial witnesses and all their discoverable reports and writings. The
3 exchange of such information and reports and writings, modified by the provisions of paragraphs
4 15 and 16 of this order with respect to defense medical examinations and examination of bodily
5 tissues and/or fluid samples, shall be completed by _____. All parties who have
6 participated in this designation of experts are deemed to have noticed the depositions of the
7 opposing party's designated experts whom the opposing party intends to call to testify at the trial
8 of this matter. Depositions of experts designated pursuant to Code of Civil Procedure Section
9 2034.210 et seq. shall be conducted promptly and in an orderly manner. Parties shall promptly
10 offer their trial experts for deposition and shall: (1) allow the opposing side at least until 5:00 p.m.
11 on the second business day after the offer to respond to such an offer; and (2) provide a minimum
12 of five (5) days notice of the offered deposition. Absent an order of the Court, or stipulation of the
13 parties, the number of depositions of experts actually taken should not exceed three (3) per day.
14 All reports prepared by any testifying expert concerning this matter must be produced to the other
15 side, a minimum of seventy-two (72) hours prior to the commencement of that expert's deposition.

16 19. The parties shall meet and confer and submit joint witness lists, exhibit lists,
17 proposed jury instructions, and statement of the case to be read to the jury, no later than
18 _____.

19 20. Counsel for plaintiff must file and serve the Case Report required by Third
20 Amended General Order No. 29 on or before _____. All other provisions of Third
21 Amended General Order No 29 shall govern in this action, except that a defendant may file and
22 serve a motion to dismiss no earlier than fourteen (14) calendar days after the filing and service of
23 plaintiff's Case Report.

24 21. If plaintiff has not already made available to defendants, for inspection and
25 copying, all discoverable, non-privileged medical, employment, economic, rehabilitation, social
26 security, and military records, which are in the possession or under the control of plaintiff or
27 plaintiffs' counsel; pursuant to General Order No. 23, those documents shall be made available to
28 defendants a minimum of forty-eight (48) hours prior to the commencement of plaintiff's

1 deposition or forty-eight (48) hours after the entry of this order, whichever is later.

2 22. If plaintiff has not previously furnished signed authorizations to defendants to
3 allow defendants to obtain, inspect and/or copy from others all such records referenced in
4 paragraph 21 above (of which plaintiff does not have in possession or control), those
5 authorizations shall be made available to defendants no later than seven (7) days after the hearing
6 on plaintiff's motion for preference.

7 23. Should any party fail to comply with any of the foregoing orders, any other party
8 may move to compel compliance and request sanctions upon a shortened motion notice period of
9 five (5) court days. Any opposition thereto must be filed and serve three (3) court days before the
10 hearing. Any reply brief must be filed and served no later than noon on the court day before the
11 hearing.

12 24. If a deadline to file serve and/or exchange any document under this Order falls on a
13 weekend or holiday, the following court day is the operative deadline. No deposition shall take
14 place on holidays or weekends absent stipulation of all parties.

15 25. Pursuant to section 2026.010 et seq. of the Code of Civil Procedure, any
16 commissions necessary for the depositions of witnesses and/or production of documents or things
17 in another state or nation are hereby issued, in advance, under the seal of this Court, directed to
18 any person who is authorized to administer oaths by the laws of the United States, or by the laws
19 of the jurisdiction in which the deposition is taken, and who is not otherwise disqualified under
20 Code of Civil Procedure section 2025.320 to conduct the deposition of any such witnesses.

21 26. Plaintiffs shall serve a conformed copy of this executed order on all remaining
22 parties to this action within one day of receipt.

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25 DATED:

STEVEN J. KLEIFIELD, JUDGE
LOS ANGELES SUPERIOR COURT