

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

v.)
) No. ___ L _____
) In Re: Asbestos Litigation

SCHEDULING ORDER

This matter coming before the court on motion to set trial and enter a case management order, due notice having been given and the court being fully advised in the premises,

IT IS HEREBY ORDERED THAT:

1. This cause is set for trial on _____ at _____ a.m. before Judge _____ in Room 2005 of the Richard J. Daley Center.
2. Plaintiff shall provide defendants with answers to the standard master interrogatories in the form approved by this Court not later than _____ (90 days after the complaint is filed or 270 days before the cause is set for trial, whichever date is earlier).
3. Plaintiffs shall provide defendants with responses to standard master production requests in the form approved by this Court not later than _____ (90 days after the complaint is filed or 270 days before the cause is set for trial, whichever date is earlier).
4. Plaintiffs shall supply defendants with all records in their possession relating to medical treatment and any claims for lost earnings not later than _____ (90 days after filing the complaint, or 270 days before trial, whichever date is earlier). In addition, plaintiff shall provide executed authorizations, including executed HIPAA (45 C.F.R. 164.512 of the Health Insurance Portability and Accountability Act) authorizations, for medical records, union records, Social Security Administration records, death certificate if applicable, and military records not later than _____ (60 days after filing the complaint or 300 days before trial, whichever date is earlier).
5. Plaintiffs shall appear for discovery depositions not later than _____ (240 days before trial).
6. Upon the request of a defendant, plaintiffs shall be produced for independent medical evaluations not later than _____ (210 days before trial).

7. Upon the request of a defendant, plaintiffs shall supply defendants with all pathology materials and radiology films of any description in their possession not later than _____ (180 days before trial). Upon any transfer of custody of such materials from plaintiff's possession, plaintiff shall send notice to all counsel of record an inventory of material and identity of the counsel for defendant to which it is transferred. No destructive testing of pathology material shall be conducted without leave of court.

8. All Rule 213(f)(1) product exposure, premises exposure, and lay witnesses on behalf of plaintiffs (other than family members who will not offer product exposure testimony, as hereinafter provided) who are represented by plaintiffs' attorneys shall be produced for their discovery depositions not later than _____ (165 days before trial) by plaintiffs' counsel on notice and payment of the statutory witness fee, but without the necessity of a subpoena from defendants.

9. Defendants shall issue a subpoena for the depositions of lay witnesses not represented by plaintiffs' counsel; all such depositions for completion not later than _____ (165 days before trial); a subpoena from one defendant for the deposition of any such lay witnesses shall be deemed served for all defendants and enforceable by any defendant. No deposition shall be considered cancelled unless all notices of the deposition have been withdrawn. A defendant need not attend the deposition of a witness not disclosed in a particular case against that defendant, and the testimony of such a witness shall be inadmissible against that defendant at trial.

10. Plaintiffs shall disclose the identities of all independent and controlled expert witnesses, and shall comply with the requirements of Supreme Court Rule 213(f)(2) and (3), not later than _____ (150 days before trial).

11. The plaintiffs shall produce all prior deposition and trial testimony, including page and line designations, intended for use as substantive evidence not later than _____ (90 days before trial).

12. The defendants shall file objections and/or counter-designate by page and line all other passages in such deposition or trial transcripts which they intend to offer, not later than _____ (14 days before trial). The parties may agree to extend such deadlines until a date closer to trial without the necessity of seeking leave of Court for such extension.

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13. Defendants shall disclose the identities of all Rule 213(f)(1) lay witnesses expected to testify at trial on their behalf not later than _____ (120 days before trial).

14. Plaintiffs shall produce all Rule 213(f)(3) controlled expert witnesses for depositions, if

requested by a defendant, not later than _____ (105 days before trial).

15. Defendants are hereby granted leave of Court to take the deposition of any treating physician disclosed in these cases not later than _____ (90 days before trial).

16. Upon the request of a plaintiff, those lay witnesses disclosed by a defendant which are within its control shall be produced for deposition not later than _____ (90 days before trial). Plaintiffs shall issue a subpoena for the depositions of other fact witnesses, scheduling all such depositions for completion not later than _____ (90 days before trial).

17. The defendants shall produce all prior deposition and trial testimony, including page and line designations, intended for use as substantive evidence not later than _____ (45 days before trial). The plaintiffs and/or co-defendants shall file objections and/or counter-designate by page and line all other passages in such deposition or trial transcripts which they intend to offer, not later than _____ (14 days before trial). The parties may agree to extend such deadlines until a date closer to trial without the necessity of seeking leave of Court for such extensions.

18. Defendants shall disclose the identities and expected testimony of all independent and controlled expert witnesses consistent with Supreme Court Rule 213(f)(2) and (3) not later than _____ (90 days before trial). If requested by the plaintiff, all independent and controlled expert witnesses disclosed on behalf of defendants shall be produced for depositions, not later than _____ (60 days before trial).

19. Plaintiffs shall file all motions pursuant to §2-604.1 not later than _____ (60 days before trial). Defendants may file their response to any motions pursuant to §2-604.1 not later than _____ (30 days before trial).

20. All motions for summary judgment shall be filed not later than _____ (not later than 60 days before trial). Responses to motions for summary judgment shall be filed not later than _____ (14 days after filing of motion for summary judgment). All reply memoranda in support of summary judgment motions shall be filed not later than _____ (7 days after filing of any response).

21. Upon the request of any defendant made not later than _____ (60 days before trial), all family members of plaintiffs expected to testify at trial and not offering product exposure testimony shall be produced for depositions not later than _____ (14 days before trial).

22. Plaintiff shall provide notice to all parties of the trial date and any change in the trial date. Plaintiff's counsel shall serve defendants with plaintiffs' intended order of trial of the cases in each trial-set group no later than _____ (10 days before trial).

EXHIBIT C

23. Any evidence or testimony not timely disclosed or produced pursuant to this Order shall be inadmissible for any purpose at trial, except by stipulation of the parties or by further order of the Court. Motions to extend deadlines set forth in this order shall be filed prior to the expiration of the deadline and for good cause shown, unless otherwise agreed by the parties.

ENTERED:

Date:

JUDGE