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SUPERIOR COURT
STATE OF CALIFORNIA, COUNTY OF SOLANO
DEPARTMENT ONE

IN RE: COMPLEX ASBESTOS LITIGATION	AMENDED TRIAL MANAGEMENT ORDER
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TRIAL MANAGEMENT

A. TRIAL MANAGEMENT CONFERENCE REPORTS

A first Trial Management Conference (TMC-1) will be set for approximately four weeks prior to trial. A Trial Management Conference Report must be filed five (5) court days before the TMC-1 pursuant to Solano County Superior Court Local Rule 4.10b. A second Trial Management Conference (TMC-2) will be set for approximately one week prior to trial. No further Trial Management Conference Report is to be filed for the TMC-2.

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1 **B. DESIGNATED TRANSCRIPTS AND DISCOVERY RESPONSES**

2 Parties are to file designated transcripts of testimony of unavailable
3 witnesses, discovery responses from previous cases, and objections thereto, as
4 follows:

- 5 1. All transcripts of deposition testimony, transcripts of trial testimony, and
6 discovery responses from previous cases must be filed in the following
7 format:
- 8 a. All designations are to be submitted in a black binder.
9 Numbered tabs are to be used to separate the transcripts or
10 volumes of transcripts. If a transcript has multiple volumes, the
11 tab number is to match the volume number of the transcript. If
12 there is more than one transcript for a particular witness, all of
13 the transcripts for that witness are to be submitted in the same
14 binder, space permitting.
- 15 b. An index is to be included at the front of the binder that indicates
16 the tab number and the transcript following each tab contained
17 in the binder.
- 18 c. Exhibits referred to in the testimony are to be attached at the end
19 of each transcript. If there is more than one volume of the
20 transcript, the exhibits referred to in a particular volume are to
21 be included at the end of that volume.
- 22 2. Counsel must meet and confer regarding objections to the designated
23 testimony before submitting any objections to the court. If this court has
24 ruled on objections to a designation in a previous case, counsel are to refer
25 to these rulings in their meet and confer discussions. Counsel are advised
that, in previous cases, in ruling on objections to designations, this court
generally found evidence regarding other asbestos-containing products
may be relevant to issues of notice and/or state-of-the art, and evidence
regarding post-exposure conduct may be relevant to allegations of failure
to warn, retrofit, or recall, although such evidence may be subject to an
Evidence Code Section 352 analysis.

- 1 3. The designated testimony and the objections thereto must be filed no later
2 than fourteen (14) days after the TMC-1. The format for the objection is
3 to be the same format required for objections filed on a motion for
4 summary judgment, as set out in Rule 3.1354 of the California Rules of
5 Court. A courtesy copy of the objections must also be submitted at that
6 time.
- 7 4. No amended "objection pleading" may be filed without specific approval
8 of the court.
- 9 5. Counter-designations, if any, must be filed no later than five (5) days after
10 the date the court issues its rulings on the objections to the original
11 designations.
- 12 6. An "objection pleading" to counter-designations, if any, must be filed at
13 least five (5) days after the date the counter-designations are filed.

14 **C. MOTIONS IN LIMINE**

15 All motions in limine (except those arising from expert discovery) must
16 be filed as part of Exhibit 11 of the Trial Management Conference Report pursuant
17 to Solano County Superior Court Local Rule No. 4.10b. A courtesy copy of each
18 motion in limine is to be submitted to the court separate from the Trial Management
19 Conference report at that time. All oppositions to motions in limine must be filed
20 no later than ten (10) days after the TMC-1.

21 **D. EXHIBIT LISTS**

22 Counsel must meet and confer in person regarding their exhibit lists and
23 reduce the number of exhibits to be used at trial to a reasonable amount prior to the
24 TMC-2. Counsel are to advise the court at the TMC-2 of any objections to exhibits
25 about which they cannot agree. The court will conduct a hearing to rule on the
 objections.

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1 **E. POWERPOINT PRESENTATIONS**

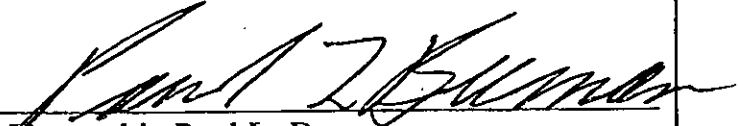
2 Counsel must exchange the PowerPoint presentations they intend to use
3 at trial no later than 72 hours prior to the commencement of jury selection. Counsel
4 are to meet and confer in person regarding their objections to the PowerPoint
5 presentation of another party, and advise the court of any objections about which
6 they cannot agree within 48 hours of the commencement of jury selection. The
7 court will conduct a hearing to rule on the objections.

8 **F. EXCLUSION OF EVIDENCE**

9 Pursuant to Solano County Superior Court Rule 4.10c, the testimony of
10 witnesses who are not listed in the Trial Management Conference Report, and
11 documents, exhibits, portions of depositions, answers to interrogatories or
12 responses to requests for admissions, which are not listed in the Trial Management
13 Conference Report, shall not be admitted at trial unless the court rules, in its
14 discretion and upon a showing of good cause, that they may be admitted despite
15 their omission from the Trial Management Conference Report.

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17 IT IS SO ORDERED.

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19 Date: 6-17-16

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Honorable Paul L. Beeman