



FILED
Superior Court of California
County of San Francisco

MAY - 7 2014

CLERK OF THE COURT
BY: Andray Deputy Clerk

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

IN RE COMPLEX ASBESTOS LITIGATION

Case No. CGC-84-828684

**ASBESTOS TRIAL MANAGEMENT
ORDER**

The Court has previously found that Asbestos cases constitute “complex litigation” within the meaning of standard 3.10 of the Judicial Administration standards. These cases require exceptional judicial management to avoid placing unnecessary burdens on the Trial Court and litigants. In order to ensure that trials proceed expeditiously, efficiently, and fairly, this Court orders the following:

1) MOTIONS IN LIMINE

Before any motions in limine (“MIL”) are filed with the Court, the parties are ordered to meet and confer on all MILs to determine if stipulations can be reached. ¹

¹ Any frivolous MIL filed, the trial judge will take appropriate action as allowed under CCP § 128.7 et seq.

1 Each side is initially limited to five (5) joint MILs not to exceed five (5) pages per motion,
2 excluding exhibits. *However, the joint MILs are restricted to one issue and cannot have subparts*
3 *arguing additional issues. Furthermore only one declaration per MIL is required to support the*
4 *arguments. Therefore no additional declarations should be submitted in support of the same*
5 *arguments. Declaration should not exceed three (3) pages. This five motion limit does not*
6 *include motions pertaining to experts such as motions under Evid. Code §§402, 403. However,*
7 *should the Defendants seek to exclude the same expert on the same arguments or the same legal*
8 *theories in an Evid. Code § 402 hearing, the Defendants must submit the request under a joint*
9 *motion with only one declaration, not to exceed three (3) pages. Parties are permitted to include*
10 *as one exhibit the entire expert's deposition in the at issue case.*

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14 If a party has good cause for additional MILs, that party may request additional MILs by
15 submitting a declaration, not to exceed three (3) pages, to the trial judge or the Supervising
16 Asbestos Judge with a brief description of the evidence sought to be precluded or limited and an
17 explanation as to why the motion is required. Should additional MILs be allowed by either the
18 Supervising Asbestos Judge or the trial judge, a briefing schedule will be ordered at that time. If
19 the right to bring additional MILs is denied, any party may still make trial objections at the time
20 the evidence is proffered because this is not deemed a ruling on the merits.

22
23 All joint defense MILs are deemed joined by all defendants unless a defendant specifically
24 indicates otherwise.

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27 The initial joint defense MILs and plaintiffs' MILs shall be filed and served on all parties no later
28 than two (2) court days after assignment of the case to a trial judge, or within two (2) court days

1 of receiving notice from the Supervising Asbestos Judge of an impending trial assignment.

2 Oppositions to the MILs are due two (2) court days after the MILs are filed and served.

3
4 Courtesy copies of the initial joint defense MILs and plaintiffs' MILs and Oppositions must be
5 provided to the trial department with each side submitting a single submission of the MILs
6 accompanied by the respective Oppositions in an indexed, tabbed binder. Any party whose
7 request for additional MILs has been granted shall submit those MILs with the respective
8 Oppositions in a single submission to the trial department in an indexed, tabbed binder.
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11 **2) EXPERTS**

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14 Demands for exchange of expert information are deemed served. Expert designations shall be
15 served pursuant to *Civ. Proc. Code §2034.260, et seq.*
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18 A request for another party's experts' depositions must be made in writing and copied to all
19 parties.
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22 A party who receives a request for the depositions of its experts must provide dates and times for
23 those depositions within five (5) court days of receipt of the request.
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25
26 The offering party shall make a good faith effort to provide a minimum of six (6) court days
27 notice as to the date of the expert deposition. In no event will experts be offered on less than
28 four (4) court days notice. The parties shall have no less than two (2) court days to accept or

1 decline any offered expert's deposition. The parties shall meet and confer in good faith if the
2 deposition times in the same case are conflicting.

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5 A party offering the expert for deposition before any request is made must provide a minimum of
6 ten (10) calendar days notice. The responding party will have no less than four (4) court days to
7 accept the deposition. Depositions of experts shall not occur more than 40 calendar days before
8 trial, except for good cause.

9
10 No later than 48 hours prior to the scheduled deposition of an expert, a party is required to
11 produce the expert's file, notes and reports for the specific case. However, this does not preclude
12 a request for additional materials.

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15 If there are issues regarding the completion of expert depositions that impact the orderly progress
16 of the trial, the Supervising Asbestos Judge shall be so advised before the case is assigned to a
17 trial department.

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20 **3) WITNESS AND EXHIBIT LISTS**

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22 No later than two (2) court days after the date of the assignment of a case to a trial judge, the
23 parties shall submit witness lists and exhibit lists to the trial department.

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26 **4) JURY INSTRUCTIONS**

27 No later than two (2) court days after the date of the assignment of a case to a trial judge, the
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1 parties shall submit a joint standard jury instructions, without prejudice to submitting further
2 instructions at a later date.

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4 **5) DESIGNATIONS OF FORMER TESTIMONY**

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7 No later than seven (7) calendar days before the initial trial date, the parties shall serve on all
8 parties a list of all former testimony that will be used at trial, except transcripts to be used for
9 cross-examination. The list shall include the name of the witness (first and last name), the
10 caption of the case in which the testimony was taken, the date(s) of the deposition or trial
11 testimony, and the court reporter's contact information, if known. If a party in good faith does
12 not possess the transcript, the party may request the transcript from the designating party who
13 shall provide it within two (2) calendar days of the request.
14

15
16 No later than two (2) court days after the date of the assignment of a case to a trial judge,
17 page:line designations of the former testimony shall be served on all parties. Absent leave of
18 court for good cause shown, designations for any witness shall not be made from more than five
19 (5) former cases.
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22 Within three (3) court days of the receipt of said page:line designations, any counter designations
23 or objections shall be served on all parties. Within one (1) court day of the receipt of any counter
24 designations or objections, counsel with full authority for each party shall meet and confer in
25 good faith to resolve any disputes regarding the page:line designations of the testimony. The
26 parties shall then promptly provide to the Court in a single submission a marked transcript
27 containing those portions of testimony that remain in dispute. The testimony will be marked in
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1 contrasting colors, with designated testimony in one color, counters in another color, and
2 objections in the margin, identifying the party asserting them. No former testimony shall be used
3 at trial without a minimum of 48 hours advance notice to all parties.
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6 If the proposed page:line designations are especially voluminous, the responding party may
7 request relief from these deadlines upon a good cause showing to the trial judge.
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9 **6. TRIAL BRIEF**

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11 On the day of trial assignment or by the first trial appearance, which ever date is earlier, parties
12 must submit a trial brief. The trial brief must include a succinct summary of the facts of case,
13 Plaintiff(s)' claim(s) against the defendant, and Defendant(s) asserted defenses. Plaintiff's trial
14 brief may not exceed ten (10) pages and no exhibits are permitted. Defendant's trial brief may
15 not exceed five (5) pages, and no exhibits are permitted. The trial brief may not be another form
16 of a Motion in Limine.
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19 If a party has good cause to exceed the page limit, that party may request said leave by submitting
20 a declaration to the trial judge or the Supervising Asbestos Judge with a brief description as to the
21 good cause basis for relief.
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23
24 The Supervising Asbestos Judge has discretion to revise any deadlines set forth above in cases in
25 which expedited trial dates have been ordered pursuant to *Civ. Proc. Code* § 36, or as required to
26 expedite the trial.
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1 **7. JURY QUESTIONNAIRE**

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3 Attached hereto this Order is Exhibit A, a template for a jury trial questionnaire in an asbestos

4 trial. Each trial judge has the discretion whether or not to allow a jury questionnaire in an

5 asbestos trial. The trial judge also has discretion to modify said template for the specific case in

6 trial as deemed appropriate.

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9 This order is subject to modification as deemed appropriate by the Supervising Asbestos

10 Judge or trial judge.

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14 IT IS SO ORDERED.

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17 DATED: 5/7/14

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HONORABLE TERI L. JACKSON

JUDGE OF THE SUPERIOR COURT

EXHIBIT A

Superior Court of California, County of San Francisco

Juror Questionnaire

Juror Name (Print): _____ Badge Number: _____

Phone Number: _____

Please read these instructions carefully before you fill out the questionnaire.

This questionnaire is part of the jury selection process and part of the public record in this case. Your answers will be used by the judge and attorneys to help select a qualified jury and will make the jury selection process shorter and easier. Please take as much time as you need to complete this questionnaire.

You are ordered not to discuss this case with anyone; do not allow anyone to discuss the case with you. The only information you may tell anyone is that you are in a jury pool for a trial and the time requirements of that trial. You are also ordered not to read, listen to, or watch any news, Internet, or other media accounts of this case, past or present. You may not do research about any issues involved in the case. You may not blog, Tweet, or use the Internet to obtain or share information regarding the subject matter, parties, attorneys, witnesses, or anyone or anything else having any connection to this case. (CCP §1209(a)(10))

It is extremely important that you answer all the questions yourself, honestly and completely. There are no "wrong" answers with two exceptions: answers that are not honest and/or answers that are not complete are "wrong" answers. Please be as honest and complete as you can be and that will be the "right" answer. Please remember that all answers are given under penalty of perjury. If you have trouble understanding or filling out this questionnaire, please let the court clerk know.

Some of your answers may require follow-up questions in open court by the judge or by the attorneys. You may find some questions to be sensitive and you may prefer not to discuss your answers in open court. If you find question(s) sensitive, please do not answer the question(s) and simply write "confidential" in the space provided for the answer.

Please do not write on the back of any page. If you need additional space for your answers, use the blank space provided on the last page of the questionnaire.

When you are finished, please give this questionnaire to the clerk who will give you instructions about when to return to court to continue the process of selecting a jury.

Thank you for your jury service.

Case Name: _____ Case Number: _____

Juror Name: _____ Badge Number: _____

1. Do you speak, read or write other languages besides English? Yes No
If yes, list languages _____

2. What is the highest level of education that you have completed? (Check one)

Less than high school Some college / AA degree (Major: _____)

High school graduate 4-year college graduate (Major: _____)

Technical/Vocational Postgraduate study (Major/degree: _____)

Please list any certificates or degrees you have obtained:

3. Your current employment status (check all that apply):

Employed full-time Stay at home Self-employed Retired for ____ year(s)

Employed part-time Disabled Student Unemployed, looking for work

4. Please list your prior jobs and employers. If you are a student, list the school you attend:

	JOB	TITLE	EMPLOYER (SCHOOL)	WHEN
1.				
2.				
3.				
4.				
5.				

5. Have you, a family member, or someone else close to you ever had experience with any of the following? (Please check all that apply.)

Brick Masonry	<input type="checkbox"/> Yes, self	<input type="checkbox"/> Yes, family	<input type="checkbox"/> Yes, someone else
Construction	<input type="checkbox"/> Yes, self	<input type="checkbox"/> Yes, family	<input type="checkbox"/> Yes, someone else
Contracting	<input type="checkbox"/> Yes, self	<input type="checkbox"/> Yes, family	<input type="checkbox"/> Yes, someone else
Drywall/tape/joint compound	<input type="checkbox"/> Yes, self	<input type="checkbox"/> Yes, family	<input type="checkbox"/> Yes, someone else
Health care or public health	<input type="checkbox"/> Yes, self	<input type="checkbox"/> Yes, family	<input type="checkbox"/> Yes, someone else

Insulation	<input type="checkbox"/> Yes, self	<input type="checkbox"/> Yes, family	<input type="checkbox"/> Yes, someone else
Law or courts	<input type="checkbox"/> Yes, self	<input type="checkbox"/> Yes, family	<input type="checkbox"/> Yes, someone else
Shipyard	<input type="checkbox"/> Yes, self	<input type="checkbox"/> Yes, family	<input type="checkbox"/> Yes, someone else
Mechanic or brake work	<input type="checkbox"/> Yes, self	<input type="checkbox"/> Yes, family	<input type="checkbox"/> Yes, someone else
Mediation/dispute resolution	<input type="checkbox"/> Yes, self	<input type="checkbox"/> Yes, family	<input type="checkbox"/> Yes, someone else
Medicine or nursing	<input type="checkbox"/> Yes, self	<input type="checkbox"/> Yes, family	<input type="checkbox"/> Yes, someone else
Mental health or counseling	<input type="checkbox"/> Yes, self	<input type="checkbox"/> Yes, family	<input type="checkbox"/> Yes, someone else
Plumber/Pipefitter	<input type="checkbox"/> Yes, self	<input type="checkbox"/> Yes, family	<input type="checkbox"/> Yes, someone else
Sewer systems/Pipeline work	<input type="checkbox"/> Yes, self	<input type="checkbox"/> Yes, family	<input type="checkbox"/> Yes, someone else

If yes to any of the above, please describe who the person is and what type of work they did:

6. Have you or someone close to you ever worked for a company that was not concerned about health and safety? Yes, I have Yes, someone close to me has No

If yes, please explain: _____

7. Describe any concerns about health issues because of where you or your family work or live:

8. Have you or a family member ever been a member of a union? Yes No

If yes, who is (was) the member? _____

If yes, which union? _____

If yes, what offices were held, if any? _____

9. In general, do you support the activities and goals of unions? Yes No

10. What clubs, organizations or charities do you belong to, or volunteer with?

11. Have you or your spouse/partner ever served in the military?

Yes, I have Yes, my spouse/partner has No

If yes, please list the branch of service and the dates of service for each:

12. Have you or anyone close to you ever sued anyone? Yes No

If yes, what did the lawsuit involve? _____

13. Have you or anyone close to you ever been sued by anyone? Yes No

If yes, what did the lawsuit involve? _____

14. Please indicate your level of agreement with the following statement by checking one of the boxes below: "There are too many lawsuits today."

Agree strongly Agree Disagree Disagree strongly No opinion

Please explain: _____

15. From what you have read or heard, do you think that in recent years, the money awards from lawsuits have generally been: Too high About right Too low No opinion

Please explain: _____

16. Have you, or anyone close to you, ever worked with or been exposed to substances or chemicals that are a potential health hazard? Yes No

If yes, please explain: _____

17. What, if anything, have you read or heard about asbestos or asbestos-containing products?

18. What is your opinion, if any, about the danger of asbestos or asbestos-containing products?

19. What is your opinion, if any, concerning the companies that made, sold, installed, or used asbestos-containing products?

20. Have you, a family member, or anyone close to you, ever been exposed to asbestos fibers or any product that contains asbestos?

Yes, I have Yes, a family member has Yes, someone close has No

If yes, please explain: _____

21. Do you know anyone who should be tested for an asbestos-related illness?

Yes, No Don't know

If yes or don't know, please explain: _____

22. Have you, a family member, or someone close to you ever had any medical condition believed to be caused by exposure to asbestos?

Yes, I have Yes, a family member/someone close has Not sure No

If yes or not sure, please explain: _____

23. Do you know anyone who has ever been involved in a lawsuit or claim involving personal injury or wrongful death due to exposure to asbestos or another hazardous substance?

Yes No

If yes, please explain: _____

24. What have you seen or heard, if anything, on TV and radio about lawsuits involving asbestos?

25. Would what you have seen or heard regarding asbestos cases affect your ability to serve as a juror in an asbestos case? Yes No

If yes, please explain: _____

26. Are you a current smoker? Yes No
Have you ever smoked? Yes No When did you quit? _____
For how long did you smoke/have you been smoking? _____

27. Is anyone close to you a current smoker? Yes No Who? _____
Has anyone close to you ever smoked? Yes No Who? _____
When did they quit? _____
For how long did they smoke/have they been smoking? _____

28. Have you, or has anyone close to you, ever been involved in the care of someone with a serious illness or disability, or been involved with an organization that cared for terminally ill people? Yes, I have Yes, someone close has No
If yes, please explain: _____

29. Have you or anyone in your family or any close friends ever had any serious breathing problems or lung condition? Yes No
If yes, please explain: _____

30. Have you or anyone in your family or close friends ever had any form of cancer?
 Yes, I have Yes, someone close has No
If yes, please explain: _____

31. Are you worried that you or someone close to you will get cancer? Yes No
If yes, please explain: _____

32. What is your general attitude, if any, about people who bring lawsuits?

33. What is your general attitude, if any, about corporations/companies?

34. Have you or has someone close to you ever had a negative experience with a corporation or company? Yes No

If yes, please explain: _____

35. Do you agree that individuals and corporations/companies should be treated equally under the law?

Yes No Don't know If no or don't know, please explain:

36. In a lawsuit between an individual and a corporation or company, without hearing any evidence, would you favor one side over the other?

Yes No Don't know If yes or don't know, please explain

37. As referenced in the instructions to this questionnaire, **you are prohibited, starting right now, from doing any independent investigation whatsoever regarding this case, the parties to the case, the subject matter involved in the case, or the attorneys involved in the case. Do not do any Internet sources (Google, etc.) regarding any person, company, or topic in any way involved in this trial until after the trial is concluded.** If selected as a juror, this prohibition will extend through the end of your jury service in this case

Do you understand this prohibition? Yes No

Is there any reason you cannot abide by this or any other court order? Yes No

If yes, please explain: _____

38. Describe any beliefs or problems that may affect your jury service:

39. In there anything not covered by this questionnaire that could affect your ability to be a completely fair and impartial juror?

Yes No

If yes, please explain: _____

If you need any additional space for any of your answer(s), please specify the question(s) to which you are responding and use the lines below to complete your answer(s):

I, _____, declare under penalty of perjury, under the laws of the State of California, that the foregoing responses I have given to this juror questionnaire, and on any attached sheets, are true and correct to the best of my knowledge and belief. Signed in San Francisco, California, on

(DATE)

(SIGNATURE)

Superior Court of California
County of San Francisco

IN RE COMPLEX ASBESTOS LITIGATION

Case Number: CGC-84-828684

CERTIFICATE OF ELECTRONIC SERVICE
(CCP 1010.6 & CRC 2.251)

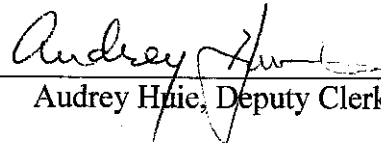
I, Audrey Huie, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On **May 7, 2014**, I electronically served **ASBESTOS TRIAL MANAGEMENT ORDER** via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated: **May 7, 2014**

T. Michael Yuen, Clerk,

By:


Audrey Huie, Deputy Clerk