

The Short Form Complaint shall contain the information required by Philadelphia Civil Rule *1019.1(B), to the extent consistent with the Pennsylvania Rules of Civil Procedure.

A Short Form Complaint that contains premises liability claims shall include the name and address of each work site which the plaintiff alleges exposure to asbestos and the dates during which the plaintiff or the decedent worked at each such work site.

B. Preliminary Objections

In response to each Short Form Complaint, the defendant may file preliminary objections, if deemed appropriate, in accordance with the Pennsylvania Rules of Civil Procedure and Philadelphia Civil Rule *1028. The preliminary objections shall be in the form of a pleading. The Motion to Determine Preliminary Objections shall be filed in letter brief format rather than motion package format. Its caption must specify “Asbestos Litigation” and name opposing counsel. Facts, issues and pertinent case law should be included. Each motion must include a proposed order and self-addressed, stamped envelope.

C. Answers to Complaints

Defendant’s answers to complaints are governed by Rule 1041.1 of the Pennsylvania Rules of Civil Procedure.

II. GIFFEAR DOCKET

Cases that do not state a valid claim pursuant to Giffear v. Johns-Manville Corp., 632 A.2d 880 (Pa.Super. 1993), aff’d sub nom. Simmons v. Pacor, Inc., 674 A.2d 232 (Pa.1996), shall be placed on an inactive docket.

To reactivate a case which has been discontinued pursuant to Giffear, a Motion to Reactivate must be filed and include all necessary medical reports supporting said motion. The motion shall be filed in letter brief format consistent with the Mass Tort Motion procedures.

III. DISCOVERY

The following deadlines shall apply for the completion of discovery and the exchange of expert reports:

180 Days prior to jury selection—

Plaintiffs shall serve answers to Defendants' Master Interrogatories and Requests for Production Directed to Plaintiffs.

Plaintiffs shall forward the identification of all health care providers along with addresses to defense counsel and RecordTrak.

Plaintiffs shall forward HIPAA compliant authorizations signed by plaintiffs to RecordTrak.

120 days prior to jury selection—

Plaintiffs shall serve medical, economic and liability expert reports.

Plaintiffs shall produce to lead defense counsel all diagnostic materials in the possession of plaintiffs or their counsel and all diagnostic material reviewed by plaintiffs' experts. This includes, but is not limited to, x-rays, CT scans, pathology and cytology.

Plaintiffs shall serve product identification witness lists identifying the defendants the witnesses are expected to identify.

90 days prior to jury selection-- Completion of plaintiffs' depositions.

60 days prior to jury selection-- Completion of all co-worker depositions.

45 days prior to jury selection-- Defendants shall serve medical and economic expert reports.

20 days prior to jury selection-- Defendants shall serve expert liability reports.

IV. STIPULATIONS OF DISMISSAL

1. If a plaintiff has agreed to stipulate to the dismissal of a defendant, the defendant (hereinafter the “Stipulated Defendant”) shall prepare a Stipulation of Dismissal.

2. The Stipulated Defendant shall circulate the Stipulation of Dismissal to all defense counsel by letter, stating that any party has ten (10) days from the date of the letter to object to the dismissal of the Stipulated Defendant.

3. If a party objects to the dismissal of the Stipulated Defendant, the objecting party shall notify the Stipulated Defendant in writing of the basis for the objection.

4. If, after the expiration of the ten (10) day period, no objections are received by the Stipulated Defendant, the Stipulation of Dismissal may be submitted to the Court as unopposed.

5. The package submitted to the Court shall include the original, signed Stipulation of Dismissal, a cover letter stating no objections have been raised within the ten (10) day period, and a self-addressed, stamped envelope for return of a copy of the Court-approved Stipulation of Dismissal. The entire package shall be addressed to the Coordinating Judge of the Mass Tort Program and shall be submitted to Room 622 City Hall.

6. Service of the Court-approved Stipulation of Dismissal shall be made on all parties by the movant immediately upon receipt of same.

V. MOTION PRACTICE AND PROCEDURE

All summary judgment motions shall be filed in accordance with the Revised Asbestos Summary Judgment Motion Procedures, a copy of which is attached hereto.

All other motions, including motions for *forum non conveniens*, motions to amend complaints, motions to compel, motions to enforce settlements, etc., shall be filed in accordance with the Revised Mass Tort Motion Procedures, a copy of which is attached hereto.

VI. TRIAL SCHEDULING

The dates for all scheduled trials will be published each Monday in *The Legal Intelligencer*.

VII. DEADLINES FOR CASES THAT MOVE TO NEW TRIAL GROUPS

If any case is moved, with the consent of the Court, from its original trial group to a later trial group, all discovery and motions deadlines for the later group will apply. Any contested summary judgment motions filed prior to moving the case will be considered moot and must be re-filed in accordance with the deadlines for the group to which the case has been moved, except for cases moved to the following calendar month. Any contested motions for cases moved to the following calendar month need not be re-filed. Those motions shall be maintained in Motions Court and then forwarded to the Coordinating Judge for decision in accordance with the deadlines for the new group. All uncontested motions shall be forwarded immediately to the Coordinating Judge for decision.

VIII. CALL OF THE LIST

A brief call of the asbestos list will be conducted every Monday at 9:30 a.m. The Court will conduct general asbestos business and call those cases listed for trial for the

following month. Knowledgeable representatives of each party involved in the next month's scheduled trials shall attend.

IX. SANCTIONS

Failure to comply with any deadlines set forth in the Case Management Order may result in the imposition of appropriate sanctions, including dismissal.

BY THE COURT:

**PAUL P. PANEPINTO
COORDINATING JUDGE
COMPLEX LITIGATION CENTER**