

STATE OF MINNESOTA

IN SUPREME COURT

C4-87-2406

In Re Minnesota Asbestos
Litigation

ORDER

WHEREAS, it appearing to the Court that a large number of asbestos-related claims have been and are anticipated to be brought in Minnesota state courts as personal injury or death claims and as damage to property actions; and

WHEREAS, these actions will involve, in numerous instances, similar questions of law and fact, problems in discovery, theories of recovery and defense; and

WHEREAS, the same limited number of asbestos industry defendants appear to be involved in multiple claims; and

WHEREAS, it being necessary for the convenience and economy of the parties, all counsel, the public and the Court that a consistent, efficient and economical system be fashioned to manage all phases of this litigation and properly allocate limited court facilities and judicial personnel;

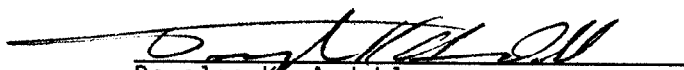
NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Minn. Stat. §§480.16 and 2.724:

1. The Honorable Jack A. Mitchell of the First Judicial District, having consented pursuant to statute, is hereby appointed to hear and decide all matters, including all pretrial and trial proceedings, in all presently pending and future actions before Minnesota state trial courts, whether relating to personal injury, death or property damage, that arise from or seek recovery for the manufacture, distribution, use or exposure to asbestos and asbestos-containing products.
2. Case Management Orders governing all phases of pleading, discovery, motions, settlement and trial shall be prepared, pursuant to Rules 16, 26.02 and 26.06 of the Rules of Civil Procedure, after consultation with counsel for as many affected parties as reasonably possible.

3. Matters not resolved by agreement of the parties, when determined by the Court to be ready for trial, shall be scheduled promptly for trial in the county of original venue or as agreed upon by all affected counsel, giving due consideration to the scheduling concerns of affected counsel, the parties and the public interest in avoiding protracted delay in trial.
4. Trials in said cases shall be heard by Judge Mitchell or, as may be necessary to assure prompt disposition of the case, a judge of the venued district.
5. Each district administrator shall assist in scheduling court facilities and judicial personnel so as to permit prompt trial by Judge Mitchell or a judge of the venued district for each matter identified as ready for trial.
6. This assignment shall govern all such asbestos cases, wherever venued, and apply in all districts and counties in the State of Minnesota.
7. The effectiveness of asbestos case consolidation under this order shall be reviewed periodically.

Dated: December 14, 1987

BY THE COURT



Douglas K. Amdahl
Chief Justice

OFFICE OF
APPELLATE COURTS

DEC 14 1987

FILED