

CRAGG & BAILLY, LTD.

ATTORNEYS AT LAW

500 PARK NATIONAL BANK BUILDING

5353 WAYZATA BOULEVARD

MINNEAPOLIS, MINNESOTA 55416-1367

J.W. CRAGG
DAVID A. BAILLY *
ROBERT S. CRAGG
JULIE A. WILLIAMS
DAVID H. BAILLY, JR.
DANIEL E. FOBBE
* ADMITTED ALSO IN WISCONSIN

December 21, 1987

TELEPHONE
(612) 544-6116

Clerk of Appellate Court
230 State Capitol Building
St. Paul, Minnesota 55155

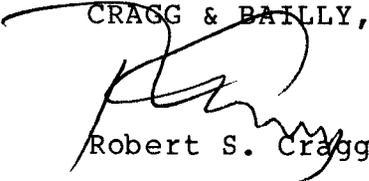
Re: Minnesota Asbestos Litigation
OUR FILE NO. 9994 03A
C4-87-2406

Dear Clerk:

Enclosed for filing please find notice to remove.

Very truly yours,

CRAGG & BAILLY, LTD.



Robert S. Cragg

RSC:sg

Enclosure

cc: All Counsel of Record

STATE OF MINNESOTA

IN SUPREME COURT

C4-87-2406

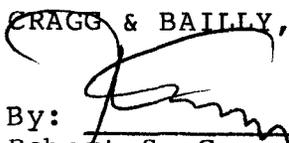
In Re Minnesota Asbestos
Litigation

NOTICE TO
REMOVE

PLEASE TAKE NOTICE that Defendant A.P.I., Inc., formerly known as Asbestos Products, Inc. and/or A.P.I. Company of Minnesota demands removal of the Honorable Jack Mitchell pursuant to Minn. Stat. 542.16 and Minn. R. Civ. P. 63.03.

Dated: December 21, 1987

CRAGG & BAILLY, LTD.

By: 

Robert S. Cragg #19574
Attorneys for A.P.I., Inc.
500 Park National Bank Bldg.
5353 Wayzata Boulevard
Minneapolis, MN 55416
(612)544-6116

OFFICE OF
APPELLATE COURTS

DEC 22 1987

FILED

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

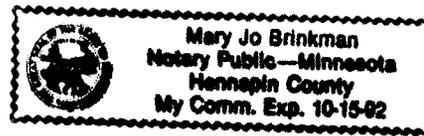
AFFIDAVIT OF MAILING

Sharlyn A. Good, of the City of Minneapolis, County of Hennepin, in the State of Minnesota, being duly sworn, says that on the 21st day of December, 1987, she served the annexed notice to remove on the attorney(s) listed on the attached sheet, by mailing to each of them a copy thereof, enclosed in an envelope, postage prepaid, and by depositing same in the post office at Minneapolis, Minnesota, directed to said attorney(s) at their respective addresses, the last known addresses of said attorney(s).

Sharlyn A. Good

Subscribed and sworn to before me
this 21st day of December, 1987.

Mary Jo Brinkman
Notary Public



Michael S. Polk
Michael R. Sieben
999 Westview Drive
Hastings, Minnesota 55033

AMCHEM PRODUCTS, INC.
(a Delaware corporation)
(Benjamin Foster Division)
John P. Borger
2300 Multifoods Tower
33 South Sixth Street
Minneapolis, Minnesota 55402

ANCKOR PACKING COMPANY
Robert D. Brownson
The Crossings, Suite 120
250 Second Avenue South
Minneapolis, Minnesota 55401

ACandS, INC.
(a Delaware corporation) (individually
and as successor-in-interest to
Armstrong Contracting & Supply, Inc.
and Keasbey & Mattison Company)
John P. Borger
2300 Multifoods Tower
33 South Sixth Street
Minneapolis, Minnesota 55402

ARMSTRONG WORLD INDUSTRIES (DELAWARE) INC.
(a Delaware corporation)
(individually and as successor-in
interest to Armstrong Cork Company
and Keasbey & Mattison Company)
John P. Borger
2300 Multifoods Tower
33 South Sixth Street
Minneapolis, Minnesota 55402

ASBESTOS CORPORATION, LTD.
(a Canadian corporation)
Jerome B. Pederson
1100 International Centre
900 Second Avenue South
Minneapolis, Minnesota 55402

ASBESTOS PRODUCT MANUFACTURING CORPORATION

Robert D. Brownson
The Crossings, Suite 120
250 Second Avenue South
Minneapolis, Minnesota 55402

ASBESTOSPRAY CORPORATION

**(individually and as successor-in-interest
to Asbestos Product Manufacturing Corporation)**

Robert D. Brownson
The Crossings, Suite 120
250 Second Avenue South
Minneapolis, Minnesota 55402

ATLAS TURNER

Peter J. Gleekel
1800 Conwed Tower
444 Cedar Street
St. Paul, Minnesota 55101

**A. H. BENNETT COMPANY
(a Minnesota corporation)**

Charles H. Becker
4200 Multifoods Tower
33 South Sixth Street
Minneapolis, Minnesota 55402

CAREY-CANADA, INC.

John P. Borger
2300 Multifoods Tower
33 South Sixth Street
Minneapolis, Minnesota 55402

THE CELOTEX CORPORATION

**(a Delaware corporation)
(as successor-in-interest to Philip Carey Manufacturing
Company, Philip Carey Corporation, Briggs Manufacturing
Company, Panacorn Corporation, and Smith & Kanzler Co., Inc.)**

John P. Borger
2300 Multifoods Tower
33 South Sixth Street
Minneapolis, Minnesota 55402

CERTAINTEED CORPORATION

**(a Maryland corporation)
(Legal assignee and successor-in-interest
of Gustin Bacon Company)**

John P. Borger
2300 Multifoods Tower
33 South Sixth Street
Minneapolis, Minnesota 55402

A. W. CHESTERTON CO.
(a Missouri corporation)
Joseph M. Goldberg
Suite 606
Park National Bank Bldg.
5353 Wayzata Boulevard
Minneapolis, Minnesota 55416

CHICAGO MASTICS CORPORATION
John P. Borger
2300 Multifoods Tower
33 South Sixth Street
Minneapolis, Minnesota 55402

COMBUSTION ENGINEERING, INC.
(a Delaware corporation)
(successor-in-interest to M. H. Detrick
Company, Walsh Refractory Corporation and
Refractory and Insulation Corporation)
Mark A. Fonken
1900 Conwed Tower
444 Cedar Street
St. Paul, Minnesota 55101

CORWIN SEPPANEN
Bradley M. Jones
4200 Multifoods Tower
33 South Sixth Street
Minneapolis, Minnesota 55402

CRANE PACKING COMPANY
(JOHN CRANE - HOUDAILLE, INC.)
James R. Gray
440 Pillsbury Center
Minneapolis, Minnesota 55402

CROWN CORK & SEAL COMPANY, INC.
(a New York corporation)
(individually and as successor-in-interest to
Mundet Cork Corporation)
Robert Bennett
7900 Xerxes Avenue South
Minneapolis, Minnesota 55431

DRESSER INDUSTRIES, INC.
(a Delaware corporation) (Harbinson-Walker
a division of Dresser Industries, Inc.)
Dean D. Larsen
Suite 204 Valley Plane
9979 Valley View Road
Eden Prairie, Minnesota 55344

EAGLE-PICHER INDUSTRIES, INC.
(an Ohio corporation)

John P. Borger
2300 Multifoods Tower
33 South Sixth Street
Minneapolis, Minnesota 55402

EMPIRE ASBESTOS COMPANY

Michael W. McNee
Parkdale 2, Suite 108
5402 Cedar Lake Road
Minneapolis, Minnesota 55416

FIBREBOARD CORPORATION

(a Delaware corporation)
(individually and as successor-in-interest to Plant
Rubber and Asbestos Company, Pabco Insulation
Corporation, and Fibreboard Paper Products Corporation)

John P. Borger
2300 Multifoods Tower
33 South Sixth Street
Minneapolis, Minnesota 55402

FLEXITALLIC GASKET CO., INC.
(a Connecticut corporation)

John P. Borger
2300 Multifoods Tower
33 South Sixth Street
Minneapolis, Minnesota 55402

FLINTKOTE COMPANY

John P. Borger
2300 Multifoods Tower
33 South Sixth Street
Minneapolis, Minnesota 55402

GAF CORPORATION

(a Delaware corporation)
(individually and as successor-in-interest to
The Ruberoid Company)

John P. Borger
2300 Multifoods Tower
33 South Sixth Street
Minneapolis, Minnesota 55402

GAGNON, INC.

Bradley M. Jones
4200 Multifoods Tower
33 South Sixth Street
Minneapolis, Minnesota 55402

GARLOCK, INC.
(a New York corporation)
Mary C. Cade
2500 First Bank Place West
Minneapolis, Minnesota 55402

GENERAL ELECTRIC COMPANY
(a New York corporation)
John M. Anderson
3550 Multifoods Tower
Minneapolis, Minnesota 55402

GENERAL REFRACTORIES
(a division of U.S. Steel)
Bradley M. Jones
4200 Multifoods Tower
33 South Sixth Street
Minneapolis, Minnesota 55402

GEORGIA-PACIFIC CORPORATION
(a Georgia corporation) (individually
and as successor-in-interest to Bestwall
Gypsum Company, a Maryland corporation)
Alan H. Maclin
2200 First National Bank Building
St. Paul, Minnesota 55101

W. R. GRACE & CO.
(individually and as successor-in-interest to
Zonolite Company and Western Mineral Products Company)
Fred R. Jacobberger
1150 One Capital Centre Plaza
386 North Wabasha
St. Paul, Minnesota 55102

-and-

Ellen Maas
1219 Marquette Avenue
Minneapolis, Minnesota 55403

GRANT-WILSON, INC.
Mark J. Peschel
One Appletree Square, Suite 941
Minneapolis, Minnesota 55420-2054

A. P. GREEN REFRACTORIES COMPANY
(a Delaware corporation)
John P. Borger
2300 Multifoods Tower
33 South Sixth Street
Minneapolis, Minnesota 55402

H & A CONSTRUCTION CORPORATION

(individually and as successor-in-interest to
Asbestos Product Manufacturing Corporation, Asbestospray
Corporation and Spraycraft Corporation)

Robert D. Brownson
250 Second Avenue South
Suite 120
Minneapolis, Minnesota 55401

HARBINSON - WALKER

Dean D. Larsen
Suite 262, Valley Place
9979 Valley View Road
Eden Prairie, Minnesota 55344

HICKORY INSULATION

Robert D. Brownson
250 Second Avenue South
Suite 120
Minneapolis, Minnesota 55401

THE JAMAR COMPANY

(a Minnesota corporation)
(individually and as successor-in-interest to
Walker-Jamar Company)

Thomas D. Jensen
1100 TCF Tower
121 South Eighth Street
Minneapolis, Minnesota 55402

JOHN CRANE - HOUDAILLE, INC.

(a Delaware corporation)
(successor-in-interest to Crane
Packing Company)

James R. Gray
440 Pillsbury Center
Minneapolis, Minnesota 55402

KAISER ALUMINUM & CHEMICAL CORPORATION

(a Delaware corporation)

Jane Joseph
1800 International Centre
900 Second Avenue South
Minneapolis, Minnesota 55402

KAISER REFRACTORY

Dean D. Larsen
Suite 262, Valley Place
9979 Valley View Road
Eden Prairie, Minnesota 55344

KEARNEY COMPANY

James Kenney
900 Amhoist Tower
St. Paul, Minnesota 55102

KEENE CORPORATION

(a Delaware corporation)
(individually and as successor-in-interest to Ehret
Magnesia Manufacturing Company, Baldwin-Hill Company,
Baldwin-Ehret-Hill, Inc., Keene Building Products
Corporation and Mundet Cork Corporation)

John P. Borger
2300 Multifoods Tower
33 South Sixth Street
Minneapolis, Minnesota 55402

MACARTHUR COMPANY

(a Minnesota corporation)
John H. Faricy, Jr.
200 Cornelia Building
4005 West 65th Street
Minneapolis, Minnesota 55435

NATIONAL GYPSUM COMPANY

(individually and as successor-in-interest to
Gold Bond Building Products Corporation)

John P. Borger
2300 Multifoods Tower
33 South Sixth Street
Minneapolis, Minnesota 55402

NATIONAL LEAD

(successor-in-interest to
Charles Taylor and Sons)

Richard T. McHaffie
46 Fourth Street East
Suite 530
St. Paul, Minnesota 55101

OWENS-CORNING FIBREGLAS CORPORATION

(a Delaware corporation)
John P. Borger
2300 Multifoods Tower
33 South Sixth Street
Minneapolis, Minnesota 55402

OWENS-ILLINOIS, INC.

(an Ohio corporation)
(individually and as successor-in-interest to
Owens-Illinois Glass Company)

John P. Borger
2300 Multifoods Tower
33 South Sixth Street
Minneapolis, Minnesota 55402

PFIZER, INC.

(successor-in-interest to Charles Pfizer & Company,
Kelly Island Lime & Transport Company, Gibsonburg
Lime Products Company, and Basics, Inc.)
(an Ohio corporation)

John P. Borger
2300 Multifoods Tower
33 South Sixth Street
Minneapolis, Minnesota 55402

PITTSBURGH CORNING CORPORATION

(a Pennsylvania corporation)
(individually and as successor-in-interest to
Unarco Industries, Inc.)

John P. Borger
2300 Multifoods Tower
33 South Sixth Street
Minneapolis, Minnesota 55402

PROKO

Edward T. Fride
1200 Allworth Building
Duluth, Minnesota 55802

QUIGLEY CORPORATION

(a subsidiary of Pfizer, Inc.)

John P. Borger
2300 Multifoods Tower
33 South Sixth Street
Minneapolis, Minnesota 55402

RAYBESTOS-MANHATTAN, INC.

Mark J. Condon
Financial Plaza
7235 Ohms Lane
Minneapolis, Minnesota 55435-3472

RAYMARK INDUSTRIES, INC.

(a Connecticut corporation)
(a wholly-owned subsidiary of Raymark Corporation and
successor-in-interest to Raybestos-Manhattan, Inc.)

Mark J. Condon
7235 Ohms Lane
Minneapolis, Minnesota 55435-3472

J. W. ROBERTS, LTD.
(a subsidiary of Turner & Newall PLC and
successor-in-interest to Keasbey & Mattison Company)
Robert Atmore
4200 IDS Center
Minneapolis, Minnesota 55402

ROCKWOOL MANUFACTURING COMPANY
John P. Borger
2300 Multifoods Tower
33 South Sixth Street
Minneapolis, Minnesota 55402

SMITH-SHARPE COMPANY
(successor-in-interest to
~~Smith-Beal Fire Brick Company~~)
117 27th Avenue Southeast
Minneapolis, Minnesota 55454

SOUTHERN TEXTILE CORPORATION
(a subsidiary of H. K. Porter Company, a Delaware
corporation, and successor-in-interest to Southern
Asbestos Company)
John P. Borger
2300 Multifoods Tower
33 South Sixth Street
Minneapolis, Minnesota 55402

SPRAYCRAFT CORPORATION
(individually and as successor-in-interest to Asbestos
Product Manufacturing Corporation and Asbestospray Corporation)
Robert D. Brownson
The Crossings, Suite 120
250 Second Avenue South
Minneapolis, Minnesota 55401

T.A.F. INTERNATIONAL LIMITED
(individually, as a subsidiary of
Turner & Newall PLC, and as successor-in-interest
to Keasbey & Mattison Company and Turner
Asbestos Fibres, Ltd.)
John P. Borger
2300 Multifoods Tower
33 South Sixth Street
Minneapolis, Minnesota 55402

C. E. THURSTON & SONS, INC.
John P. Borger
2300 Multifoods Tower
33 South Sixth Street
Minneapolis, Minnesota 55402

TURNER & NEWALL PLC
(individually and as successor-in-interest to
Turner & Newall, Ltd. and Keasbey & Mattison Company)
John P. Borger
2300 Multifoods Tower
33 South Sixth Street
Minneapolis, Minnesota 55402

UNION CARBIDE CORPORATION
John P. Borger
2300 Multifoods Tower
33 South Sixth Street
Minneapolis, Minnesota 55402

UNITED STATES GYPSUM COMPANY
John P. Borger
2300 Multifoods Tower
33 South Sixth Street
Minneapolis, Minnesota 55402

UNITED STATES MINERAL PRODUCTS COMPANY
(individually and as successor-in-interest to
Columbia Accoustical Fireproofing Company)
Timothy P. Tobin
220 Woodbridge Plaza
10201 Wayzata Boulevard
Minneapolis, Minnesota 55343

WESTINGHOUSE ELECTRIC CORPORATION
(a Pennsylvania corporation)
Austin D. Ditzler
Barristers Trust Building
247 Third Avenue South
Minneapolis, Minnesota 55415

RIDER, BENNETT, EGAN & ARUNDEL

ATTORNEYS AT LAW

2500 FIRST BANK PLACE WEST

MINNEAPOLIS, MINNESOTA 55402

TELEPHONE (612) 340-7951

TELECOPIER (612) 375-0701

December 23, 1987

WRITER'S DIRECT DIAL NUMBER

340-7942

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LARRY R. HENNEMAN*
JOHN P. FLATEN
DAYTON E. SOBY
DAVID J. BYRON
RICHARD J. NYGAARD
JOHN C. UNTHANK
ALFRED SEDGWICK
RITA E. LUKES
STEVEN J. KLIZ
RICHARD H. KROCHOCK
GENE C. OLSON
ROGER R. ROE, JR.
SCOTT K. GOLDSMITH
GREGORY M. WEYANDT*
ERIC J. MAGNUSON
RONALD B. LAHNER*
JOHN B. LUNSETH II
JOAN S. MORROW
GENE H. HENNIG
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PATRICIA A. BURKE
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KEITH J. KERFELD

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JILL FLASKAMP HALBROOKS
JAMES L. FORMAN
JEFFREY D. CARPENTER
KENNETH S. GUENTHNER
ROBERT W. LUCAS
KEVIN D. HOFMAN
JAN GUNDERSON MATTESON
ROBERT A. AWSUMB
JANETTE K. BRIMMER*
ANDREA B. NIELSEN

GENE F. BENNETT
(1926-1983)

OF COUNSEL
STUART W. RIDER, JR.
KENNETH R. JOHNSON

*ALSO ADMITTED IN WISCONSIN

Clerk of Appellate Courts
230 State Capitol Building
St. Paul, MN 55155

Re: Minnesota Asbestos Litigation -
Kyle vs. Walker-Jamar Company, et al

Gentlemen:

Enclosed for filing is the Notice to Remove filed on behalf of
Defendant Land O'Lakes, Inc., in the above matter.

Very truly yours,

RIDER, BENNETT, EGAN & ARUNDEL

By Mary C. Cade
Mary C. Cade

MCC/ek

Enclosure

STATE OF MINNESOTA

IN SUPREME COURT

In Re:

Minnesota Asbestos Litigation

NOTICE TO REMOVE

C4-87-2406

#7. Personal Injury

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

William Kyle, as trustee for
the heirs of Sallie Kyle,
decedent,

Plaintiff,

vs.

Court File No.
PI 796095

Walker-Jamar Company,
Raybestos Manhattan, Inc.,
Southern Asbestos Company,
MacArthur Corporation,
CertainTeed Corporation,
Land O'Lakes, Inc.
Grant-Wilson Insulation,

Defendants,

and

MacArthur Corporation,

Defendant and
Third Party Plaintiff,

vs.

W. R. Grace & Co.,

Third Party Defendant

NOTICE TO REMOVE

OFFICE OF
APPELLATE COURTS

DEC 24 1987

FILED

TO: ALL COUNSEL OF RECORD

PLEASE TAKE NOTICE that defendant Land O'Lakes, Inc., demands
removal of the Honorable Jack A. Mitchell as the presiding Judge
from this case pursuant to Minn.Stat. §542.16 and M.R.Civ.P. 63.03.

RIDER, BENNETT, EGAN & ARUNDEL

BY

Mary C. Cade

Richard J. Nygaard (80226)

Mary C. Cade (14023)

Attorneys for Defendant

Land O'Lakes, Inc.

2500 First Bank Place West

Minneapolis, MN 55402

(612) 340-7942

Dated: Dec. 23, 1987

AFFIDAVIT OF SERVICE BY MAIL

STATE OF MINNESOTA

ss.

COUNTY OF HENNEPIN

Mary Jo Bernemann, of the City of Brooklyn Park, County of Hennepin, State of Minnesota, deposes and states that on the 23rd day of December, 1987, she served the annexed:

NOTICE TO REMOVE

on the following attorneys in this action by mailing to each a copy thereof, enclosed in an envelope, postage prepaid, and by depositing same in the Post Office in Minneapolis, Minnesota, directed to said attorneys at their last known address as follows:

Michael R. Sieben - Attorney for Plaintiff
999 Westview Drive, Hastings, MN 55033

Robert D. Brownson - Attorney for Walker-Jamar
250 Second Avenue South, Minneapolis, MN 55401

Mark Condon - Attorney for Raymark
7235 Ohms Lane, Minneapolis, MN 55435

John Borger, Faegre & Benson - Attorney for Southern Asbestos and Certaineed
2300 Multifoods Tower, Minneapolis, MN 55402

Jon Parrington - Attorney for MacArthur Corporation
4005 West 65th Street, Minneapolis, MN 55435

Mark Peschel - Attorney for Grant-Wilson Insulation
One Appletree Square, Suite 941, Minneapolis, MN 55420

Fred Jacobberger - Attorney for W. R. Grace
1150 One Capital Centre Plaza, 386 N. Wabasha, St. Paul, MN 55102

Mary Jo Bernemann
Mary Jo Bernemann

Subscribed and sworn to before me

this 23rd day of December, 1987

Betty L. Larson
Notary Public



CHADWICK, JOHNSON & CONDON, P. A.

ATTORNEYS AT LAW

FINANCIAL PLAZA

7235 OHMS LANE

MINNEAPOLIS, MINNESOTA 55435-3472

TELEPHONE (612) 831-6544

RICHARD J. CHADWICK
JON J. JOHNSON
MARK J. CONDON
LEON R. ERSTAD
WAYNE D. TRITBOUGH*
CANDICE E. HEKTNER
RICHARD RIEMER
JEFFREY B. NELSON
LAWRENCE J. SKOGLUND
GEORGE C. HOTTINGER
JEFF M. ZALASKY

PAMELA B. DODDS
JON K. IVERSON
MICHAEL J. KOSHMRL
GREGORY A. MCCLENAHAN
STEVEN F. MATTAINI
JAMES S. PIKALA
DAVID L. CHRISTIANSON
DALE O. THORNSJO
NELL E. MATHEWS*
JEANNE W. SAYERS
DAVID A. THOMPSON
*ALSO LICENSED IN WISCONSIN

December 22, 1987

Clerk of Appellate Courts
230 State Capitol Building
St. Paul, MN 55155

OFFICE OF
APPELLATE COURTS

DEC 23 1987

FILED

Re: Minnesota Asbestos Litigation
Our File No. and Ref. 1166A.00/RAYMARK

Dear Clerk:

Enclosed herein for filing please find Raymark Industries, Inc.'s
Notice to Remove in the above-referenced litigation.

Yours truly,

CHADWICK, JOHNSON & CONDON, P.A.



Dale O. Thornsjo

td
Enclosure

cc: All Counsel of Record
(w/ Notice to Remove)

STATE OF MINNESOTA

IN SUPREME COURT

C4-87-2406

OFFICE OF
APPELLATE COURTS

DEC 23 1987

FILED

In Re: Minnesota Asbestos Litigation

NOTICE TO REMOVE

To: All Counsel of Record:

PLEASE TAKE NOTICE that Defendant Raymark Industries, Inc., demands removal of the Honorable Jack A. Mitchell as the presiding judge from this case pursuant to Minn. R. Civ. P. 63.03.

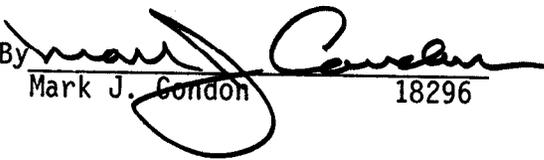
Dated: December 22, 1987

CHADWICK, JOHNSON & CONDON, P.A.

By


Dale O. Thornsjo 162048
Attorneys for Raymark
Industries, Inc.
Financial Plaza
7235 Ohms Lane
Minneapolis, MN 55435-3472
Telephone: (612) 831-6544

By


Mark J. Condon 18296

STATE OF MINNESOTA
County of Hennepin

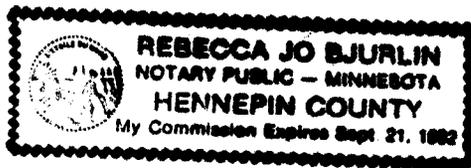
Traci DuBois of the City of Shakopee, County of Scott, State of Minnesota, being duly sworn, says that on the 22nd day of December, 1987, she served the annexed Notice to Remove on the attached service list by mailing to them a copy thereof, enclosed in an envelope, postage prepaid, and by depositing same in the post office at Minneapolis, Minnesota directed to said parties at their last known addresses, listed above.

Subscribed and sworn to before
me this 22nd day of December,
1987.

Traci DuBois
Traci DuBois

Rebecca Jo Bjurlin
Notary Public

STAMP:



December 22, 1987

MASTER LIST ON PERSONAL
INJURY ASBESTOS CASES

MICHAEL R. SIEBEN
Hertogs, Fluegel, Sieben, Polk, Jones
and LaVerdiere, P.A.
999 Westview Drive
Hastings, MN 55033

Attorney for Plaintiffs

JOHN P. BORGER
Faegre & Benson
2300 Multifoods Tower
33 South Sixth Street
Minneapolis, MN 55402

Attorney for ACandS, Inc., Amchem Products,
Inc., Armstrong World Industries, Carey-Canada,
Inc., The Celotex Corporation, CertainTeed
Corporation, Eagle-Pitcher Industries, Inc.,
Febreboard Corporation, Flexitallic Gasket
Company, The Flintkote Company, Keene
Corporation, GAF Corporation, National
Gypsum Corporation, Owens-Corning Fiberglas
Corporation, Owens-Illinois, Inc., Pfizer,
Inc., Pittsburgh Corning Corporation, Quigley
Company, J. W. Roberts, LTD., Southern Textile
Corporation, T.A.F. International Limited,
Turner & Newall PLC and United States Gypsum
Company

ROBERT CRAGG
Attorney at Law
Suite 500
5353 Wayzata Boulevard
Minneapolis, MN 55416

Attorney for A.P.I. Company of Minnesota

JEROME B. PEDERSON
Fredrikson & Byron
1100 International Centre
900 Second Avenue South
Minneapolis, MN 55402-3397

Attorney for Asbestos Corporation

PETER J. GLEEKEL
Winthrop & Weinstine
1800 Conwed Tower
444 Cedar Street
St. Paul, MN 55101

Attorney for Atlas-Turner, Inc.

CHARLES H. BECKER
Meagher, Geer, Markham, Anderson
Adamson, Flaskamp & Brennan
4200 Multifoods Tower
33 South Sixth Street
Minneapolis, MN 55402

Attorney for A. H. Bennett, General
Refractories and Standard Insulations

EUGENE BUCKLEY
Collins, Buckley, Sauntry & Haugh
W-1100 First National Bank Building
332 Minnesota Street
St. Paul, MN 55101-1379

Attorney for A. W. Chesterton Co.

JAMES R. GRAY
Gilmore, deLambert, Aafedt & Forde, P.A.
440 Pillsbury Center
Minneapolis, MN 55402

Attorney for Crane Packing Co.

MARK A. FONKEN
Jardine, Logan & O'Brien
2100 Meritor Tower
444 Cedar Street
St. Paul, MN 55101

Attorney for Combustion Engineering, Inc.
and National Lead Company

ROBERT BENNETT
7900 Xerxes Avenue South
Minneapolis, MN 55431

Attorney for Crown Cork and Seal Company, Inc.

MARY C. CADE
Rider, Bennett, Egan & Arundel
2500 First Bank Place West
Minneapolis, MN 55402

Attorney for Garlock, Inc.

GREER E. LOCKHART
Bassford, Heckt, Lockhart & Mullin, P.A.
3550 Multifoods Tower
Minneapolis, MN 55402-3787

Attorney for General Electric Company

DEAN K. JOHNSON
Johnson & Lindberg, P.A.
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January 5, 1988

OFFICE OF
APPELLATE COURTS

JAN 6 1988

FILED

- Samuel H. Hertogs
- ★ Donald J. Fluegel
- ★ Michael R. Sieben
- ★ Michael S. Polk
- ★ Harvey N. Jones
- ★ Richard A. LaVerdiere
- Steven D. Hawn
- George L. May
- Thomas R. Longfellow
- Leo F. Schumacher
- Shawn M. Moynihan
- Mark J. Fellman
- Michael R. Strom
- John P. Sieben
- Scott J. Hertogs
- John D. Skinkle
- John O. Sonsteng

Clerk of Appellate Court
230 State Capitol
St. Paul, MN 55155

RE: **Minnesota Asbestos Litigation
Notice of Removal of Judge Mitchell**

Dear Clerk:

On December 14, 1987, Chief Justice Amdahl issued the attached Order which assigns all "asbestos-related" cases to Judge Jack A. Mitchell of the First Judicial District. It appears that one of the defendants, A.P.I., has inappropriately filed a "blanket" Notice for Removal on all Minnesota asbestos cases pursuant to M.S. §542.16 and Minn. R. Civ. P. 63.03. This was filed by A.P.I. even though they are a party in a relatively small number of cases.

★ Also admitted in Wisconsin
★ Certified as civil trial specialists by the National Board of Trial Advocacy

ST. PAUL OFFICE:

Gallery Building
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17 W. Exchange St.
St. Paul, MN 55102
(612) 222-4146

As counsel for a significant number of the plaintiffs in the vast number of asbestos cases currently pending in the Minnesota courts, I wish to challenge the Notice filed by defendant A.P.I., and its counsel. If the court is inclined to review the Notice to Remove, the undersigned would like the opportunity at the courts invitation to address orally or in writing, the following issues:

1. Whether M.S. §542.16 and Minn. R. Civ. P. 63.03 apply to the appointment of the Honorable Jack A. Mitchell pursuant to M.S. §480.16 and 2.724 by order of the Chief Justice.
2. Whether a party to a small number of cases can file a "blanket" Notice to Remove for all cases in the State of Minnesota.
3. Whether A.P.I. or any other party to an asbestos action which has been presided upon by the Honorable Jack A. Mitchell has standing to file a Notice to Remove pursuant to M.S. §542.14 and Minn. R. Civil P. 63.03.

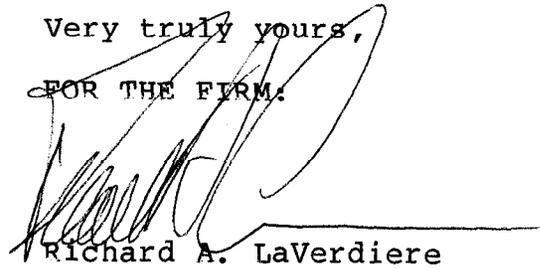
Clerk of Appellate Court
January 5, 1988
Page Two

Thank you for your consideration of this matter. I look forward to your response.

Best regards.

Very truly yours,

~~FOR THE FIRM:~~

A handwritten signature in dark ink, appearing to read "Richard A. LaVerdiere", is written over the typed name. The signature is fluid and cursive, with a large loop at the end. A horizontal line is drawn below the signature, extending to the right.

Richard A. LaVerdiere

RAL/jeb
Enclosure

STATE OF MINNESOTA

IN SUPREME COURT

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;

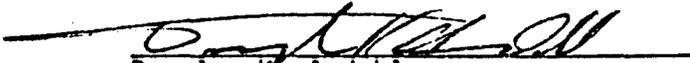
NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Minn. Stat. §§480.16 and 2.724:

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