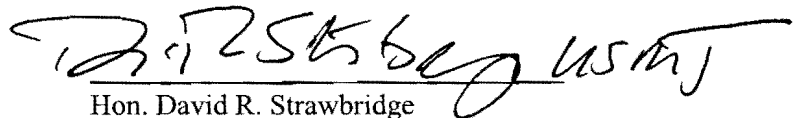


**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In Re: ASBESTOS PRODUCTS	:	
LIABILITY LITIGATION (No. VI)	:	Civil Action No:
	:	MDL 875
This Document Relates Only to the	:	
Actions Filed by Cascino Vaughan Law	:	
Offices and Referred to Judge Strawbridge	:	
for Mediation	:	

**ORDER SETTING CERTAIN TERMS OF A DEPOSITION PROTOCOL**

AND NOW, this 2nd day of May, 2011, upon consideration of the request of the parties for a court approved protocol for certain terms of deposition procedures, and having held hearings with counsel and considered the positions of all parties to the attached stipulation entitled "Procedures for Alleged Injured Party and Siteworker Depositions in Cascino Vaughan Law Office Cases Assigned to Judge Lowell A. Reed, Jr. for Mediation", it is hereby **ORDERED** that the stipulation is approved and shall apply to this mediation proceeding.



Hon. David R. Strawbridge  
United States Magistrate Judge and  
Court Appointed Mediator

Procedures for alleged injured party and siteworker depositions in Cascino Vaughan Law Offices cases assigned to Judge Lowell A. Reed, Jr. for mediation

Plaintiffs have obtained leave of court to conduct up to 100 depositions to preserve evidence in the cases filed by Cascino Vaughan Law Offices. These deponents will be the alleged injured parties and site worker witnesses who are in poor health or of advanced age. The procedures below govern these depositions. Plaintiff has the burden of providing the need for the deposition to the satisfaction of the defendants with any disputes to be resolved by the mediator. This includes, inter alia, taking into account the circumstances, life expectancy, history of asbestos exposure or actual medical condition and the availability of any alternative witness.

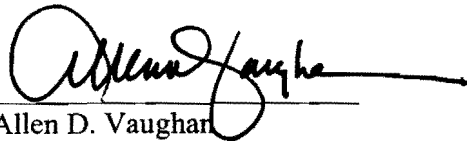
1. The depositions will be conducted pursuant to the Federal Rules of Civil Procedure and Evidence and the provisions of this stipulated order.
2. Plaintiffs will issue a separate notice of deposition for each deponent pursuant to Rule 30 of the Federal Rules of Civil Procedure. The notice must be served upon all defense counsel in the mediation cases assigned to Judge Reed at least 21 days before the proposed date. Email service is sufficient. Plaintiffs will endeavor to schedule depositions at hotel or law firm conference rooms although the parties recognize some witnesses are unable to travel due to health or age. In addition to the information required by Rule 30, the notice of deposition will include the following:
  - job sites about which the witness is expected to testify
  - periods of time to be covered at each jobsite about which the witness is expected to testify
  - identity of defendants about which the witness is expected to testify
  - names of plaintiffs and case numbers in which the deposition is being taken
  - names of defendants remaining as parties in each case, which may be identified or supplemented up to and at the time of the deposition
  - whether the testimony will be videotaped
3. Objections by any defendant to the notice of deposition shall first be presented to the defense liaison committee which shall attempt to resolve the objection. Objections which cannot be resolved by the liaison committee shall be presented by the liaison committee and/or the objecting defendant to plaintiff's counsel at least 10 days before the scheduled deposition. Disputes which cannot be resolved by the parties may be presented by any party to the Mediator/Judge for resolution at least 5 days before the scheduled deposition.
4. The defendants attending the deposition will determine the order of the defense cross examination. Redirect and recross are allowed. The parties may seek to extend or shorten the time limits set forth in the Federal Rules of Civil Procedure for reasonable cause and the court anticipates cooperation in making such agreements.
5. An objection by one party is deemed asserted by all parties. Relevance objections are

preserved and should not be asserted. To expedite taking of depositions, counsel should instruct witnesses on deposition procedures prior to commencement of the deposition on the record.

6. In order that parties do not needlessly attend depositions, any defendants not in the notice of deposition shall not be required to, but may, attend the deposition. Should any unlisted defendant be unexpectedly implicated in said deposition, said defendant will be given an opportunity to examine the witness prior to any use of the deposition against that defendant. The purpose of this clause is also to eliminate the need for parties to cross examine a witness about the inability to provide testimony about a particular defendant which is not identified in the notice. If any defendant not listed in the notice is implicated in a deposition and any party to the notice wishes to use the testimony against the unlisted defendant, the party seeking to use the testimony shall provide notice within 14 days of the date of deposition to the unlisted defendant and schedule a time to resume the deposition for the purposes only of the testimony relating to the unlisted defendant. Failure to provide such notice within 14 days of the conclusion of the deposition shall constitute waiver of any rights by the parties to use the testimony against the unlisted defendants.
7. A party providing notice of videotaping shall be responsible for arranging the videotaping.
8. Parties may attend by speakerphone provided they make arrangements in advance and keep phones muted during testimony, except for the purposes of asking questions or asserting objections, to prevent disruptive sounds.
9. Each party shall pay the cost of obtaining deposition transcripts desired by the party. The parties agree to cooperate to obtain negotiated rates from a court reporting service.
10. The depositions will be concluded by August 31, 2011. Multiple depositions may be noticed on the same day and at up to two locations per day providing that a party may seek to reschedule if experienced deposition counsel is not available to cover the second deposition.
11. The parties hereby stipulate that any discovery authorized by Judge Reed in these proceedings, whether said discovery involves parties or non-parties, shall be available to any party for use in these proceedings for any purpose allowable under the applicable rules of the mediation or the Federal Rules of Evidence and/or Civil Procedure, subject to paragraph 6 above.
12. Any party may, no later than 15 days before the date of the deposition, cross notice the deposition against a defendant not identified at the job sites in plaintiff's deposition notice without court approval if the defendant is a party in a case before Judge Reed. If the defendant cross noticed is a nonparty, the cross notice is subject to the consent of the nonparty defendant.

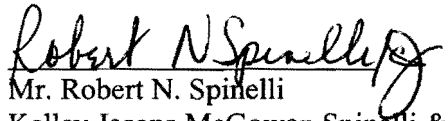
Plaintiffs' counsel and defense liaison counsel hereby stipulate to the foregoing procedures and entry of the attached Order Setting Certain Terms of a Deposition Protocol.

April 27, 2011

A handwritten signature in black ink, appearing to read "Allen D. Vaughan", written over a horizontal line.

Allen D. Vaughan  
Michael P. Cascino  
Robert G. McCoy  
Cascino Vaughan Law Offices  
220 S. Ashland Ave.  
Chicago, IL 60607

Dated: April 27, 2011

A handwritten signature in black ink that reads "Robert N. Spinelli". The signature is written in a cursive style with a large, stylized initial "R".

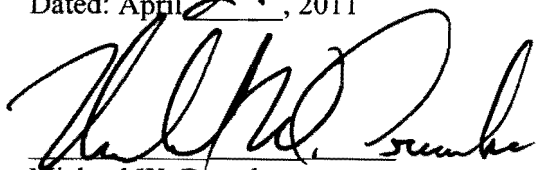
Mr. Robert N. Spinelli  
Kelley Jasons McGowan Spinelli & Hanna LLP  
Two Liberty Place, Suite 1900  
50 South 16<sup>th</sup> Street  
Philadelphia, Pennsylvania 19102

Dated: April 27<sup>th</sup>, 2011

C. Michael Evert, Jr.  
Mr. C. Michael Evert, Jr.  
Evert, Weathersby, Houff  
3405 Piedmont Road NE, Suite 200  
Atlanta, Georgia 30305

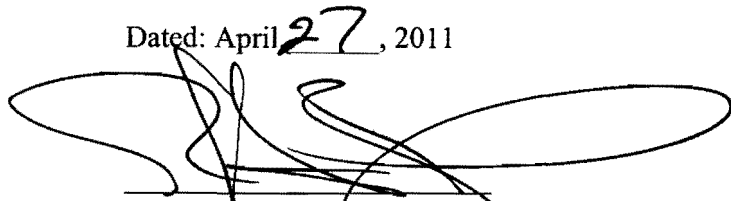
BY: [Signature]  
BY: RICHARD M. LAUTH  
WITH PERMISSION

Dated: April 27<sup>th</sup>, 2011

A handwritten signature in black ink, appearing to read "Michael W. Drumke". The signature is written in a cursive, flowing style with a large initial "M".

Michael W. Drumke  
Hepler Broom  
150 N. Wacker Drive, Suite 3100  
Chicago, Illinois 60606

Dated: April 27, 2011

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke.

Mr. Robert H. Riley  
Schiff Hardin LLP  
233 S. Wacker Drive, Suite 6600  
Chicago, Illinois 60606