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IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
CIVIL TRIAL DIVISION

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PURSUANT TO Pa.R.C.P. 236(b)

IN RE: ASBESTOS LITIGATION SEP 5 - 2008 OCTOBER TERM, 1986
FIRST JUDICIAL DISTRICT OF PA. NO. 0001
USER I.D.: 2

DOCKETED
COMPLEX LIT CENTER

SEP 5 2008

J. STEWART

ORDER

AND NOW, this 4th day of September, 2008, upon submittal of a joint order from representatives of both plaintiffs' and defendants' asbestos bar, this Court rules as follows:

1. All cases in which the Court has granted a stay motion due to the Frye issue filed by certain friction defendants that have yet to come to trial shall be listed in the *Legal Intelligencer* and on the trial list with an asterisk next to the court term and number. All cases shall proceed as scheduled following all deadlines up until 60 days prior to that case's jury selection date.

2. If 60 days prior to jury selection the friction defendant's pending Frye motion has not been ruled upon by this Court, then all deadlines and events within those 60 days shall be cancelled, and said cases shall be re-listed in another group, subject to all deadlines of the new group.

3. If the Court rules on said Frye motion within that 60 day period prior to jury selection, any plaintiff may, upon application to the Court, request that his or her original trial

date stand and that the case go forward as scheduled. Defendants shall have the opportunity to object to plaintiff's request. It is understood by the parties that this will be used only in situations where competent medical evidence would indicate that the plaintiff will most likely not live to have his or her case re-listed for trial.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Tereshko", written in a cursive style. The signature is positioned above a horizontal line.

TERESHKO, J.