

IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

FILED
MAR 17 2020

CLERK OF CIRCUIT COURT #89
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

IN RE: ALL ASBESTOS LITIGATION)
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MASTER FILE)

Master File – Re: Asbestos Litigation

SUPPLEMENTAL CASE MANAGEMENT ORDER
REGARDING COVID-19 EMERGENCY MEASURES

These matters coming before the Court on an emergency basis for all asbestos personal injury litigation pending in the Circuit Court of Madison County, Law Division, the Court finds and orders as follows:

1. In light of the In light of the Covid-19 pandemic, the Court now believes an interim order is appropriate to protect the health of the litigants, court personnel, attorneys and adjunct staff, as well as taking into consideration the potential for stress upon health care institutions, governmental offices and staff in complying with requests for medical records, social security records and pathology materials.
2. On March 9, 2020, Governor Pritzker issued a disaster proclamation for the State of Illinois due to the prevalence and rapid spread of the Covid-2019 virus. On March 10, 2020, the World Health Organization declared the novel Covid-2019 a pandemic. On March 12, the United States Center for Disease Control issued updated guidelines for mitigation of the risks of transmission of the virus.
3. The CDC has declared persons with the following underlying medical conditions to be at high risk for serious COVID-19 infection:

- a. Compromised immune system (immunosuppression) (e.g., seeing a doctor for cancer and treatment such as chemotherapy or radiation, received an organ or bone marrow transplant, taking high doses of corticosteroids or other immunosuppressant medications, HIV or AIDS)
- b. Lung disease including asthma or chronic obstructive pulmonary disease (chronic bronchitis or emphysema) or other chronic conditions associated with impaired lung function or that require home oxygen
- c. Heart disease (such as congenital heart disease, congestive heart failure and coronary artery disease)

Additionally, individuals over the age of 60 are at higher risk for serious Covid-19 infection. This risk is compounded where an individual has one of the underlying medical conditions.

4. Since the vast majority of plaintiffs in this litigation fall within one or more of these serious risk categories, this Court has determined that certain protocols shall be implemented in order to protect the health of the litigants, court personnel, attorneys and adjunct staff, balancing that with the need for smooth and expeditious administration of justice and due process. The use of remote and electronic technology and common-sense risk mitigation methods will alleviate the much of the inevitable delays due to the pandemic.

IT IS HEREBY ORDERED:

1. All depositions of high or higher risk parties or witnesses shall be conducted telephonically, with no attorneys or stenographers physically in the presence of the deponent present. The physical oath-taking and stenographer in-person presence requirements of Rule 206 (2)(h) concerning remote depositions shall be waived by the parties, subject to objections by a party. Any writing or exhibits sought to be used at the deposition shall be electronically exchanged 24 hours prior to the deposition and provided to the court reporter or as otherwise agreed to by parties or the Court.
2. Objections to procedure identified in above paragraph 1 shall be made in accordance with the **Courts Standing Case Management Order** for All Asbestos Cases and considered by the Court consistent with same.
3. *Monday - Jury Trial Call:* Cases remain set as scheduled, however the docket call will be conducted remotely, and any case advancing to jury trial will only do so after telephonic consultation with the Court and all parties to the case.
4. *Wednesday – Pre-Trial Dockets:*
 - a. *Target cases and status* for the upcoming trial week: Notices shall be electronically sent to the court bailiff and asbestos bar by 10:00 am.
 - b. *Mandatory Settlement Conferences:* As time is of the essence in these types of cases, parties are encouraged to work remotely towards a resolution via email,

video or telephonic means. The Court will be available telephonically for any necessary participation.

5. *Friday – Trial Setting and Motion Dockets:*

- a. *Targeted Trial Cases for the week:* Notices shall be electronically sent to the court bailiff and asbestos bar by 10:00 am.
- b. *Motion Docket Outlines, 1st Out Trial Settings and Trial Continuances:*
 - i. Outlines will continue to be notice and served on Wednesdays, with a deadline of 3:00pm
 - ii. Proposed 1st Out Trial Setting Orders and Proposed Trial Continuance Orders are to be provided to the bailiff at the same time of the outline either, via email or hand-delivery for Judges execution.
 - iii. Defendant firms will have an opportunity to file with the clerk's office and give electronic notification to the bailiff of their objections to any trial settings by 3:00 pm the following Friday.

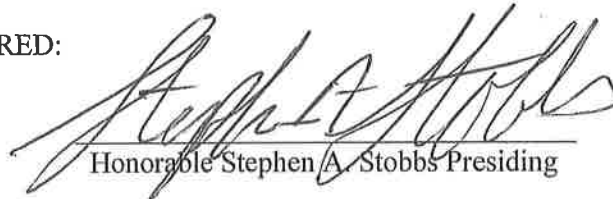
6. *Allocation Hearings, Special Set Hearings, Good Faith Motions and All other Motions:*

- a. All agreed to motions shall be electronically filed with a proposed order for an electronic judge's signature.
- b. All scheduled motions and settings may be continued by agreement of the parties. (Please call the asbestos bailiff in order to reschedule any special settings you may have.)
- c. In the event, an agreement or stipulation cannot be obtained, or the Court will rule after consideration of briefs and proposed orders. The court may schedule telephonic oral arguments if requested, and at the discretion of the court.

7. While emergency measures remain in effect, the Judicial Bailiff, Dana Ficker, will serve as the Court's point of contact, and may be contacted at the following email address and phone number: dlficker@co.madison.il.us; +1 (618) 296-4543. Additionally, courtesy copies and the like may be transmitted to the email address above.

DATE: March 17, 2020

ENTERED:



Honorable Stephen A. Stobbs Presiding