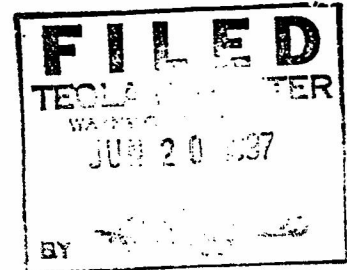


STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

IN RE: ALL ASBESTOS PERSONAL
INJURY CASES

93-325280 NP 9/07/93
JDG: ROBERT J. COLOMBO JR
ASBESTOS MASTER COMP RE:
VS



ORDER NO. 12
MOTIONS IN LIMINE

At a session of said Court,
held in Detroit Michigan, County
of Wayne, State of Michigan,

JUN 20 1997

on: _____

Present: HON. _____ **ROBERT J. COLOMBO, JR.**
CIRCUIT COURT JUDGE

Plaintiff and Defendants, having filed various motions in limine; the court, having reviewed the written briefs and having heard oral arguments on January 17, 1997; and the court being fully advised in the premises;

IT IS HEREBY ORDERED as follows:

1. The rulings in this Order do not preclude Plaintiff or Defendants from objecting to or rearguing any of the issues in this Order at the time of trial.

2. With regard to fear of cancer and risk of cancer, the evidence may be admissible. It requires medical testimony that there is a risk of cancer. It further requires testimony to demonstrate that the plaintiff has been advised of this risk of

cancer and has a fear of cancer. The evidence is admissible on the question of mental or emotional distress. It is not admissible to show that a plaintiff may get cancer in the future, until after the court hears the proffered medical testimony from the plaintiff's expert.

3. Parties must disclose which witnesses and exhibits they intend to use at trial at least 36 hours in advance.

4. Neither party is entitled to mark or highlight exhibits admitted and allowed to go to the jury room.

5. Sequestration applies to all fact witnesses other than the parties involved. Witnesses are not to discuss with other witnesses their testimony.

6. Neither party may use the term "asbestos industry".

7. No defendant may argue or attempt to prove its size in the industry or the size of any other member in the industry.

8. The product identification testimony on behalf of a plaintiff or a co-worker is limited to that which is set forth in the preliminary or final brochure filed in the case. This ruling does not preclude a party from using another brochure or deposition testimony or any other evidence for impeachment purposes.

9. No attorney in opening statements may argue or refer to opinions or diagnosis of an expert witness, who it does not reasonably believe will be called to testify.

10. No testimony may be presented about family members, coworkers, union members, or acquaintances, having died or been

injured allegedly as a result of exposure to asbestos.

11. Unless the court has first ruled that a witness may be asked questions regarding whether and/or when a warning should have been placed on asbestos containing products, counsel shall refrain from asking that witness such a question.

12. State-of-the-Art exhibits are to be marked as exhibits but shall not be admitted into evidence.

13. Learned treatises or scientific studies testified about on the State-of-the-Art during direct examination may not be referred to on cross-examination of another expert unless established as authoritative and reliable by an expert pursuant to MRE 707.

14. A pad or blackboard may be used to record testimony.

15. Qualifications of experts may be established by leading questions.

16. A copy of any literature cited by a witness on direct examination must be available in court for inspection by opposing counsel.

17. No reference may be made to the fact that plaintiffs' recoveries, if any, may or may not be subject to Federal Income Tax or any other tax. This ruling does not apply to maritime or FEL cases.

18. Neither party, in the presence of the jury, may raise any issue about discovery.

19. No reference shall be made to the effect or results of a claim, suit, or judgment upon the insurance rates, premiums, or

charges either generally or as particularly applied to the parties, parties employers, or premises owners involved or referred to in any case.

20. For pre-tort reform cases, no reference shall be made to the fact that any of the corporations which once made, manufactured, mined, sold, or distributed asbestos are in bankruptcy. The court makes no ruling in this area with respect to cases that are filed after March 28, 1996.

21. No reference shall be made to the fact that medical expenses incurred may have been paid by third parties.

22. No reference shall be made that plaintiff has or has not attempted to resolve the suit through settlement.

23. No party, witness, or counsel shall be permitted to mention, request, or in any manner solicit by agreement, stipulation, or understanding from any party, witness, or counsel, in the presence of or the hearing of the prospective jury or jurors ultimately selected regarding any matter which should arise either before or during the trial of the lawsuit.

24. No reference shall be made that any party or witness has ever been convicted of any crimes unless notification of an intent to use such evidence for impeachment purposes, pursuant to MRE 609(f).

25. No reference or statement shall be made that asbestos insulation products "won the war" or any reference to the necessity of such products during World War II or any other war.

26. No reference or statement shall be made that would

suggest or indicate that the defendant personally will have to pay any judgment or verdict entered in the case.

27. No reference shall be made to how plaintiff's lawyers are paid for their services.

28. Defendants shall not be allowed to state, either in voir dire, opening statement, or argument, that the reason that plaintiffs have sued defendant is that defendant is a "deep pocket" or is simply "another source of money."

29. Evidence of other exposures goes to whether there has been a substantial proximate cause issue.

30. The transcripts from Frank Alfieri, et al. v. Owens-Corning Fiberglas Corp., Case number 90-020937-NP, March 30, 1992 and Angeline Nutt, et al. v. Owens-Corning Fiberglas Corp., Case number 92-206068-NP, November 30, 1993 are incorporated by reference.


CIRCUIT COURT JUDGE