

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

IN RE: ALL ASBESTOS PERSONAL  
INJURY CASES

Case No. 03-310422-NP

---

**ORDER No. 19 (Case Management Order)**  
**Amending CMO No.14 as to Releases and Settlement Payments**

At a session of said Court, held in the  
County of Wayne, City of Detroit  
State of Michigan, on \_\_\_\_\_

JUL 20 2012

PRESENT: THE HONORABLE \_\_\_\_\_ ROBERT J. COLOMBO, JR.  
Circuit Court Judge

The Court, having met with plaintiff and defendant representatives of the Wayne County Steering Committee, and having discussed the issues relating to timely receiving releases and settlement payments, is hereby ordered that Order No.14 shall be amended to read as follows:

**Section II. N. Submission of Releases and Settlement Payments.**

**1. Releases**

Unless otherwise agreed between the parties, a settling Defendant shall submit a Release to Plaintiff no later than fourteen (14) days after a Settlement Agreement is reached. If the settlement agreement date is unclear, it is presumed to be the trial date. In the event a Defendant fails to submit a Release consistent with this Order, interest may accrue from the date the settlement was reached in the event of late payment of the settlement proceeds. Furthermore, should Defendant fail to submit a

timely Release consistent with this Order, Plaintiff shall be permitted to:

- a. Prepare a Release consistent with the most recent Release Form provided by said Defendant for a similarly situated Plaintiff; or
- b. Obtain Ex-Parte Order for Defendant's Counsel to appear and Show Cause to this Court as to the reason the release has not been provided. The Show Cause hearing will be noticed by Plaintiff's counsel for a date not less than (7) days from the date the release was due.

## **2. Settlement Payments**

Unless otherwise agreed between the parties, payment of all settlement proceeds by a specific Defendant for a particular trial group shall be due twenty-eight (28) days after a specific Defendant has received all the properly executed Releases, Stipulations for Dismissal or Orders Approving Settlement and forms required by CMO No. 17("settlement documents") for all settled cases in the particular trial group.. Plaintiff shall serve Defendant(s) via File and Serve with a statement when the aforementioned settlement documents have been provided and the date payment is due (hereinafter referred to as "Notice Letter").

A defendant has fourteen (14) days from the service of the plaintiff's Notice Letter to dispute the receipt of any of the settlement documents. Defendant's notice of dispute must specify the specific documents that are alleged to be missing. If no dispute is raised within fourteen (14) days of the service of Plaintiff's Notice Letter, it is conclusively presumed that

Defendant has received all settlement documents necessary to make timely payment. If, based on Defendant's notice of dispute, it is determined that Defendant did in fact not receive a necessary settlement document, payment for the particular trial group is due within twenty-eight (28) days from the date the settlement document is provided to Defendant.

If the full settlement amount is not paid by the due date set forth above, Plaintiff may obtain an Ex Parte Order compelling the appearance of an insurance adjuster or corporate representative to appear in Court to Show Cause as to why payment has not been made. The Show Cause hearing will be noticed by Plaintiff's counsel for a date not less than seven (7) days from the date payment was due. Failure to make timely payment and/or failure to appear on the Show Cause hearing pursuant to the Court's Order may result in monetary penalty of up to \$1,000 and/or other sanctions against said Defendant.

**a. Death of the Plaintiff**

If a living plaintiff becomes deceased within 63 days before the scheduled trial date, or after settlement is agreed upon, then plaintiff's counsel may seek an order from the Court severing the case from a particular settlement group, and requiring that the defendant comply with paragraphs 1 and/or 2 above with respect to the remainder of that particular settlement group.

b. Other Exceptions

The order described in paragraph II. N(2)(a) above may also be sought if plaintiff's counsel demonstrates that one or more plaintiffs cannot or will not comply with the release signing or Order Approving Settlement requirements in a reasonably timely fashion.

ROBERT J. COLOMBO, JR.

CIRCUIT COURT JUDGE

A TRUE COPY  
CATHY M. CARROLL  
WAYNE COUNTY CLERK  
BY:                                  DEPUTY CLERK