

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

IN RE: ALL ASBESTOS PERSONAL  
INJURY CASES

Case No. 03-310422-NP  
Hon. Patricia P. Fresard

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**ORDER NO. 24**  
**(Amending Case Management Order No. 22)**

At a session of said Court held  
in the Courthouse, Detroit, Michigan  
on: 3/18/2021  
Presiding: Patricia Fresard  
Circuit Court Judge

The Court having met with plaintiff and defendant representatives of the Wayne County Steering Committee, and having discussed and considered their respective positions as to the application of the Amendments to the Michigan Civil Discovery Rules, approved by the Michigan Supreme Court (effective January 1, 2020), and

Further, recognizing that the recent Amendments to the Michigan Civil Discovery Rules permit the parties to a civil case to stipulate to opt-out of their applicability and for the Court to enter an order to that effect (MCR 2.302(A)(1)), and

Further, the Court having supervised and administered the Asbestos Docket and counsel for all parties having litigated thousands of cases under the many provisions of the Court's last thirteen (13) Case Management Orders over the past seventeen (17) years, and finding that the provisions of CMO 22 (entered June 24, 2016) have provided fair and equitable procedures and guidance for all parties and have resulted in the economical and efficient administration of justice in the Asbestos Docket, and

Further finding that application of certain provisions of the new Civil Discovery Rules

listed below would require the parties and counsel to make substantial changes to the existing mutually agreeable practices and procedures which have been followed in past decades, and finding that implementation and enforcement of these changes would cause substantial burdens on and increased costs to the parties and the Court, and

The Steering Committees for both Plaintiffs and Defendants having expressed their agreement to this order,

NOW, THEREFORE, IT IS HEREBY ORDERED that the amendments to the following court rules shall not be applicable to asbestos cases on the Wayne County Asbestos Docket and, where there is any conflict between the provisions and applicability of the provisions of CMO 22 and the amended court rules, the provisions of CMO 22 shall govern.

The following amendments to the Michigan Court Rules which became effective on January 1, 2020, shall not be applicable or enforced in Asbestos Cases:

- 2.302(A) Required Initial Disclosure
- 2.309(A)(2) Limit of Twenty (20) Interrogatories
- 2.301(B)(4) Deadline to Complete Discovery
- 2.401(C) Discovery Planning

The amendment to MCR 2.306(A)(3) Depositions Not to Exceed 7 Hours, shall be applicable to Asbestos Cases, except when a deposition reaches 7 hours in duration, any counsel for a party wishing to proceed further shall meet and confer with counsel for the other parties present to discuss the proffered need for continuation and specifically the number of additional hours requested. In the event the parties cannot agree on the terms of a continuance, they shall immediately contact the Court for a ruling.

/s/ Patricia Fresard 3/18/2021

PATRICIA P. FRESARD  
Chief Judge  
Wayne County Circuit Court