

CAUSE NO. _____

FILED FOR RECORD
CASS COUNTY, TEXAS

§ IN THE 5TH JUDICIAL DISTRICT

2006 AUG 31 AM 8:07

IN RE: ASBESTOS

§

§ OF

BECKY WILBANKS
DISTRICT CLERK

§

§ CASS COUNTY, TEXAS

BY [Signature] DEPUTY

ORDER APPOINTING DEFENSE STEERING COMMITTEE

In an Order dated September 29, 2004, this Court appointed a Defense Steering Committee on behalf of the Defendants in the case of William Francis Nutt, et al vs. Mine Safety Appliances Co., et al in Cause No. 03-C-194. The purpose of a Defense Steering Committee was to coordinate and facilitate communications with Plaintiffs' counsel on issues such as discovery, scheduling orders and conferences with the Court.

In a continued effort to further facilitate cooperation between the parties, the Court finds that it is in the best interest of all parties that a Defense Steering Committee be established to coordinate with Plaintiffs' counsel in all Nix, Patterson & Roach asbestos cases pending in the Fifth District Court of Cass County, Texas.

The following attorneys are appointed to the Cass County Defense Steering Committee on behalf of all Defendants:¹

1. Mr. Mark Carroll, 909 ESE Loop 323, Suite 215, Tyler, Texas 74701 (903) 561-9700;
2. Ms. Elizabeth Phifer; Smith, Underwood & Perkins, 1900 Two Lincoln Center, 5420 LBJ Freeway, Dallas, Texas 75240, (972) 661-5114;
3. Mr. Richard N. Dodson; Dodson & Dodson, LLP, 2005 Moores Lane, Texarkana, Texas 75503, (903) 794-3121;
4. Mr. David Owens; Hunton & Williams, Energy Plaza, 30th Floor, 1601 Bryan Street, Dallas, Texas 75201-3402, (214) 979-3000;
5. Mr. Kurt Greve; Forman, Perry, Watkins, Krutz & Tardy, 2001 Bryan Street, Suite 1300, Dallas, Texas 75201-3008, (214) 905-2924.

¹These attorneys are chosen based on several factors. First, and primarily, these attorneys have been acting in this capacity for several years and have a good working relationship with the Plaintiffs' counsel and the other defense counsel. Second, the clients of each member manufactured products which are representative of each of the product types at issue in this litigation. Mr. Carroll's clients manufactured gaskets, Ms. Phifer's clients manufactured friction products, Mr. Dodson's clients manufactured respiratory protection devices, Mr. Owens represents a premises Defendant, and Mr. Greve's clients manufactured grinding equipment. Finally, the attorneys practice in cities through Northeast Texas where most of the other counsel maintain offices.

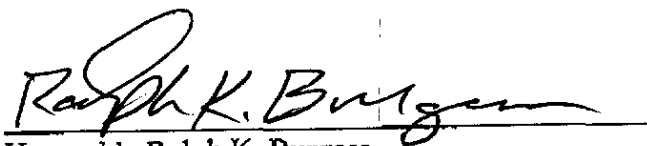
The Defense Steering Committee will discuss all discovery and scheduling issues with Plaintiffs' counsel with the goal of creating an agreed schedule. The Defense Steering Committee will be responsible for notifying all defense counsel of any Discovery or Scheduling Conference between Plaintiffs' counsel and the Steering Committee. The Steering Committee will hold regular meetings with all defense counsel, at least every six months.

Any vacancy on the Steering Committee shall be filled by a majority vote of the remaining Steering Committee members. The Steering Committee may, in its discretion, add additional members by majority vote of the Steering Committee.

The Steering Committee shall meet with Plaintiffs' counsel at least once every six months at a Discovery/Scheduling Conference to adopt proposed agreed discovery and scheduling plans for the upcoming six month period. Any other party's counsel is free to attend any conference and have input at the meeting. However, the proposed agreed discovery schedule shall be ultimately resolved between the Steering Committee and the Plaintiffs' counsel.

Any party may file objections to the discovery schedule or any agreed scheduling order within 10 days after the proposed agreement is filed. In the absence of objections by any party or the Court, the filed schedule will stand. The Court will consider and rule on any party's objections by submission within 7 days after the deadline for objecting. If an objection is sustained, the Court will modify the proposed discovery or scheduling order accordingly.

Signed this 14th day of August, 2006.


Honorable Ralph K. Burgess
5th Judicial District, Cass County, Texas