

12/31/2025

David W. Slayton, Executive Officer / Clerk of Court

By: B. Cumplido Deputy

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

COORDINATION PROCEEDING SPECIAL) JCCP No. 5378
TITLE (RULE 3.550))
)
SILICOSIS CASES) **GENERAL ORDER NO. 1**
)

Hon. Elihu M. Berle

SILICOSIS CASES GENERAL ORDERS shall govern and apply in all Silicosis cases that are included in the Silicosis Cases Judicial Council Coordination Proceedings 5378, unless otherwise ordered by the court,

All lawsuits filed within the state of California that include a claim for personal injury, loss of consortium, survival, wrongful death, and/or medical monitoring pertaining to exposure to dust from any natural or synthetic stone slab, block or tile, and/or solid surface product, and/or machines or equipment contributing to exposure from manipulation of the product, and/or protective masks, respirators or other equipment intended to minimize exposure, emanating from these products shall be included in the "SILICOSIS CASES," Judicial Council Coordinated Proceeding 5378.

Judicial Council Coordinated Proceedings Case No. 5378 (hereinafter referred to as "SILICOSIS CASES," or "JCCP 5378") is deemed complex litigation within the meaning of the California *Rules of the Court*, Rule 3.400 *et seq.* As such, SILICOSIS CASES require specialized, efficient management to minimize burdens on the Court and the litigants and to keep costs reasonable.

1 The law in California empowers the Court with broad authority to manage its cases
2 and to ensure the administration of due process.

3 The Court hereby finds that entry of these SILICOSIS CASES GENERAL ORDERS
4 will benefit the Court, counsel and litigants, and will further the orderly conduct and
5 management of silicosis cases in this jurisdiction. The Court further finds that adoption of
6 these SILICOSIS CASES GENERAL ORDERS will not cause undue hardship or significant
7 prejudice to any party.

8 The SILICOSIS CASES GENERAL ORDERS may be amended or modified in a
9 specific case by one of the following procedures: (1) a Court-approved stipulation of all
10 parties; (2) Court Order upon a motion of a party, after hearing and good cause shown; or (3)
11 by the Court, on its own motion. Except as amended in a specific case as described above,
12 the SILICOSIS CASES GENERAL ORDERS shall apply to all JCCP 5378 cases.



Elihu M. Berle

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14
15 DATED: December 31, 2025

Elihu M. Berle / Judge

Hon. Elihu M. Berle,
Judge of the Los Angeles Superior Court,
Coordination Judge

12/31/2025

David W. Slayton, Executive Officer / Clerk of Court

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

COORDINATION PROCEEDING SPECIAL)
TITLE (RULE 3.550))
)
SILICOSIS CASES)
)

JCCP No. 5378

GENERAL ORDER NO. 2

CAPTION PAGE

Hon. Elihu M. Berle

1. Every pleading filed with the court regarding all the coordinated SILICOSIS
CASES actions shall

a. Include the following caption:

///
///
///

1	VICTOR GONZALEZ and	)	JCCP No. 5378
2	ANA GONZALES)	
3)	
4	Plaintiffs,	)	Case No. 21STCV06984
5	vs.)	
6	ADB GLOBAL TRADE LLC, an Illinois)	
7	limited liability company, doing business as a)	
8	Classic Stone LLC, et, al.,)	
9	Defendants.)	
10	COORDINATION PROCEEDING SPECIAL)	
11	TITLE (RULE 3.550))	
12	SILICOSIS CASES)	—

- 13
- 14 b. identify the lowest numbered JCCP Case name (Gonzalez vs.
- 15 ADB Global Trade);
- 16 c. set forth Coordination Proceeding, and “SILICOSIS CASES” in bold;
- 17 d. identify the JCCP Coordination Proceeding No. 5378;
- 18 e. identify the lowest numbered JCCP Case Number (21STCV06984);
- 19 f. identify the name of the pleading in bold on the right side, under the
- 20 words Case Number;
- 21 g. identify bolded in brackets all other papers concurrently being filed with
- 22 the pleadings;
- 23 h. identify the hearing date, time, and the department.
- 24
- 25 2. Every pleading filed with the court regarding specific individual case(s)
- 26 shall:
- 27
- 28 a. include the individual case caption;

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- b. identify the individual case name by plaintiff(s) and lead defendant;
- c. identify the JCCP Coordinated Proceeding;
- d. identify the JCCP Coordinated Proceeding Case No. 5378;
- e. identify the individual case number;
- f. identify the name of the pleading in bold on the right side under the individual case number;
- g. identify bolded in brackets all other papers concurrently being filed with the pleading;
- h. identify the hearing date, time, department, and date the action was filed.



Elihu M. Berle

DATED: 12/31/2025

Elihu M. Berle / Judge

Hon. Elihu M. Berle,
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12/31/2025

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

COORDINATION PROCEEDING SPECIAL)
TITLE RULE (3.550)) JCCP No. 5378
SILICOSIS CASES) **GENERAL ORDER NO. 3**
_____) **ADD-ON CASES**

Hon. Elihu M. Berle

1. Inclusion of Add-On cases. All lawsuits filed within the state of California that include a claim for personal injury, loss of consortium, survival, wrongful death, and/or medical monitoring pertaining to exposure to dust from any natural or synthetic stone slab, block or tile, and/or solid surface product, and/or machines or equipment contributing to exposure from manipulation of the product, and/or protective masks, respirators or other equipment intended to minimize exposure, emanating from these products shall be included in the SILICOSIS CASES JCCP 5378. "SILICOSIS CASES" are hereby determined to be Complex pursuant to CRC 3.400, et. seq. and eligible as "Add-On Cases" to the JCCP No. 5378 Coordination Proceeding.

1. Petition for Coordination Add-On Los Angeles County Cases. For each new silicosis case filed in the Los Angeles Superior Court, Plaintiff must file a Petition for Coordination of Add-On cases to these Coordinated Proceedings, pursuant to California Rule of the Court 3.510, 3.520-3.523, and 3.544, including service on all appearing parties and on

1 the Judicial Council, within 10 days of filing of the complaint. At the time of the filing the
2 Petition for Coordination of an Add-On case, Plaintiff’s counsel shall also file notice of the
3 add-on petition. If plaintiff has not filed the Petition for Coordination of Add-On case, a
4 defendant at the time of filing a notice of appearance should file a notice of Petition for
5 Coordination of Add-on case.

6 2. Petition for Coordination of Add-On Non-Los Angeles County Cases.

7 For cases originally filed in a county other than Los Angeles County, a party may file a
8 conformed copy of the complaint indicating “New JCCP No. 5378 Coordination Proceeding-
9 Silicosis Case” and file a Petition for Coordination of Add-On case pursuant to Rule of Court
10 3.544, including service on all appearing parties and on the Judicial Council. No fee will be
11 assessed at the time of the electronic filing of the add-on petition.

12 3. Deemed Added On. The court shall hold the Petition for Coordination
13 of Add-On for 10 days. If no objection is filed, the court will order the case added on to the
14 JCCP 5378 Proceedings without a hearing.

15 4. Objections to Petition to Add-On. Should any party object to a case
16 being included in JCCP No. 5378 as an Add-On Case, such party shall, within 10 days of the
17 filing of the Petition for Add-On, file a notice of opposition pursuant to CRC 3.544(b) and
18 (c). Should the Court deny the Petition, the case shall be returned to its originating county.

19 5. Within ten (10) days of issuance of the Court’s Order on Coordination
20 of the individual add-on case, Plaintiff’s counsel shall file a notice of the Court’s
21 Coordination of Add-On Case Order.



Elihu M. Berle

Elihu M. Berle / Judge

22
23 DATED: December 31, 2025

24 Hon. Elihu M. Berle,
25 Judge of the Los Angeles Superior Court,
26 Coordination Judge
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1 4. FSX System. FSX shall create and maintain a portal for e-service in the
2 JCCP No. 5378 Coordinated Cases. FSX shall post all documents e-served by the parties to
3 the FSX portal as provided in this Order and shall e-serve each document on the parties
4 included on the service list provided to FSX in accordance with the procedure herein. All
5 documents and correspondence as defined in General Order No. 4, as well as all court orders
6 and notices from the Court, applicable to all cases in JCCP No. 5378, shall be posted by the
7 FSX on the JCCP No. 5378 FSX portal and e-served on all parties. All documents and
8 correspondence as set forth in this General Order and General Order No. 5, as well as all
9 court orders and notices from the court, applicable to individual cases coordinated under
10 JCCP No. 5378, shall be posted by FSX on the individual case number and e-served on all
11 parties in the individual case. The moving party shall have the responsibility of posting court
12 orders and notices on the FSX systems.

13 5. All Party Service List. FSX shall designate a unique case number to be
14 designated the ‘all counsel’ service list and maintain a service list including all counsel
15 involved in the JCCP 5378 proceedings. This list should be updated regularly by FSX by
16 combing the service lists for all individual cases active on FSX. Any counsel or party
17 seeking to be removed from or added to the service list shall notify both FSX and
18 Plaintiffs’ counsel.

19 6. All notices, pleadings, correspondence, or other document applicable to
20 all cases in JCCP No. 5378, and all cases handled by a particular plaintiff firm in the JCCP
21 shall be posted by the parties on the JCCP No. 5378 website designated ‘all counsel’ and
22 served on all parties. All other documents shall be posted and served on all parties in the
23 individual case to which the documents pertain, under the individual case number.

24 7. Notification of Service of Documents by FSX. Within one (1) hour of a
25 document being posted to the JCCP No. 5378 website, FSX shall send an email to all
26 registered users on the applicable service list, notifying them of the posting. The email shall
27 contain hyperlink(s) to the document location(s) on the JCCP No. 5378 website.

28 8. FSX Documents Index. FSX shall prepare and maintain an index of all

1 served pleadings and documents for JCCP No. 5378. The index shall be searchable and
2 sortable according to methods that provide access to the pleadings and documents 24 hours a
3 day, 7 days a week.

4 9. Access. Access to the FSX shall be limited to registered users-
5 authorized Court personnel, counsel of record, and their designated staff members. FSX shall
6 provide each registered user with a username and password to access the documents served in
7 this litigation. FSX personnel shall perform all administrative functions for the system, but
8 all initial data, additions, deletions, or changes to the service list must be approved by the
9 affected party.

10 10. FSX Help. FSX shall maintain a 24hour, 365-day technical support line
11 available to counsel of record and the Court at (888)-529-7587 and at
12 <http://www.fileandservexpress.com/support>. Controlling Law. Nothing in this Order is
13 intended to modify the obligations of service as set forth in the California Code of Civil
14 Procedure and/or other applicable rules.

15 11. New Parties. A copy of this Order or reference to the court file where
16 such Order is located shall be provided to all parties by Plaintiff(s) or Cross-Complaint(s) at
17 the time of initial service of the complaint or cross-complaint or any other such first time a
18 new party is brought into an existing case.



Elihu M. Berle

Elihu M. Berle / Judge

19
20 DATED: December 31, 2025

Hon. Elihu M. Berle,
Judge of the Los Angeles Superior Court,
Coordination Judge

12/31/2025

David W. Slayton, Executive Officer / Clerk of Court

By: B. Cumplido Deputy

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES**
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11 _____) JCCP No. 5378
12 COORDINATION PROCEEDING SPECIAL)
13 TITLE (RULE 2.550))
14 _____)
15 **SILICOSIS CASES**) **GENERAL ORDER NO. 5**
16 _____)
17 **ELECTRONIC SERVICE**

Hon. Elihu M. Berle

17 1. Documents. All pleading, deposition notices, discovery requests and
18 responses, documents produced, and other documents for which service is required under the
19 Code of Civil Procedure shall be electronically served by uploading them to FSX pursuant to
20 CRC 3.751. All references to “document(s)” in this Order shall include pleadings, discovery,
21 including deposition notices, motions, and all exhibits or attachments related thereto.

22 2. Other Communications. Correspondence may also be uploaded to FSX.
23 However, any communication requesting a response within 72 hours, such as an *ex parte*
24 application, must also be sent via email to the specific attorney(s) from whom a response is
25 sought.

26 3. Format. All documents and correspondence uploaded to FSX must be in
27 .pdf format, except spreadsheets, which may be uploaded in Excel format. All papers
28 relating to a particular motion shall be electronically served in a single service transaction.

1 4. Identification of Documents. All documents uploaded and posted by
2 FSX shall be identified by:

- 3 a. the name of the serving law firm
- 4 b. the caption(s) of the case(s) to which the document pertains;
- 5 c. the title of the document as it appears on the caption page; and
- 6 d. the identity of the party or parties on whose behalf of the document
7 is being served.

8 5. Conformed Complaints. Plaintiff shall upload to FSX a conformed
9 copy of the complaint, summons, and proof of service of same.

10 6. Separate Statements. Separate Statements for motions for summary
11 judgement, summary adjudication, or discovery motions shall be uploaded to FSX in
12 Microsoft Word.

13 7. Signature of Counsel. All documents electronically served via FSX shall
14 bear either a facsimile, electronic, or typographical signature of at least one attorney of
15 record, along with a typed name, address, telephone number, and California State Bar number
16 of such attorney. Typographical signatures shall be deemed personal signatures for all
17 purposes. The serving party of any stipulation, using an “s/ ___” signature block for each
18 attorney. By submitting such a document, the serving party certifies that each signatory has
19 expressly agreed to the form and substance of the document, and that the serving party has
20 the authority and consent to submit the document electronically. The serving party shall
21 retain any records evidencing such concurrence for the production to the Court upon order.

22 8. Proof of Service. All documents uploaded to the FSX shall include a
23 Proof of Service certifying that a true and correct copy was electronically served on counsel
24 by transmission to FSX. Proof of electronic service shall conform to the applicable
25 provisions of the Code of Civil Procedure and the California Rules of the Court. The
26 transaction receipt provided by FSX may be used as evidence of service so long as it
27 complies substantially with such provisions.

28 9. E-filing Notice Period. Pursuant to Code of Civil Procedure Section

1 1005(b) and Section 437c(a)(2), the time for responding to documents served via FSX shall
2 be extended by two (2) court days. Electronic service of any document by 11:59 p.m. PST
3 shall be deemed as having been e-served the same day. Documents served after 11:59 PST
4 shall be deemed as having been e-served the following court day.

5 10. Applicability of Service Statues. Nothing in this Order is intended to
6 modify the obligations of service ser forth in the California Code of Civil Procedure, the
7 California Rules of the Court, or any other applicable rules authority governing service. No
8 document transmitted electronically shall be considered served unless it is acceptable by
9 FSX.

10 11. Parties Not Represented by Counsel. Parties not represented by counsel
11 are not required to electronically serve documents and may serve documents in accordance
12 with the California Code of Civil Procedure and other applicable rules.

13 12. Order Does not Relate to Filing. This Order only applies to service
14 among the parties and does not pertain to the filing if documents with the Court. All
15 documents submitted to the Court must be filed in the traditional manner, i.e., filed on the
16 court's website, include a signature of submitting counsel, and comply with all applicable
17 provisions of the California Code of Civil Procedure and the California Rules of Court.



Elihu M. Berle

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19
20 DATED: December 31, 2025

Elihu M. Berle / Judge

Hon. Elihu M. Berle,
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Coordination Judge

12/31/2025

David W. Slayton, Executive Officer / Clerk of Court

By: B. Cumpido Deputy

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

COORDINATION PROCEEDING) JCCP No. 5378
SPECIAL TITLE (RULE 3.550))
)
SILICOSIS CASES	) GENERAL ORDER NO. 6
)
	) COURT REPORTING FOR
	COORDINATION DEPARTMENT
	PROCEEDINGS

Hon. Elihu M. Berle

1. Court Reporting Services.

Counsel shall make arrangements for court reporting services. Court reporting services shall be available in person or remotely, at all status conferences, hearings ordered by the court and hearings of general importance in these coordinated proceedings. The designated court reporter shall have real time reporting availability, should the court deem such service necessary.

2. Scheduling Court Reporting Service.

The party noticing a hearing has the responsibility for arranging for court reporter services. For hearings scheduled by the court, plaintiff shall make arrangements for a court reporter.

1 Counsel shall ensure that only one reporter is present at a hearing.

2

3 3. Payment of Designated Court Reporting Service Fees.

4 The cost of the court reporting services at court hearings shall be split evenly between each
5 side presenting at the hearing.

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8 DATED: December 31, 2025



Elihu M. Berle

Elihu M. Berle / Judge

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Hon. Elihu M. Berle,
Judge of the Los Angeles Superior Court,
Coordination Judge

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12/31/2025

David W. Slayton, Executive Officer / Clerk of Court

By: B. Cumplido Deputy

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5 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
6 **FOR THE COUNTY OF LOS ANGELES**
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8 COORDINATION PROCEEDING) JCCP No. 5378
9 SPECIAL TITLE (RULE 3.550))
10 **SILICOSIS CASES**) **GENERAL ORDER NO. 7**
11)
12) **REMOTE APPEARANCES**

Hon. Elihu M. Berle

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17 1. Remote Appearances Permitted.

18 Counsel may appear in these proceedings remotely via LACourtConnect, except for Final
19 Status Conferences and live evidentiary hearings, which require in-person appearances. The
20 attorney portal may be found on the court's website at lacourt.ca.gov.
21

22 2. Remote Appearance Attendance.

23 All remote appearances shall be documented by counsel emailing to the Coordination
24 Department's Resource Account, sscdept6@lacourt.org, and appointed court reporter the
25 following information: attorney's name, representation, and contact information.

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3. Notice of Remote Appearance Not Necessary

Parties and their counsel need not file and/or serve Notice of Remote Appearance.



Elihu M. Berle

DATED: December 31, 2025

Elihu M. Berle / Judge
Honorable Elihu M. Berle,
Judge of the Los Angeles Superior Court,
Coordination Judge

12/31/2025

David W. Slayton, Executive Officer / Clerk of Court

By: B. Cumplido Deputy

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

_____) JCCP No. 5378
COORDINATION PROCEEDING)
SPECIAL TITLE (RULE 3.550)) **GENERAL ORDER NO. 8**
)
SILICOSIS CASES) **TIMING OF SERVICE OF THE**
) **SUMMONS AND COMPLAINT/CROSS-**
_____) **COMPLAINT; NOTICE OF**
APPEARANCE

Hon. Elihu M. Berle

1. Service of Complaint/Cross-Complaint

For defendants/cross-defendants located in the United States, service of the summons and complaint/cross-complaint shall be made within 30 days of filing of the complaint/cross-complaint. For parties located outside the United States, service should be made within forty (40) days of filing of the complaint/cross-complaint.

2. Notice of Appearance

Defendants/cross-defendants shall file a notice of appearance and register with FSX within 20

1 days of being served with complaint/cross-complaint. A notice of appearance shall not
2 constitute a general appearance, and any challenge to the court's jurisdiction, claims of
3 improper venue, or any other defense in law or equity shall be preserved



Elihu M. Berle

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6 DATED: December 31, 2025

Elihu M. Berle / Judge

7 Honorable Elihu M. Berle,
8 Judge of the Los Angeles Superior Court,
9 Coordination Judge

12/31/2025

David W. Slayton, Executive Officer / Clerk of Court

By: _____ B. Cumpido Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

COORDINATION PROCEEDING	) JCCP No. 5378
SPECIAL TITLE (RULE 3.550))
SILICOSIS CASES)
	) GENERAL ORDER NO. 9
	) CROSS COMPLAINTS

Hon. Elihu M. Berle

Cross-Complaints for Equitable Indemnity, Contribution and Declaratory Relief

1. Each appearing defendant is deemed to have filed a cross-complaint for equitable indemnity, contribution and declaratory relief against each other appearing defendant.

2. All such deemed cross complaints and all other cross complaints brought against third-parties, including but not limited to, plaintiff's hirers, employers and/or premises owners, shall be severed for trial (C.C.P., 1048).

3. Each appearing defendant is deemed to have sought apportionment pursuant to Civil Code, section 1431.2.



Elihu M. Berle

Elihu M. Berle / Judge _____

DATED: December 31, 2025

Hon. Elihu M. Berle,
Judge of the Los Angeles Superior Court,
Coordination Judge

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David W. Slayton, Executive Officer / Clerk of Court
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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

COORDINATION PROCEEDING) JCCP No. 5378
SPECIAL TITLE (RULE 3.550))
SILICOSIS CASES) **GENERAL ORDER NO. 11**
**LAW & MOTION AND
EX PARTE APPLICATIONS**

Hon. Elihu M. Berle

1. Regularly Noticed Motions.

The Coordination Judge’s department shall set the schedule for hearing noticed motions. To request a hearing, counsel should contact the court’s judicial assistant for a date and time. In order to preserve judicial resources, moving parties are required to notify the Coordination Judge’s department (or the trial courtroom if the case has been assigned out for trial), as soon as possible in the event a motion is withdrawn or otherwise will not proceed for hearing on the scheduled date. All filed documents and documents served through eService must be in OCR searchable format.

2. Ex Parte Applications.

Ex parte applications may be filed on any court day. The ex parte application and notice must be served and filed in the court by 10:00 a.m. Any party opposing an ex parte application may

1 submit a written opposition by noon on the day following the filing of the ex parte
2 application. Unless otherwise ordered by the court, no hearing will be held on an ex parte
3 application. The matter will generally be ruled upon based on the papers submitted. If a
4 hearing is deemed necessary, the court will notify counsel.

5 3. Stipulations Regarding Motion Scheduling.

6 Parties may present a stipulation and proposed order to continue a hearing or, if time requires,
7 an unopposed ex parte application for a continuance. No hearing date may otherwise be
8 changed absent a court order.

9
10 DATED: December 31, 2025



Elihu M. Berle

Elihu M. Berle / Judge

Hon. Elihu M. Berle,
Judge of the Los Angeles Superior Court,
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1 parties will be joining in on a motion, opposition or other filing, and submit a single joint
2 joinder.



Elihu M. Berle

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4 DATED: December 31, 2025

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1 In addition to compliance with California Rules of Court, Rule 3.1354, objections to evidence
2 contained in a declaration that is filed in connection with a motion for summary judgment or
3 summary adjudication shall be made by filing a copy of the declaration, annotated with the
4 objections asserted and in a format, such as bold, underlined, italics, or highlighted text (but
5 not different text color) so as to distinguish the objection from the original text of the
6 declaration.



Elihu M. Berle

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DATED: December 31, 2025

Elihu M. Berle / Judge

Honorable Elihu, M. Berle,
Judge of the Los Angeles Superior Court,
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12/31/2025

David W. Staylor, Executive Officer / Clerk of Court

By: B. Cumpido Deputy

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES**

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11 **COORDINATION PROCEEDING**) JCCP No. 5378
12 **SPECIAL TITLE (RULE 3.550)**)
13 **SILICOSIS CASES**) **GENERAL ORDER NO. 14**
14) **STANDARD DISCOVERY**

15 Hon. Elihu M. Berle

16
17 **I. General Discovery Order.**

18 The Court orders the following means of standard discovery applicable to all Silicosis
19 Cases within the JCCP No. 5378 Coordination Proceeding:

- 20 (a) Plaintiff Preliminary Fact Sheet; Plaintiff Authorizations;
21 (b) Form of Standard Authorizations
22 (c) Standard Interrogatories to Plaintiff;
23 (d) Defendant Preliminary Fact Sheet;
24 (e) Standard Interrogatories to Defendant; and
25 (f) Defendant Standard Requests for Production of Documents to Defendant.

26 The parties may also conduct case specific discovery pursuant to the Civil Discovery Act,
27 C.C.P. Sections 2016-2036, and as authorized by the Court. The provisions of this General
28 Order shall apply to all cases, except as modified by court order.

1 2. Time for Completion for Discovery.

2 The Court may set deadlines for completion of discovery in specific cases in this
3 coordinated proceeding. As provided in the California Code of Civil Procedure, unless
4 ordered otherwise by the Court, fact discovery is to be completed on or before the 30th day
5 before the initial trial date.

6
7 3. Standard Written Discovery.

8 By this order, the following standard written discovery is deemed propounded,
9 requiring verified answers by the parties in all cases coordinated under JCCP No. 5378.

10
11 a. Plaintiff Preliminary Fact Sheet.

12 Plaintiff Preliminary Fact Sheet (PFS) is attached hereto as Exhibit 14A. In all
13 pending cases filed after December 31, 2023, Plaintiff shall complete and serve on Defendant
14 the Plaintiff Preliminary Fact Sheet within 60 days of this Order. For newly filed cases,
15 Plaintiff shall complete and serve on Defendant a Plaintiff Preliminary Fact Sheet within 30
16 days of service of the complaint on Defendant. The Plaintiff Preliminary Fact Sheet shall be
17 verified by the Plaintiff or, in wrongful death cases, by the personal representative/successor
18 in interest of the decedent's estate.

19
20 b. Plaintiff Authorizations.

21 Simultaneously with the service of the verified completed PFS, Plaintiff shall provide
22 Defendant with signed authorizations in the form attached hereto as Exhibit 14B, to enable
23 Defendant to obtain Plaintiff's medical, employment, social security, Medicare, disability
24 insurance, unemployment insurance, and workers' compensation EAMS records. Plaintiff
25 shall receive a copy of all records ordered by Defendant and shall be given a first look, prior
26 to the records being produced to Defendant.

27
28 c. Standard Interrogatories Propounded to Plaintiff.

1 The Standard Interrogatories to Plaintiff are attached hereto as Exhibit 14C. In all
2 pending cases filed after December 31, 2023, Plaintiff shall serve Defendant with verified
3 responses to the Standard Interrogatories to Plaintiffs within 60 days from the date of this
4 Order. For newly filed cases, Plaintiff shall serve Defendant with verified responses to the
5 Standard Interrogatories to Plaintiff within 60 days of the service of the complaint.
6

7 d. Defendant Preliminary Fact Sheet.

8 Defendant Preliminary Fact Sheet is attached hereto as Exhibit 14D. In all pending
9 cases filed after December 31, 2023, Defendant shall complete and serve on Plaintiff the
10 Defendant Preliminary Fact Sheet within 60 days of this order. For newly filed cases,
11 Defendant shall complete and serve on Plaintiff a Defendant Preliminary Fact Sheet within 30
12 days of the filing of Defendant's answer. For corporations, limited liability companies, and
13 partnerships, Defendant Preliminary Fact Sheet shall be verified by an official representative
14 authorized to speak on behalf of the entity.
15

16 e. Standard Interrogatories Propounded to Defendant.

17 The Standard Interrogatories to Defendant is attached as Exhibit 14E. In all pending
18 cases filed after December 31, 2023, Defendant shall serve Plaintiff with verified responses to
19 the Standard Interrogatories Propounded to Defendant within 60 days of the date of this
20 Order. For newly filed cases, Defendant shall serve Plaintiff with verified responses to the
21 Standard Interrogatories to Defendant within 30 days of the service of defendant's answer to
22 complaint. Defendant shall serve defendant's verified responses to the Standard
23 Interrogatories to Defendant and copies of Plaintiff's responses to the Standard
24 Interrogatories to Plaintiff on Cross-Defendant within 30 days of the service of Cross-
25 Defendant's answer to cross-complaint.
26

27 f. Standard Request for Production of Documents Propounded to Defendant

28 (1) The Standard Request for Production of Documents to Defendant is attached hereto

1 as Exhibit 14F. In all pending cases filed after December 31, 2023, Defendant shall serve
2 Plaintiff with verified responses to the Standard Request for Production of Documents
3 Propounded to Defendant within 60 days of this Order. For newly filed cases, Defendant shall
4 serve Plaintiff with verified responses to the Standard Request for Production of Documents to
5 Defendant within 60 days after service of the answer to complaint.

6
7 (2) Defendant's documents must be produced simultaneously with its responses to the
8 Standard Request for Production of Documents to Defendant. Defendant shall respond to
9 each request, by identifying the specific documents that are responsive to the request by Bates
10 stamp number. Each document produced must be Bates stamped with 1) an abbreviation for
11 the Defendants' name; 2) the number of the request for production; and 3) the pages produced
12 for that request. For example, if Defendant ABC was responding to the Standard Request for
13 Production of Documents No. 3 with five pages of documents, those documents would be
14 Bates stamped: ABCSRFP3-1, ABCSRFP3-2, ABCSRFP3-4, and ABCSRFP3-5. Any
15 documents that are subsequently produced must be labeled in consecutive Bates stamp
16 number order. If a document is responsive to more than one Request for Production of
17 Documents to Defendant, the document needs to be produced only once. All documents
18 produced in response to the Standard Request for Production of Documents shall be
19 considered authentic business records (Evidence Code 1414) and do not need a Custodian of
20 Records deposition for identification.

21
22 (3) Should a Cross-Defendant be brought into the case, Defendant shall re-serve
23 Defendant's responses to the Standard Production of Documents Propounded to Defendant
24 and all documents and records produced in connection therewith on the Cross-Defendant,
25 within 60 days of Cross-Defendant serving its answer to the cross-complaint. Defendant shall
26 also serve copies of Plaintiff's responses to the Standard Request for Production Propounded
27 to Plaintiff and all documents and records produced in connection therewith on the Cross-
28 Defendant, within 60 days of Cross-Defendant serving its answer to the cross-complaint.

1
2 4. Case Specific Interrogatories, Form Interrogatories, Requests for Admission, and
3 Requests for Production of Documents Propounded to Plaintiff

4 Defendant may propound non-duplicative case specific discovery requests to Plaintiff.
5 The case specific discovery is intended for Defendant to seek information that was not
6 provided in the PFS or responses to the Standard Interrogatories. Defendant may propound to
7 Plaintiff twenty (20) Special Interrogatories; Judicial Council Form Interrogatories 1.1 and
8 17.1 only; twenty-five (25) Requests for Admission; and twenty (20) Requests for Production
9 of Documents. Additional written discovery may be propounded upon leave of court.
10
11

12 5. Case Specific Interrogatories, Form Interrogatories, Requests for Admission, and
13 Request for Production of Documents Propounded to Defendant.

14 Plaintiff may propound case specific discovery request to each Defendant. This case
15 specific discovery is intended for Plaintiff to seek information that was not provided in the
16 responses to Defendant's Preliminary Fact Sheet, responses to the Standard Interrogatories
17 and the Standard Request for Production of Documents. Plaintiff may propound to Defendant
18 up to twenty (20) Special Interrogatories; Judicial Council Form Interrogatories 1.1, 15.1 and
19 17.1 only; twenty-five (25) Requests for Admission; and twenty (20) Requests for Production
20 of Documents. Requests for Admission to authenticate documents shall not count toward the
21 limit.
22

23 6. Case Specific Interrogatories and Requests for Admission Propounded to Defendant by
24 Cross-Defendant.

25 Cross-Defendant may propound non-duplicative case specific discovery requests to
26 Defendant. This case specific discovery is intended for Cross-Defendant to seek information
27 that was not provided in the Defendant's Preliminary Fact Sheet, or the Standard
28 Interrogatories. Cross-Defendant may propound up to twenty (20) Special Interrogatories;

1 Judicial Council Form Interrogatories 1.1 and 17.1; twenty-five (25) Requests for Admission.
2 Additional written discovery may be propounded upon leave of court.

3
4 7. Verifications of Discovery Responses.

5 Failure to provide a timely verification to discovery responses is a violation of the
6 Discovery Act and this court's orders. The court hereby issues a standing Order to Show
7 Cause why a party should not be sanctioned for failure to provide the required verification to
8 discovery responses.



Elihu M. Berle

11 DATED: December 31, 2025

Elihu M. Berle / Judge

Hon. Elihu M. Berle,
Judge of the Los Angeles Superior Court,
Coordination Judge

EXHIBIT 14A – PLAINTIFF PRELIMINARY FACT SHEET

Case Name: _____

Case Number: _____

I. BASIC INFORMATION

1. Name of Person Responding (Injured Party or SII): _____

2. Injured Party (Plaintiff/Decedent) Full Name: _____

3. State any other names Injured Party has gone by: _____

4. List the names of all named Plaintiffs and their Relationship to the Injured Party (i.e. spouse, heir, successor-in-interest, guardian ad litem):

Plaintiff Names	Relationship

5. Injured Party Date of Birth: _____

6. Injured Party Date of Death (if applicable): _____

7. If the injured party is married, please provide:

a. Spouse Name: _____

b. Marriage Date: _____

8. Injured party children? (Yes / No)

a. if yes, ages: _____

9. Identify the injured party's highest level of education and/or any degree or certificates earned: _____

10. City and State of Current Address: _____

11. Number of years residing in current state: _____

12. Can you speak English with ease? (Yes / No)

a. If no, identify your preferred spoken language and/or dialect _____

13. Can you read and write English with ease? (Yes / No)

a. If no, identify your preferred written language and/or dialect _____

II. EXPOSURE HISTORY

14. Date of First Claimed Exposure to materials causing injury: _____

15. Date of Last Claimed Exposure: _____

16. Exposure Context (check all that apply): Fabrication/Installation: ___ Office worker: ___

Take home exposure: ___ Demolition: ___ Other ___

17. Currently known employment history (including self-employment and side jobs):

Employer / Hirer	Location	Job Title	Dates	Are you currently claiming exposure during this employment? (Yes/ No)

Attach additional pages as necessary.

III. MEDICAL HISTORY

18. Diagnosed Silica Related Disease(s): _____

19. Date(s) of Diagnosis: _____

20. Were you diagnosed by a treating physician?

21. Have you received or are you awaiting a lung transplant? (Yes / No)

a. If yes, identify facility: _____

IV. DECLARATION

I declare under penalty of perjury under the laws of the State of California that the information provided in this Plaintiff Fact Sheet is true and correct to the best of my knowledge, information, and belief at this time.

Date: _____

Signature: _____

Printed Name: _____

V. COUNSEL QUESTIONS:

1. Do you anticipate filing a motion for preferential trial date within the next four months? (Yes / No / Do Not Know)
2. Do you anticipate noticing Plaintiff's deposition for preservation within 60 days? (Yes / No / Do Not Know)

EXHIBIT 14B – FORM OF STANDARD AUTHORIZATIONS

HIPAA COMPLIANT AUTHORIZATION FOR RELEASE OF MEDICAL RECORDS PURSUANT TO 45 CFR 164.508 (TO DEFENDANTS)

This Authorization is signed pursuant to the Standards for Privacy of Individually Identifiable Health Information as provided for by the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), 45 C.F.R. Parts 160 and 164, and CA Civil Code §§ 56.11-15 and allows use and disclosure of protected health information by you as follows:

1. **Purpose.** This is an authorization which will be used to obtain medical records pertaining to [PLAINTIFF/PATIENT NAME].
2. **Parties TO Whom the Below-Signed Individual Authorizes the Release of Information:**

and any photocopy service retained by said attorneys. [CA Civil Code §§ 56.11(b)(6).]

3. **Types of Medical Information and Specific Exclusions.** When this authorization is presented for medical information, the below-signed patient or individual specifically authorizes the disclosure of all medical records in the possession of the persons and entities designated in section 11, relating to medical care and treatment rendered, excluding the following records and/or materials:

- a) any cytology and physical pathology, including but not limited to paraffin blocks, slides, jars containing lungs and other organs, and any tissue;
- b) records pertaining to alcohol and/or drug abuse;
- c) records pertaining to psychiatric health or psychotherapy notes;
- d) records pertaining to genetic testing;
- e) social security records or records pertaining thereto; and
- f) HIV/AIDS or sexually transmitted diseases.

[45 C.F.R. § 164.508(c)(1)(I); CA Civil Code § 56.11(b)(4) and 56.11(b)(7).]

4. **Use.** The information obtained pursuant to this authorization will be used in connection with a claim or lawsuit of the below-signed individual. [45 C.F.R. § 164.508(c)(1)(iv); CA Civil Code § 56.11(b)(4).]

5. **Time.** This authorization expires three years from the date signed below. [45 C.F.R. § 164.508(c)(v); CA Civil Code §§ 56.11(b)(8).]

6. **Revocation.** I, the undersigned patient or representative, have the right to revoke this authorization at any time by providing written notice to the recipient parties. My written revocation will be effective upon receipt and will not affect information already used or disclosed by the requestor or others in reliance upon this authorization. [45 C.F.R. § 164.508(c)(2)(I); CA Civil Code § 56.15]

7. **Validity of Copy.** A copy of this authorization is as valid as the original.

8. **Entitlement to Copy.** I, the undersigned patient or representative, am entitled to a copy of this signed authorization. [45 C.F.R. § 164.508(c)(4); CA Civil Code § 56(b)(9), 56(c) and 56.12]

9. **Conditioning Statement.** I, the undersigned patient or representative, understand that this authorization is voluntary. Should I decide not to sign this authorization, my treatment, payment, enrollment or eligibility for benefits will not be affected. [45 C.F.R. § 164.508(c)(2): (I)-(ii)]

10. **Re-Disclosure.** I, the undersigned patient or representative, understand that the recipient of my medical information is prohibited from re-disclosing that information unless another authorization is signed by me, or when re-disclosure is required by law. I further understand that if the recipient of my medical information is not a health care provider, the released information may no longer be protected. [45 C.F.R. § 164.508(c)(2)(iii); CA Civil Code § 56.13]

11. **Parties FROM Whom the Below-Signed Individual Authorizes the Release of Information:**

[CA Civil Code §§ 56.11(b)(5).]

Dated: _____

Signed: _____
[NAME AUTHORIZING PERSON]

_____ [self/spouse/sii]
(Relationship to Patient)

Patient Name: _____ Patient's DOB: _____

Patient Identifying Number:

[Social security number (SSN), Individual Taxpayer Identification Number (ITIN), Driver's license number (DLN), Medical Record Number (MRN), or other personal identifying number, if known or available.]

EMPLOYMENT RECORD RELEASE AUTHORIZATION

TO: _____

RE: _____

I AUTHORIZE any employer, business, accountant, bookkeeper or other entity or person to release records of any kind, including but not limited to, employment personnel, reports, documents, correspondence, notes, ledgers, journals, applications for employment, medical and health records, information regarding raises, promotions, absenteeism, disciplinary actions, evaluations, terminations, and any other records from the first date of employment to the present date regarding the above-named employee.

I AUTHORIZE you to release any and all such information to:

[SELECTED VENDOR NAME]

I UNDERSTAND that the information obtained by use of the Authorization will be used by the aforementioned law firm and other persons and organizations performing business or legal services in connection with the pending claim and/or litigation concerning me, or as may be otherwise lawfully required or as I am otherwise authorized.

I AGREE that a photographic copy of this Authorization shall be as valid as the original.

I AGREE that this Authorization shall be valid for two years from the date shown below as that of my signature, unless revoked IN WRITING.

I CERTIFY that I have read and understand the foregoing; that I agree and consent to the release of information and records as set forth above; that my consent and authorization is freely given; that I have received a copy of this authorization; and I acknowledge that I have the right to receive a copy of this signed authorization pursuant to the provisions of California Civil Code Section 56.10.

DATED: _____

Signature of Employee or Legal Representative

ADDITIONAL AUTHORIZATIONS

Social Security Administration Consent for Release of Information Form SSA-3288 found at www.ssa.gov/forms/ssa-3288.pdf

Social Security Administration Request for Social Security Earnings Information Form SSA-7050 found at: www.ssa.gov/forms/ssa-7050.pdf

Medicare Authorization to Disclose Personal Health Information Form CMS 10106 found at <https://www.cms.gov/medicare/cms-forms/cms-forms/downloads/cms10106.pdf>

Disability Insurance or Unemployment Insurance Authorization for Release of Records Form DE 5600 found at https://cdd.ca.gov/siteassets/files/pdf_pub_ctr/de5600.pdf

EXHIBIT 14B – FORM OF STANDARD AUTHORIZATIONS

HIPAA COMPLIANT AUTHORIZATION FOR RELEASE OF MEDICAL RECORDS PURSUANT TO 45 CFR 164.508 (TO DEFENDANTS)

This Authorization is signed pursuant to the Standards for Privacy of Individually Identifiable Health Information as provided for by the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), 45 C.F.R. Parts 160 and 164, and CA Civil Code §§ 56.11-15 and allows use and disclosure of protected health information by you as follows:

1. **Purpose.** This is an authorization which will be used to obtain medical records pertaining to [PLAINTIFF/PATIENT NAME].
2. **Parties TO Whom the Below-Signed Individual Authorizes the Release of Information:**

and any photocopy service retained by said attorneys. [CA Civil Code §§ 56.11(b)(6).]

3. **Types of Medical Information and Specific Exclusions.** When this authorization is presented for medical information, the below-signed patient or individual specifically authorizes the disclosure of all medical records in the possession of the persons and entities designated in section 11, relating to medical care and treatment rendered, **excluding the following records and/or materials:**

- a) any cytology and physical pathology, including but not limited to paraffin blocks, slides, jars containing lungs and other organs, and any tissue;
- b) records pertaining to alcohol and/or drug abuse;
- c) records pertaining to psychiatric health or psychotherapy notes;
- d) records pertaining to genetic testing;
- e) social security records or records pertaining thereto; and
- f) HIV/AIDS or sexually transmitted diseases.

[45 C.F.R. § 164.508(c)(1)(I); CA Civil Code § 56.11(b)(4) and 56.11(b)(7).]

4. **Use.** The information obtained pursuant to this authorization will be used in connection with a claim or lawsuit of the below-signed individual. [45 C.F.R. § 164.508(c)(1)(iv); CA Civil Code § 56.11(b)(4).]

5. **Time.** This authorization expires three years from the date signed below. [45 C.F.R. § 164.508(c)(v); CA Civil Code §§ 56.11(b)(8).]

6. **Revocation.** I, the undersigned patient or representative, have the right to revoke this authorization at any time by providing written notice to the recipient parties. My written revocation will be effective upon receipt and will not affect information already used or disclosed by the requestor or others in reliance upon this authorization. [45 C.F.R. § 164.508(c)(2)(I); CA Civil Code § 56.15]

7. **Validity of Copy.** A copy of this authorization is as valid as the original.

8. **Entitlement to Copy.** I, the undersigned patient or representative, am entitled to a copy of this signed authorization. [45 C.F.R. § 164.508(c)(4); CA Civil Code § 56(b)(9), 56(c) and 56.12]

9. **Conditioning Statement.** I, the undersigned patient or representative, understand that this authorization is voluntary. Should I decide not to sign this authorization, my treatment, payment, enrollment or eligibility for benefits will not be affected. [45 C.F.R. § 164.508(c)(2): (I)-(ii)]

10. **Re-Disclosure.** I, the undersigned patient or representative, understand that the recipient of my medical information is prohibited from re-disclosing that information unless another authorization is signed by me, or when re-disclosure is required by law. I further understand that if the recipient of my medical information is not a health care provider, the released information may no longer be protected. [45 C.F.R. § 164.508(c)(2)(iii); CA Civil Code § 56.13]

11. **Parties FROM Whom the Below-Signed Individual Authorizes the Release of Information:**

[CA Civil Code §§ 56.11(b)(5).]

Dated: _____

Signed: _____
[NAME AUTHORIZING PERSON]

_____ [self/spouse/sii]
(Relationship to Patient)

Patient Name: _____ Patient's DOB: _____

Patient Identifying Number:

[Social security number (SSN), Individual Taxpayer Identification Number (ITIN), Driver's license number (DLN), Medical Record Number (MRN), or other personal identifying number, if known or available.]

EMPLOYMENT RECORD RELEASE AUTHORIZATION

TO: _____

RE: _____

I AUTHORIZE any employer, business, accountant, bookkeeper or other entity or person to release records of any kind, including but not limited to, employment personnel, reports, documents, correspondence, notes, ledgers, journals, applications for employment, medical and health records, information regarding raises, promotions, absenteeism, disciplinary actions, evaluations, terminations, and any other records from the first date of employment to the present date regarding the above-named employee.

I AUTHORIZE you to release any and all such information to:

[SELECTED VENDOR NAME]

I UNDERSTAND that the information obtained by use of the Authorization will be used by the aforementioned law firm and other persons and organizations performing business or legal services in connection with the pending claim and/or litigation concerning me, or as may be otherwise lawfully required or as I am otherwise authorized.

I AGREE that a photographic copy of this Authorization shall be as valid as the original.

I AGREE that this Authorization shall be valid for two years from the date shown below as that of my signature, unless revoked IN WRITING.

I CERTIFY that I have read and understand the foregoing; that I agree and consent to the release of information and records as set forth above; that my consent and authorization is freely given; that I have received a copy of this authorization; and I acknowledge that I have the right to receive a copy of this signed authorization pursuant to the provisions of California Civil Code Section 56.10.

DATED: _____

Signature of Employee or Legal Representative

ADDITIONAL AUTHORIZATIONS.

Social Security Administration Consent for Release of Information Form SSA-3288 found at www.ssa.gov/forms/ssa-3288.pdf

Social Security Administration Request for Social Security Earnings Information Form SSA-7050 found at: www.ssa.gov/forms/ssa-7050.pdf

Medicare Authorization to Disclose Personal Health Information Form CMS 10106 found at <https://www.cms.gov/medicare/cms-forms/cms-forms/downloads/cms10106.pdf>

Disability Insurance or Unemployment Insurance Authorization for Release of Records Form DE 5600 found at https://edd.ca.gov/siteassets/files/pdf_pub_ctr/de5600.pdf

EXHIBIT 14C: STANDARD INTERROGATORIES PROPOUNDED TO PLAINTIFF

DEFINED TERMS

"YOU" and "YOUR" refer to the Plaintiff or, in a Wrongful Death case, the Decedent who is the person alleging exposure.

"YOUR STONE RELATED DISEASE" refers to YOUR claim for personal injury, survival, wrongful death, and/or medical monitoring pertaining to exposure to dust from any natural or synthetic stone slab, block or tile, and/or solid surface product, and/or machines or equipment contributing to exposure, and/or protective masks, respirators or other equipment intended to minimize exposure, and/or related insurance coverage actions.

INTERROGATORY NO. 1: State YOUR full name and any other names YOU have gone by.

INTERROGATORY NO. 2: State YOUR date and place of birth.

INTERROGATORY NO. 3: Can YOU speak English with ease? If not, what language and dialect do YOU normally use?

INTERROGATORY NO. 4: Can YOU read and write English with ease? If not, what language and dialect do YOU normally use?

INTERROGATORY NO. 5: If YOU are married, state the name of YOUR spouse, her/his age and the date of YOUR marriage.

INTERROGATORY NO. 6: State the names and the ages of each of YOUR children.

INTERROGATORY NO. 7: Identify YOUR highest level of education and/or any degree or certificate YOU received from each school.

INTERROGATORY NO. 8: When did YOU begin working in the stone industry?

INTERROGATORY NO. 9: Identify YOUR work in the stone industry.

INTERROGATORY NO. 10: If YOU are not presently working, describe the reason why and identify the last day YOU worked.

INTERROGATORY NO. 11: What respiratory equipment did YOU use (if any) during YOUR work in the stone industry?

INTERROGATORY NO. 12: Do YOU attribute any physical injuries to YOUR STONE RELATED DISEASE? If so, describe.

INTERROGATORY NO. 13: Do YOU attribute any mental injuries to YOUR STONE RELATED DISEASE? If so, describe.

INTERROGATORY NO. 14: Do YOU attribute any emotional injuries to YOUR STONE RELATED DISEASE? If so, describe.

INTERROGATORY NO. 15: Are YOU claiming lost income?

INTERROGATORY NO. 16: If YOU are claiming lost income, please identify the dates YOU lost income.

INTERROGATORY NO. 17: Identify all physicians or other health care practitioners where YOU have received treatment for YOUR STONE RELATED DISEASE.

INTERROGATORY NO. 18: If YOU have ever been hospitalized as a result of YOUR STONE RELATED DISEASE, state the dates of hospitalization and the name of the hospital.

INTERROGATORY NO. 19: Do YOU have a workers compensation claim for YOUR STONE RELATED DISEASE? If so, identify the attorney representing YOU in YOUR workers compensation claim.

EXHIBIT 14D – DEFENDANT PRELIMINARY FACT SHEET

Defendant: [Defendant Name]

Responding to Plaintiff: [Plaintiff Name]

Date Completed: [Date]

DEFINED TERMS

“ARTIFICIAL STONE PRODUCTS” means man-made material designed to resemble natural stone, made of selected and processed mixtures of SILICA, quartz, resins, pigments, other minerals, and/or metals to create a solid surface, and/or slab, and includes those products sometimes called agglomerate, agglomerated stone, conglomerate, engineered stone, manufactured stone, quartz, and synthetic stone.

“BUSINESS HISTORY” means a description of the background development of how YOUR business came to be; including, but not limited to, the date and jurisdiction of YOUR business’s formation, the identity of YOUR original founders, members, organizers, and/or officers, YOUR business purpose, YOUR principal place of business, any and all business acquisitions, mergers, consolidations, re-incorporations, predecessors, subsidiaries, name changes, asset purchase, acquisitions, or spin-offs.

“DISTRIBUTED” or “DISTRIBUTION” means to provide, supply, deliver, ship, furnish, be a carrier, give something to, or otherwise put in the stream of commerce.

“DOCUMENTS” means all writings and materials as broadly defined in California Evidence Code § 250.

“FABRICATION” refers to all processes used to process STONE SURFACING PRODUCTS into countertops, including cutting, sawing, grinding, drilling, edging, polishing.

“IDENTIFY” means to establish or indicate who or what something is with specificity.

“INJURED PARTY” means the person alleged by Plaintiff to have been physically injured in this case by way of exposures to dust from Defendants’ STONE SURFACING PRODUCTS.

“SILICA” refers to silicon dioxide (SiO₂), a compound made of one silicon atom and two oxygen atoms. It is a naturally occurring substance found in the Earth’s crust, primarily as the mineral quartz, and is a major component of sand and rocks. “CRYSTALLINE SILICA” refers to a specific form of silica where the atoms are arranged in a regular, ordered structure, and occurs as a primary component of cristobalite, tridymite, and quartz.

“STONE SURFACING PRODUCTS” shall mean slabs, tiles, and/or countertops, including but not limited to those products which are natural stone products, ARTIFICIAL STONE

PRODUCTS, ceramic, porcelain, and/or glass products, and shall also include tools and equipment utilized during the FABRICATION of such products.

“TYPE OF BUSINESS” refers to YOUR corporate structure and status as to how YOU are legally organized as a business entity, such as a corporation, limited liability company, partnership, sole proprietorship; the nation and state in which YOU are legally organized and/or formed, operate and maintain your corporate headquarters; YOUR business purpose and what business activities YOU do.

“YOU” and “YOUR” refers to the Defendant providing responses for this Preliminary Fact Sheet, as well as that Defendant’s agents, workers, officers, directors, attorneys, accountants, and all other persons under the control, direction, and/or supervision of said party.

DEFENDANT FACTS

I. Defendant Information

1. State your complete legal name and address.
2. Identify YOUR TYPE OF BUSINESS.
3. State YOUR BUSINESS HISTORY.
4. How are YOU involved in the manufacturing, importation, DISTRIBUTION, or sale of STONE SURFACING PRODUCTS?

II. Product Identification and History

5. IDENTIFY all product types, brand names, and time periods for STONE SURFACING PRODUCTS YOU manufactured, imported, DISTRIBUTED, or sold.
6. State the SILICA content for each of the STONE SURFACING PRODUCTS YOU manufactured, imported, DISTRIBUTED, or sold.
7. What date did YOU first know that dust released from the FABRICATION of ARTIFICIAL STONE PRODUCTS contained levels of CRYSTALLINE SILICA that could cause disease in stone industry workers?
8. Describe with specificity any changes to the design, manufacturing process, or marketing of STONE SURFACING PRODUCTS that occurred during the periods YOU manufactured, imported, DISTRIBUTED, or sold them.
9. IDENTIFY all third-party manufacturers of STONE SURFACING PRODUCTS YOU imported, DISTRIBUTED, or sold.
10. IDENTIFY all Safety Data Sheets (formerly known as “Material Safety Data Sheets”) prepared for STONE SURFACING PRODUCTS YOU manufactured, imported, DISTRIBUTED, or sold, including the dates and method of preparation and distribution.
11. IDENTIFY all warning labels affixed to STONE SURFACING PRODUCTS YOU manufactured, imported, DISTRIBUTED, or sold, including their content, dates of preparation and first use.

12. IDENTIFY all recalls of STONE SURFACING PRODUCTS YOU manufactured, imported, DISTRIBUTED, or sold, including the dates and summary of action taken.

III. Case-specific Information

13. IDENTIFY all DOCUMENTS in YOUR possession relating to the INJURED PARTY, sites at which the INJURED PARTY worked, or the STONE SURFACING PRODUCTS involved in Plaintiff's claim.
14. State if any DOCUMENTS potentially pertaining to the parties' claims or defenses in this case have been destroyed, erased, or removed from YOUR custody or control and describe the circumstances.
15. IDENTIFY all witnesses known to YOU who have knowledge pertaining to the Plaintiff's claims, YOUR STONE SURFACING PRODUCTS, or YOUR defenses.

IV. Verification

I, _____, declare that I am the _____ of [Defendant Name], a party to this action. I have read the foregoing DEFENDANT PRELIMINARY FACT SHEET and know the contents thereof are true and correct. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____, at _____.

Signature: _____

Printed Name: _____

EXHIBIT 14E – STANDARD INTERROGATORIES TO DEFENDANT

DEFINED TERMS

“ARTIFICIAL STONE PRODUCTS” means man-made material designed to resemble natural stone, made of selected and processed mixtures of SILICA, quartz, resins, pigments, other minerals, and/or metals to create a solid surface, and/or slab, and includes those products sometimes called agglomerate, agglomerated stone, conglomerate, engineered stone, manufactured stone, quartz, and synthetic stone.

“BUSINESS HISTORY” means the background development of how YOUR business came to be; including, but not limited to, the date and jurisdiction of YOUR business’s formation, the identity of YOUR original founders, members, organizers, and/or officers, YOUR business purpose, YOUR principal place of business, any and all business acquisitions, mergers, consolidations, re-incorporations, predecessors, subsidiaries, name changes, asset purchase, acquisitions, or spin-offs.

“DISTRIBUTED” or “DISTRIBUTION” means to import, export, provide, supply, deliver, ship, furnish, be a carrier, give something to, or otherwise put in the stream of commerce.

“DOCUMENTS” means all writings and materials as broadly defined in California Evidence Code § 250.

“FABRICATION” refers to all processes used to process STONE SURFACING PRODUCTS into countertops, including cutting, sawing, grinding, drilling, edging,

polishing.

“IDENTIFY” means to establish or indicate who or what something is with specificity.

“INSURANCE” means any insurance, including any insurance policy, whether excess or primary coverage, whether continuing operations or products liability coverage. This means to state with particularity, the name of the carrier, the limits on the policy, whether the policy is eroding/diminishing, the policy number, and effective dates, whether there are any applicable exclusions or denials of coverage.

“SILICA” refers to silicon dioxide (SiO₂), a compound made of one silicon atom and two oxygen atoms. It is a naturally occurring substance found in the Earth's crust, primarily as the mineral quartz, and is a major component of sand and rocks.

“CRYSTALLINE SILICA” refers to a specific form of silica where the atoms are arranged in a regular, ordered structure, and occurs as a primary component of cristobalite, tridymite, and quartz.

“STONE SURFACING PRODUCTS” shall mean slabs, tiles, and/or countertops, including but not limited to those products which are natural stone products, ARTIFICIAL STONE PRODUCTS, ceramic, porcelain, and/or glass products, and shall also include tools and equipment utilized during the FABRICATION of such products.

“TYPE OF BUSINESS” refers to YOUR corporate structure and status as to how YOU are legally organized as a business entity, such as a corporation, limited liability company, partnership, sole proprietorship; the nation and state in which YOU are legally organized and/or formed, operate and maintain your corporate headquarters; YOUR business purpose; and

what business activities YOU do.

“YOU” and “YOUR” refer to the Defendant providing responses to Standard Interrogatories to Defendant, as well as that Defendant’s agents, workers, officers, directors, attorneys, accountants, and all other persons under the control, direction, and/or supervision of said party.

STANDARD INTERROGATORIES TO DEFENDANT

INTERROGATORY NO. 1: State all names, including, but not limited to, the full legal name(s) and assumed names YOU have used in the past 30 years.

INTERROGATORY NO. 2: IDENTIFY YOUR TYPE OF BUSINESS, including how and what type of goods or services YOU provide pertaining to STONE SURFACING PRODUCTS.

INTERROGATORY NO. 3: Describe YOUR BUSINESS HISTORY in detail.

INTERROGATORY NO. 4: IDENTIFY all STONE SURFACING PRODUCTS YOU have manufactured and/or DISTRIBUTED, including the dates, types, and brand names of such STONE SURFACING PRODUCTS.

INTERROGATORY NO. 5: State all facts PERTAINING TO YOUR role in the manufacturing and/or DISTRIBUTION of STONE SURFACING PRODUCTS.

INTERROGATORY NO. 6: What are the physical qualities, if any, of YOUR ARTIFICIAL STONE PRODUCTS that are advantages over other STONE SURFACING PRODUCTS?

INTERROGATORY NO. 7: For the years YOU have distributed STONE SURFACING PRODUCTS, how much CRYSTALLINE SILICA did each type of STONE SURFACING PRODUCT YOU DISTRIBUTED contain?

INTERROGATORY NO. 8: What are all of the business considerations that went into YOUR decision to manufacture and/or DISTRIBUTE ARTIFICIAL STONE PRODUCTS?

INTERROGATORY NO. 9: What are all the technical and product performance considerations that went into the selection of STONE SURFACING PRODUCTS YOU manufactured and/or DISTRIBUTED?

INTERROGATORY NO. 10: What is the first date YOU manufactured and/or DISTRIBUTED ARTIFICIAL STONE PRODUCTS?

INTERROGATORY NO. 11: Who decided which STONE SURFACING PRODUCTS should be manufactured and/or DISTRIBUTED by YOU?

INTERROGATORY NO. 12: IDENTIFY all COMMUNICATIONS and DOCUMENTS, both internal and external, pertaining to YOUR decision to manufacture and/or DISTRIBUTE STONE SURFACING PRODUCTS.

INTERROGATORY NO. 13: IDENTIFY all facts and information about the INSURANCE coverage for YOU in this case, including but not limited to YOUR INSURANCE carriers and the nature and limits of the coverage for YOU in this case.

INTERROGATORY NO. 14: State all facts PERTAINING TO any and all FABRICATION of STONE SURFACING PRODUCTS YOU have done.

INTERROGATORY NO. 15: What date did YOU first know that dust released from the FABRICATION of ARTIFICIAL STONE PRODUCTS contained levels of CRYSTALLINE SILICA that could cause disease in stone industry workers?

INTERROGATORY NO. 16: State all facts about YOUR knowledge of health hazards posed by the inhalation of dust generated by the cutting and FABRICATION of STONE SURFACING PRODUCTS into countertops.

INTERROGATORY NO. 17: IDENTIFY all SAFETY DATA SHEETS (including those previously called "Material Safety Data Sheets") chronologically, including any and all drafts, prepared for any and all STONE SURFACING PRODUCTS YOU manufacture and/or DISTRIBUTE, including but not limited to the name, authors, and content of the document, first date of preparation, how distributed, and dates of use.

INTERROGATORY NO. 18: IDENTIFY all warnings, including any and all drafts, prepared for any and all STONE SURFACING PRODUCTS YOU manufacture and/or DISTRIBUTE, including, but not limited to, what the warning says, how the warning is provided, a physical description of what the warning looks like, and a chronological account of when the warning was used.

INTERROGATORY NO. 19: IDENTIFY any and all intellectual property registrations for any STONE SURFACING PRODUCTS YOU have manufactured and/or DISTRIBUTED.

INTERROGATORY NO. 20: State all facts about any and all recalls for STONE SURFACING PRODUCTS YOU have manufactured and/or DISTRIBUTED.

INTERROGATORY NO. 21: IDENTIFY all memberships YOU have held in any trade association, society, council, alliance, working group, or similar body relating to stone, countertop fabrication, construction materials, occupational safety/industrial hygiene, or STONE SURFACING PRODUCTS, including but not limited to the Natural Stone Institute and the Marble Institute of America.

INTERROGATORY NO. 22: IDENTIFY YOUR locations and facilities in California, including but not limited to showrooms, pick-up locations, and supply yards.

INTERROGATORY NO. 23: IDENTIFY all business practices and DOCUMENTS YOU have used to market or DISTRIBUTE STONE SURFACING PRODUCTS in California.

INTERROGATORY NO. 24: What actions have YOU taken to DISTRIBUTE and/or manufacture low SILICA content (less than 40% SILICA) or zero SILICA content ARTIFICIAL STONE PRODUCTS?

INTERROGATORY NO. 25: State all facts about how YOUR business records are organized, maintained and accessed.

INTERROGATORY NO. 26: IDENTIFY YOUR person(s) most knowledgeable about the information provided, and DOCUMENTS identified, in response to the foregoing interrogatories.

INTERROGATORY NO. 27: IDENTIFY all persons who provided facts and information used to prepare YOUR answers and responses to the foregoing interrogatories.

EXHIBIT 14F – STANDARD REQUESTS FOR THE PRODUCTION OF DOCUMENTS TO DEFENDANT

DEFINED TERMS

“ARTIFICIAL STONE PRODUCTS” means man-made material designed to resemble natural stone, made of selected and processed mixtures of SILICA, quartz, resins, pigments, other minerals, and/or metals to create a solid surface, and/or slab, and includes those products sometimes called agglomerate, agglomerated stone, conglomerate, engineered stone, manufactured stone, quartz, and synthetic stone.

“BUSINESS HISTORY” means a description of the background development of how YOUR business came to be; including, but not limited to, the date and jurisdiction of YOUR business’s formation, the identity of YOUR original founders, members, organizers, and/or officers, YOUR business purpose, YOUR principal place of business, any and all business acquisitions, mergers, consolidations, re-incorporations, predecessors, subsidiaries, name changes, asset purchase, acquisitions, or spin-offs.

“DISTRIBUTED” or “DISTRIBUTION” means to import, export, provide, supply, deliver, ship, furnish, be a carrier, give something to, or otherwise put in the stream of commerce.

“DOCUMENTS” means all writings and materials as broadly defined in California Evidence Code § 250.

“FABRICATE” and “FABRICATION” refer to all processes used to process STONE SURFACING PRODUCTS into countertops, including cutting, sawing, grinding, drilling, edging, polishing. “FABRICATORS” are those who FABRICATE.

“IDENTIFY” means to establish or indicate who or what something is with specificity.

“INSURANCE” means any insurance, including any insurance policy, whether excess or primary coverage, whether continuing operations or products liability coverage. This means to state with particularity, the name of the carrier, the limits on the policy, whether the policy is eroding/diminishing, the policy number, and effective dates, whether there are any applicable exclusions or denials of coverage.

“PERTAINING TO” means regarding, relating to, referring to, referencing, concerning, discussing, evidencing, supporting, identifying or describing.

“SAFETY DATA SHEETS” refer to those WRITINGS that manufacturers and importers are required to prepare pursuant to 29 CFR § 1910.1200(g) and includes those WRITINGS previously called “Material Safety Data Sheets.”

“SILICA” refers to silicon dioxide (SiO_2), a compound made of one silicon atom and two oxygen atoms. It is a naturally occurring substance found in the Earth’s crust, primarily as the mineral quartz, and is a major component of sand and rocks. “CRYSTALLINE SILICA” refers to a specific form of silica where the atoms are arranged in a regular, ordered structure, and occurs as a primary component of cristobalite, tridymite, and quartz.

“STONE SURFACING PRODUCTS” shall mean slabs, tiles, and/or countertops, including but not limited to those products which are natural stone products, ARTIFICIAL STONE PRODUCTS, ceramic, porcelain, and/or glass products, and shall also include tools and equipment utilized during the FABRICATION of such products.

"TYPE OF BUSINESS" refers to YOUR corporate structure and status as to how YOU are legally organized as a business entity, such as a corporation, limited liability company, partnership, sole proprietorship; the nation and state in which YOU are legally organized and/or formed, operate and maintain your corporate headquarters; YOUR business purpose; and what business activities YOU do.

"YOU" and "YOUR" refers to the Defendant providing responses to Standard Requests for Production to Defendant, as well as that Defendant's agents, workers, officers, directors, attorneys, accountants, and all other persons under the control, direction, and/or supervision of said party.

STANDARD REQUESTS FOR PRODUCTION OF DOCUMENTS TO DEFENDANT

REQUEST FOR PRODUCTION NO. 1: YOUR DOCUMENT retention policies.

REQUEST FOR PRODUCTION NO. 2: All DOCUMENTS PERTAINING TO STONE SURFACING PRODUCTS YOU have manufactured and/or DISTRIBUTED, including the dates, types, and brand names of such STONE SURFACING PRODUCTS.

REQUEST FOR PRODUCTION NO. 3: All DOCUMENTS PERTAINING TO SAFETY DATA SHEETS for STONE SURFACING PRODUCTS YOU manufactured and/or DISTRIBUTED, including all drafts and internal or external discussions and/or decisions to change the wording in SAFETY DATA SHEETS.

REQUEST FOR PRODUCTION NO. 4: All DOCUMENTS PERTAINING TO any notification to individuals or companies to whom YOU DISTRIBUTED STONE SURFACING PRODUCTS regarding the potential relationship between exposure to SILICA and disease.

REQUEST FOR PRODUCTION NO. 5: All DOCUMENTS PERTAINING TO all measures YOU took to protect FABRICATORS from inhalation of SILICA dust from STONE SURFACING PRODUCTS.

REQUEST FOR PRODUCTION NO. 6: All DOCUMENTS PERTAINING TO the SILICA content of STONE PRODUCTS YOU DISTRIBUTE.

REQUEST FOR PRODUCTION NO. 7: All DOCUMENTS PERTAINING TO any and all internal and/or external testing, analysis and/or sampling of SILICA, CRYSTALLINE SILICA from STONE SURFACING PRODUCTS YOU DISTRIBUTE.

REQUEST FOR PRODUCTION NO. 8: All DOCUMENTS PERTAINING TO any department, division, subdivision, branch or group YOU have that is responsible for the design, development, manufacture, testing and/or use of STONE SURFACING PRODUCTS.

REQUEST FOR PRODUCTION NO. 9: All DOCUMENTS PERTAINING TO YOUR submissions, correspondence, testimony to and from any government regulatory agency PERTAINING TO RESPIRABLE CRYSTALLINE SILICA, SILICA and/or STONE SURFACING PRODUCTS.

REQUEST FOR PRODUCTION NO. 10: All DOCUMENTS PERTAINING TO YOU first becoming aware that there were health risks associated with exposure to SILICA.

REQUEST FOR PRODUCTION NO. 11: All DOCUMENTS PERTAINING TO any information, including dangers associated with SILICA that YOU received from any governmental agency, including but not limited to governmental agencies in Australia, Israel, the European Union, and/or the United States of America.

REQUEST FOR PRODUCTION NO. 12: All DOCUMENTS PERTAINING TO YOUR current and former officers, directors and/or managing agents' knowledge of, and response to learning about, health effects of exposure to SILICA dust, OSHA permissible exposure limits, ACGIH Threshold Limit Values, and any other exposure limits to dusts generated during FABRICATION of STONE SURFACING PRODUCTS.

REQUEST FOR PRODUCTION NO. 13: All DOCUMENTS PERTAINING TO

YOUR policies concerning corporate responsibility and accountability for risks of YOUR products.

REQUEST FOR PRODUCTION NO. 14: All DOCUMENTS PERTAINING TO LABELS on YOUR STONE SURFACING PRODUCTS, including all drafts.

REQUEST FOR PRODUCTION NO. 15: All DOCUMENTS PERTAINING TO warnings YOU put on YOUR STONE SURFACING PRODUCTS regarding SILICA-related health hazards.

REQUEST FOR PRODUCTION NO. 16: All DOCUMENTS PERTAINING TO the business considerations that went into YOUR decision to manufacture and/or DISTRIBUTE ARTIFICIAL STONE PRODUCTS.

REQUEST FOR PRODUCTION NO. 17: All DOCUMENTS PERTAINING TO the technical and product performance considerations that went into the selection of STONE SURFACING PRODUCTS YOU manufactured and/or DISTRIBUTED.

REQUEST FOR PRODUCTION NO. 18: All DOCUMENTS PERTAINING TO the INSURANCE coverage for YOU in this case, including but not limited to YOUR INSURANCE carriers and the nature and limits of the coverage for YOU in this case.

REQUEST FOR PRODUCTION NO. 19: All DOCUMENTS PERTAINING TO any and all intellectual property registrations for any STONE SURFACING PRODUCTS YOU have manufactured and/or DISTRIBUTED.

REQUEST FOR PRODUCTION NO. 20: All DOCUMENTS PERTAINING TO any and all recalls for STONE SURFACING PRODUCTS YOU have manufactured and/or DISTRIBUTED.

REQUEST FOR PRODUCTION NO. 21: All DOCUMENTS PERTAINING TO any

and all actions YOU took to determine whether a customer could have the STONE SURFACING PRODUCTS YOU manufactured and/or DISTRIBUTED FABRICATED in a manner that prevented harmful exposures to dust from such STONE SURFACING PRODUCTS.

REQUEST FOR PRODUCTION NO. 22: All DOCUMENTS PERTAINING TO the process of purchasing YOUR STONE SURFACING PRODUCTS, including but not limited to, requirements for account set-up, requirements for purchaser conduct or use of YOUR STONE SURFACING PRODUCTS, inspections by YOU, and required DOCUMENTS, including but not limited to purchaser applications, agreements, terms and conditions, invoices, receipts, payment terms, returns/exchanges, or other paperwork involved.

REQUEST FOR PRODUCTION NO. 23: All DOCUMENTS PERTAINING TO anyone (person, business, company, group, etc.) YOU consulted with regarding the product design of YOUR ARTIFICIAL STONE PRODUCTS.

REQUEST FOR PRODUCTION NO. 24: All DOCUMENTS PERTAINING TO controls (with reference to the National Institute for Occupational Safety & Health (“NIOSH”) Hierarchy of Controls) that are necessary to prevent SILICOSIS, including among FABRICATORS.

REQUEST FOR PRODUCTION NO. 25: All DOCUMENTS PERTAINING TO any effort by YOU to limit in which facilities the STONE SURFACING PRODUCTS YOU DISTRIBUTED could be FABRICATED.

REQUEST FOR PRODUCTION NO. 26: All DOCUMENTS PERTAINING TO the wording, marking and/or logos on each STONE SURFACING PRODUCTS YOU DISTRIBUTED.

REQUEST FOR PRODUCTION NO. 27: All DOCUMENTS IDENTIFYING the manufacturer of each STONE SURFACING PRODUCT YOU distribute.

REQUEST FOR PRODUCTION NO. 28: All DOCUMENTS PERTAINING TO

YOUR membership in any trade association, society, council, alliance, working group, or similar body relating to stone, countertop fabrication, construction materials, occupational safety/industrial hygiene, or SILICA, including but not limited to the Natural Stone Institute and the Marble Institute of America.

REQUEST FOR PRODUCTION NO. 29: All DOCUMENTS PERTAINING TO YOUR locations and facilities in California, including but not limited to showrooms, pick-up locations, and supply yards.

REQUEST FOR PRODUCTION NO. 30: All DOCUMENTS PERTAINING TO YOUR DISTRIBUTION and/or manufacture of low SILICA content (less than 40% SILICA) or zero SILICA content ARTIFICIAL STONE PRODUCTS.

1 are not resolved, the party may file a noticed motion seeking appropriate
2 relief.

3
4 2. First Look Period at Medical Records.

5
6 Within ten (10) calendar days of receipt of medical records from a medical provider,
7 Vendor shall provide Bates-numbered electronic, read-only copies of the records to plaintiff's
8 attorneys. Should plaintiff desire hard copies or a printable electronic version of the
9 documents retrieved by Vendor, plaintiff shall order records from Vendor at cost to be
10 arranged between plaintiff and Vendor. Plaintiff shall have ten (10) calendar days ("First
11 Look Period") from the day that records are received from Vendor to review the records.
12 Upon review, should plaintiff determine in good faith that any part of the records are not
13 subject to disclosure and/or are privileged based upon privacy objections or then-existing
14 privilege under California law, plaintiff shall serve a Notice of Redacted Records to all
15 parties via FSX, and to Vendor via email. The Notice of Redacted Records shall identify
16 each document being redacted, and state the basis for the objection to disclosure, the Bates
17 number(s), provider(s), date(s), and title(s) of the subject document(s), if applicable. At the
18 expiration of the ten (10) calendar day First Look Period, Vendor shall make available to
19 defendants all records that are not identified in a Notice of Redacted Records. Should a
20 defendant wish to obtain the subject redacted records, defendant shall contact plaintiff to meet
21 and confer in good faith, to resolve the related issues. If parties are unable to resolve the
22 issues and defendant still desires to obtain the subject records, the parties shall comply with
23 the provisions of the General Order regarding an Informal Discovery Conference.

24
25 3. Error In Production.

26
27 Should a medical provider produce any records in error, not
28 responsive to, or explicitly excluded from an authorization, Vendor and/or defendant's

1 counsel shall upon receipt of any such records, immediately forward such records to
2 plaintiff's counsel, and verify that no copies have been made or disseminated, and that all
3 electronic copies have been deleted and/or destroyed.

4 **Elihu M. Berle**

5 DATED: December 31, 2025

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Elihu M. Berle / Judge
7 Hon. Elihu M. Berle,
8 Judge of the Los Angeles Superior Court,
9 Coordination Judge
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1 b. Upon request by a defendant, the court may grant:
2

3 (1) An additional three (3) hours of deposition testimony for no more than 10 hours of
4 total deposition time conducted by the defendants, if there are more than 10 defendants
5 appearing at the deposition.

6 (2) An additional seven hours of deposition testimony for no more than 14 hours of
7 total deposition time conducted by the defendants if there are more than 20 defendants
8 appearing at the deposition.

9 (3) The court may grant the additional time provided for in paragraphs (1) and (2) of
10 subdivision (b) only if it finds that an extension, in the instant case, is in the interest of
11 fairness, which includes consideration of the number of defendants appearing at the
12 deposition, and determines that the health of the deponent does not appear to be endangered
13 by the grant of additional time. (Code of Civil Procedure, § 2025.295.)
14

15 3. Unless stipulated otherwise by all parties, or ordered by the court, no depositions of
16 plaintiff or product identification witness may proceed until and unless:
17

- 18 a. Plaintiff has provided a completed verified Plaintiff Fact Sheet (PFS);
- 19 b. Plaintiff has provided all properly executed authorization forms in compliance with
20 this court's order Regarding Plaintiffs' Authorizations;
- 21 c. Plaintiff has served on defendants copies of all social security, military, medical,
22 employment and other records pertaining to the plaintiff in plaintiff's possession; and
- 23 d. Plaintiff has served on Defendants verified Responses to Standard Interrogatories.
24

25 4. At depositions counsel for the parties (and the witnesses) shall make legal objections only.
26 Speaking objections or coaching of the witness during the deposition examination is
27 improper.
28

1 5. Depositions shall be noticed pursuant to the provisions of Code of Civil Procedure
2 sections 2025.210, *et seq.* Unless stipulated otherwise by all parties, or ordered by the court,
3 if plaintiff's attorney conducts the deposition examination first (direct examination),
4 defendant may elect to commence its examination either immediately after the conclusion of
5 plaintiff's direct examination or within 5 court days after the conclusion of plaintiff's direct
6 examination.

7
8 6. Unless stipulated otherwise by all parties, or ordered by the court, no percipient witness
9 deposition shall be conducted before 8:00 a.m. or after 6:00 p.m., or on weekends or holidays.
10

11 7. In-Person or Remote Requirements. Counsel noticing depositions must make
12 accommodations for in-person attendance if requested by any party. A plaintiff deposition
13 occurring remotely shall use a 360-degree camera, unless otherwise stipulated to by all
14 parties.
15

16 8. Neutral Backgrounds. Neutral backgrounds are required for all depositions. No items
17 shall be present on the screen with witness unless necessary (e.g., water or oxygen).
18

19 9. Notice of Unique Settings. Seven (7) days' advance notice is required if a deposition
20 must occur in a non-standard setting, such as a hospital or a person's residence. Such notice
21 shall contain details on accessibility and on specific technological needs for the deposition.
22

23 10. Costs. The party noticing the deposition is responsible for the costs associated with the
24 court reporter, interpreter, and videographer. However, regardless of which party noticed the
25 deposition, if the deposition proceeds more than one (1) day, the party conducting the
26 majority of the questioning each day is responsible for all court reporter, interpreter, and
27 videographer costs for that day.
28

1 11. Good Faith Conduct. The parties must make good faith efforts to coordinate and conduct
2 an efficient deposition, particularly in a case where a preferential trial date has
3 been granted. Where there are multiple defendants, the total time allotted amongst defendants
4 should be allocated prior to the deposition.

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Elihu M. Berle

DATED: December 31, 2025

Elihu M. Berle / Judge

Hon. Elihu M. Berle,
Judge of the Los Angeles Superior Court,
Coordination Judge

12/31/2025

David W. Slayton, Executive Officer / Clerk of Court

By: B. Cumplido Deputy

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES**
10

11 _____) JCCP No. 5378
12 COORDINATION PROCEEDING)
13 SPECIAL TITLE (RULE 3.550))
14)
15 **SILCOSIS CASES**) **GENERAL ORDER NO. 17**
16)
17) **TRIAL VIDEO DIRECT**
18) **EXAMINATION DEPOSITION**
19

20 Hon. Elihu M. Berle
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22

23 1. Examination Order and Costs. When plaintiff’s counsel has noticed the trial
24 video direct examination deposition (“TVD”) of plaintiff, plaintiff’s counsel shall conduct the
25 deposition examination first (direct examination). Plaintiff’s counsel shall be responsible for
26 the court reporter, videographer, and interpreter costs of the TVD deposition. Should
27 defendant choose to question the plaintiff (cross-examination), defendant will be responsible
28 for the proportionate cost of defendant’s examination.

2. Good Faith Effort to Coordinate and Objections. Parties must make good
faith efforts to coordinate and conduct an efficient deposition. Where there are multiple
defendants, defendants shall allocate their total deposition examination time among
themselves. Counsel for the parties (and witnesses) shall make legal objections to privilege,

1 privacy, and form only. Speaking objections are prohibited. An objection by one defendant
2 is deemed an objection by all (for those present at the deposition). Instructions not to answer
3 are limited solely to privilege and privacy.



Elihu M. Berle

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6 DATED: December 31, 2025

Elihu M. Berle / Judge

7 Hon. Elihu M. Berle,
8 Judge of the Los Angeles Superior Court,
9 Coordination Judge.
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1 does not agree to the deposition date, no later than ten (10) days after the service of the notice
2 of the deposition, deponent counsel must provide two alternative dates when the deposition
3 may be taken.

4 3. Time to Produce Documents Responsive to Deposition Notice.

5 If documents are sought in connection with the deposition, responsive documents must be
6 provided at least five (5) days before the deposition. The document production must include
7 an index that mirrors the response to Standard Request for Production of Documents to
8 Defendant (Exhibit 14F to General Order No. 14), in order to clarify which specific
9 documents (by Bates number) are responsive to each request. If there are no documents
10 produced for a request, that must be stated in the index.

11 4. Good Faith Effort to Coordinate and Objections. The parties must make good
12 faith efforts to coordinate and conduct an efficient deposition. Counsel for the parties (and
13 the witnesses) shall make legal objections to privilege, privacy, and form only. Speaking
14 objections are prohibited. An objection by one defendant is deemed an objection by all
15 defendants (for those present at the deposition). Instructions not to answer are limited solely
16 to privilege and privacy.



Elihu M. Berle

17
18 DATED: December 31, 2025

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Hon. Elihu M. Berle,
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Coordination Judge

1 and exhibits that could be made, as if the witness were testifying live at the trial or hearing.



Elihu M. Berle

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4 DATED: December 31, 2025

Elihu M. Berle / Judge

5 Hon. Elihu M. Berle,
6 Judge of the Los Angeles Superior Court,
7 Coordination Judge
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12/31/2025

David W. Slayton, Executive Officer / Clerk of Court

By: B. Cumpido Deputy

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

COORDINATION PROCEEDING)	JCCP No. 5378
SPECIAL TITLE (RULE 3.550))	
)	
SILICOSIS CASES	)	GENERAL ORDER NO. 20
)	
	)	DOCUMENT PRODUCTION

Hon. Elihu M. Berle

1. Production of Documents.

Parties shall produce all documents in this JCCP 5378 proceeding by uploading them to FSX in compliance with the court’s electronic services orders. Parties shall provide secure files via a downloadable link included in a dedicated cover letter, setting forth the cases to which the documents relate, the general categories of documents, and the Bates range for the documents.

2. Document Number-Stamping.

Parties shall sequentially number-stamp every page of every document produced in each case by Bates Stamp. Each document produced must be Bates stamped with 1) an abbreviation for the producing party’s name; 2) identification of the particular request for production of document number; and 3) the pages produced for that particular request. For example, if party ABC INC. was responding to Request for Production of Documents set No. 3 with five

1 pages of documents, those documents would be Bates stamped: ABCSRFP3-1, ABCRFP3-2,
2 ABCRFP3-3, ABCRFP3-4, and ABCRFP3-5. Documents which are subsequently produced
3 must be labeled in consecutive Bates Stamp order. If any documents have been previously
4 produced in another matter, the parties shall use the same Bates numbering sequence
5 originally assigned, rather than applying a new set of identification numbers. If documents
6 are responsive to more than one request for production, the response should so indicate and
7 the documents only need to be produced only once.

8
9 3. Documents Identification. All parties either in their response to document
10 production requests or in a production response served at the time of production, shall
11 generally identify all documents which they produce in a case, with the specific request
12 number to which the document responds pursuant to Code of Civil Procedure
13 section 2031.280, by the beginning and ending number-stamped pages.

14
15 4. Documents Produced by Third Parties.
16 Parties who obtain documents from third parties, including medical providers, pursuant to
17 business records subpoenas, deposition subpoenas, or otherwise, shall promptly Bates stamp
18 all such documents, using letters identifying the entity producing the documents (unless the
19 documents have been already Bates stamped by the third party, in which case re-stamping is
20 not necessary), and upload the documents via FSX in compliance with the court's electronic
21 service orders.



Elihu M. Berle

24 DATED: December 31, 2025

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25 Hon. Elihu M. Berle,
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27 Coordination Judge
28

1 available for deposition, and/or whose report and writings have not been produced, shall be
2 excluded from evidence at trial.

3 3. Production of Expert Materials.

4 Parties shall timely produce all their expert witnesses' materials via FSX, Hightail, or
5 Dropbox. All general materials and case specific documents relied upon by the experts shall
6 be identified on indices, with copies of the documents promptly produced upon request.

7 4. Timing of Expert Depositions.

8 Expert witnesses shall have their depositions taken no later than 30 days before the Final
9 Status Conference.

10 5. Remote Depositions.

11 Expert witnesses may appear for their depositions remotely by Zoom videoconference, but
12 not by telephone without videoconference.

13 6. Expert Deposition Time Length

14 Except as stipulated by the parties, or otherwise ordered by the court, a deposition of an
15 expert witness shall be limited to seven (7) hours.

16 7. Expert Deposition Time Fees

17 The party noticing the deposition of an expert witness shall prepay the expert witness fees for
18 the time the party, in good faith, intends to use for examination of the witness. In the event
19 the deposition needs to be extended beyond the prepaid time, prior to the continuation of the
20 deposition the party noticing the deposition must make arrangements with the witness (or the
21 witness's counsel) for the payment for the extended deposition time.



Elihu M. Berle

24 DATED: December 31, 2025

Elihu M. Berle / Judge

25 Hon. Elihu M. Berle,
26 Judge of the Los Angeles Superior Court,
27 Coordination Judge
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1 which a further response, answer, or production is requested-the following:

- 2
- 3 (1) The text of the request, interrogatory, question, or inspection demand;
 - 4 (2) The text of each response, answer, or objection, and any further responses or answers;
 - 5 (3) If necessary, the text of all definitions, instructions, and other matters required to
 - 6 understand each discovery request and the responses to it;
 - 7 (4) If the response to a particular discovery request is dependent on the response given to
 - 8 another discovery request, or if the reasons a further response to a particular discovery
 - 9 request is deemed necessary/unnecessary are based on the response to some other discovery
 - 10 request, the other request and the response to it must be set forth;
 - 11 (5) If the pleadings, other documents in the file, or other items of discovery are relevant to the
 - 12 motion, the party relying on them must summarize each relevant document.
 - 13 (6) A statement by the moving party of the factual and legal reasons for compelling further
 - 14 responses, answers, or production as to each matter in dispute;
 - 15 (7) A statement by the opposing party of the factual and legal reasons for not compelling
 - 16 further responses, answers, or production as to each matter in dispute.



Elihu M. Berle

18

19 DATED: December 31, 2025

Elihu M. Berle / Judge

20 Honorable Elihu M. Berle,
21 Judge of the Los Angeles Superior Court,
22 Coordination Judge

12/31/2025

David W. Slayton, Executive Officer / Clerk of Court

By: B. Cumplido Deputy

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES**
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11 _____) JCCP No. 5378
12 COORDINATION PROCEEDING)
13 SPECIAL TITLE (RULE 3.550))
14 _____)
15 **SILICOSIS CASES**) **GENERAL ORDER NO. 25**
16 _____)
17 **PREFERENTIAL**
18 **TRIAL SETTING**

Hon. Elihu M. Berle

- 19 1. Trial Preference Committee
20 a. Preference Committee

21 In order to assist the Court in evaluating preference cases, the parties shall appoint a
22 Preference Trial Recommendation Committee (“the Committee”), which shall include
23 representatives from plaintiffs and defendants.

24 The Committee shall meet regularly, report to all counsel, and be available for
25 consultation as a group with any individual plaintiffs’ counsel. For the purposes of
26 compliance with this order, the Committee’s obligations are to all parties in the litigation as a
27 whole.

28 The Committee shall be responsible for meeting and conferring with the plaintiff and

1 defendants regarding potential preference cases, including briefing scheduling, setting of
2 hearings, and coordination of discovery. These meet and confer efforts with defendants shall
3 include the attorney of the plaintiff moving a preference.

4 b. Preference Notice

5 Plaintiff's counsel who has a good faith basis for asserting entitlement to a preferential
6 trial setting in a case under Code of Civil Procedure §36 should provide written notice
7 ("Preference Notice") to the Committee and the case defendants of the potential claim of
8 preferential trial setting eligibility at least 10 days before a motion for preference is filed. At
9 the time this Preference Notice is given, the submitting plaintiff's counsel shall also submit to
10 the Committee and Defendants the information set forth below in section (c).

11 c. Preference Information

12 Plaintiff's counsel who seeks to present a case to the Court for preferential trial setting
13 shall submit to the Committee the following information:

- 14 • Bases for preference invoked (e.g., C.C.P. §36(a) age, §36(b) minor, §36(d)
15 health);
- 16 • Short statement of facts supporting Plaintiff's eligibility for preference;
- 17 • Fact discovery status (party, non-party, third party medical records) and key
18 gaps in discovery still required;
- 19 • Expert status (names/fields, report timing, depositions anticipated);
- 20 • Anticipated or outstanding dispositive, Sargon, or summary judgment motions;
- 21 • Claimed prejudice from denial of preference; and
- 22 • For preference motions based on C.C.P. §36(a) or (d):
 - 23 ○ Identity of plaintiff's primary treating physician, defined as the physician
24 providing the primary care and treatment to Plaintiff ("Primary care
25 physician");
 - 26 ○ Plaintiff's prognosis, including expected progression, life expectancy,
27 and risk of further deterioration;
 - 28

1 d. The Committee's Recommendations

2 Within five (5) days of receiving a Preference Notice, the Committee will make its
3 recommendations in writing to the court.

4
5 2. Trial Preference Evaluation Protocol

6 a. Plaintiffs' Disclosure

7 Concurrently with its recommendation, the Committee will provide the court and the
8 case defendants with all the information provided to the Committee. Plaintiff will also
9 provide the case defendants with the following:

- 10 (1) Plaintiff Fact Sheet- To the extent not previously provided, plaintiff shall provide
11 a completed PFS. A completed PFS is defined as, at minimum, providing answers
12 to all questions contained in the PFS, and all required documents;
- 13 (2) A list of all known medical providers of the plaintiff, including the identity of the
14 Primary Treating Physician;
- 15 (3) Authorizations- to the extent not previously provided, completed and signed
16 originals of all record authorization forms that are part of the PFS, including
17 medical record authorizations for all known medical providers within the claimed
18 exposure period;
- 19 (4) Medical and pharmacy records- all non- privileged medical and pharmacy records
20 within the Plaintiffs' possession, custody or control.

21 b. Motion For Preference

22 After the Committee submits its recommendation to the court, or if the Committee fails
23 to submit its report within five (5) days, plaintiff may serve a motion for trial preference that
24 complies with the provisions of Code of Civil Procedure section 36. If multiple preference
25 motions are filed, then the parties shall confer regarding the appropriateness of multiple
26 motions, as well as the order in which the motions for trial preference should be considered,
27 and present their recommendations to the Court. Any unresolved disputes among the parties
28 will be decided by the Court.

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c. Depositions To Evaluate Eligibility For Preferential Trial Setting

In order to evaluate the eligibility of cases for preferential trial setting, any defendant may in good faith request the deposition of the plaintiff seeking a preferential trial setting and/or the declarant supporting a plaintiff’s position that he or she has a health condition that warrants a preferential trial setting. Defendants may take said depositions on 10 days’ notice after the motion for trial preference is filed.

d. Additional Discovery and Updated Information

Defendants may request additional discovery and/or depositions to evaluate the merits of the case as a preference trial case. Any unresolved disputes regarding preference discovery shall be resolved by the Court.

No later than two (2) court days prior to the hearing on Plaintiff’s motion for preference pursuant to Sections 36(a) and (d), plaintiff’s counsel must also disclose whether there have been any changed circumstances in Plaintiff’s health since the declaration was signed, or the deposition of the primary treating physician, whichever occurred later. Prior to making this required disclosure, plaintiff’s counsel shall make all good faith efforts to contact Plaintiff and his/her/their family to ascertain any changed circumstances.

3. Preference Case Trial Setting Order

a. Counsel Conference

At least five (5) court days prior to hearing on any motion for a preferential trial date, the parties shall meet and confer on a proposed Preference Case Trial Setting Order (in the event the motion is granted). The proposed Preference Case Trial Setting Order should, at a minimum, identify fact and expert discovery date cutoffs; summary judgment motion filing deadlines; schedule for exchange and submission of former testimony designations; agreements concerning any modification of notice and hearing timing

1 relative to that set out in Code of Civil Procedure, section 473c; the issuance of
2 commissions under Code of Civil Procedure section 2026.010 et seq.; and proposed dates
3 for a final status conference and trial.
4

5 b. Joint Proposed Preference Case Trial Setting Order

6 At least two (2) court days prior to the hearing on any motion for a preferential
7 trial date, plaintiff shall file and serve a joint form containing all the parties' proposed
8 provisions. Competing provisions should be placed adjacent to one another, together with
9 a bracket identifying the proponent of the provision.
10

11 c. No Waiver

12 A party does not waive any objections to the granting of the motion by participating
13 in the mandatory meet and confer or preparation of a joint form for the motion for a
14 preferential trial date.
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18 4. Granting of Preference

19 An order granting of a motion for preferential trial date shall be deemed "good cause,"
20 pursuant to the Code of Civil Procedure Section 437c, subsection (a)(3), for motions under that
21 section to be heard less than 30 days before the date of trial, though parties shall endeavor to
22 schedule hearings 30 days or more before trial.



Elihu M. Berle

Elihu M. Berle / Judge

24 DATED: December 31, 2025

25 Hon. Elihu M. Berle,
26 Judge of the Los Angeles Superior Court,
27 Coordination Judge
28

01/26/2026

David W. Slayton, Executive Officer / Clerk of Court

By: B. Cumplido Deputy

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

COORDINATED PROCEEDING SPECIAL
TITLE (Rule 3.550)

JCCP No. 5378

SILICOSIS CASES

GENERAL ORDER NO. 26

**REQUIRING RETENTION AND
PROHIBITING DESTRUCTION
OF EVIDENCE**

**REQUIRING RETENTION AND PROHIBITING
DESTRUCTION OF EVIDENCE**

I. APPLICATION

1. This Order applies to: all parties in the silicosis personal injury actions which are coordinated as part of JCCP 5378 (the SILICOSIS CASES), including plaintiffs, defendants, cross-defendants, and their attorneys and agents; non-parties served with subpoenas and/or copies of this Order; and percipient witnesses, represented by counsel, who have been served with subpoenas and have been given notice of this Order.

2. This Order applies prospectively and does not subject to liability parties or nonparties who discarded evidence in the ordinary course of business prior to being served with this Order or being sued in any of the SILICOSIS CASES.

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3 3. This Order does not apply to duplicate copies of the same documents and/or writings
4 subject to this Order.

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6 4. This Order requires retention and prohibits destruction of evidence, documents and/or
7 writings. It does not imply that any such evidence, documents and/or writings are discoverable
8

9 5. Any person or entity violating this Order, as well as all persons who aid, abet,
10 participate or otherwise encourage or foster violations of this Order, may be subject to
11 monetary sanctions, evidentiary sanctions, terminating sanctions, and citations for contempt
12 of court.

13 14 **II. DEFINITIONS**

15 A. ARTIFICIAL STONE means any composite material made of crushed stone bound
16 together by an adhesive to create a solid surface and includes materials called agglomerate,
17 agglomerated stone, conglomerate, engineered stone, manufactured stone, quartz, and
18 synthetic stone.

19
20 B. EXPOSURE refers to contact with the body by inhalation, ingestion or skin
21 absorption.

22
23 C. FABRICATION is the process of fabricating STONE PRODUCTS into
24 COUNTERTOPS, including sawing, cutting, grinding, drilling, chipping, edging, and
25 polishing stone slabs or blocks.

26
27 D. "HIRER" refers to any person or entity (including any partnership, firm, corporation, limited
28 liability company, association, business organization or company) who employes, hires or
retains the services of any PLAINTIFF in the SILICOSIS CASES, and includes "employers" as

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defined by Labor Code, section 1132.2 and persons who retain “independent contractors,” as defined by Labor Code, section 3353.

E. LABELS refer to WRITINGS, often called “stickers,” that are intended to be affixed to STONE PRODUCTS with adhesive, but does not include stickers that merely state price of sale.

F. NATURAL STONE refers to natural stone (i.e., stone that is not ARTIFICIAL STONE), including but not limited to adoquin, basalt, dolomite, granite, limestone, marble, onyx, quartzite, sandstone, serpentine, slate, soapstone, terrazzo, and travertine.

G. PERSONAL PROTECTIVE EQUIPMENT means masks, respirators, goggles, aprons, face shields, ear plugs, gloves, steel-toed or rubber boots, body suits, kneepads, and any other clothing or equipment that is worn or used to provide personal protection against hazardous substances.

H. PLAINTIFF refers to a plaintiff who claims to have silicosis and/or other silica-related disease, or any decedent who has a successor and/or representative named in any of the SILICOSIS CASES.”

I. RELATING TO means regarding, relating, pertaining, referring, referencing, concerning, discussing, evidencing, supporting, identifying, or describing.

J. RESPIRABLE CRYSTALLINE SILICA means Respirable Crystalline Silica as defined in 29 Code of Federal Regulations, section 1926.1153(b), which states: "Respirable crystalline silica means quartz, cristobalite, and/or tridymite contained in airborne particles that are determined to be respirable by a sampling device designed to meet the characteristics for respirable-particle size-selective samplers specified in the International Organization for

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Standardization (ISO) 7708:1995: Air Quality-Particle Size Fraction Definitions for Health-Related Sampling."

- K. SAFETY DATA SHEETS refers to WRITINGS called Safety Data Sheets (SDS) or Material Safety Data Sheets (MSDS) for hazardous chemical products (including STONE PRODUCTS) as described and required by the OSHA Hazard Communication Standard at 29 Code of Federal Regulations, section 1910.1200(g).
- L. SILICA refers to silicon dioxide (SiO₂) occurring in crystalline, amorphous and impure forms.
- M. SILICOSIS refers to the lung disease that occurs when silica particles cause lung scarring.
- N. SILICOSIS CASES refers to the cases alleging personal injury as a result of EXPOSURE to SILICA that have been coordinated as the SILICOSIS CASES, JCCP 5378.
- O. STONE COUNTERTOPS refers to finished surface products fabricated from STONE PRODUCTS as installed in homes or businesses, typically in kitchens, bathrooms, bars and fireplaces.
- P. STONE COUNTERTOP FABRICATION INDUSTRY refers to a business in which workers fabricate STONE PRODUCTS to become STONE COUNTERTOPS.
- Q. STONE PRODUCTS refers to slabs, blocks, tiles, and derivatives thereof, made from ARTIFICIAL STONE or NATURAL STONE.
- R. WRITINGS refers to the word "writings" defined in Evidence Code, section 250 as

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“handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.”

**III. EVIDENCE ORDERED TO BE RETAINED AND PROHIBITED
FROM BEING DESTROYED**

The preservation of evidence being of critical importance to effect substantial justice in the SILICOSIS CASES, all parties and non-parties subject to this order are required to retain and are prohibited from destroying the following WRITINGS and evidence:

1. All WRITINGS relating to the order, purchase, sale, distribution, supply, shipment, delivery and/or receipt of STONE PRODUCTS, including but not limited to, purchase orders, blanket purchase orders, invoices, packing slips, bills of lading, shipping documents, import documents, and shipping logs; as well as all such WRITINGS recorded as electronic data on computers, local disk drives, servers, and electronic storage devices, created at any time.
2. All WRITINGS that identify the chemical composition of STONE PRODUCTS.
3. All LABELS for STONE PRODUCTS.
4. All WRITINGS relating to health hazards of SILICA and STONE PRODUCTS.
5. All WRITINGS relating to SILICOSIS.
6. All WRITINGS relating to other diseases caused or potentially caused by exposure to SILICA, including but not limited to asthma, bronchitis, cardiovascular disease, chronic kidney disease, chronic obstructive lung disease, heart disease, liver disease, lung cancer, lung disease, pneumonia, pulmonary fibrosis, sarcoidosis, tuberculosis, and autoimmune diseases such as connective tissue disease, rheumatoid arthritis, Scleroderma, systemic lupus erythematosus, and

1
2 systemic sclerosis.

3 10. All WRITINGS relating to FABRICATION of STONE COUNTERTOPS.

4 11. All WRITINGS relating to the SILICA content of STONE PRODUCTS.

5 12. All WRITINGS relating to air monitoring and quantitative levels of
6 EXPOSURE of workers to SILICA from STONE PRODUCTS.”

7 13. All WRITINGS relating to the equipment, tools, and wet or dry fabrication
8 methods used in the FABRICATION of STONE PRODUCTS.

9 14. All WRITINGS relating to PERSONAL PROTECTIVE EQUIPMENT,
10 including respiratory protection, provided at the workplace in the STONE FABRICATION
11 INDUSTRY, including but not limited to purchase and sales orders for PERSONAL
12 PROTECTIVE EQUIPMENT.

13 15. All WRITINGS relating to ventilation and/or engineering controls to reduce
14 EXPOSURE to RESPIRABLE CRYSTALLINE SILICA.

15 16. All WRITINGS relating to measures to protect against the hazards of
16 SILICA.

17 17. All WRITINGS related to warnings, safety training, or other measures to protect
18 against exposure to RESPIRABLE CRYSTALLINE SILICA.

19 18. All WRITINGS relating to SILICOSIS, other medical conditions, and medical
20 treatment thereof, among workers who fabricated and/or installed STONE COUNTERTOPS.

21 19. All WRITINGS relating to SAFETY DATA SHEETS for STONE PRODUCTS.

22 20. All photographs and videos of STONE PRODUCTS worked on by any
23 PLAINTIFF in the STONE COUNTERTOP FABRICATION INDUSTRY.

24 21. All photographs and videos of the facilities where any PLAINTIFF worked with
25 ARTIFICIAL STONE or NATURAL STONE.

26 22. All WRITINGS relating to communications by or with any PLAINTIFF
27 regarding the purchase, order, FABRICATION, or installation of any STONE PRODUCT,
28 including communications by text message, What’s App, Slack, social media, and/or other
means.

1
2 23. All WRITINGS relating to HIRERS' compliance with Cal-OSHA regulations
3 regarding the protection of workers from the hazards of exposure to RESPIRABLE
4 CRYSTALLINE SILICA, including, without limitation, Title 7, California Code of
5 Regulations, section 5204, et seq.



Elihu M. Berle

6
7 DATED: January 26, 2026

Elihu M. Berle / Judge

Hon. Elihu M. Berle
Judge of the Los Angeles Superior Court and
Coordination Judge

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

COORDINATION PROCEEDING) JCCP No. 5378
SPECIAL TITLE (RULE 3.550))
SILICOSIS CASES) **GENERAL ORDER NO. 27**
PROTECTIVE ORDER

Hon. Elihu M. Berle

PROTECTIVE ORDER

In order to facilitate the exchange of information and documents which may be subject to confidentiality limitations on disclosure due to federal laws, state laws, and privacy rights, the Court issues this Protective Order.

1. The following definitions shall apply to this Protective Order:

a. “Proceeding” means all actions in the SILICOSIS CASES Coordinated Proceeding, JCCP No. 5378.

b. “Court” means the judge or department to which a case in this Proceeding may be assigned, including Court staff participating in such proceeding.

c. “Confidential” means any Documents, Testimony, or Information which is in the possession of a Designating Party who believes in good faith that such Documents, Testimony, or Information is entitled to confidential treatment under

1 applicable law.

2 d. “Confidential Materials” means any Documents, Testimony, or
3 Information as defined below designated as “Confidential” pursuant to the provisions of
4 this Protective Order.

5 e. “Highly Confidential” means any information which belongs to a
6 Designating Party who believes in good faith that the Disclosure of such information to
7 another Party or non-Party would create a substantial risk of serious financial or other
8 injury that cannot be avoided by less restrictive means. [This provision is to be used only
9 when a legitimate basis, tailored to the case, has been explained.]
10

11 f. “Highly Confidential Materials” means any Documents, Testimony,
12 or Information, as defined below, designated as “Highly Confidential” pursuant to the
13 provisions of this Protective Order.

14 g. “Designating Party” means the Party that designates Documents,
15 Testimony, or Information, as defined below, as “Confidential” or “Highly
16 Confidential.”

17 h. “Disclose” or “Disclosed” or “Disclosure” means to reveal, divulge,
18 give, or make available Materials, or any part thereof, or any information contained
19 therein.

20 i. “Documents” means (i) any “Writing,” “Original,” and “Duplicate”
21 as those terms are defined by California Evidence Code Sections 250, 255, and 260,
22 which have been produced in discovery in this Proceeding by any person or entity, and
23 (ii) any copies, reproductions, or summaries of all or any part of the foregoing.

24 j. “Information” means the content of Documents or Testimony.

25 k. “Testimony” means all depositions, declarations, or other testimony
26 taken or used in this Proceeding.
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1 2. The Designating Party shall have the right to designate as “Highly
2 Confidential” only the non-public Documents, Testimony, or Information that the
3 Designating Party in good faith believes would create a substantial risk of serious
4 financial or other injury, if Disclosed to another Party or non-Party, and that such risk
5 cannot be avoided by less restrictive means.
6

7 3. The entry of this Protective Order does not alter, waive, modify, or abridge
8 any right, privilege, or protection otherwise available to any Party with respect to the
9 discovery of matters, including but not limited to any Party’s right to assert the attorney-
10 client privilege, the attorney work product doctrine, or other privileges, or any Party’s
11 right to contest any such assertion.

12 4. Any Documents, Testimony, or Information to be designated as
13 “Confidential” or “Highly Confidential” must be clearly so designated before the
14 Document, Testimony, or Information is Disclosed or produced. The parties may agree
15 that a case name and number are to be part of the “Highly Confidential” designation.
16 The “Confidential” or “Highly Confidential” designation should not obscure or interfere
17 with the legibility of the designated Information.

18 a. For Documents (apart from transcripts of depositions or other
19 pretrial or trial proceedings), the Designating Party must affix the legend “Confidential”
20 or “Highly Confidential” on each page of any Document containing such designated
21 material.
22

23 b. For Testimony given in depositions the Designating Party may
24 either:

25 i. identify on the record, before the close of the deposition, all
26 “Confidential” or “Highly Confidential” Testimony, by specifying all portions of the
27 Testimony that qualify as “Confidential” or “Highly Confidential;” or

28 ii. designate the entirety of the Testimony at the deposition as

1 “Confidential” or “Highly Confidential” (before the deposition is concluded) with the
2 right to identify more specific portions of the Testimony as to which protection is sought
3 within 30 days following receipt of the deposition transcript. In circumstances where
4 portions of the deposition Testimony are designated for protection, the transcript pages
5 containing “Confidential” or “Highly Confidential” Information may be separately
6 bound by the court reporter, who must affix to the top of each page the legend
7 “Confidential” or “Highly Confidential,” as instructed by the Designating Party.
8

9 c. For Information produced in some form other than Documents, and
10 for any other tangible items, including, without limitation, compact discs or DVDs, the
11 Designating Party must affix in a prominent place on the exterior of the container or
12 containers in which the Information or item is stored the legend “Confidential” or
13 “Highly Confidential.” If only portions of the Information or item warrant protection,
14 the Designating Party, to the extent practicable, shall identify the “Confidential” or
15 “Highly Confidential” portions.

16 5. The inadvertent production by any of the undersigned Parties or non-
17 Parties to the Proceedings of any Document, Testimony, or Information during
18 discovery in this Proceeding without a “Confidential” or “Highly Confidential”
19 designation, shall be without prejudice to any claim that such item is “Confidential” or
20 “Highly Confidential” and such Party shall not be held to have waived any rights by
21 such inadvertent production. In the event that any Document, Testimony, or Information
22 that is subject to a “Confidential” or “Highly Confidential” designation is inadvertently
23 produced without such designation, the Party that inadvertently produced the document
24 shall give written notice of such inadvertent production within twenty (20) days of
25 discovery of the inadvertent production, together with a further copy of the subject
26 Document, Testimony, or Information designated as “Confidential” or “Highly
27 Confidential” (the “Inadvertent Production Notice”). Upon receipt of such Inadvertent
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1 Production Notice, the Party that received the inadvertently produced Document,
2 Testimony, or Information shall promptly destroy the inadvertently produced Document,
3 Testimony, or Information and all copies thereof, or, at the expense of the producing
4 Party, return such together with all copies of such Document, Testimony or Information
5 to counsel for the producing Party and shall retain only the “Confidential” or “Highly
6 Confidential” materials. Should the receiving Party choose to destroy such inadvertently
7 produced Document, Testimony, or Information, the receiving Party shall notify the
8 producing Party in writing of such destruction within ten (10) days of receipt of written
9 notice of the inadvertent production. This provision is not intended to apply to any
10 inadvertent production of any Document, Testimony, or Information protected by
11 attorney-client or work product privileges. In the event that this provision conflicts with
12 any applicable law regarding waiver of confidentiality through the inadvertent
13 production of Documents, Testimony or Information, such law shall govern.
14

15 6. In the event that counsel for a Party receiving Documents, Testimony or
16 Information in discovery designated as “Confidential” or “Highly Confidential” objects
17 to such designation with respect to any or all of such items, said counsel shall advise
18 counsel for the Designating Party, in writing, of such objections, the specific
19 Documents, Testimony or Information to which each objection pertains, and the specific
20 reasons and support for such objections (the “Designation Objections”). Counsel for the
21 Designating Party shall have thirty (30) days from receipt of the written Designation
22 Objections to either (a) agree in writing to de-designate Documents, Testimony, or
23 Information pursuant to any or all of the Designation Objections and/or (b) file a motion
24 with the Court seeking to uphold any or all designations on Documents, Testimony, or
25 Information addressed by the Designation Objections (the “Designation Motion”).
26 Pending a resolution of the Designation Motion by the Court, any and all existing
27 designations on the Documents, Testimony, or Information at issue in such Motion shall
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1 remain in place. The Designating Party shall have the burden on any Designation
2 Motion of establishing the applicability of its “Confidential” or “Highly Confidential”
3 designation. In the event that the Designation Objections are neither timely agreed to nor
4 timely addressed in the Designation Motion, then such Documents, Testimony, or
5 Information shall be de-designated in accordance with the Designation Objection
6 applicable to such material.
7

8 7. Access to and/or Disclosure of Confidential Materials shall be permitted
9 only to the following persons or entities:

10 a. the Court;

11 b. (1) Attorneys of record in the Proceeding and their affiliated
12 attorneys, paralegals, clerical and secretarial staff employed by such attorneys who are
13 actively involved in the Proceeding and are not employees of any Party; (2) In-house
14 counsel to the undersigned Parties and the paralegal, clerical and secretarial staff
15 employed by such counsel. Provided, however, that each non-lawyer given access to
16 Confidential Materials shall be advised that such materials are being Disclosed pursuant
17 to, and are subject to, the terms of this Stipulation and Protective Order and that they
18 may not be Disclosed other than pursuant to its terms;

19 c. those officers, directors, partners, members, employees and agents
20 of all non-designating Parties that counsel for such Parties deems necessary to aid
21 counsel in the prosecution and defense of this Proceeding; provided, however, that prior
22 to the Disclosure of Confidential Materials to any such officer, director, partner,
23 member, employee or agent, counsel for the Party making the Disclosure shall deliver a
24 copy of this Protective Order to such person, shall explain that such person is bound to
25 follow the terms of such Order, and shall secure the signature of such person on a
26 statement in the form attached hereto as Exhibit A;
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1 d. court reporters in this Proceeding (whether at depositions, hearings,
2 or any other proceeding);

3 e. any deposition, trial, or hearing witness in the Proceeding who
4 previously has had access to the Confidential Materials, or who is currently or was
5 previously an officer, director, partner, member, employee or agent of an entity that has
6 had access to the Confidential Materials;

7 f. any deposition or non-trial hearing witness in the Proceeding who
8 previously did not have access to the Confidential Materials; provided, however, that
9 each such witness given access to Confidential Materials shall be advised that such
10 materials are being Disclosed pursuant to, and are subject to, the terms of this Protective
11 Order and that they may not be Disclosed other than pursuant to its terms;

12 g. mock jury participants, provided, however, that prior to the
13 Disclosure of Confidential Materials to any such mock jury participant, counsel for the
14 Party making the Disclosure shall deliver a copy of this Protective Order to such person,
15 shall explain that such person is bound to follow the terms of such Order, and shall
16 secure the signature of such person on a statement in the form attached hereto as Exhibit
17 A.
18

19 h. outside experts or expert consultants consulted by the undersigned
20 Parties or their counsel in connection with the Proceeding, whether or not retained to
21 testify at any oral hearing; provided, however, that prior to the Disclosure of
22 Confidential Materials to any such expert or expert consultant, counsel for the Party
23 making the Disclosure shall deliver a copy of this Protective Order to such person, shall
24 explain its terms to such person, and shall secure the signature of such person on a
25 statement in the form attached hereto as Exhibit A. It shall be the obligation of counsel,
26 upon learning of any breach or threatened breach of this Protective Order by any such
27

1 expert or expert consultant, to promptly notify counsel for the Designating Party of such
2 breach or threatened breach; and

3 i. any other person or entity that the Designating Party agrees
4 to in writing.

5 8. Access to and/or Disclosure of Highly Confidential Materials shall be
6 permitted only to the following persons or entities:

7 a. Trial Counsel for the Parties, their partners and associates, and staff
8 and supporting personnel of such attorneys, such as paralegal assistants, secretarial,
9 stenographic and clerical employees and contractors, and outside copying services, who
10 are working on this Proceeding (or any further proceedings herein) under the direction of
11 such attorneys and to whom it is necessary that the Highly Confidential Materials be
12 Disclosed for purposes of this Proceeding. Such employees, assistants, contractors and
13 agents to whom such access is permitted and/or Disclosure is made shall, prior to such
14 access or Disclosure, be advised of, and become subject to, the provisions of this
15 Protective Order. "Trial Counsel," for purposes of this Paragraph, shall mean outside
16 retained counsel and shall not include in-house counsel to the undersigned Parties and
17 the paralegal, clerical and secretarial staff employed by such in-house counsel;
18

19 b. outside experts or expert consultants consulted by the undersigned
20 Parties or their counsel in connection with the Proceeding, whether or not retained to
21 testify at any oral hearing; provided, however, that prior to the Disclosure of Highly
22 Confidential Materials to any such expert or expert consultant, counsel for the Party
23 making the Disclosure shall deliver a copy of this Protective Order to such person, shall
24 explain its terms to such person, and shall secure the signature of such person on a
25 statement in the form attached hereto as Exhibit A prior to the Disclosure of Highly
26 Confidential Materials. It shall be the obligation of Trial Counsel, upon learning of any
27 breach or threatened breach of this Protective Order by any such expert or expert
28

1 consultant, to promptly notify Trial Counsel for the Designating Party of such breach or
2 threatened breach;

3 c. any person who authored, received, saw or was otherwise familiar
4 with Documents, Testimony, or Information or thing designated “Highly Confidential,”
5 including any person otherwise familiar with the Highly Confidential Information
6 contained therein, but only to the extent of that person’s prior familiarity with the Highly
7 Confidential Information;

8 d. court reporters in this Proceeding (whether at depositions, hearings,
9 or any other proceeding); and

10 e. the Court.

11 9. Confidential Materials and Highly Confidential Materials shall be used by
12 the persons or entities receiving them only for the purposes of preparing for, conducting,
13 participating in the conduct of, and/or prosecuting and/or defending the Proceeding, and
14 not for any business or other purpose whatsoever.

15 10. Any Party to the Proceeding (or other person subject to the terms of this
16 Protective Order) may ask the Court, after appropriate notice to the other Parties to the
17 Proceeding, to modify or grant relief from any provision of this Protective Order.

18 11. Complying with the terms of this Protective Order shall not:

19 a. operate as an admission by any person that any particular
20 Document, Testimony, or Information marked “Confidential” or “Highly Confidential”
21 contains or reflects trade secrets, proprietary, confidential or competitively sensitive
22 business, commercial, financial or personal information; or

23 b. prejudice in any way the right of any Party (or any other person
24 subject to the terms of this Protective Order):

25 i. to seek a determination by the Court of whether any
26 particular Confidential Materials or Highly Confidential Materials should be subject to
27
28

1 protection under the terms of this Protective Order; or

2 ii. to seek relief from the Court on appropriate notice to all
3 other Parties to the Proceeding from any provision(s) of this Protective Order, either
4 generally or as to any particular Document, Material or Information.

5 12. Any Information that may be produced by a non-Party witness in
6 discovery in the Proceeding pursuant to subpoena or otherwise may be designated by
7 such non-Party as “Confidential” or “Highly Confidential” under the terms of this
8 Protective Order, and any such designation by a non-Party shall have the same force and
9 effect, and create the same duties and obligations, as if made by one of the undersigned
10 Parties hereto. Any such designation shall also function as consent by such producing
11 non-Party to the authority of the Court in the Proceeding to resolve and conclusively
12 determine any motion or other application made by any person or Party with respect to
13 such designation, or any other matter otherwise arising under this Protective Order.

14 13. If any person subject to this Protective Order who has custody of any
15 Confidential Materials or Highly Confidential Materials receives a subpoena or other
16 process (“Subpoena”) from any government or other person or entity demanding
17 production of such materials, the recipient of the Subpoena shall promptly give notice of
18 the same by electronic mail transmission, followed by either express mail or overnight
19 delivery to counsel of record for the Designating Party, and shall furnish such counsel
20 with a copy of the Subpoena. Upon receipt of this notice, the Designating Party may, in
21 its sole discretion and at its own cost, move to quash or limit the Subpoena, otherwise
22 oppose production of the Confidential Materials or Highly Confidential Materials,
23 and/or seek to obtain confidential treatment of such materials from the subpoenaing
24 person or entity to the fullest extent available under law. The recipient of the Subpoena
25 may not produce any Confidential Materials or Highly Confidential Materials pursuant
26 to the Subpoena prior to the date specified for production on the Subpoena.
27
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1 14. Nothing in this Protective Order shall be construed to preclude either Party
2 from asserting in good faith that certain Confidential Materials or Highly Confidential
3 Materials require additional protection. The Parties shall meet and confer to agree upon
4 the terms of such additional protection.
5

6 15. If any Confidential Materials or Highly Confidential Materials submitted
7 by a Designating Party under the terms of this Protective Order is disclosed by a non-
8 Designating Party to any person other than in the manner authorized by this Protective
9 Order, the non-Designating Party responsible for the Disclosure shall bring all pertinent
10 facts relating to the Disclosure of such Confidential Materials or Highly Confidential
11 Materials to the immediate attention of the Designating Party.

12 16. This Protective Order is entered without prejudice to the right of any Party
13 to knowingly waive the applicability of this Protective Order to any Confidential
14 Materials or Highly Confidential Materials designated by that Party. If the Designating
15 Party uses Confidential Materials or Highly Confidential Materials in a non-Confidential
16 manner, then the Designating Party shall advise that the designation no longer applies.

17 17. Where any Confidential Materials or Highly Confidential Materials, or
18 Information derived therefrom, is included in any motion or other proceeding governed
19 by California Rules of Court, Rules 2.550 and 2.551, the Parties and any involved non-
20 party shall follow those rules. With respect to discovery motions or other proceedings
21 not governed by California Rules of Court, Rules 2.550 and 2.551, the following shall
22 apply: If Confidential Materials, Highly Confidential Materials, or Information derived
23 therefrom are submitted to or otherwise disclosed to the Court in connection with
24 discovery motions and proceedings, the same shall be separately filed under seal with
25 the clerk of the Court in an envelope marked: "CONFIDENTIAL – FILED UNDER
26 SEAL PURSUANT TO PROTECTIVE ORDER AND WITHOUT ANY FURTHER
27 SEALING ORDER REQUIRED."
28

1 18. The Parties shall meet and confer regarding the procedures for use of any
2 Confidential Materials or Highly Confidential Materials at trial and shall move the Court
3 for entry of an appropriate order.
4

5 19. Nothing in this Protective Order shall affect the admissibility into evidence
6 of Confidential Materials or Highly Confidential Materials, or abridge the rights of any
7 person to seek judicial review or to pursue other appropriate judicial action with respect
8 to any ruling made by the Court concerning the issue of the status of any Confidential
9 Materials or Highly Confidential Materials.

10 20. This Protective Order shall continue to be binding after the conclusion of
11 this Proceeding and all subsequent proceedings arising from this Proceeding, except that
12 a Party may seek the written permission of the Designating Party or may move the Court
13 for relief from the provisions of this Protective Order. To the extent permitted by law,
14 the Court shall retain jurisdiction to enforce, modify, or reconsider this Protective Order,
15 even after the Proceeding is terminated.

16 21. Upon written request made within thirty (30) days after the settlement or
17 other termination of the Proceeding, the undersigned Parties shall have thirty (30) days
18 to either (a) promptly return to counsel for each Designating Party all Confidential
19 Materials and Highly Confidential Materials, and all copies thereof (except that counsel
20 for each Party may maintain in its files, in continuing compliance with the terms of this
21 Protective Order, all work product, and one copy of each pleading filed with the Court),
22 or (b) agree with counsel for the Designating Party upon appropriate methods and
23 certification of destruction or other disposition of such materials, or (c) as to any
24 Documents, Testimony, or other Information not addressed by sub-paragraphs (a) and
25 (b), file a motion seeking a Court order regarding proper preservation of such Materials.
26

27 ///

28 ///

1 To the extent permitted by law, the Court shall retain continuing jurisdiction to review
2 and rule upon the motion referred to in sub-paragraph (c) herein.
3



Elihu M. Berle

4
5
6 DATED: January 26, 2026

Elihu M. Berle / Judge

Hon. Elihu M. Berle

Judge of the Los Angeles Superior Court

Coordination Judge

1 **EXHIBIT A**

2 **CERTIFICATION RE CONFIDENTIAL DISCOVERY MATERIALS**

3
4 I, _____ [NAME],

5
6 _____ [POSITION AND EMPLOYER],

7 hereby acknowledge that I am about to receive Confidential Materials and/or Highly
8 Confidential Materials supplied in connection with the SILICOSIS CASES Proceeding,
9 **(INSERT CASE NO.)**. I certify that I understand that the Confidential Materials and/or Highly
10 Confidential Materials are provided to me subject to the terms and restrictions of the Protective
11 Order issued in this SILICOSIS CASES Proceeding. I have been given a copy of the Protective
12 Order; I have read it, and I agree to be bound by its terms.

13 I understand that the Confidential Materials and Highly Confidential Materials, as
14 defined in the Protective Order, including any notes or other records that may be made
15 regarding any such materials, shall not be Disclosed to anyone except as expressly permitted by
16 the Protective Order. I will not copy or use, except solely for the purposes of this Proceeding,
17 any Confidential Materials or Highly Confidential Materials obtained pursuant to this Protective
18 Order, except as provided therein or otherwise ordered by the Court in the Proceeding.

19 I further understand that I am to retain all copies of all Confidential Materials and
20 Highly Confidential Materials provided to me in the Proceeding in a secure manner, and that all
21 copies of such materials are to remain in my personal custody until termination of my
22 participation in this SILICOSIS CASES Proceeding, whereupon the copies of
23 such materials will be returned to counsel who provided me with such materials.

24 **I declare under penalty of perjury, under the laws of the State of California, that the**
25 **foregoing is true and correct. Executed on _____ (date) at _____.**

26 _____
27 **(Signature)**_____

_____ **(Title)**_____

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sought to be admitted into evidence;

- 8. Trial briefs not more than 15 pages in length (optional);
- 9. Motions in Limine with corresponding oppositions and replies.



Elihu M. Berle

DATED: January 26, 2026

Elihu M. Berle / Judge

Hon. Elihu M. Berle,
Judge of the Los Angeles Superior Court,
Coordination Judge

01/26/2026

David W. Slayton, Executive Officer / Clerk of Court

By: B. Cumplido Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

COORDINATION PROCEEDING SPECIAL) JCCP No. 5378
TITLE (RULE 3.550))
SILICOSIS CASES) **GENERAL ORDER NO. 29**
) **JOINT BRIEF STATEMENT OF THE**
) **CASE TO BE READ TO THE JURY**

Hon. Elihu M. Berle

JOINT BRIEF STATEMENT OF THE CASE TO BE READ TO JURY

In preparation for trial, the parties shall submit to the Court a proposed brief statement of the case (no longer than a few paragraphs) to be read to the jury, identifying the parties and outlining the subject matter and claims of the case.

The Joint Brief Statement of the Case shall be signed by counsel for each party.



Elihu M. Berle

DATED: January 26, 2026

Elihu M. Berle / Judge

Hon. Elihu M. Berle,
Judge of the Los Angeles Superior Court,
Coordination Judge

01/26/2026

David W. Slayton, Executive Officer / Clerk of Court

By: B. Cumplido Deputy

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

COORDINATION PROCEEDING SPECIAL) JCCP No. 5378
TITLE (RULE 3.550))
)
SILICOSIS CASES) **GENERAL ORDER NO. 30**
)
) **JOINT WITNESS LIST**

Hon. Elihu M. Berle

JOINT WITNESS LIST

The JOINT WITNESS LIST shall include the following information in column
format:

1. Name of the Witness (listed alphabetically)
2. Party calling witness
3. Relationship to case
4. Brief description of testimony
5. Indication whether witness, in good faith, is actually expected to testify

- 1 6. Expected length of direct examination
- 2 7. Expected length of cross examination
- 3 8. Subtotal hours for witness
- 4 9. Whether there are any objections to witness testimony, and bases for objections

5

6 The Joint Witness list should include the totals for witnesses who are actually expected

7 to testify, including total for plaintiff(s) case (direct and cross examination), total for

8 defendant(s) case (direct and cross examination); and grand total for entire case.

9

10 The Joint Witness list must be signed by all counsel for the parties.

11

12 DATED: January 26, 2026



Elihu M. Berle

Elihu M. Berle / Judge

Hon. Elihu M. Berle,
Judge of the Los Angeles Superior Court,
Coordination Judge

01/26/2026

David W. Slayton, Executive Officer / Clerk of Court

By: B. Cumplido Deputy

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

COORDINATION PROCEEDING SPECIAL) JCCP No. 5378
TITLE (RULE 3.550))
SILICOSIS CASES	) GENERAL ORDER NO. 31
)
	) JOINT EXHIBIT LIST

Hon. Elihu M. Berle

JOINT EXHIBIT LIST

The JOINT EXHIBIT LIST shall include the following information in column format:

1. Exhibit number
2. Party offering exhibit
3. Exhibit description
4. Whether authenticity is stipulated (Yes/No)
5. Whether admissibility is stipulated (Yes/No)
6. Objection
7. Bases of objection

1 8. Ruling on objection (to be left blank)

2
3 The JOINT EXHIBIT LIST must be signed by counsel for each party.



Elihu M. Berle

6 DATED: January 26, 2026

Elihu M. Berle / Judge

Hon. Elihu M. Berle,
Judge of the Los Angeles Superior Court,
Coordination Judge

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3. Full text copies of plaintiff requested CACI instructions, edited with all blanks filled in as appropriate, to which there are objections.
4. Full text copies of defendant requested CACI instructions, edited with all blanks filled in as appropriate, to which there are objections.
5. Agreed upon special instructions, with authorities cited.
6. Plaintiff special instructions to which there are objections with authorities cited.
7. Defendant special instructions to which there are objections, with authorities cited.

The proposed jury instructions shall be prepared on Los Angeles Superior Court form LASC LACIV 129 or in a Word document that is in the same format.



Elihu M. Berle

DATED: January 26, 2026

Elihu M. Berle / Judge

Hon. Elihu M. Berle,
Judge of the Los Angeles Superior Court,
Coordination Judge

01/26/2026

David W. Slayton, Executive Officer / Clerk of Court

By: B. Cumplido Deputy

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

COORDINATION PROCEEDING SPECIAL) JCCP No. 5378
TITLE (RULE 3.550))
)
SILICOSIS CASES) **GENERAL ORDER NO. 34**
)
) **DESIGNATION OF DEPOSITION AND
FORMER TESTIMONY**

Hon. Elihu M. Berle

DESIGNATION OF DEPOSITION AND FORMER TESTIMONY

1. Parties intending to introduce deposition and/or former testimony into evidence at trial shall prioritize their deposition and former testimony designations into three tiers for submission to the court for ruling on admissibility.

2. Tier One designations are those designations of testimony that a party, in good faith, believes with certainty will be used in its case in chief. The Coordination Trial Judge will rule on Tier One designations prior to the case being assigned for trial.

1 3. Tier Two designations are those designations of testimony that a party believes may
2 will not certainly, be used at trial.

3
4 4. Tier Three designations are those that a party believes likely will not be used at trial
5 but are designated for completeness.

6
7 FINAL SUBMISSION
8

9 5. At least five days before the Final Status Conference, the testimony designating party
10 must lodge with the court via USB drive (and/or hard copy/paper in 3 ring binders, if
11 requested by the court):

12 (a) Testimony transcripts highlighted to correspond with the designations.
13 Parties should use light colors for highlighting, as dark colors make the text illegible. Parties
14 should submit transcripts in proper paginated form, with one page of testimony per printed
15 page. If only a .txt version of the transcript is available, parties must paginate the transcript
16 (in Word, for example) and print it to PDF, so that each page of the transcript corresponds to
17 a single page of the document. Condensed transcripts, with four pages per sheet, are difficult
18 to process electronically and are disfavored.

19 (b) Three charts, in Word® or Adobe® format, (and/or hard copy/paper, if
20 ordered by the court) organized separately into Tier One, Tier Two and Tier Three, in the
21 matrix set forth below containing the designation, objection, counter-designation, and
22 response to counter-designation, together with a column on the far right side of the chart for
23 the court's rulings. A separate set of charts should be submitted for each transcript.

24
25 6. Objections and Responses to Objection.

26 Objections and responses to objections should be as specific as possible. Vague and
27 unspecific objections or responses thereto may be treated as being waived. In order to avoid
28 the court treating an objection as being conceded, the responding party should respond to the

objection. At a minimum, the responding party must indicate that the objection is “disputed.”

7. Designation that Includes the Content of an Exhibit

The Coordination Trial Judge will not rule on the admission of exhibits at trial. Rulings on transcript designations that recite or contain the contents of exhibits (documents) will be deferred to the trial court. Unspecified “foundation” or “hearsay” objections to such designations will be deemed as a challenge to the admission of the underlying exhibit.

SAMPLE CHART

Party’s name, Testimony Source, Tier One (Two, Three), Page-Line Designations

Designation	Objections	Counter Designation	Response	Ruling
				<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled <input type="checkbox"/> Withdrawn <input type="checkbox"/> Comments

DATED: January 26, 2026



Elihu M. Berle

Elihu M. Berle / Judge

Hon. Elihu M. Berle,
Judge of the Los Angeles Superior Court,
Coordination Judge

01/26/2026

David W. Slayton, Executive Officer / Clerk of Court

By: B. Cumplido Deputy

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

COORDINATION PROCEEDING SPECIAL)	JCCP No. 5378
TITLE (RULE 3.550))	
)	
SILICOSIS CASES	)	GENERAL ORDER NO. 35
)	
	)	MOTIONS IN LIMINE

Hon. Elihu M. Berle

MOTIONS IN LIMINE

1. Motions in limine in non-preference cases shall be filed and served on regular notice so that they may be heard at the Final Status Conference. Motions in limine concerning expert testimony obtained in deposition testimony less than 16 court days before the Final Status Conference may be filed and served to be heard on the trial date, provided that the responding party has no less than seven days to file an opposition. In preference cases, the motion in limine briefing schedule will be set out in the Preference Case Trial Setting Order. However, a party may bring a motion in limine at any time for good cause shown.

2. Parties must adhere to the provisions of LASC Local Rule 3.57. including the

1 requirement of a good faith meet and confer regarding the proposed motion in limine prior to
2 the motion being filed. Such meet and confer must be in real time and in person, by
3 telephone, or by video conference. Exchange of correspondence is not sufficient. Among the
4 issues to be discussed in any meet and confer is whether a stipulation may be reached
5 concerning the limited purpose for which certain evidence may be admitted.
6

7 3. The following motions in limine to exclude, limit, or modify potential evidence or
8 argument are deemed made and granted as to the topic noted, subject to the court's
9 modification in a particular case for good cause shown:

- 10 a) A conspiracy among artificial stone manufacturers, suppliers, or distributors;
- 11 b) The amounts of any settlement, judgment, or verdict in any other silicosis
12 litigation and/or settlement discussions in this case;
- 13 c) Disability, retirement, or compensation award based upon exposure to silica dust;
- 14 d) Insurance potentially available to cover any liability, except as such evidence may
15 be relevant to establish the actual amount paid of any medical bill;
- 16 e) A party's financial condition except in compliance with Civil Code Section 3294
17 et seq.;
- 18 f) Bankruptcy of an alleged tortfeasor not present at trial;
- 19 g) Exclusion of non-party witnesses from trial (except experts unless so ordered by
20 the court);
- 21 h) "Golden Rule" argument by which counsel asks jurors to place themselves in the
22 plaintiff's position and to award such damages as they would charge to undergo an equivalent
23 degree of pain and suffering;
- 24 i) Reference to any counsel's website contents;
- 25 j) To modify the caption on documents that may be presented to the jury, including
26 the verdict form, to refer only to the parties remaining in the case at the commencement of
27 trial (however, such order does not affect any allocation of fault under Proposition 51;
- 28

1 k) The absence or presence of a corporate representative at some or all of the trial
2 Proceedings.

3
4 4. The following motions in limine to exclude, limit, or modify potential evidence or
5 argument are deemed made and denied as to the topic noted, without prejudice to a
6 contemporaneous objection in a particular case at trial:

7 a) Evidence not disclosed during discovery;

8 b) Liability of tortfeasors not present at trial;

9 c) “Irrelevant,” “speculative,” or “unsubstantiated” evidence;

10 d) Lay testimony concerning silica content of products;

11 e) Medical expenses other than those actually incurred.

12 f) “Reptile tactics” during voir dire (however counsel should expect the trial court to
13 limit voir dire questioning that is not directed to the qualifications of the jury venire to serve
14 as jurors and to preclude improper preconditioning questioning;

15 g) Expert opinion concerning the term “substantial factor”;

16 h) Evidence or argument concerning “but for” causation, so long as the court intends
17 to utilize CACI 435 (as modified);

18 i) Evidence or argument imputing knowledge of artificial stone-related trade groups
19 to a defendant not a member at a relevant time;

20 j) Evidence or argument relating to a post-sale duty to warn (so long as the case
21 includes an operative negligence cause of action);

22 k) Evidence or argument that a defendant is held to an expert’s standard of
23 knowledge (so long as the case includes an operative strict liability failure to warn
24 cause of action);

25 l) Evidence or argument that a defendant failed to test or inspect products before
26 selling them to customers (so long as the case includes an operative negligence cause of
27 action); and

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2 m) Evidence or argument that a defendant failed to conduct a recall or post-sale
3 warning campaign (so long as the case includes an operative negligence cause of action).



Elihu M. Berle

6 DATED: January 26, 2026

Elihu M. Berle / Judge

7 Hon. Elihu M. Berle,
8 Judge of the Los Angeles Superior Court,
9 Coordination Judge
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01/26/2026

David W. Slayton, Executive Officer / Clerk of Court

By: B. Cumplido Deputy

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

COORDINATION PROCEEDING SPECIAL) JCCP No. 5378
TITLE (RULE 3.550))
SILICOSIS CASES) **GENERAL ORDER NO. 36**
) **FINANCIAL INFORMATION FOR**
) **PUNITIVE DAMAGES TRIAL PHASE**

Hon. Elihu M. Berle

**FINANCIAL INFORMATION FOR
PUNITIVE DAMAGES TRIAL PHASE**

In cases in which plaintiff asserts a claim for punitive damages against a defendant, counsel for the parties shall meet and confer before the final status conference to determine the type of documents and/or other information reasonably necessary to establish the financial condition of the defendant, in the event the finder of fact returns a verdict in phase one of a bifurcated trial relative to fraud, oppression, and/or malice.

Should the parties not be able to agree on the necessary documents/information, the parties shall present the issue to the court at the Final Status Conference.

1 The documents and/or other information that are planned to be used in a punitive
2 damages trial phase shall be aggregated by the defendant, placed in a sealed package, and
3 lodged with the trial court on the first day of trial. The trial court shall permit access to such
4 information as applicable under Civil Code section 3295, or as otherwise ordered.



Elihu M. Berle

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6
7 DATED: January 26, 2026

Elihu M. Berle / Judge

Hon. Elihu M. Berle,
Judge of the Los Angeles Superior Court,
Coordination Judge

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