

**In the Court of Common Pleas
Cuyahoga County, Ohio**

Special Docket 73958
Cuyahoga County Asbestos Cases

**ORDER OF THE COURT REGARDING DEFENSE MOTIONS FOR
EVIDENTIARY HEARINGS**

The Court has received extensive briefing and heard argument with respect to the Motion for Evidentiary Hearings with respect to Plaintiffs' doctors. (See F&S Transaction # 7668460, 7749451, 7763333, 7764614, 7770620, 7771937, 7779442, 7785431, 10437400, 10439149, 10440443, 10443247, 10443926, 1044034, 10495981, 10499440);

NOW THEREFORE, it is ORDERED as follows:

1. Except as provided in paragraph 2, below, Defendants' Motions for Evidentiary Hearings (F&S Transaction # 7668460, 7749451) are denied without prejudice to defendants renewing such motions at a later time.

2. Based upon the arguments and statements presented by the parties, it appears to the Court that Dr. Ray Harron and Dr. James Ballard are currently unlikely to testify at any hearing or trial in these matters. Accordingly, the Court hereby orders that all cases in which Dr. Ray Harron or Dr. James Ballard provided the only B-read relied upon for the diagnosis shall be administratively dismissed against all non-bankrupt defendants. Any case administratively dismissed shall have the right to petition the Court for good cause shown for placement on the Court's regular, active docket. No new or additional filing fee shall be required in the event of re-entry onto the regular, active docket. All claims and defenses existing under the statute of limitations in connection with the refilled lawsuit shall be determined as of the date of the filing of the original lawsuit with respect to any defendant that had been named and served in connection with the original lawsuit.

Administrative dismissal as set forth in this Order shall not be counted as a dismissal under Ohio Revised code Section 2305.19.

Administrative dismissal as set forth in this Order shall not affect in any way workers' compensation claims, bankruptcy claims, claims filed against Trusts or similar entities established to pay asbestos claims, or any other type of claim submitted outside of the tort system. Such claims shall be governed by the terms of the Trust, applicable workers' compensation law, or other applicable law, rule or regulation without regard to the administrative dismissal.

It is so ordered.

Judge Harry A. Hanna
Judge Leo M. Spellacy
Justice Francis A. Sweeney

March 22, 2006