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CR

NO. 93-023995

FRED ADAMS and
JUANITA ADAMS, ET AL.

VS.

EXXON CORPORATION, ET AL.

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

152ND JUDICIAL DISTRICT

ORDER

CAME ON THIS DAY to be considered Defendants The Lubrizol Corporation, Exxon Corporation, Exxon Research & Engineering Corporation, E.R. Carpenter Company Incorporated d/b/a Carpenter Chemical Company, Houston Lighting & Power Company, United States Steel Corporation, Atlantic Richfield Company, Phillips Petroleum Company d/b/a Phillips 66 Company, Phillips Chemical Company, J.M. Huber Corporation, Georgetown Texas Steel Corporation n/k/a North Star Steel Texas, Inc., Hercules, Incorporated, ARCO Chemical Company, Lyondell Petrochemical Company, and Occidental Chemical Corporation's (hereinafter "Defendants") Motion for a "Lone Pine" Order. The Court, having considered the motion and any response and hearing the arguments of counsel, is of the opinion that such motion should be GRANTED; it is therefore

ORDERED, ADJUDGED AND DECREED Defendants' motion is in all things GRANTED; it is further

~~ORDERED, ADJUDGED AND DECREED that the Plaintiffs' counsel shall notify the Defendants and the Court by the _____ day of _____, 1996 of the identity of the Plaintiffs represented by Bob O'Connor, Jr. who will pursue claims for personal injury damages in the trial of this lawsuit. It is further~~

RECORDER'S MEMORANDUM
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ORDERED ADJUDGED AND DECREED that each of the Plaintiffs represented by Mr. O'Connor who intend to pursue personal injury claims in the trial of this lawsuit shall file with this Court and serve on Defense counsel by the 19th day of March, 1997 the expert report of a physician qualified to testify at the trial of this matter, stating the diagnosis of each specific personal injury which the physician intends to testify was caused by exposure to any chemical substances which any Defendant deposited at the Liberty Waste Disposal site, based on a reasonable medical probability, and the identity of the chemical which the physician intends to testify caused or contributed to cause said injury(s). The report shall also state the manner (i.e. ingestion, inhalation or skin absorption) and duration of exposure (including the specific dates of exposure, the dates of first and last exposure and the total amount of time exposed) which in the physician's opinion caused or contributed to cause the injury, and shall identify all medical and scientific data, studies, texts, articles, theories and/or facts on upon which the physician relied in coming to his or her conclusion. Plaintiffs' personal injury claims in this lawsuit, and evidence regarding personal injuries, will be limited to those injuries, diagnoses and chemical substances identified by the physician in the report. It is further

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ORDERED ADJUDGED AND DECREED that the failure to file with the Court and serve on Defendants such report by the close of business on the above-stated date will result in the dismissal of that Plaintiffs' personal injury claims and the inadmissibility of any evidence of personal injury to that Plaintiff from the trial of this matter.

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SIGNED this 19th day of December, 1996.

Wayne P. ...
JUDGE PRESIDING

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