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JUDY GARCIA, INDIVIDUALLY AND
AS NEXT FRIEND OF CHANDRA
ZERMENO, ET AL.

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IN THE DISTRICT COURT OF

VS.

HARRIS COUNTY, TEXAS

RE-CLAIM ENVIRONMENTAL, INC.

151ST JUDICIAL DISTRICT

**ORDER GRANTING DEFENDANT'S MOTION
FOR ENTRY OF A CASE MANAGEMENT ORDER**

Defendant's Motion for Entry of a Case Management Order is granted.

IT IS ORDERED that on or before may 22, 1998, ^{CEB} the Plaintiffs shall

file with the Court and serve on opposing counsel the following:

An affidavit signed by each Plaintiff detailing his alleged exposure to the specific chemicals alleged by him (hereafter "Chemicals" or "Chemical") and the dosage of each to which he alleges he was exposed. The affidavit shall contain, at a minimum, the following information:

- (1) name of each Chemical to which each Plaintiff was allegedly exposed;
- (2) dosage of that chemical to which each Plaintiff was allegedly exposed;
- (3) date, time and duration of each exposure to that Chemical; and
- (4) method of exposure, i.e. ingestion, inhalation, skin absorption, etc.

IT IS FURTHER ORDERED that on or before June 22, 1998, ^{CEB} each

Plaintiff shall file with the Court and serve on opposing counsel an affidavit from a qualified and duly licensed physician supporting his personal injury claims. Specifically, the physician must state under

oath that, based on reasonable medical probability, the Plaintiff's injuries or symptoms were caused by exposure to one or more Chemicals. Each affidavit must specify:

- (1) each specific injury and ailment that each Plaintiff has allegedly suffered as a result of exposure to the Chemicals and the date on which such injury was allegedly first suffered;
- (2) the Chemicals that, in the opinion of the physician, caused each such alleged injury, illness, condition or symptom;
- (3) the manner in which each Plaintiff was allegedly exposed to each Chemical (i.e., ingestion, inhalation or skin absorption);
- (4) the duration of time over which the Plaintiff was exposed to each Chemical, including the date(s) of exposure and the total amount of time exposed;
- (5) all medical and/or scientific data, studies, theories and/or facts relied upon by the physician in forming his or her opinions regarding the Plaintiff; and
- (6) the basis for the physician's medical opinion (i.e., epidemiological studies, toxicological studies, in vitro testing, animal studies, etc.)

IT IS FURTHER ORDERED that on or before May 22, ^{CEB} 1998, each Plaintiff shall provide to opposing counsel written authorization for the release of all medical, physical and mental health, and employment records and information, as well as any other records relating to each Plaintiff's claims. Each authorization shall include each Plaintiff's typewritten name, address, date of birth and social security number, the Plaintiff's original signature, and the Plaintiff's waiver and release of all privileges and privacy rights, including specifically all privileges pertaining to mental health information. The authorization shall also include the name, address, and telephone number of the physician or mental health professional, and all employers.

IT IS FURTHER ORDERED that on or before June 22, ^{CEB} 1998, each Plaintiff shall file the following information with respect to the Plaintiff's claim for diminution of property value:

- (1) Plaintiff's address including tax block and lot number for the property alleged to have suffered contamination and/or a diminution in value;
- (2) an appraisal by a licensed real estate appraiser supporting the Plaintiff's claim of diminution of property value from the time she purchased the property in June of 1995 until the time of the appraisal (including the timing and degree of such diminution and the cause of the diminution in value); and
- (3) a report of an environmental engineer or other qualified expert supporting the Plaintiff's claim of contamination on the property, including the timing, degree, source, and type of such contamination and the cause of the contamination.

IT IS FURTHER ORDERED that nothing contained herein shall preclude the parties from moving for a modification of this Case Management Order or moving for further case management orders dealing with the conduct of discovery or the trial or any other matter not addressed in this case management order. Moreover, nothing herein shall preclude any parties from moving for summary judgment on any issue in this case.

IT IS FURTHER ORDERED that all discovery (including discovery requests already filed and served) is stayed until each Plaintiff files and serves the above-described affidavits, appraisal, and environmental report.

IT IS FURTHER ORDERED that the failure by each Plaintiff to file with the Court and serve the above-described affidavits, appraisal, information, and environmental reports on or before the above-stated dates will result in the dismissal with prejudice of each Plaintiff's claims.

SIGNED this 20th day of April, 1997⁸.

Caroline Baker
JUDGE PRESIDING

APPROVED AND ENTRY REQUESTED:

DOW, COGBURN & FRIEDMAN, P.C.

By: _____

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