NO. 94-3423-D

JEAN VENTURA, BILLIE GREEN, MARGRET DAVIS, JACK MARTIN, JANICE MARTIN, JEAN LAVOTA, AND JOHN LAVOTA, SR.	§	IN THE DISTRICT COURT OF
	§	
	§	
	§	NUECES COUNTY, TEXAS
	§	
VS.	§	
	§	
VALERO REFINING COMPANY, et al.	§	105TH JUDICIAL DISTRICT

SCHEDULING ORDER

Pursuant to Rule 166 of the Texas Rules of Civil Procedure, the court finds that the entry of this case management order is in the best interests of the efficient prosecution of this lawsuit. Consequently, it is hereby

ORDERED that on or before July 1, 1995, plaintiffs shall file affidavits from qualified experts with respect to each Plaintiff's claims of exposure to substances from the Valero Refining Company facility located on Up River Road and claims of damages caused by such exposure. These affidavits must contain the following information with respect to all claims:

a. The facts and evidence of each alleged exposure of a plaintiff or a plaintiff's property to allegedly toxic substances from the Valero Refining Company facility located on Up River Road, including the particular toxic substance involved, a description of the manner, duration, and concentration of such alleged exposure, and all facts supporting such claims of exposure.

b. With respect to each plaintiff and/or plaintiff's property, each particular damage claimed to have been caused by the alleged exposure described in (a) above;

c. Details of any testing, sampling, or other evidence relied upon by the plaintiff or the plaintiff's expert to support their claims as to (a) and (b) above:

(22)

b. As to the need for future medical monitoring claimed by each plaintiff, a report by a medical expert or other qualified expert that to a reasonable degree of medical probability, the exposure described in (a) requires future medical monitoring, and a description of all facts supporting such statement and all medical or scientific literature and authorities relied upon by such expert to support such statement;

c. As to property damage claims, a report by a licensed real estate appraiser that to a reasonable degree of certainty, the exposure described in (a) above was a cause of decline in property value and a description of all facts supporting such statement and all authorities relied upon by such expert to support such statement.

It is further ORDERED that by August 15, 1995, the defendants file any motions for summary judgment on the evidence produced by plaintiffs pursuant to this Order.

Signed this ____ day of MAR 28 1995, 1995.

JUDGE PRESIDING

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