

DIANA ZALESKI

Court of Common Pleas MS 2009-00-0022

2004 MAY 10 AM 11: County of Summit

Judges
HON. JAMES E. MURPHY
HON. MARY F. SPICER
HON. JAMES R. WILLIAMS
HON. JANE BOND

SUMMIT COUNTY
CLERK OF COURTS

General Division
209 SOUTH HIGH STREET
AKRON, OHIO 44308

May 10, 2004

Judges
HON. PATRICIA A. COSGROVE
HON. BRENDA BURNHAM UNRUH
HON. JUDY HUNTER
HON. MARVIN A. SHAPIRO
Magistrate
JOHN H. SHOEMAKER

To All Summit County Asbestos Workers' Compensation Attorneys:

It has come to my attention that various counsel are not complying with the current court orders in regards to the Summit County Asbestos Cases. This Court has addressed these matters with counsel on multiple occasions.

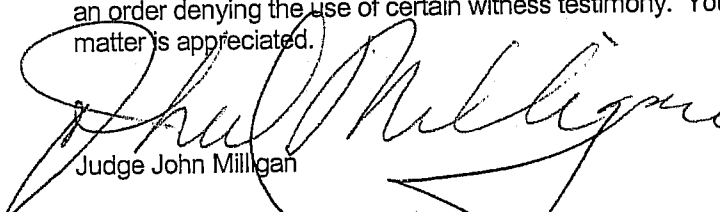
On December 23, 2003, the Court, in consultation with counsel, issued a revised case management order reflecting changes as requested by counsel on the management committee. All counsel were provided a copy of the revised case management order and it was posted on the workers' compensation web site as maintained by the Summit County Clerk of Courts.
www.cpclerk.co.summit.oh.us

The case management order provides that the Court will "activate" groups of cases by "posting" the group that is activated on the web site.¹ Upon activation, counsel are to implement the case management order of December 23, 2003, to each newly activated group. The trial date is automatically triggered upon activation of a group of cases and can be determined by applying the case management order, using a calendar and counting days. The Court has provided calendars at various points in time with the important dates from the case management order for each active group.

The Court, in consultation with counsel on the management committee, has also integrated the individual dockets, the aforementioned web site, and the miscellaneous docket specifically maintained for the workers' compensation asbestos cases. MS 2003-00-0022. The case management order is available both on the miscellaneous docket and the web site. By agreement, all counsel are required to regularly check both the miscellaneous case number and the web site, as all communications, orders, updates, etc., are "posted" in one or both of those places.

The case management order has a variety of deadlines, some of which require items be filed with the Court and/or faxed to the Court in confidence. The Court has sent various emails and memos to counsel reminding them of missed deadlines and upcoming deadlines. To date, no order of this Court has been stayed or reversed by any appellate court.

Failure to comply with these court orders may result in sanctions, which may include adverse judgment and/or dismissal of a case. In addition, failure to comply with specific orders of this court may result in an order denying the use of certain witness testimony. Your continued cooperation and attention to this matter is appreciated.


Judge John Milligan

¹ The Court generally activates groups once a month, however, in the past some months have been skipped so that counsel may "catch up", due to appeals, or due to a lack of enough cases to fill a full group.