BELLUCK & FOX L.L.P.
546 Fifth Avenue, New York, New York 10036
Tel (212) 681-1575 Fax (212) 681-1574
www.belluckfox.com

December 13, 2022

Via Electronic Mail
pg@philipgoldsteinadr.com

To: Philip Goldstein, Special Master

Re: NYCAL April 2023 In Extremis Cluster
Plaintiffs' Response to Defendants' Objections

Dear Special Master Goldstein:

In response to objections raised by the defense liaison counsel regarding the inclusion of Belluck & Fox cases in the April 2023 *In Extremis Cluster*, we state as follows:

Gonzalez, Petra (Mesothelioma)
The plaintiff's employment authorization for Stone & Webster Engineering Corporation was uploaded to RecordTrak on December 9, 2022. As to the NYCAL forum objections, the plaintiff was exposed through her husband's work as a contractor in New York City and surrounding areas, approximately between the 1970s to 1980s. We agree with defense counsel that an appropriate objection should be raised following her deposition, if justified.

Mulvaney, John Douglas (Lung Cancer) (carryover)
Authorizations to obtain all relevant records were previously provided on December 10, 2021, and February 2, 2022, but they were not ordered by the defendants. Authorizations for Dr. Ravindran and Dr. Antonia at the Duke University Cancer Center were already submitted to RecordTrak on December 10, 2021. The employment authorization for Lakeland Steel Erectors, Inc., was forwarded to RecordTrak on December 9, 2022. The medical authorization specifically for Dr. Antonia was re-issued on December 12, 2022. The decedent did not assert a claim for workers' compensation benefits as well as a loss of wages claim, thus we are not providing defendants with WC or IRS authorization forms. After working closely with the decedent's family and securing pertinent information regarding the plaintiff's exposure, we were able to serve the Plaintiff's Wrongful Death Interrogatories on December 5, 2022.

Reiser, Samuel (Mesothelioma) (carryover)
At this time, we are still investigating the plaintiff's exposure and we would consent to transferring this matter to a FIFO Cluster.

Soifer, Wayne (Mesothelioma)
Medical authorization for Dr. Heidi S. Sanger was provided to RecordTrak on December 9, 2022. Plaintiff's Application letter was filed on October 21, 2022, three days before windows closed. As soon as signed authorizations were obtained from the client, we were able to process requests for medical records. We provided proof of diagnosis to all counsel of record on December 12, 2022. The pathology report reflects a diagnosis of malignant mesothelioma, epithelioid type. Lastly, after securing pertinent information from the client, we were able to provide defendants with the Interrogatory Responses on December 1, 2022.

Ulmschneider, Frederick (Mesothelioma) (carryover)
We have provided diagnostic evidence and reports to the defendants. We acknowledge that there is an issue with his diagnosis, and to the extent possible, we will continue to provide updated diagnostic reports.

Verde, Bruno (Lung Cancer) (carryover)
At this time, we do not have sufficient evidence that Mr. Verde suffers from an advanced stage of lung cancer. Therefore, we will continue to monitor his health and agree to transfer to FIFO.

Thank you for your consideration of these cases.

Very truly yours,

/s/ Jordan C. Fox

Jordan C. Fox

cc: Anna M. DiLonardo, Esq. *(via electronic mail)*
Judy Yavitz, Esq. *(via electronic mail)*
Danielle Brooks, paralegal *(via electronic mail)*