NYS SUPREME COURT E-FILED AS DOCUMENT # 103

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK: Part 55

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IN RE: NEW YORK CITY ASBESTOS LITIGATION

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KATHY ANN GARDNER AND BRUCE GARDNER, HER HUSBAND,

Plaintiffs,

Index No. 190415/2013

-against-

DECISION/ORDER

BORG-WARNER CORPORATION, et al.,

Defendants.

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HON. CYNTHIA KERN, J.S.C.

Jury selection in this case will begin on April 13, 2015 at 9:30 a.m. The court will only consider in limine motions after the jury is selected. The defendants shall select lead counsel to prepare one joint letter not to exceed five pages outlining any in limine motions that need to be decided prior to the commencement of the trial with a courtesy copy to be provided to the part clerk. This letter shall be e-filed on April 13, 2015 with a courtesy copy to be provided to the part clerk on that date. If any of the individual defendants have case specific in limine motions which are not addressed in the joint in limine motion, they may e-file an individual letter on April 13, 2015 which is not to exceed two pages with a courtesy copy to be provided to the part clerk on the same day. Plaintiffs shall also prepare a letter not to exceed five pages outlining any in limine motions that need to be decided prior to the commencement of the trial with a courtesy copy to be provided to the part clerk. This letter shall be e-filed on April 13, 2015 with a courtesy copy to be provided to the part clerk on that date. The court will not make any evidentiary trial rulings in the context of deciding in limine motions. Any letter in opposition to the in limine motions is limited to five pages and shall be e-filed on April 16, 2015 with a

courtesy copy to be provided to the part clerk on that date.

All parties are to e-file a short list of witnesses on April 13, 2015 with a courtesy copy to be provided to the part clerk. Finally, the plaintiffs shall provide defendants with a list of all remaining defendants, dismissed defendants and settled companies at the outset of jury selection.

The foregoing constitutes the decision and order of the court.

Dated: 3/30/15

CK

J.S.C.

CYNTHIA S. KERN
J.S.C.