

SUPREME COURT OF THE STATE OF NEW YORK — NEW YORK COUNTY
PRESENT: Hon. LOUIS B. YORK PART 2

Justice

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IN RE: NEW YORK CITY ASBESTOS LITIGATION **ORDER & DECISION**
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This Document Relates To:

ALFRED D'ULISSE and MARGARET D'ULISSE,

Plaintiffs,

-against-

AMCHEM PRODUCTS, INC., Et Al,

Defendants.

Index No. 113838/04

Motion Date

Motion Seq.

Motion Cal. No. ____

-----X
RUDOLFO COLELLA and MARIA COLELLA,

Plaintiffs,

-against-

INTERNAT'L TRUCK & ENGINE CORP., ET AL,

Defendants.

Index No. 103894/05

Motion Date

Motion Seq. No.

Motion Cal. No. ____

-----X
The following papers, numbered 1 to _____ were read on this motion to

Notice of Motion/ Order to Show Cause — Affidavits — Exhibits _____

Answering Affidavits — Exhibits _____

Replying Affidavits _____

| PAPERS NUMBERED

Cross-Motion: [] Yes [] No

On April 24, 2006, the parties met for a pre-trial conference. At that time, it was decided that motions in limine should be submitted to the Court by May 9, 2006. To date, no such motions have been made to this judge. It was also agreed that such motions should only be made for the really significant evidentiary issues, such as a Frye Hearing or a

medical report of one of the defendants.

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In reading the submissions on the motions demanding that the trial be on all issues rather than reverse bifurcation, it appeared that some of you may believe that the decisions or the motions that were made in the previous group of which D'Ulisse was a part of, but let out of, apply in this trial. Be advised that that was a separate trial which has concluded and even though D'Ulisse was originally a part of that cluster, motions regarding the D'Ulisse action must be made anew.

Because of the misunderstanding that may have existed, the deadline for submitting those substantial motions in limine is extended to July 20, 2006; and must be brought on by Order to Show Cause or they will not be considered.

This constitutes the Order and Decision of the Court.

Dated: July 10, 2006

Enter:

Louis B. York, J.S.C.

Check one: FINAL DISPOSITION NON-FINAL DISPOSITION

Check if appropriate: DO NOT POST REFERENCE