HAIGHT, DICKSON, BROWN & BONESTEEL

LAWYERS

[redacted]

June 11, 1982

PRIVILEGED

J-M 83

[redacted]

Mr. M.McCarthy
28th Street
Santa Monica

Johns-Manville Corporation
Ken-Caryl Ranch
P.O. Box 5723
Denver, Colorado 80217

Attention: Mr. Rick Evans, Esq.

RE: EDWARD DUNCAN v. JOHNS-MANVILLE, et al.
Your File No. 13-03788

Gentlemen:

On May 19, 1982, the Grisham office filed a Motion to Specially Set Trial in the above-captioned action pursuant to California Code of Civil Procedure section 36(c). Plaintiff was requesting priority due to the fact that he had mesiothelioma and was not expected to live beyond six months.

We filed an Opposition to the Motion, on your behalf, arguing that the interests of justice would not be served by granting priority in one action where 2400 others were similarly situated in Los Angeles County. Additionally, our papers were addressed to the untimely filing of the papers by the Grisham office. Mr. Duncan was diagnosed as having mesothelioma in July, 1981. The plaintiffs waited ten months before bringing this Motion.

On June 9, 1982, plaintiff's Motion was heard in Department 26 of the Los Angeles Superior Court before the Honorable Christian Markey, at which time it was granted to the limited extent that Mr. Duncan's case will have the same priority as the 1978 Grisham filings. The Duncan Complaint was filed in Janaury, 1979, and as such would not be ripe for status conference until some time in 1983. The plaintiff will now be considered with the 1978 filings, and should expect to be subject to a trial setting some time in December, 1982. Such being the case, it is unlikely that this matter will go to trial before March, 1983.

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Although this may not appear to be a victory on the surface, the reality of the situation is that the plaintiff will probably expire prior to the end of this year.

We will keep you advised of further proceedings in this matter.

Very truly yours,

Michael McCarthy
HAIGHT, DICKSON, BROWN & BONESTEEL

MM/rvh