IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

FILED

AUG 4 1989

ASHEVILLE, N. C.
U. S. DISTRICT COURT
WESTERN DISTRICT OF N.C.

CIVIL NO. WDCP-83-1

IN RE: ASBESTOS LITIGATION

ORDER

NOW COMES the Court on its own motion and supplements the Initial Pretrial Order Coordinating Proceedings filed herein on March 17, 1983, as follows:

IT IS NOW ORDERED that in any asbestos case filed in the United States District Court for the Western District of North Carolina where a plaintiff amends a complaint to add a new defendant or defendants, all allegations repetitive of previous allegations shall be deemed answered by prior defendants in the same manner as set forth in prior answers, and all new allegations (presumably pertaining only to the newly added defendant(s)) shall be deemed denied by prior defendants for lack of information upon which to frame an answer. It shall be presumed in the context of such amendment that no answer need be filed by prior defendants, notwithstanding the responsive pleading requirements of Fed. R. Civ. P. 15(a).

The purpose of this standing Order is to free the Clerk of Court from the need to process and store pleadings which add nothing to the development of issues in the case.

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Nothing herein shall be taken to prevent any defendant from filing answer to an amended complaint in the event such defendant in good faith believes it essential to proper framing of the issues.

This Order shall be in effect upon filing with the Clerk.

The Clerk of Court is directed to add a copy of this Order to the Initial Pretrial Order Coordinating Proceedings in all asbestos cases filed after the date of this action. The Clerk of Court is further directed to certify a copy of this Order to counsel for all parties in any asbestos case at such time as plaintiff files a motion to amend a complaint for the purpose of adding a new defendant or defendants to the lawsuit.

THIS the 4th day of August, 1989.

RICHARD L. VOORHEES
UNITED STATES DISTRICT COURT JUDGE