

MISSOURI CIRCUIT COURT
TWENTY-SECOND CIRCUIT
(City of St. Louis)

DAVID BERGSTROM, et ux.,)
)
 Plaintiffs,)
)
v.) No. 1322-CC09325
) Div. 18
84 LUMBER, et al.,)
)
 Defendants.)

ORDER

Upon consideration of defendant Georgia Pacific's motion to compel response to Interrogatory No. 80, the Court has considered the proffered stipulations of the plaintiffs, the history of asbestos litigation in this Circuit, and the opinion of the Court of Appeals in *Delacroix v. Doncasters Corp.*, (Mo.App.E.D. 2013) (*en banc*). The Court concludes that plaintiffs' proposed response has merit, subject to revision. Accordingly, it is

ORDERED that defendant's motion to compel is granted as follows:
(1) not later than the completion of voir dire, plaintiffs shall produce to defendants a supplemental response to Interrogatory No. 80 setting forth the aggregate amount of all settlements obtained from any joint tortfeasor and separately stating the amounts, if any, received from asbestos trusts established pursuant to court order or settlement with non-parties; (2) not later than the completion of voir dire, plaintiffs shall file with the Court under seal all documents evidencing settlements with any joint tortfeasors and any recoveries from asbestos trusts established pursuant to court order or settlement with non-parties; (3) within 7 days of the date hereof, plaintiffs

shall file a memorandum signifying their adherence to the stipulations regarding sufficiency of pleadings and entry of judgment set out in the response to the motion to compel, in light of the entry of this Order, failing which the motion to compel will be deemed granted without reservation or limitation; (4) the applicability of credits for sums obtained from non-parties through asbestos trusts is not ruled on herein and the parties may contest such credits as they deem it appropriate; the Court holds only that such sums are discoverable notwithstanding confidentiality agreements or protective orders not entered by this Court.

SO ORDERED:



Robert H. Dierker
Circuit Judge

Dated: August 6, 2014
cc: Counsel/parties pro se