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CAUSE NO. 2008-74658

**In re Deep South Crane & Rigging
Company--Crane Collapse Litigation**

§ IN THE DISTRICT COURT OF
§
§ HARRIS COUNTY, T E X A S
§
§ 157th JUDICIAL DISTRICT

Pre-Trial Order No. 1

On December 9, 2008, pursuant to Administrative Rule 13, the Judicial Panel on Multidistrict Litigation assigned the following cases to the undersigned for pre-trial purposes, along with any subsequent tag-along cases ("Assigned Cases"):

1. No. B182-113, *Allen, et al v. Deep South Crane & Rigging Investments, Inc.*, 60th District Court of Jefferson County;
2. No. 2008-59257, *Houston Refining, LP v. Deep South Crane & Rigging Company*, 113th District Court of Harris County; and
3. No. 2008-59138, *Wyatt Field Service Company v. Deep South Crane & Rigging Company*, 189th District Court of Harris County

On December 18, 2008, this Court conducted its first pretrial hearing in the matter.

Following that hearing, it is ordered as follows:

1. The stay of proceedings in the MDL Panel order of October 24, 2008 is hereby lifted.
2. Plaintiffs' anticipated motion to compel is set for hearing on January 16, 2009 at 11:00 a.m. Plaintiffs' motion is to be filed by January 2, 2009, and responses are to be filed by January 12, 2009.
3. Defendant's motion to transfer venue is set for hearing on May 15, 2009 at 11:00 a.m.
4. Liability depositions will commence the week of February 2, 2009, and thereafter proceed every other week, except as agreed to by the parties or further order of this Court.

5. The following deadlines are in effect:
- a. **Joinder**. New parties must be added and served by May 15, 2009, whether by amendment or third party practice. The party causing the joinder must provide a copy of this order at the time of service.
 - b. **Expert Witness Designations**. Plaintiffs must designate experts by August 3, 2009. Plaintiffs' experts must be made available for deposition September 21, 2009 through October 16, 2009. Defendants must designate experts by September 11, 2009. Defendants' experts must be made available for deposition October 19, 2009 through November 6, 2009. Designations must include the information listed in Rule 194.2(f) of the Texas Rules of Civil Procedure.
 - c. **Alternative Dispute Resolution**. Mediation must occur by November 13, 2009.
 - d. **Discovery Cut-Off**. All discovery must be conducted by December 14, 2009. Parties seeking discovery must serve requests sufficiently far in advance of the end of the discovery period that the deadline for responding will be within the discovery period. Discovery may be conducted beyond this date by agreement of the parties or by further order of this Court.
 - e. **Dispositive Motions and Pleas**. Dispositive motions and pleas must be set for hearing or submission by November 2, 2009.
 - f. **Challenges to Expert Testimony**. All motions to exclude expert testimony and evidentiary challenges to expert testimony must be filed by

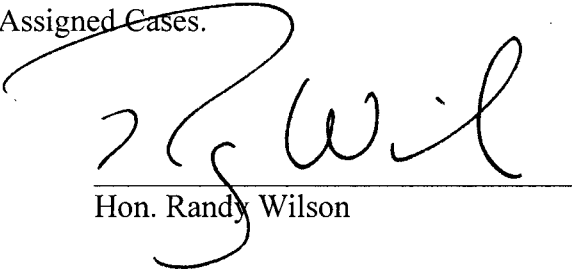
November 9, 2009, unless extended by agreement of the parties or by further order of this Court.

- g. **Pleading Cut-Off**. All amendments and supplements to pleadings must be filed by December 1, 2009. This order does not preclude prompt filing of pleadings responsive to any timely filed pleadings.
- h. **Trial**. Trial will be January 11, 2010.

6. Subsequent pre-trial hearings will be set on Fridays at 11:00 a.m. unless changed by further order of this Court. Any party wishing to set a matter for hearing must provide notice to the Court and all counsel by the preceding Monday by 5:00 p.m.

7. Discovery will be consolidated in the Assigned Cases. All discovery conducted in this MDL proceeding will be usable in any of the Assigned Cases.

Signed December 19, 2008.



Hon. Randy Wilson

FILED

Loren Jackson
District Clerk

DEC 29 2008

Time: _____
Harris County, Texas

By _____
Deputy