

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

IN RE:	:	Chapter 11
	:	
OWENS CORNING, <i>et al.</i> ,	:	Case Nos. 00-3837 (JKF)
	:	(Jointly Administered)
	:	
Debtors.	:	
	:	Related to Docket No. 13533

**REVISED ORDER ESTABLISHING CASE MANAGEMENT PROCEDURES
FOR ASBESTOS-RELATED PROPERTY DAMAGE CLAIMS**

Upon consideration of the Debtors' Motion for an Order establishing case management procedures for asbestos-related property damage claims (the "Motion"), and it appearing that the relief requested is in the best interests of the Debtors' estates, their creditors and other parties in interest, and that good cause being shown for the relief requested; and capitalized terms used but not defined herein being used with their defined meanings as set forth in the Motion; it is hereby

ORDERED that consistent with the Order of this Court dated March 31, 2003, asbestos property damage claims against the Debtors are limited to those buildings or discrete locations for which claimants provided the Debtors with at least a name and address (the "Claim Sites"); and it is further

ORDERED that the following case management schedule shall apply to all holders of asbestos property damage claims for which an objection is pending as of this date and which have not been resolved by Order of this Court or by mediation (the "PD Claimants", listed on Exhibit A hereto):

(a) New Product Identification Data:

(i) By no later than **20 days after the date of this Order**, each PD Claimant must submit the following:

(a) A statement declaring whether the claimant intends to provide product identification evidence against either Owens Corning or Fibreboard and/or pursue a conspiracy claim against Owens Corning or Fibreboard. PD Claimants will be bound by this declaration through the final resolution of their claims. By stipulating that conspiracy claims may be brought as a theoretical matter, Debtors do not waive other defenses to such claims, *e.g.*, statute of limitations, Bar Date, lack of evidence.

(b) A statement that the PD Claimant intends to conduct testing to determine the product identification of suspected asbestos containing products at Claim Sites, and the Claim Sites at which it intends to do so.

(c) The name, address and telephone number of the party that will conduct the testing.

(d) The type of testing that the PD Claimant intends to perform, and the method for analyzing and reporting the results of such testing.

(e) A proposed schedule for the completion of such testing, by Claim Site, within **100 days of the date of this Order**.

(f) For each Claim Site at which testing is planned, the Claimant must give the Debtors at least three weeks' notice of such testing, and must allow the Debtors to attend such testing through their agents, and to film or photograph such testing, and to conduct their own testing.

(g) If the Debtors elect to conduct their own testing, the Debtors must notify the PD Claimant at least one week in advance of the PD Claimant's planned testing and provide the PD Claimant with the following information:

(i) the Claim Site at which the Debtors intend to conduct such testing;

(ii) the name, address and telephone number of the party that will conduct the testing; and

(iii) the type of testing that the Debtors intend to perform, and the method for analyzing and reporting the results of such testing.

(ii) All testing by the PD Claimant or the Debtors must be completed by, and all test results and supporting documentation must be exchanged by the parties within **100 days of the date of this Order**.

(iii) If any party records the testing at any location by any means (videotape, photograph, etc), it must offer to make available each

such recording to the other side, at the other side's expense, within **100 days of the date of this Order.**

(iv) No testing performed, or test results exchanged, after **100 days of the date of this Order**, will be permitted in support of any asbestos property damage claim filed against the Debtors, nor will any testing be admitted that is not in conformance with these procedures, unless it is "pre-existing" test data as described below.

(b) Pre-existing Product Identification Test Data:

(i) For each Claim Site for which the PD Claimant asserts a claim, the PD Claimant must produce within **100 days of the date of this Order**, results of all asbestos testing, surveys and/or inspections, including OSHA testing and AHERA clearance testing, previously performed at that location (unless the PD Claimant has previously produced such information to the Debtors).

(ii) All documentation relating to such pre-existing test data shall be produced within **100 days of the date of this Order.**

(c) Information on Other Asbestos Sources:

(i) For each Claim Site for which the PD Claimant asserts a claim, the PD Claimant must produce within **100 days of the date of this Order**, all documents that relate to other sources of asbestos in the building, including asbestos inspection and survey reports, asbestos operations and management plans, or any similar documents (unless

the PD Claimant has previously produced such information to the Debtors).

(d) Limitations Period Information:

(i) For each Claim Site for which the Claimant has provided product identification information, the Claimant must (unless the PD Claimant has previously produced such information to the Debtors), within **100 days of the date of this Order**, state, to the best of its knowledge, information and belief:

(a) The year or years when asbestos-containing products manufactured or sold by the Debtors were installed

(b) Whether the asbestos containing products manufactured or sold by the Debtors have been removed, and if so, in what year or years;

(c) If the asbestos-containing products manufactured or sold by the Debtors are still in the building, the date on which the Claimant determined that such products were unreasonably dangerous, and the basis for such determination;

(d) Any plans for the removal of the asbestos-containing products manufactured or sold by the Debtors.

(ii) All documentation supporting the information required by this section shall be produced within **100 days of the date of this Order**.

(e) Damages-related Information:

(i) For each Claim Site for which the Claimant has provided product identification information, the PD Claimant must (unless the PD Claimant has previously produced such information to the Debtors), within **100 days of the date of this Order**, state:

(a) If the PD Claimant intends to seek residual or replacement cost as a component of damages, the estimated current valuation of the residual value of the Debtors' asbestos-containing products alleged to have caused property damage;

(b) If the PD Claimant intends to seek removal costs as a component of damages, the estimated incremental cost of removal of such asbestos-containing products manufactured or sold by the Debtors, compared to similar products which do not contain asbestos;

(c) Any other costs the PD Claimant intends to seek as damages, and the basis for recovery of such costs.

(ii) All documentation supporting the information required by this section shall be produced within **100 days of the date of this Order**.

(f) Document Discovery From the Debtors

(i) Any request for the production of documents from the Debtors must be served within **20 days of the date of this Order**.

(ii) The Debtors shall respond to all reasonable requests within **100 days of the date of this Order.**

(g) Miscellaneous

(i) Nothing in this case management schedule shall require any party to provide any additional information beyond what such party has already provided in response to the claims bar date or the Order of this Court dated March 31, 2003 (the "Prior Orders"). However, in estimating or allowing any asbestos property damage claim, this Court shall only consider information which has been produced pursuant to this case management schedule or the Prior Orders of this Court.

(h) Status Conference

(i) A status conference shall be held regarding all remaining asbestos property damage claimants during the regularly scheduled omnibus hearing which first occurs after 120 days of the date of this Order, at which time the Court will set a deadline for depositions, additional discovery (if any) and dispositive motions.

(i) Service

(i) All information required under this Order to be submitted by a PD Claimant shall be served upon counsel to the Debtors, Debevoise & Plimpton LLP, 919 Third Avenue, New York, New York 10022 (Attn: Mary Beth Hogan)

(ii) All information required under this Order to be provided by the Debtors shall be served upon the representative of the PD Claimant indicated on the applicable proof of claim form.

(iii) Each party shall file an appropriate certificate of service with the United States Bankruptcy Court for the District of Delaware, 824 Market Street, Wilmington, DE 19801, evidencing service of the information required by the case management schedule.

ORDERED that this Order shall be deemed a separate Order with respect to each property damage claim. Any stay of this Order pending appeal by any of the claimants whose property damage claim is subject to this Order shall apply only to such claimant and shall not act to stay the applicability and/or finality of this Order with respect to the other claims covered hereby; and it is further

ORDERED that the Court shall retain jurisdiction over any matters related to or arising from the implementation of this Order.

Dated: Wilmington, Delaware
September 29, 2005


Honorable Judith K. Fitzgerald^{rmab}
United States Bankruptcy Judge