

**FILED**

MAR 22 1990

FRANK S. ZOLIN, COUNTY CLERK

*L. Rivas*  
BY L. RIVAS, DEPUTY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES**

In re Los Angeles Asbestos )  
Litigation - General Orders )

No. C 700000

FIRST AMENDED  
GENERAL ORDER NO. 37.28

**IT IS HEREBY ORDERED** that in any action in which plaintiff relies on the consumer expectation theory of liability as set forth in Barker v. Lull Engineering Co. (1978) 20 Cal.3d 413, i.e., not upon the theories of risk-benefit, negligence or breach of warranty, and the issue of punitive damages is not before the jury, evidence as to state of the art (the state of scientific and technological knowledge during the relevant period was such that the defendant either knew or should have known, or could not have reasonably known, of the danger) is excluded. All counsel shall inform their witnesses to comply with this order.

Dated: March 22, 1990

  
KURT J. LEWIN  
Judge of the Superior Court

10-EP-90

EFFECTIVE: 3-12-90