

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ASARCO INCORPORATED,

Plaintiff,

v.

J.P. MORGAN CHASE & CO. and MORGAN  
GUARANTY TRUST COMPANY OF NEW YORK,

Defendants.

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ORDER

03-C-314-C

KENNECOTT UTAH COPPER CORPORATION,  
LEVITON MANUFACTURING CO., INC., and  
AMERICAN INSULATED WIRE CORPORATION,

Plaintiffs,

v.

J.P. MORGAN CHASE & CO. and MORGAN  
GUARANTY TRUST COMPANY OF NEW YORK,

Defendants.

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03-C-316-C

ESSEX ELECTRIC, INC.,

Plaintiff,

03-C-317-C

v.

J.P. MORGAN CHASE & CO. and MORGAN  
GUARANTY TRUST COMPANY OF NEW YORK,

Defendants.

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MUELLER COPPER TUBE CO. INC., and  
MUELLER COPPER TUBE PRODUCTS, INC.,

Plaintiffs,

03-C-318-C

v.

J.P. MORGAN CHASE & CO. and MORGAN  
GUARANTY TRUST COMPANY OF NEW YORK,

Defendants.  
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SUPERIOR TELECOM, INC.

Plaintiff,

03-C-368-C

v.

J.P. MORGAN CHASE & CO. and MORGAN  
GUARANTY TRUST COMPANY OF NEW YORK,

Defendants.

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A status conference was held in these cases by telephone on August 18, 2003, before United States District Judge Barbara B. Crabb. Plaintiffs were represented by Arthur Kaplan, David Weinstein, Brian Nowicki, Eric Christensen and Stanley Grossman. Defendants were represented by Amy Starr, Sarah Safford and Glenn Topp. Although the parties have stipulated to a briefing schedule for a motion to dismiss filed by defendants, I advised counsel that a motion to dismiss would be a waste of their resources and the court's. The statute of limitations involves determination of factual matters such as fraudulent concealment and due diligence and in my opinion cannot be resolved on a motion to dismiss.

Mr. Kaplan asked that the court impose a schedule that would coordinate discovery in these cases with that in the Ocean View, Viacom and Southwire cases. That matter will be taken up before the magistrate judge at a telephone pretrial conference to be held at 9:00

a.m. on Wednesday, September 3, 2003. Counsel for defendants shall initiate the conference call. Counsel seem to be in agreement that they want to coordinate discovery with the multi-district litigation but that they would need some additional time in order to complete briefing and trial preparation. The magistrate will take all these matters into consideration.

Entered this 19th day of August, 2003.

BY THE COURT:

BARBARA B. CRABB  
District Judge