

**IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA**

CASE NO. CACE23010790 DIVISION: 27 JUDGE: Bidwill, Martin J. (27)

Fred S Watford, et al

Plaintiff(s) / Petitioner(s)

v.

AKEBONO BRAKE CORPORATION, et al

Defendant(s) / Respondent(s)

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**ORDER GRANTING DEFENDANTS' MOTION FOR ORDER REQUIRING NOTICE OF
DEATH AND LIMITED AUTOPSY**

THIS CAUSE, having come before the Court upon Defendants' Motion for Order Requiring Notice of Death and Limited Autopsy (the "Motion"), and the Court having reviewed the Motion and case file, and being otherwise fully advised on the premises, it is hereby:

ORDERED AND ADJUDGED as follows:

1. Defendants' Motion is GRANTED, over Plaintiffs' objection.
2. This order permits a limited autopsy of Mr. Watford's thoracic cavity.
3. Mr. Watford's body shall be preserved for limited autopsy of his thoracic cavity to be made by Jay Radtke, M.D.
4. Identification of the funeral home where Mr. Watford is located will be produced to Defendants when such information becomes available.
5. The funeral home will cooperate with the transportation of Mr. Watford.
6. Mr. Watford's family is required to execute authorizations, if necessary, in order for the body to be produced and an autopsy conducted.
7. Plaintiffs shall have the right to have an independent pathologist of their choosing present during the course, scope and performance of the limited autopsy.

8. The pathologist performing the limited autopsy shall not take photographs of the entirety of Mr. Watford's body. Photographs, if any, shall be taken only of the thoracic cavity, the area from which the tissue is harvested, and of the harvested tissue.

9. Defendants will bear all costs and expenses associated with the autopsy and tissue evaluation, including appropriate transportation and security, excepting that each party shall bear the cost of all tissue evaluation performed at its request or direction.

10. Appropriate and adequate quantity of tissue shall be taken from affected and unaffected areas of Mr. Watford's lung and pleura, and from any tumor located in Mr. Watford's chest cavity during the course of the limited autopsy. The pathologist shall harvest the approximately 8.0-10.0 grams of wet lung tissue per the below conditions:

- a. The tissue shall be from both affected and unaffected areas of the lung;
- b. The tissue shall be from multiple lobes of the lung;
- c. The tissue shall include lung parenchyma, as well as at least 0.5 grams of tumor tissue.

11. The tissue harvested during the limited thoracic autopsy shall be split equally and equivalently between Plaintiff and Defendants. The pathologist performing the limited thoracic autopsy will provide a report indicating the type and amount of tissue to be provided to Plaintiff and Defendants. Half of the procured tissue must remain for use by Plaintiffs. Defendant's counsel shall promptly deliver to Plaintiffs' counsel their respective portion of the tissue and copies of any photographs, notes, records, and documentation taken by the pathologist and documentation of the weight of the tissue taken by the pathologist. Equal portions and selections of each sample shall be provided to Plaintiffs. The samples shall be as qualitatively and quantitatively equal as possible under the circumstances.

12. The pathologist performing the limited autopsy shall not render any opinions or diagnoses and shall not undertake any further analysis or testing of the tissue during the collection process. All affected and unaffected tissue samples selected and preserved for the inspection by the Parties may be

submitted for appropriate medical and pathological testing, including but not limited to fiber analysis and digestion.

13. The Parties agree that any testifying experts shall preserve any filters, grids, and/or counting grids used in the performance of a fiber burden analysis until the time of trial or dismissal of all Parties retaining said expert.

14. Portions of all tissue samples and specimens obtained and preserved by or on behalf of any of the Parties, not submitted to fiber analysis and digestion, shall be preserved by such parties for inspection and review by all other parties and, should the Parties deem it appropriate, eventual presentation as evidence at the time of trial in the relevant action.

15. The autopsy performed pursuant to this order will only be performed by Jay Radtke, M.D. and will be the only autopsy performed on Mr. Watford.

16. The autopsy will be performed within 48 hours upon Defendants' notice of Mr. Watford's death and his body shall be returned to the funeral home immediately thereafter upon completion of the autopsy. Once Defendants have been notified of Mr. Watford's death and the location of his remains, Plaintiffs are required to keep Mr. Watford's remains available for a period of only 48 hours for the purpose of collecting the tissue as set forth in the Order.

17. This Order has no applicability to any other case and shall not be cited nor relied upon in any other case in support of a motion for autopsy.

DONE AND ORDERED in Chambers at Broward County, Florida on 5th day of November, 2023.

 CACE23010790 11-05-2023 2:38 PM

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Hon. Martin Bidwill
CIRCUIT COURT JUDGE
Electronically Signed by Martin Bidwill

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