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DCORX

NO. 2004-03964

IN RE  
ASBESTOS LITIGATION

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IN THE DISTRICT COURT OF  
HARRIS COUNTY, TEXAS  
11TH JUDICIAL DISTRICT

**CASE MANAGEMENT ORDER**

This Order applies to all related asbestos-exposure and tag-along cases transferred to this Court by the Judicial Panel on Multidistrict Litigation pursuant to Texas Rule of Judicial Administration 13. See TEX. JUD. ADMIN. 13 and to related asbestos-exposure cases filed initially in this Court after September 1, 2003. Consistent with this Court's authority, as set forth in Rule 13.6(b), this Order is intended to facilitate the pretrial administration of those cases. All MDL cases are deemed Level 3.

Wherever this Order provides for an action to occur within a certain number of days "of transfer," it means within that number of days of the signing of this Order, or of transfer, whichever is later. The date of transfer is the date the notice of transfer is filed in the trial court, or in this Court, whichever is later. See TEX. JUD. ADMIN. 13.5(a), (e). For cases filed initially in this Court, the date of transfer is the date of original filing. If Plaintiff amends his pleadings to add new Defendants or significant new allegations against existing Defendants, in the time period allowed by this Order, then all times that run from the date "of transfer" shall instead run from the date of such amendment and Plaintiff must seek supplemental certification for those new Defendants.

**I. Timing of Notice of Transfer to the MDL.**

- A. Any Defendant may file a notice of transfer to this Court in the following cases:
  - 1. Cases filed after the effective date of this Order: within thirty (30) days of that Defendant's answer date;
  - 2. Cases filed before the effective date of this Order: within sixty (60) days of the effective date of this Order, or within thirty (30) days after the Defendant's answer date, whichever is later.
  
- B. A Plaintiff may file a notice of transfer to this Court in the following cases:
  - 1. Cases filed after the effective date of this Order: within thirty (30) days of any Defendant's answer date;
  - 2. Cases filed before the effective date of this Order: within sixty (60) days of the effective date of this Order.

**F I L E D**  
**CHARLES BACARISSE D**  
 District Clerk  
 5:25  
 JUL 29 2004  
 Harris County, Texas  
 By [Signature] Deputy

3. A notice of transfer filed by any party outside the time limits set out in this Order will be considered ineffective, absent a showing of good cause.
4. The filing of a notice of transfer shall not constitute a waiver of any Defendant's own challenge to jurisdiction and/or venue or special appearance.

## **II. Initial Pleadings.**

- A. Within thirty (30) days of transfer, to the extent not previously provided, each Plaintiff shall file individual pleadings in which
  1. Each Plaintiff shall state facts supporting the Plaintiff's claims regarding jurisdiction and venue in conformity with the Texas Rules of Civil Procedure.
  2. Each Plaintiff shall identify each Defendant against whom the Plaintiff is asserting a claim.
  3. Each Plaintiff shall identify the claims that are being asserted against each Defendant, whether products or premises, or both, or some other theory of liability (including, but not limited to, manufacturing defect, marketing defect, design defect, strict liability, negligence, gross negligence, conspiracy, enterprise liability, and premises liability). The identity and location of each premises allegation shall be stated. The illness or injury of the Plaintiff shall be stated. Any product claimed to be responsible should also be stated, to the extent known.
  4. Any Plaintiff who is alleging secondary exposure shall clearly state such claim and answer 1-3 above providing information relative to the person or persons through whom they allege such exposure.
- B. Attorneys for Plaintiff electing Fast-Track status shall file and serve a notice of Fast-Track status on all parties.

## **III. Trial Docket.**

### **A. Fast-Track Docket.**

#### **1. Expedited Depositions.**

For good cause, a Fast-Track Plaintiff's deposition may be taken on an expedited basis. The deposition shall be taken on the following terms:

- (a) Plaintiff will provide at least seven (7) business days' notice of such deposition. The notice period shall begin to run on the date actually received. E-mail and facsimile service is preferred.

- (b) The notice, signed by Plaintiff's counsel, shall state the cause requiring the deposition to be expedited.
- (c) Plaintiff will use "extreme diligence" in providing complete responses to the "Fast-Track" portions of Master Discovery Requests and Requests for Disclosure. Such responses shall provide as much information as is available in the exercise of "extreme diligence" and shall be served at least seven (7) business days before the deposition.
- (d) Any Defendant that does not believe good cause for the expedited deposition has been shown, or believes that the Plaintiff has failed to comply with the requirements of subparagraphs (a), (b) and (c) above, shall, within three (3) business days of receipt of the deposition notice, notify Plaintiff's counsel, in writing, of the objection and arrange a telephone hearing with the Court. The notice of objection shall include a notice of hearing stating the date and time of the hearing.
- (e) The deposition may take place at: (1) a location in close proximity to the Plaintiff's home, other than a private residence; (2) in the Plaintiff's home, if Plaintiff is physically unable to give a deposition in another location; or (3) any other location agreed upon by the parties.

2. **Non-Expedited Depositions.**

- (a) Each Plaintiff is to be presented for deposition, unless physically unable.
- (b) The deposition of each Plaintiff is limited to six (6) hours of deposition time per side.
- (c) Before such deposition, each Plaintiff will use "extreme diligence" in providing complete responses to Master Discovery Requests and Requests for Disclosure at least twenty-one (21) days before the deposition.

3. **Requirements for Conditional Certification Requesting Remand and Trial Date.**

Before Plaintiff's counsel files a Conditional Certification Requesting Remand and Trial Date, Plaintiff shall:

- (a) Serve upon Defendants complete answers to Master Discovery Requests and Requests for Disclosure.

- (b) Provide to Defendants the materials and documents requested in the “Fast-Track” portions of the Master Discovery Requests.
  - (c) Appear for an oral deposition. If Plaintiff is unable to appear for an oral deposition, Plaintiff will not be allowed to testify at trial.
  - (d) Provide to Defendants, in response to master discovery, (1) the identity of all fact witnesses, including a concise summary of the anticipated testimony of each; (2) all experts Plaintiff may call; and, (3) the identity of known exhibits Plaintiff may offer at trial. Witnesses designated should be a complete list of witnesses expected to be called and should not include witnesses that, in good faith, will not be called. Witnesses not named will be allowed to testify, only after heightened scrutiny as to the reason they were not previously named.
  - (e) Submit to a physical examination by a qualified physician, in accordance with the procedures set forth in Texas Rules of Civil Procedure 204.2 and 204.3, if requested by a Defendant.
4. If for any reason Plaintiff cannot, after the exercise of “extreme diligence,” provide the materials or information required in Section III.A.3 above, Plaintiff’s counsel shall prepare a letter to Defendants’ counsel detailing the good cause as to why such materials or information cannot be provided.
5. Conditional Certification Requesting Remand and Trial Date
- (a) Upon completion of the requirements for Conditional Certification Requesting Remand and Trial Date, or a showing of good cause as to why information or materials cannot be provided:
    - i. Plaintiff’s counsel may file a Conditional Certification Requesting Remand and Trial Date. This conditional certification shall be faxed or e-mailed to all parties.
    - ii. Within fourteen (14) days of receipt of a Conditional Certification Requesting Remand and Trial Date, any Defendant that does not believe that the requirements of Section III.A.3 have been met shall notify Plaintiff’s counsel, in writing, of the specific deficiencies it believes to exist and arrange for a telephone hearing with this Court. Any party may arrange for a hearing with this Court, but the failure by an objecting Defendant to request such a hearing date within fourteen (14) days of certification shall constitute a waiver of such objection.

- iii. If no objections to conditional certification are timely raised, or the objections to certification are overruled, the case is certified and certification is effective from the date conditional certification was served.
    - (b) Remand shall be 120 days after certification, unless otherwise ordered by this Court.
    - (c) Within thirty (30) days of certification, this Court will begin conferring with the trial court to set the case for trial. This Court, in conjunction with the trial court, may set a transferred case for trial at such time and on such a date as will promote the convenience of the parties and witnesses and the just and efficient disposition of all related proceedings. This Court will confer with the trial court regarding potential trial settings or other matters regarding remand. The trial court must cooperate reasonably with this Court, and this Court must defer appropriately to the trial court's docket. The trial court must not continue or postpone a trial setting, without the concurrence of this Court. The parties shall receive at least forty-five (45) days notice of an initial trial setting. It shall be the responsibility of Plaintiff's counsel to notify all parties of any trial setting.
- 6. **Pre-Certification Discovery.**
  - (a) The parties may conduct discovery, prior to certification, pursuant to the Texas Rules of Civil Procedure.
  - (b) To the extent not previously answered, Plaintiff shall respond to master discovery within forty-five (45) days from notice of Fast-Track status and Defendants shall respond within seventy-five (75) days of such notice. Notwithstanding any other provisions in this Order, objections and claims of privilege shall be timely if asserted when the original response to the question or request is made.
  - (c) Within fourteen (14) days of receipt of Responses to Master Discovery from all parties, a presumption exists that adequate time for discovery has passed for purposes of no-evidence motions for summary judgment.
- 7. **Post-Certification Discovery.**
  - (a) Generally, depositions of fact witnesses should be taken before those of expert witnesses. Exceptions to this are expected to exist on a regular basis.
  - (b) Generally, depositions of Plaintiff's expert witnesses should be taken before those of Defendants' expert witnesses, within the

same area of expertise. Exceptions to this are expected on a regular basis.

- (c) Except for depositions of Defendants' medical experts, the time period to take depositions shall expire sixty (60) days after Certification.
- (d) Defendants shall produce all medical experts relying upon pathology for deposition within ninety (90) days of the date such pathology material was provided to the Defendant's counsel.

**8. Post-Certification Motions.**

- (a) All motions, other than motions in limine, shall be filed no later than ninety (90) days after certification.
- (b) Motions to challenge the qualification of experts, and/or the admissibility of expert testimony, shall be filed no later than ninety (90) days after certification.
- (c) Reports shall be provided for Plaintiff-specific medical causation experts, upon request. Reports shall be provided for other experts only upon motion and order.

**9. Other Discovery Matters.**

- (a) No other interrogatories, requests for production, or requests for disclosure shall be served, nor responses required, without leave of this Court. Generally, after receipt of a Plaintiff's initial responses to master discovery, non-duplicative narrowly focused additional interrogatories and requests for production applicable to a specific Plaintiff or Defendant will be allowed on a regular basis, upon request for leave of this Court to serve discovery of this nature.
- (b) In the event of the death of a Plaintiff, Plaintiff's counsel shall notify Defendants, by letter or discovery response, whether an autopsy of any type, private or public, has been performed upon the deceased and, if so, provide the autopsy report to all parties within thirty (30) days of its receipt.

**B. Normal-Track Docket.**

Cases not covered by the Fast-Track provisions set out in Section III.A of this Order shall be governed by the Normal-Track provisions ("Normal-Track Cases") in Section III.B. Nothing in the Normal-Track provisions (Section III.B) shall supercede the Fast-Track provisions (Section III.A). The presumption is that cases governed by Section III.B will be ready for remand and trial at the end of twelve months in the MDL. The Normal-Track cases will proceed in two groups

with varying schedules. The cases will be grouped as malignancy and non-malignancy cases based on the alleged asbestos-related disease. The provisions for malignancy cases are set out in Section III.B.1 and for non-malignancy cases in Section III.B.2 below. Conditional Certification Requesting Remand and Trial may not be filed sooner than 180 days for malignancy cases and 270 days for non-malignancy cases from the date of transfer.

1. For Normal-Track malignancy claims, the following procedures shall apply:
  - (a) Plaintiff shall provide complete answers or objections to master discovery, including completed authorization forms. Objections and claims of privilege shall be timely if made at or before the time original answers to master discovery is served.
  - (b) Each Plaintiff is to be presented for deposition, unless physically unable, within ninety (90) days from the date Plaintiffs respond to master discovery. The presumption is that Plaintiffs' counsel will schedule Plaintiffs' deposition by agreement. Notices shall only be served after reasonable attempts to schedule Plaintiffs' depositions have failed. Depositions will be taken pursuant to the Texas Rules of Civil Procedure and be limited to six (6) hours per side.
  - (c) Unless physically unable, each Plaintiff shall submit to one physical examination by a qualified physician, in accordance with the procedures set forth in Texas Rules of Civil Procedure 204.2 and 204.3, upon written request by a Defendant. Efforts shall be made for this examination to take place in connection with the Plaintiff's deposition. The physical examination shall be in the county of the deposition, in the county where suit is pending, or such other location as agreed upon by counsel. All doctors performing such an examination shall promptly produce a report of such examination. Reports relating to the examination shall be produced to Plaintiff's counsel within thirty (30) days of receipt by defense counsel. Within thirty (30) days of receipt of itemized written request by plaintiffs' counsel, the defense counsel requesting the examination shall reimburse plaintiff for all reasonable costs incurred by plaintiffs in connection with such examination.
  - (d) Each fact witness shall be identified by Plaintiff within 120 days of original responses to master discovery; supplemental designations of fact witnesses within forty-five (45) days of remand may cause a delay in the remand of the case. If a fact witness is represented by plaintiff's counsel, it shall be noted.

- (e) Each fact witness within control of Plaintiff or Plaintiff's counsel whom the Plaintiff intends to call to testify shall be presented for deposition, upon request by any Defendant, within a reasonable time, but no later than 180 days of original responses to master discovery, unless otherwise ordered by the Court.
- (f) Each expert witness for the Plaintiff shall be identified no later than sixty (60) days prior to filing a Conditional Certification Requesting Remand and Trial. Supplemental designation of expert witnesses within sixty (60) days of remand may cause a delay in the remand of the case.
- (g) All pathological materials, Plaintiff-specific diagnosing medical reports, x-rays, and CT Scans that Plaintiffs have obtained shall be provided to Liaison Counsel thirty (30) days prior to filing a Conditional Certification Requesting Remand and Trial.
- (h) Each expert witness whom Plaintiff intends to call to testify shall be presented for deposition, upon the written request of any Defendant, no later than forty-five (45) days before the assigned trial date.
- (i) Each Defendant shall provide answers or objections to master discovery within forty-five (45) days of plaintiffs' original responses to master discovery. Objections and claims of privilege shall be timely if made at or before the time original answers to master discovery is served.
- (j) The fact witnesses for each Defendant shall be identified within 180 days after plaintiff's original responses to master discovery; Supplemental designations may be made until thirty (30) days prior to assigned trial date. If a fact witness is represented by defendant's counsel, it shall be noted. The expert witnesses for each defendant shall be identified no later than sixty (60) days after plaintiff's expert witnesses have been identified pursuant to subsection (f) above.
- (k) The fact witnesses within control of Defendant or defense counsel and expert witnesses whom each Defendant intends to call to testify shall be presented for deposition within a reasonable time of the written request of another party.
- (l) All x-rays and CT scans obtained by defense counsel shall be provided to Plaintiff's counsel prior to trial. All x-rays and CT scans shall be returned.



2. For Normal-Track non-malignancy claims, the following procedures shall apply:
- (a) Plaintiff shall provide complete answers or objections and claims of privilege to Master Discovery, including completed authorization forms. Objections and claims of privilege shall be timely if made at or before the time original answers to master discovery is served.
  - (b) Each Plaintiff is to be presented for deposition, unless physically unable, within ninety (90) days from the date plaintiffs respond to master discovery. The presumption is that Plaintiffs' counsel will schedule Plaintiffs' deposition by agreement. Notices shall only be served after reasonable attempts to schedule Plaintiffs' depositions have failed. Depositions will be taken pursuant to the Texas Rules of Civil Procedure and be limited to six (6) hours per side.
  - (c) Unless physically unable, each Plaintiff shall submit to one physical examination by a qualified physician, in accordance with the procedures set forth in Texas Rules of Civil Procedure 204.2 and 204.3, upon written request by a Defendant. Efforts shall be made for this examination to take place in connection with the Plaintiff's deposition. The physical examination shall be in the county of the deposition, in the county where suit is pending, or such other location as agreed upon by counsel. All doctors performing such an examination shall promptly produce a report of such examination. Reports and any chest x-rays taken by the IME doctor relating to the examination shall be produced within thirty (30) days of receipt by defense counsel. Within thirty (30) days of receipt of an itemized written request from plaintiffs' counsel, the defense counsel requesting the examination shall reimburse plaintiff for all reasonable costs incurred by plaintiff in connection with such examination.
  - (d) Each fact witness shall be identified by Plaintiff within 180 days of original responses to master discovery. Supplemental designations of witnesses within forty-five (45) days of remand may cause a delay in the remand of the case. If a fact witness is represented by plaintiff's counsel, it shall be noted.
  - (e) All x-rays, CT Scans, and diagnosing medical reports that Plaintiff has obtained shall be provided to Liaison Defense Counsel thirty (30) days prior to filing Conditional Certification Requesting Remand and Trial and all x-rays, and CT Scans provided to Liaison Counsel by Plaintiff counsel shall be returned fifteen (15) days prior to trial.

- (f) Each Defendant shall provide answers or objections or claims of privilege to master discovery within forty-five (45) days of Plaintiffs' original responses to master discovery. Objections and claims of privilege shall be timely if made at or before the time original answers to master discovery is served.
- (g) The fact witnesses for each Defendant shall be identified within 210 days after Plaintiffs' original responses to master discovery. Supplemental designations may be made until thirty (30) days prior to assigned trial date. If a fact witness is represented by defendant's counsel, it shall be noted.
- (h) An informal settlement conference will be scheduled within thirty (30) days following the filing of Request for Conditional Certification Requesting Remand and Trial.
- (i) Plaintiff's expert witnesses shall be identified sixty (60) days prior to trial date.
- (j) Each expert witness Plaintiff intends to call to testify shall be presented for deposition upon the written request of any Defendant fourteen (14) days prior to trial date.
- (k) The fact witnesses for each Defendant shall be identified thirty (30) days prior to trial date.
- (l) The expert witnesses each Defendant intends to call to testify shall be presented for deposition, upon written request of the Plaintiff, no later than seven (7) days prior to trial date.
- (m) All x-rays and CT Scans obtained by defense counsel shall be provided to plaintiff's counsel prior to trial. All x-rays and CT Scans so provided shall be returned.

3. Conditional Certification Requesting Remand and Trial Date.

- (a) Plaintiff may not file a Conditional Certification Requesting Remand and Trial Date until completion of III.B.1(a)-(g) in malignancy cases or III.B.2(a)-(e) in non-malignancy cases or a showing of good cause as to why information or materials cannot be provided. This Conditional Certification Requesting Remand and Trial Date shall be served by fax or e-mail.
- (b) Within fourteen (14) days of receipt of Conditional Certification Requesting Remand and Trial Date, any Defendant that does not believe the requirements of III.B.1(a)-(g) or III.B.2(a)-(e) have been met, shall notify Plaintiffs' counsel in writing of the specific deficiencies it believes exist and arrange a hearing with this Court.

Any party may arrange a hearing with this Court, but the failure by an objecting defendant to request a hearing date on such objection within fourteen (14) days of receipt of Conditional Certification Requesting Remand and Trial shall constitute waiver of such objection.

- (c) If no objections to conditional certification are timely raised or the objections to certification are overruled, the case is certified and certification is effective on the date conditional certification is served. The failure of a Defendant to request an IME shall not constitute an objection to Conditional Certification.
  - (d) Remand shall be no sooner than 180 days after certification in malignancy cases or ninety (90) days after certification in non-malignancy cases unless otherwise ordered by the Court.
  - (e) Within thirty (30) days of certification, this Court will begin conferring with the trial court to set the case for trial. The pretrial court, in conjunction with the trial court, may set a transferred case for trial at such time and on such a date as will promote the convenience of the parties and witnesses and the just and efficient disposition of all related proceedings. The pre-trial court will confer, with the trial court regarding potential trial settings or other matters regarding remand. The trial court must cooperate reasonably with the pretrial court and the pretrial court must defer appropriately to the trial court's docket. The trial court must not continue or postpone a trial setting without the concurrence of the pretrial court. It shall be the responsibility of plaintiff's counsel to notify all parties of any trial setting.
4. Additional provisions governing Normal-Track claims.
- (a) Depositions of fact witnesses should be taken before those of expert witnesses, unless the parties agree otherwise.
  - (b) Depositions of Plaintiff's expert witnesses shall be taken before defense expert witnesses, within the same area of expertise, unless the parties agree otherwise.
  - (c) No other interrogatories, requests for production, or requests for disclosure shall be served, nor responses required, without leave of this Court. Generally, after receipt of a Plaintiff's initial responses to master discovery, non-duplicative narrowly focused additional interrogatories and requests for production applicable to a specific Plaintiff or Defendant will be allowed on a regular basis, upon request for leave of this Court to serve discovery of this nature.

5. It is presumed that remand for claims on the Normal Track will occur within approximately twelve (12) months. Failure to meet the procedures set forth above shall void any presumption regarding remand to the trial court.

#### **IV. Trial Preparation.**

All pre-trial proceedings shall take place in the pre-trial court. There shall be a pretrial hearing in each Fast-Track case. In Normal-Track Cases, the pretrial court shall set a pretrial hearing immediately prior to remand.

- (a) Seven (7) days prior to the pretrial hearing, the parties shall exchange final exhibit and witness lists, deposition designations, and motions in limine.
- (b) The parties shall confer on objections to such designations and motions, prior to pretrial hearing, and provide counter designations.

#### **V. Bankrupt Defendants.**

Upon receiving notice of an automatic stay against a bankrupt Defendant, this Court will, within fourteen (14) days, sever all known causes of action or claims brought by or against such bankrupt Defendant into Cause Number \_\_\_\_\_. When an automatic stay against a bankrupt Defendant is lifted and that Defendant has not received a discharge in bankruptcy, a party has ninety (90) days to advise this Court that such party wishes to proceed against the Defendant. Failure of a party to advise this Court of that party's intent to proceed against such Defendant within ninety (90) days after such party receives notice of such lifting of the automatic stay will result in an automatic dismissal for want of prosecution, but will not affect that Defendant's designation as a responsible third party.

#### **VI. Court Administration.**

- A. Within thirty (30) days of transfer, or the date of this Order, whichever is later, Defendants shall confer and designate one counsel to serve as "Liaison Defense Counsel" for that specific case. Liaison Defense Counsel will promptly file and serve a notice notifying this Court and all parties of the designation. Unless otherwise specified in this Order, Liaison Defense Counsel shall coordinate, among Defendants: (1) to schedule Plaintiff's deposition; (2) to schedule a medical examination of Plaintiff; and (3) to schedule pathology review. Should such Liaison Defense Counsel's client(s) resolve the case, a notice of withdrawal as Liaison Defense Counsel shall promptly be filed and the Defendants shall promptly appoint new Liaison Defense Counsel.
- B. The Defendants, through Liaison Defense Counsel, or other designee, shall work with Plaintiff's counsel to agree upon a third-party records ordering service(s) to share equally in the reasonable acquisition and copying costs of medical records, pathology, and x-rays provided to Defendants, pursuant to this Order.

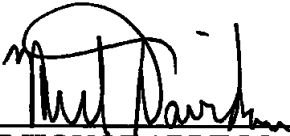
- C. **The Clerk of this Court shall maintain a master service list of all counsel representing parties in any case to which this Order applies. All counsel for each party shall be listed once, and any party required to serve any notice in an asbestos case governed by this Order shall serve one copy of the notice document upon counsel for each party, as appearing on the master service list. If a party is represented by more than one law firm, each law firm shall be listed on the master service list. The list shall be updated periodically and posted by the Clerk on the Harris County District Court website at <http://www.justex.net>. Any counsel substituting into any case to which this Order applies shall inform the Clerk of their appearance and request inclusion in the master service list rather than filing motions and orders to substitute in individual cases. Parties shall be responsible for updating the master service list as needed.**
  
- D. **The Clerk of this Court shall maintain a file entitled “In Re: MDL Asbestos Litigation,” which may be referred to as the “MDL Master Asbestos File.” All motions, orders, and other instruments that apply to all asbestos cases shall only be filed in the MDL Master Asbestos File and shall be captioned “In Re: MDL Asbestos Litigation” (Cause No. \_\_\_\_\_) and bear the name of the motion. A motion, order, or other instrument filed in the MDL Master Asbestos File is deemed filed in each and every asbestos case to which it may be applicable and is incorporated by reference into such case for all purposes. Any motion or other instrument not applicable to all asbestos-related cases shall be captioned with the individual case name and contain the individual case’s cause number.**
  
- E. **Counsel may file for admission pro hac vice in accordance with the Texas Government Code. Once a pro hac vice admission is granted for counsel, such counsel may participate in any MDL proceeding. Admission of an attorney pro hac vice does not extend to the trial of the underlying action following remand. Moreover, a pro hac vice motion is not mandatory for the use of out-of-state attorneys who appear on behalf of a party at a deposition taking place in a state other than Texas.**
  
- F. **Telephone hearings are encouraged and may be scheduled with the Coordinator of this Court. The party requesting the hearing shall arrange for a dial-in telephone conference and provide notice and the dial-in number to all known parties.**
  
- G. **Any attorney may designate one or more e-mail addresses (limited to 5) for purposes of service. Such designation(s) shall be made on the master service list referenced in Section VI.C. Whenever service or notice is permitted by e-mail by this Order, such service shall be to the e-mail address provided. The e-mail shall state the lead plaintiff, the cause number, the law firm representing the plaintiff and give a brief description of any attachments to the e-mail. The “subject” line of the e-mail shall include the phrase “MDL Service” in all circumstances.**

## **VII. Miscellaneous Provisions.**

- A. By appearing, each Defendant is deemed to have pleaded all issues of contribution as to all of the Defendants without the necessity of a separate cross-action. Defendants must separately plead any indemnity claims against co-Defendants. Each Defendant is also deemed to generally deny any cross-claim filed against it without further pleading.**
- B. Whenever a Defendant is nonsuited, dismissed, or in any way released from an asbestos case by a Plaintiff, any cross-claim, counterclaim or other claim for contribution brought by a co-Defendant against the Defendant being nonsuited or dismissed is automatically deemed dismissed without further order of the Court, unless a party files a written objection to the dismissal of that cross-claim or counterclaim within thirty (30) days from the party's dismissal or nonsuit by the Plaintiff, or as soon as possible if within thirty (30) days of trial.**
- C. This Court may permit alternative dispute resolution, if the parties mutually agree to participate. The Trial Court will not order alternative dispute resolution without the consent of the pre-trial court.**
- D. For monthly hearings and other matters, parties are encouraged to utilize teleconferencing, to the extent such technology is available and will facilitate convenience.**
- E. Should any hearing be canceled by agreement of the parties directly involved in the hearing, including the movants, parties joining motions to be heard, and any respondent, shall not be required to seek agreement from all parties to a particular case to cancel the hearing.**
- F. The filing of a tag-along notice of transfer by any party will be deemed a filing on behalf of all parties in that lawsuit.**
- G. Unless specifically addressed in this Case Management Order, the Texas Rules of Civil Procedure will govern all deadlines.**
- H. Except for the trial date, any other deadline may be amended by agreement.**
- I. Cases filed after May 24, 2004 are not eligible for Fast-Track status if Plaintiff is not or never has been a resident of the State of Texas, except for good cause shown.**

**VIII. Termination of Transfer.**

The purposes of transfer of individual cases shall be deemed “fulfilled” when either (1) this Court has rendered a final and appealable judgment, or (2) this Court determines that pretrial proceedings have been completed to such a degree that the purposes of the transfer have been fulfilled or no longer apply.

SIGNED on the 29<sup>th</sup> day of July, 2004.   
**THE HONORABLE MARK DAVIDSON**

NO. 2004-03964

IN RE: ASBESTOS LITIGATION

§ IN THE DISTRICT COURT OF  
§  
§ HARRIS COUNTY, TEXAS  
§  
§ 11<sup>TH</sup> JUDICIAL DISTRICT

**MASTER DISCOVERY TO ALL PLAINTIFFS**

The following master discovery pertains to all related asbestos-exposure and tag-along cases transferred to this Court by the Multi-District Litigation Panel pursuant to Texas Rule of Judicial Administration 13. Sec TEX. R. JUD. ADMIN. 13. Defendants request that Plaintiffs serve a written response to all of the following interrogatories, requests for production and disclosure in accordance with the requirements set forth in the Case Management Order. Plaintiff shall respond to all interrogatories and requests for production.

**Definitions And Instructions**

As used in these discovery requests, “you” refers to all Plaintiffs who claim an asbestos-related personal injury and, in a wrongful death action, the decedent. Whenever requests seek information concerning an alleged exposure to asbestos-containing materials or products, “your” refers to the exposed person if the plaintiff is shown alleging a household exposure.

As used in these discovery requests, to “identify” any individual person, company or other business entity means to state the full name and present address, business address and, in the case of a person, his or her business affiliation and job classification. To “identify” a document includes the nature and content thereof, or participant therein, and the present location of the person or entity having custody thereof being specific so as to enable it to be identified or described if a Request for Production is served. When identification of a document is indicated, or if you prefer to produce the document itself in lieu of answering, either attach a true copy of



the document to your answers, or, if the material is too cumbersome to be produced in such a manner, state whether or not you would be willing to produce the document(s) for inspection and copying at a time and place mutually convenient to counsel for the parties herein.

The term "Household-exposure" means exposure to chemicals or asbestos dust or fibers conveyed from a site where the materials were present on a worker's person or personal articles.

"Premises Defendant" means a Defendant being sued, in whole or in part, on a premises-liability theory. "Premises" means:

- (a) real property, as well as any structures or other improvements located on the property,
- or
- (b) a ship or other floating vehicle, vessel, or structure.

The term "Contractor Defendant" means any Defendant who allegedly caused an exposure to asbestos or asbestos-containing product through engineering, maintenance or any other construction-related activity that such Defendant was engaged to perform on behalf of a another entity.

The term "Retail Defendant" shall mean each defendant engaged in the sale of goods or commodities in small quantities directly to consumers.

A "testifying expert" is an expert who may be called by Plaintiff to testify as an expert witness at trial, either live or by deposition.

A "consulting expert" is an expert who has been consulted, retained, or specially employed by Plaintiff in anticipation of litigation or in preparation for trial, but who is not a "testifying expert", and whose mental impressions or opinions have been reviewed by a "testifying expert".

**“Heavy Equipment” shall mean any mobile equipment used in the following applications: earth moving; mining; road construction; residential and/or commercial construction; agriculture; land clearing; timber harvesting; and land fill maintenance.**

**“Engine” shall mean the source of power to the following: heavy equipment (as previously defined); over-the-road trucks; heavy duty trucks; light duty trucks; automobiles and drill rigs (including on-shore and off-shore).**

**Unless otherwise specified, the interrogatories herein stated and document requests refer to the time, place and circumstances of the occurrences complained of in your Petition.**

**DEFENDANTS' MASTER SET OF INTERROGATORIES**

**A. "FAST-TRACK" INTERROGATORIES TO BE ANSWERED AT LEAST SEVEN (7) DAYS BEFORE EXIGENT PLAINTIFF DEPOSITIONS (Pursuant to Section III.A.1.(c) of the Case Management Order)**

**INTERROGATORY NO. 1:**

State the following personal information pertaining to the plaintiff/decendent who claims to have sustained an asbestos-related disease:

- (a) full name;
- (b) current residence address;
- (c) social security number(s);
- (d) date of birth;
- (e) name of spouse;
- (f) spouse's residence address, if different from plaintiff's;
- (g) date of death (if applicable); and
- (h) cause of death (if applicable).

**ANSWER:**

**INTERROGATORY NO. 2:**

State the following injury information pertaining to the plaintiff/decendent who claims to have sustained an asbestos-related disease:

- (a) the asbestos-related injury or injuries claimed;
- (b) the first date of diagnosis of each of the plaintiff or decendent's asbestos-related condition(s); and
- (c) name and address of the physician/health care provider(s) who rendered the diagnosis or diagnoses.

**ANSWER:**

**INTERROGATORY NO. 3:**

Identify all doctors, hospitals, and other health care providers or facilities that have ever treated the plaintiff/decedent for any heart, lung, chest-related injury, or cancer and all doctors, hospitals, and other health care providers or facilities where the plaintiff/decedent has been treated at any time during the preceding ten (10) years, to include:

- (a) the approximate dates of the treatment;
- (b) the names and current addresses of the doctors, hospitals or other healthcare providers; and
- (c) the reasons for the treatment and diagnosis.

**ANSWER:**

**INTERROGATORY NO. 4:**

State the plaintiff/decedent's tobacco use history; including quantity, product smoked, and when started and stopped.

**ANSWER:**

**INTERROGATORY NO. 5:**

State the plaintiff/decedent's occupation and union membership, if any, and the dates of membership. If plaintiff was or is an officer or steward in any union, state the dates that such position, if any, was held.

**ANSWER:**

**INTERROGATORY NO. 6:**

Using extreme diligence, provide detailed work and asbestos exposure history of the plaintiff/decedent (or if exposure is claimed through another person, of that other person) to include the following information (provide answers to each subpart):

- (a) the location and name of the owner/occupier of each premises, the specific unit or area of the premises where exposure to asbestos is alleged to have occurred;

- (b) the manufacturer, description, model name and number, serial number, and location at the time of plaintiff/decendent's alleged exposure, of any and all equipment, including but not limited to Heavy Equipment, pumps, vessels, boilers, turbines, furnaces, tractors, engines, mobile or affixed equipment containing or utilizing asbestos or asbestos-containing products or component part(s) to which the plaintiff/decendent claims, or has claimed, exposure;
- (c) the identity of each Contractor that the plaintiff/decendent claims, or has claimed, caused them to be exposed to asbestos and for each Contractor, each act or omission of that Contractor that caused exposure, including the premises, location and date of each such claimed exposure;
- (d) each product, to include manufacturer, supplier or distributor and brand name (regardless of whether the manufacturer is a party), that the plaintiff/decendent claims, or has claimed, to have caused his/her asbestos exposure. The plaintiff must state if the name of the manufacturer is not known by the plaintiff;
- (e) a specific description of each alleged exposure, including the specific time period, the work or task being performed, the length of time in hours, days, or months, as appropriate, and the specific nature of the exposure alleged;
- (f) the plaintiff/decendent's employer and occupation or craft at the time of each exposure identified;
- (g) if any exposure in question is the result of ship-board exposure in the navy or otherwise, the work history must identify the name of any ship on which the plaintiff claims exposure occurred and, if known, the hull number, the owner/operator of the ship, the dates of service on the ship and any berths or yards where the ship was located when not at sea or in operation; and
- (h) whether any exposure in question is claimed to have occurred on United States government property, and if so, the complete name and location of the site, relevant dates of alleged exposure, and describe the nature of the exposure and the asbestos-containing products to which plaintiff was exposed at that time.

**ANSWER:**

**INTERROGATORY NO. 7:**

State the identity of each coworker or other product identification witness who can provide product identification information, the specific site or sites at which each coworker or product identification witness worked with the plaintiff, the specific units or areas in each site at which each coworker or product identification witness worked with the plaintiff, the dates that the coworker or witness worked at each site, and the products and manufacturer, supplier and distributor of the alleged asbestos-containing products, and any other products that allegedly

released asbestos in their use, that each coworker, or other product identification witness, can identify (listing the product(s) specific to each co-worker or product identification witness). [If the plaintiff/decedent alleges exposure through another person's job or occupation, please answer for that other person's job or occupation.]

**ANSWER:**

**INTERROGATORY NO. 8:**

Provide detailed information about the plaintiff/decedent's non-occupational history during which he or she may have been exposed to asbestos or asbestos-containing materials, including:

- (a) a description of the activity engaged in;
- (b) the location, including address, of such possible exposure;
- (c) the dates of all possible exposure; and
- (d) the identity of any persons who were present during such possible exposure.

**ANSWER:**

**INTERROGATORY NO. 9:**

With regard to any lawsuit filed or claim (including claims made through workers compensation or with the Veteran's Administration) made in any jurisdiction in which the plaintiff/decedent claimed a personal injury affecting his/her lungs (including but not limited to any asbestos-related, silica-related, mixed-dust related or welding-fume related condition), the plaintiff shall identify:

- (a) the identity of each entity against whom any such lawsuit was filed or against whom any claim was made;
- (b) the full style, including name, cause number and court, in which the lawsuit, if any, was filed, and identifying information such as claim number and dates of claim(s) for any claims made;
- (c) counsel, if any, that represented plaintiff/decedent in any such lawsuit(s) or claim(s);
- (d) the current status and result of any such lawsuit(s) or claim(s); and

- (c) the amount, if any, received in resolution or settlement of any such lawsuit(s) or claims(s) and from whom received.

[If the plaintiff/decendent alleges exposure through another person's job or occupation, please answer for that other person's job or occupation.]

**ANSWER:**

**INTERROGATORY NO. 10:**

With regard to any claim or settlement made or anticipated to be made with any entity or trust (including but not limited to claims made in conjunction with a bankruptcy proceeding such as those for Johns-Manville, UNARCO, and Celotex, and including any claims made to or through the Center for Claims Resolution) in which the plaintiff/decendent claimed or will claim a personal injury affecting his/her lungs (including but not limited to any asbestos-related, silica-related, mixed-dust related or welding-fume related condition), the plaintiff shall identify:

- (a) the full identity of the entity against whom such claim was or will be made;
- (b) the amount, if any, paid or agreed to be paid, in compensation for the claim of the plaintiff/decendent; and
- (c) the date such claim was made and current status (e.g., claim made and pending).

**ANSWER:**

**B. ADDITIONAL INTERROGATORIES FOR ALL CASES**

**ANSWER INTERROGATORIES NUMBERS 1-10, PLUS:**

**INTERROGATORY NO. 11.**

In all wrongful death or survival actions,

- (a) state the date and place of death;
- (b) state whether the decedent had a Last Will and Testament and whether any administration has been had on the decedent's estate;
- (c) if any administration of the estate or probate proceedings were initiated, state the name of the executor or administrator of the estate, the date the executor or administrator first qualified, and the title and location of each court that has granted letters, orders, or other authority to the executor or administrator;
- (d) the name, age, and address of each child and each heir of the decedent;
- (e) state whether an autopsy was performed on the decedent and if so, identify the person who performed the autopsy and the facility where the autopsy was performed; and
- (f) state the cause of death.

**ANSWER:**

**INTERROGATORY NO. 12.**

If the plaintiff/decedent is currently married, please state the spouse's name and address, the date of marriage and the name and address of the spouse's employer. With respect to any and all prior spouses, if any, state; as to each prior spouse:

- (a) name and date of marriage; and
- (b) whether that marriage was terminated by divorce, separation, annulment, or death, and the date of such termination.

**ANSWER:**



**INTERROGATORY NO. 13.**

State the present name, age, date of birth, and current address of each of the plaintiff/decedent's children, and of any person who in any way is financially dependent upon the plaintiff/decedent for support, including, but not limited to, parents, in-laws, relatives, or other people; for each such person, including children, state the extent to which such person is dependent upon the plaintiff/decedent for financial support or maintenance.

**ANSWER:**

**INTERROGATORY NO. 14.**

State the names and addresses of all schools that the plaintiff/decedent has attended, the dates the plaintiff/decedent attended those schools, whether they were public, private, military, trade schools, and/or special training institutions, and with respect to each describe the type of training received, the highest grade reached, and the degree or certificate obtained, if any.

**ANSWER:**

**INTERROGATORY NO. 15.**

If the plaintiff/decedent has ever been arrested, charged, or convicted of a felony or crime involving moral turpitude, state the date, location and nature of each criminal charge or conviction, including the case number and jurisdiction, and the result of each such arrest, charge, or conviction; and specifically identify any time period and location of incarceration.

**ANSWER:**

**INTERROGATORY NO. 16.**

If the plaintiff/decedent has ever served in any capacity in the military service, state the dates, rank, service number, and branch of service; MOS (Military Occupational Specialty) or equivalent; each location where the plaintiff/decedent was stationed; the plaintiff/decedent's duties at each location; the injuries, if any, received during service; the exposure, if any, to any chemicals, solvents, silica, asbestos, radioactive materials or biological or chemical weapons; date and type of discharge from each tour of duty or enlistment; and type of disability and pension the plaintiff/decedent has received or are receiving, if any. If military service included service upon vessels, provide ship names and dates of service on each vessel.

**ANSWER:**

**INTERROGATORY NO. 17.**

State the plaintiff/decendent's income and the source(s) of the plaintiff/decendent's income for each year of the last five years. If the plaintiff/decendent's spouse is employed or has been employed, state his or her income for each year of the last five years.

**ANSWER:**

**INTERROGATORY NO. 18.**

*Excluding any information already provided in response to Interrogatory No. 6, describe in detail the plaintiff/decendent's employment history, including:*

- (a) the name and address of each employer for whom the plaintiff/decendent worked;
- (b) the dates when the plaintiff/decendent worked for each employer;
- (c) the location, including each unit or area of each job site, and description of each job site where the plaintiff/decendent was employed and the dates when they worked at each such jobsite;
- (d) the plaintiff/decendent's job duties, craft and titles for each job site where they were employed; and
- (e) whether the plaintiff/decendent was exposed to any dusts, fumes or gases and if so, what dusts, fumes or gases the plaintiff/decendent was exposed to and at which job.

[If the plaintiff/decendent alleges exposure through another person's job or occupation, please answer for that other person's job or occupation.]

**ANSWER:**

**INTERROGATORY NO. 19.**

For each position that the plaintiff/decendent held or job that the plaintiff/decendent performed at the job sites listed in response to Interrogatory No. 6, provide the following information for every product, part, or equipment, that allegedly was a producing cause of any of the injuries or damages made the basis of this lawsuit. [If the plaintiff/decendent alleges exposure through another person's job or occupation, please answer for that other person's job or occupation.]

- (a) every location, unit or area in which the plaintiff/decendent worked with or around such product, and the inclusive dates during which the plaintiff/decendent worked in each location, unit or area;

- (b) the beginning and ending dates of each job during which the plaintiff/decendent contends the exposure occurred, the name and address of the plaintiff/decendent or the other person's employer on each job, and the plaintiff/decendent's or the other person's job title(s), classification(s), duties, and responsibilities on each job;
- (c) whether the product, part, or equipment was accompanied by a warning concerning dust or asbestos fibers, and, if so, the substance of the warning;
- (d) describe all training or information provided to the plaintiff/decendent (or the other person) by the plaintiff/decendent's (or the other person's) employer regarding the risks and hazards of working around asbestos, respiratory protection, or proper handling of hazardous substances;
- (e) whether the plaintiff/decendent was required to follow any safety procedures when working with and/or around the product, part, or equipment. If so, please identify these procedures and whether they followed these safety procedures;
- (f) the respiratory or protective equipment the plaintiff/decendent (or the other person) used, identifying each manufacturer and model number, who provided it to the plaintiff/decendent (or the other person) and whether use of the respiratory or protective equipment was mandatory;
- (g) if the premises were owned or occupied by a Premises Defendant, state all facts that support the plaintiff/decendent's contention that the Premises Defendant had actual knowledge of the danger posed by asbestos exposure, posed by the condition or activity on its premises that allegedly caused their injury;
- (h) a description of the ventilation system of each building, shop, or confined space in which the plaintiff/decendent worked with and/or around the product, part, or equipment; and
- (i) the percentage that the plaintiff/decendent contends should be allocated to each asbestos-containing product, part, or equipment for comparative fault.

**ANSWER:**

**INTERROGATORY NO. 20.**

For each co-worker or product identification witness identified in response in Interrogatory No. 7, fully identify any claim or lawsuit where such co-worker or product identification witness asserted or claimed his/her own asbestos-related illness or condition, and list all prior depositions of the co-worker or product identification witness, whether as a plaintiff or witness, in any case alleging asbestos exposure.

**ANSWER:**

**INTERROGATORY NO. 21.**

Has the plaintiff/decendent, or has anyone on the plaintiff/decendent's behalf, performed an investigation or research or reviewed data to identify asbestos-containing products or manufacturers which the plaintiff/decendent contends caused their asbestos related disease? If so, please provide the following:

- (a) an explanation of the specific research performed (i.e. internet, etc.);
- (b) a list of every document, photograph or other material retrieved as a result of the research;
- (c) a list of literature, trade publications or journals, medical literature or treatises, union publications and similar literature reviewed;
- (d) a list of photographs, slide-shows, videotapes, product lists, manufacturer lists and lists of suppliers or distributors reviewed; and
- (e) all other information reviewed or consulted in order to identify asbestos-containing products, part, or equipment, or manufacturers, suppliers and distributors of asbestos-containing products, parts, or equipment.

**ANSWER:**

**INTERROGATORY NO. 22.**

During the time for which the plaintiff/decendent alleges exposure, if the plaintiff/decendent was ever warned or given any information about hazards or potential hazards relating to asbestos by either a defendant, an employer for whom the plaintiff/decendent worked, a union of which the plaintiff/decendent were a member, or any other person or entity, please state the following:

- (a) each date that the plaintiff/decendent was provided with a warning or other information;
- (b) identify each person (name, position, and name of employer, union, or other entity with which the person was affiliated) who provided the plaintiff/decendent with the warning or other information;
- (c) whether the warning or other information was in writing;
- (d) the content of the warning or other information; and
- (e) what action the plaintiff/decendent took or refrained from taking as a result of the warning or other information.

**ANSWER:**

**INTERROGATORY NO. 23.**

Has the plaintiff/decedent (or the person through whom the plaintiff/decedent alleges exposure) ever worked with or around asbestos-containing materials that were manufactured, sold, produced, prepared, or distributed by any of the following entities? Please circle or mark each for which the answer is "yes."

- |   |                             |                       |
|---|-----------------------------|-----------------------|
| Johns-Manville Corporation                      | Raybestos-Manhattan         | Carey Canadian        |
| Quebec Asbestos Corporation                     | Asbestospray                | Chicago Firebrick Co. |
| National Gypsum Company                         | Turner & Newell             | Cassiar Mining        |
| AP Green Industries                             | AP Green Services           | Kaiser Aluminum       |
| Armstrong World Industries                      | Ferodo America, Inc.        | GAF Corporation       |
| Rutland Fire and Clay                           | Owens-Corning Fiberglas     | W.R. Grace            |
| A-Best Products                                 | Fibreboard Corp             | Flexitallic Gasket    |
| Asbestos Claims Management                      | Gardner Asphalt             | Nicolet               |
| Plibrico Company                                | TAF International,          | Eagle Picher          |
| TBA Industrial Products                         | United States Gypsum Co.    | Celotex               |
| Shook & Fletcher Insulation Co.                 | Pabco                       | H.K. Porter           |
| Combustion Engineering                          | Pittsburgh Corning          | Babcock & Wilcox      |
| Unarco  | Forty-Eight Insulations     | Keene/BEH             |
| North American Asbestos                         | Synkoloid; Burns & Roe      | J.T. Thorpe           |
| E.J. Bartells                                   | Baldwin Ehret Hill          | Keene Corporation     |
| Kentile Floors                                  | Philip Carey Company        | M.H. Detrick          |
| Hillsborough Holding                            | Brunswick Fabricators, Inc. | Pacor                 |
| Crown Cork & Seal Co., Inc.                     | Amatex                      | Proko Industries      |
| Rock Wool Manufacturing                         | Standard Insulation         | UNR Industries        |
| United States Mineral Products Co.              | Porter-Hayden Co.           | AC&S                  |
| Gasket Holdings, Inc., f/k/a Flexitallic        |                             |                       |
| NARCO/North American Refractory Co.             |                             |                       |
| Dresser Industries/Harbison-Walker Refractories |                             |                       |

**ANSWER:**

**INTERROGATORY NO. 24.**

If the plaintiff/decedent's answer to the preceding interrogatory is affirmative, provide the following information for each asbestos-containing product the plaintiff/decedent worked with or around that was manufactured, sold, produced, prepared, or distributed by any of the entities identified in the immediately preceding interrogatory:

- (a) the brand or trade name of the product and a detailed description of the product including its color, shape, size, texture and use;
- (b) the manufacturer, supplier, and/or distributor of the product;

- (c) a detailed description of the packaging for the product including the color, size, shape, and material used for the packaging, the substance of all statements on the packaging, and a description of the container for the product;
- (d) the date of each alleged exposure to each product;
- (e) the location of each alleged exposure;
- (f) a description of the circumstances of each alleged exposure(s);
- (g) the identities of all co-workers or witnesses present during each alleged exposure;
- (h) the identity of the plaintiff/decedent's supervisor(s) and all co-workers during each period the plaintiff/decedent was allegedly exposed to each asbestos-containing product;
- (i) the exact nature of the work the plaintiff/decedent was performing at the time of each alleged exposure;
- (j) the frequency with which the plaintiff/decedent worked with or handled each asbestos-containing product; and
- (k) the plaintiff/decedent's job title or description at the time of each alleged exposure.

**ANSWER:**

**INTERROGATORY NO. 25.**

Did the plaintiff/decedent ever participate in any safety meetings or conferences among co-workers, union representatives, union members, physicians, medical technicians, attorneys or other individuals regarding the potential exposure to asbestos or other occupational dust in the work place? If so, please provide the following:

- (a) the date, location, and purpose of the meeting;
- (b) the identity (name, address and phone number) of all individuals who conducted or were present at the meeting, including but not limited to attorneys, co-workers, physicians, x-ray technicians or other individuals performing health screening tests;
- (c) the substance of all conversations, representations or claims asserted during the meeting;
- (d) all data, documents, product lists, manufacturer lists and all other information provided unto participants and/or reviewed by participants;

- (e) all medical testing performed as a result of the meeting and the results thereof; and
- (f) whether or not the plaintiff/decendent believed they had been exposed to asbestos, prior to the discussions at this meeting, and if so, state the basis of their belief.

**ANSWER:**

**INTERROGATORY NO. 26.**

- (a) When, if ever, did the plaintiff/decendent first experience any problems with their respiratory health, lungs, or breathing?
- (b) Describe in layman's language what the plaintiff/decendent's physical complaints were at the time they first expericnced such problems.
- (c) If the physical complaints and symptoms of which the plaintiff/decendent now complains are different than those they first experienced, as described above, describe their present physical complaints and symptoms and state when they first had these complaints.
- (d) Please place a check mark by any of the illnesses, diseases, or injuries which the plaintiff/decendent has or had and, for each one checked, identify who advised them of the illness, disease, or injury, and the date they were so advised:

- |   |   |
|---|---|
| <input type="checkbox"/> Cancer of any type                           | <input type="checkbox"/> Silicosis                        |
| <input type="checkbox"/> Metal toxicity                               | <input type="checkbox"/> Chronic restrictive lung disease |
| <input type="checkbox"/> Histoplasmosis                               | <input type="checkbox"/> Black lung                       |
| <input type="checkbox"/> Chronic obstructive pulmonary disease (COPD) | <input type="checkbox"/> Emphysema                        |
| <input type="checkbox"/> Asbestosis                                   | <input type="checkbox"/> Pneumonia                        |
| <input type="checkbox"/> Mesothelioma                                 | <input type="checkbox"/> Pneumoconiosis                   |
| <input type="checkbox"/> Tuberculosis                                 | <input type="checkbox"/> Asthma                           |
| <input type="checkbox"/> Sarcoidosis                                  | <input type="checkbox"/> Pleurisy                         |
| <input type="checkbox"/> Other lung condition (please identify)       |   |

- (e) Identify each physician or medical provider who has attended the plaintiff/decendent for lung or breathing problems, and with respect to each physician, state:
  - (1) the date(s) the physician was seen by the plaintiff/decendent;
  - (2) the complaints made to the physician;
  - (3) the type of examination and/or treatment received by the plaintiff/decendent from the physician;

- (4) whether any chest x-ray, MRI, CT scan, HRCT scan, biopsy, lung resection, spirometry and/or pulmonary function test was taken or performed; and
- (5) the final diagnosis made by the physician.
- (f) If the plaintiff/decedent has ever been examined through a company or union screening program for lung or respiratory disease, give the dates, place, and details of such examination, and the name of the company, law firm, or union sponsoring the program.
- (g) State the date on which the plaintiff/decedent was first diagnosed with an asbestos-related disease or injury, and identify who made such diagnosis.

**ANSWER:**

**INTERROGATORY NO. 27.**

With regard to any employment referenced in answers to Interrogatories Nos. 6 or 18, state whether the plaintiff/decedent (or the exposed person) was warned in any way about hazards or health risks regarding exposure to asbestos, specifically, the name and address of employer, the date or dates on which such warning was given, the general nature of the warning given, and if any documents or materials were given to the employee by the employer, identify such documents.

**ANSWER:**

**INTERROGATORY NO. 28.**

If the plaintiff/decedent have any family history of cancer, state the name of the family member(s) diagnosed as having cancer, the family member's age when diagnosed, the family member's relation to the plaintiff/decedent, the type(s) of cancer diagnosed, and if the family member is now deceased, the date, location, and cause of the family member's death.

**ANSWER:**

**INTERROGATORY NO. 29.**

Please state whether the plaintiff/decedent was a recipient of the polio vaccine administered in the late 1950's and 1960's. If the answer is in the affirmative, please state:

- (a) the approximate date(s) of the vaccination;



- (b) the geographic location where the vaccine was administered; and
- (c) the identity of the healthcare provider or facility administering the vaccine(s).

**ANSWER:**

**INTERROGATORY NO. 30.**

If the plaintiff/decedent has been treated for alcohol or drug use or abuse, state the type of treatment received, the inclusive dates during which they received this treatment, and the name and address of each medical practitioner who provided this treatment.

**ANSWER:**

**INTERROGATORY NO. 31.**

- (a) How and under what circumstances did the plaintiff/decedent first learn that asbestos could be harmful to his/her health?
- (b) When did the plaintiff/decedent first believe that the lung problems or breathing problems of which he/she complains might have been related to asbestos-containing products, parts, or equipment?
- (c) When was the plaintiff/decedent first told, and by whom, that any lung problems or breathing problems of which he/she complains might have been related to asbestos-containing products, parts, or equipment?

**ANSWER:**

**INTERROGATORY NO. 32.**

If the plaintiff/decedent has entered into any settlement agreement, or if a named defendant or any third party has agreed to make payment to the plaintiff/decedent for his/her asbestos-related condition, please state:

- (a) the full name of the party or person with whom the plaintiff/decedent entered into an agreement;
- (b) the date of the agreement; and
- (c) the amount of money each person or party has paid or agreed to pay.

**ANSWER:**

**INTERROGATORY NO. 33.**

Please list all medical expenses, if any, incurred as a result of the plaintiff/decendent alleged exposure to asbestos-containing products and the approximate date such expenses were incurred. "Medical expenses" includes, but is not limited to, all charges for care, treatment or diagnosis by a physician, nurse, or other health care specialist; all hospital costs, charges, and expenses; and all medication expenses.

**ANSWER:**

**INTERROGATORY NO. 34.**

If the plaintiff/decendent is making a claim for lost wages or lost earning capacity, either past or future, as a result of their alleged exposure to asbestos-containing products, please identify the factual basis for such a claim and the monetary amount claimed by the plaintiff/decendent to have been lost in the past or which they estimate will be lost in the future.

**ANSWER:**

**INTERROGATORY NO. 35.**

State when (including the month, date and year) the plaintiff/decendent first contacted an attorney for the purpose of obtaining professional legal services regarding their alleged asbestos exposure, and the date of any agreement with a lawyer to provide the plaintiff/decendent with professional legal services regarding the same.

**ANSWER:**

**INTERROGATORY NO. 36.**

Please identify each consulting expert whose mental impressions and opinions have been reviewed by a testifying expert. Tex. R. Civ. P. 192.3(e).

**ANSWER:**

**INTERROGATORY NO. 37.**

If the plaintiff/decendent are making a claim of punitive damages against any defendant, please state:

- (a) the basis upon which the plaintiff/decendent contends they are entitled to punitive damages against each Defendant against whom they assert such a claim;

- (b) each and every fact, opinion or other evidence upon which the plaintiff/decendent intends to rely at trial in support of their claim, as against each such Defendant;
- (c) each and every document upon which the plaintiff/decendent intends to rely to prove that they are entitled to punitive damages against each such Defendant;
- (d) each person upon whose testimony the plaintiff/decendent intend to rely to prove that they are entitled to punitive damages against each such Defendant;
- (e) each deposition or transcribed piece of testimony, by case name, number, date and page number, upon which the plaintiff/decendent will rely in support of their allegation of punitive damages against each such Defendant; and
- (f) each and every medical or technical treatise, report, article, journal, book or other such publication or document upon which the plaintiff/decendent will rely in support of their claim for punitive damages against each such Defendant.

**ANSWER:**

**INTERROGATORY NO. 38:**

For each dust mask, respirator and other respiratory protection product the plaintiff/decendent used when exposed to asbestos, state:

- (a) the name of the manufacturer and the name and model number of the product;
- (b) the basis for the plaintiff/decendent belief that the manufacturer they named actually manufactured the product;
- (c) the most complete description of the product that the plaintiff/decendent can give;
- (d) the quantity of time the plaintiff/decendent used such product in areas where they contend asbestos dust was in the air (being as specific and complete as they can);
- (e) the tasks the plaintiff/decendent performed while using such product in areas where they contend asbestos dust was in the air;
- (f) the reasons the plaintiff/decendent contends asbestos dust was in the air in areas where they performed the tasks identified above; and
- (g) the names, addresses and telephone numbers of all individuals who worked with or around the plaintiff/decendent at each job site during the time period they used such product when exposed to asbestos.

**ANSWER:**

**INTERROGATORY NO. 39.**

For each dust mask, respirator and other respiratory protection product the plaintiff/decendent used to attempt to reduce exposure to any substance other than asbestos, state:

- (a) the name of the manufacturer and the name and model number of the product;
- (b) the basis for the plaintiff/decendent's belief that the manufacturer they named actually manufactured the product;
- (c) the most complete description of the product that the plaintiff/decendent can give;
- (d) the substances to which the plaintiff/decendent attempted to reduce exposure;
- (e) the name and address of each job site where the plaintiff/decendent used the product during such exposure and the dates of such use at each job site;
- (f) the quantity of time the plaintiff/decendent used the product in areas where they believe such substances were present (being as specific and complete as they can, and answering separately for each substance); and
- (g) the tasks the plaintiff/decendent performed while using the product in areas where they believe such substances were present (answer separately for each substance).

**ANSWER:**

**INTERROGATORY NO. 40.**

Identify all documents and tangible things (including but not limited to sales literature, promotional materials, training materials, posters, instructions, warnings, warranties, limitations of liability, written representations, advertisements, and printed packaging) ever seen by the plaintiff/decendent that reference or concern any dust mask, respirator or other respiratory protection product used by them.

**ANSWER:**

**INTERROGATORY NO. 41.**

Describe in as much detail as the plaintiff/decendent can, the substance of all training, information and representations they received concerning the use or limitations of any dust mask, respirator or other respiratory protection product used by them, and state the name, address and telephone number of each person who provided any of such training, information or representations to them.

**ANSWER:**

**INTERROGATORY NO. 42.**

Identify all documents and tangible things the plaintiff/decendent has seen to refresh their memory regarding the description or identification of any dust mask, respirator or other respiratory protection product ever used by them, or regarding the description or identification of the packaging for any such product.

**ANSWER:**

**INTERROGATORY NO. 43.**

Please provide the following information for each Retailer product that the plaintiff/decendent claims caused or contributed to cause their injuries.

- (a) Identify the type of product, including manufacturer and brand name.
- (b) Identify who purchased the product and when and the location where was it purchased.
- (c) State specifically how the plaintiff/decendent was exposed to dust created by the product. If the plaintiff/decendent worked with the product, provide a detailed description of what work they did; where and when they did the work; how long it took; how this work created dust; and what tools they used to manipulate, install or remove the product, if any. If the plaintiff/decendent is making a bystander claim, please describe in detail when and where they were around the product; identify who was working with the product; their proximity to the product; how the product was being used; how long they were around the product; how this work created dust; and, what tools were used to manipulate, install or remove the product, if any.
- (d) Identify the plaintiff/decendent's employer and supervisor at the time they performed or were around the work described in subsection (c) above.
- (e) Identify the plaintiff/decendent's supervisors and co-workers at the time they performed or were around the work described in subsection (c) or (d), above.
- (g) State whether the plaintiff/decendent believes the product contained asbestos, then give all reasons for such belief.

**ANSWER:**

**INTERROGATORY NO. 44.**

Please provide the name, address, and telephone number of any person that the plaintiff/decedent expects to call to testify at trial that:

- (a) a product sold by Retailer proximately caused their injuries;
- (b) Retailer's conduct with regard to the plaintiff/decedent violated any standard of care (i.e, that Retailer was negligent or grossly negligent, as alleged in the petition);
- (c) Retailer knew or should have known that the specific products identified in answer to Interrogatory No. 43 were unreasonably dangerous;
- (d) Retailer engaged in a conspiracy to harm the plaintiff/decedent;
- (e) Retailer failed to develop or utilize substitutes for asbestos; and
- (f) Retailer failed to properly test its products before releasing them for consumer use.

**ANSWER:**

**INTERROGATORY NO. 45.**

If the plaintiff/decedent was exposed to asbestos-containing products or equipment allegedly as a result of a Contractor engaging in the supply, engineering, distribution, application, installation, removal, manipulation or other construction-related activity involving asbestos-containing products:

- (a) identify the full name of the contractor(s) that were engaging in this type of work;
- (b) describe the type of work the contractor(s) were engaged in (e.g., new construction, renovation or maintenance);
- (c) the location and name of the premise or plant where the exposure occurred;
- (d) the specific date and time period that such exposure occurred;
- (e) state the type of products and equipment that the plaintiff/decedent claims the contractor(s) were using, including:
  - (1) the brand or trade name of the product or equipment;
  - (2) the manufacturer, designer, fabricator; and/or seller of the product or equipment;

- (3) a general description of the product and equipment; and
  - (4) how the plaintiff/decendent claims that they were exposed to asbestos in or on the product or equipment; and
  - (5) the frequency with which the plaintiff/decendent alleges the contractor(s) exposed them to the asbestos containing products or equipment.
- (f) list the names, addresses and phone numbers of any employees of the contractor(s) listed in subpart (a) that the plaintiff/decendent worked with or around; and
  - (g) list the names, addresses and phone numbers of persons with knowledge of the plaintiff/decendent's exposure to asbestos as a result of the work any contractor listed in subpart (a) to this interrogatory.

**ANSWER:**

**INTERROGATORY NO. 46.**

If the plaintiff/decendent alleges direct, bystander or household exposure to asbestos or asbestos-containing products, or component parts as a result of contact with or use of any equipment including but not limited to, pumps, vessels, turbines, boilers, furnaces, heat exchangers, tractors, Heavy Equipment, engines or any other mobile or affixed equipment, for each piece of equipment, state the following:

- (a) the name of the owner of the equipment;
- (b) the name of the operator of the equipment;
- (c) the manufacturer of the equipment;
- (d) the model name, model number, year, serial number, and description of the equipment;
- (e) when the equipment was installed or placed in service, if known;
- (f) the specific location of the equipment when the alleged exposure(s) occurred (e.g., contractor's shop, basement, field, employer's shop, etc.);
- (g) the specific work or task causing your alleged exposure to asbestos fibers from the equipment, the dates of exposure(s) and the frequency and duration of the exposure(s), in terms of hours, days, months, as appropriate;

- (h) the component part(s) of the equipment to which plaintiff/decendent is alleging exposure to asbestos fibers, and specifically whether the part(s) were original or replacements, or if that is unknown, so state;
- (i) the manufacturer and supplier of the asbestos-containing component part(s) of the equipment to which plaintiff/decendent is alleging exposure to asbestos fibers;
- (j) the job title and responsibilities of plaintiff/decendent, or the person through whom they are alleging exposure, at the time plaintiff/decendent alleges exposure to asbestos fibers from the equipment; and
- (k) the manner or application in which the equipment was being used at the time of plaintiff/decendent's alleged exposure.

**ANSWER:**

**INTERROGATORY NO. 47.**

Please state the name and address of each person who participated in the preparation of these answers to interrogatories or who furnished any information used in the preparation of these answers to interrogatories.

**ANSWER:**



**REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS**

**A. “FAST-TRACK” REQUESTS TO BE ANSWERED AT LEAST SEVEN (7) DAYS BEFORE EXIGENT PLAINTIFF DEPOSITIONS (Pursuant to Section III.A.1(c) of the Case Management Order)**

**REQUEST NO. 1:**

To the extent available, using extreme diligence, detailed Social Security earnings records, as supplied by the Social Security Administration, with any annotations concerning exposure the plaintiff or plaintiff’s counsel chooses to make on the report.

**RESPONSE:**

**REQUEST NO. 2:**

To the extent available, using extreme diligence, all medical records and diagnosing letters or reports, relating to the claimed asbestos-related condition regardless of when received, and medical records relating to any prior medical treatment received by the plaintiff during the past five years.

**RESPONSE:**

**REQUEST NO. 3:**

To the extent available, using extreme diligence, any original biological samples, tissue, paraffin blocks, slides, electron micrographs, and chest x-rays from examining and/or treating physicians, hospitals, clinics or other health care providers, to the extent they are relevant to the claims asserted.

**RESPONSE:**

**REQUEST NO. 4:**

With respect to any plaintiff/decedent asserting a claim of cancer or other malignancy, if no pathological materials are readily available from medical providers, (as referenced in Request 3 above), an agreement stating that any pathological materials may be obtained for independent evaluation at the election of the defendants. The plaintiff must notify the defendants of any procedure that may result in the collection of pathology or other diagnostic materials and any testing done by the plaintiff or plaintiff’s experts. Nothing in this order precludes multiple defendants from obtaining and testing the plaintiff’s pathology or obtaining the plaintiff’s other medical evidence or materials.

**RESPONSE:**

**REQUEST NO. 5:**

Payroll and employment records relating to employment identified in the plaintiff's work history to present time; including military service records.

**RESPONSE:**

**REQUEST NO. 6:**

Income tax returns for the preceding five (5) years.

**RESPONSE:**

**REQUEST NO. 7:**

Veteran's Administration records and all military and ship service records.

**RESPONSE:**

**REQUEST NO. 8:**

Any reports or letters from any physician, medical provider, or any expert concerning the plaintiff or his medical condition.

**RESPONSE:**

**REQUEST NO. 9:**

Signed authorizations, including authorizations in compliance with the Health Insurance Portability and Accountability Act ("HIPAA"), to enable the defendants to reasonably obtain other discoverable records. (A complete set to be attached to these requests.)

**RESPONSE:**

**REQUEST NO. 10:**

All documents, including but not limited to, sales receipts, product lists, contracts, naval records, specifications, product labels, invoices, purchase orders, work orders, receipts, catalogues, photographs, videotapes, product packaging and brochures that evidence the plaintiff/decendent's exposure to asbestos or

relate to the products, work, or work sites described in their answers to interrogatories.

**RESPONSE:**

**B. REQUEST FOR PRODUCTION FOR ALL CASES**

**RESPOND TO REQUESTS FOR PRODUCTION NUMBERS 1-10, PLUS:**

**REQUEST NO. 11:**

With respect to death claims, provide:

- (a) the death certificate(s);
- (b) the report of autopsy (including private autopsy), if any, and autopsy photos;
- (c) letters testamentary; and
- (d) application and court orders from each jurisdiction where a representative has requested appointment, and documents showing the appointment of a representative of the estate.

**RESPONSE:**

**REQUEST NO. 12.**

A copy of the current resume and bibliography of each expert retained on the plaintiff/decendent's behalf in this lawsuit.

**RESPONSE:**

**REQUEST NO. 13.**

All documents that have been provided to, reviewed by, or prepared by or for a consulting expert in anticipation of the testimony of an expert retained on the plaintiff/decendent's behalf in this lawsuit.

**RESPONSE:**

**REQUEST NO. 14.**

All statements, invoices and other billing records that evidence or relate to any fees and expenses charged by any expert retained on the plaintiff/decendent's behalf for time spent, or services rendered, in this lawsuit.

**RESPONSE:**

**REQUEST NO. 15.**

The complete file of each consulting expert whose mental impressions or opinions have been reviewed by a testifying expert.

**RESPONSE:**

**REQUEST NO. 16.**

A copy of any written report and resume or curriculum vitae for each expert witness whom the plaintiff/decedent intends to call at the trial of this matter, as against each Defendant.

**RESPONSE:**

**REQUEST NO. 17.**

All photographs, films, movies, or video recordings that depict or purport to depict anything relevant to any of the matters at issue in this case, including any of the matters alleged in the plaintiff/decedent's complaint or petition.

**RESPONSE:**

**REQUEST NO. 18.**

A verbatim copy of every statement in the plaintiff/decedent's possession, custody or control made by the plaintiff/decedent and/or any individual identified in their answer to Request for Disclosure 194.2(e) or 194.2(1). This request includes written statements and recorded statements (both audio and video), and all witness statements (as described in Rule 192.3(h) of the Texas Rules of Civil Procedure) and affidavits given or made by the plaintiff/decedent in any lawsuit involving any allegations of asbestos exposure or asbestos-related injury or disease, regardless of whether they were a party or were giving or making the statements or affidavits as a nonparty witness.

**RESPONSE:**

**REQUEST NO. 19.**

All documents evidencing or supporting the plaintiff/decedent's contention that the plaintiff/decedent, or, if they are making a household-exposure claim, the person through whom they contend they were exposed to asbestos, was exposed to each asbestos-containing product to which the plaintiff/decedent alleges exposure.

**RESPONSE:**

**REQUEST NO. 20.**

Full, complete and legible color copies, (if available) of any and all photographs, advertisements or other depictions in the possession, custody or control of the plaintiff/decendent or their attorney , depicting either the packaging of any alleged asbestos-containing product to which they claim exposure, and any other product that allegedly caused plaintiff/decendent's exposure to asbestos, or the actual product itself.

**RESPONSE:**

**REQUEST NO. 21.**

Copies of any photographs, videotapes or films depicting any of the sites at which the plaintiff/decendent was allegedly exposed to asbestos-containing products or otherwise supporting the plaintiff/decendent's claimed exposure to asbestos-containing products and any other products that allegedly caused plaintiff/decedents' exposure to asbestos.

**RESPONSE:**

**REQUEST NO. 22.**

All documents (including, but not limited to, log books, notes, calendars, diaries, or like materials) prepared or kept by the plaintiff/decendent and all documents in the nature of memoranda, notes, or recordings of statements made by the plaintiff/decendent in connection with (a) any work history or list of job sites; (b) any exposure to asbestos or to asbestos-containing materials; (c) any conduct of the Defendants with respect to asbestos or asbestos-containing products; (d) any asbestos-related injury, disease, or treatment (including mesothelioma); or (e) any elements of actual damages resulting from the plaintiff/decendent's claimed asbestos-related injury.

**RESPONSE:**

**REQUEST NO. 23.**

All documents that the plaintiff/decendent may seek to introduce into evidence at trial.

**RESPONSE:**

**REQUEST NO. 24.**

All documents that support the contention that the plaintiff/decendent lost wages or incurred lost earning capacity as a result of the matters alleged in the petition in this case.

**RESPONSE:**

**REQUEST NO. 25.**

All documents containing, depicting, describing, evidencing, or relating to any warnings, cautions, protections, instructions, rules, procedures, or guidelines relating to asbestos or dust and provided to the plaintiff/decendent during their working career by any employer, union, general contractor, premises owner or occupier, or other person or entity.

**RESPONSE:**

**REQUEST NO. 26.**

Copies of all Petitions, Complaints, and other pleadings (including all amended and supplemental petitions, complaints, and pleadings) and all interrogatory and other discovery responses (including all amended and supplemented responses) served or filed, or authorized to be served or filed, by the plaintiff/decendent or on their behalf in any court or administrative agency, in any lawsuit or proceeding in which he/she alleges that he/she suffered from any exposure to asbestos, or any other occupational dust, gases, or chemicals. [If the plaintiff/decendent alleges exposure through another person's job or occupation, please answer for that other person's job or occupation.]

**RESPONSE:**

**REQUEST NO. 27.**

All transcripts and videotapes of any prior deposition, trial, or other sworn testimony in any lawsuit, proceeding, or claim involving or relating to asbestos, given by the plaintiff/decendent or by any person identified by them in this lawsuit as being a person with knowledge of relevant facts.

**RESPONSE:**

**REQUEST NO. 28.**

Copies of all documents, photographs, videotapes, slide-show presentations, data compilation, product lists, manufacturer lists, or any other information reviewed, shown to or

used to refresh the plaintiff/decendent's recollection for the purpose of identifying products to which they were allegedly exposed or they allegedly used or to identify companies to name as defendants in this lawsuit.

**RESPONSE:**

**REQUEST NO. 29.**

All documents that describe, depict or reference any dust mask, respirator, or other respiratory protection product ever used by the plaintiff/decendent, including any dust mask, respirator, or other respiratory protection in their possession from the time they allege exposure to asbestos.

**RESPONSE:**

**REQUEST NO. 30.**

All sales literature, promotional materials, training materials, posters, instructions, warnings, warranties, limitations of liability, written representations, advertisements, printed packaging and other documents and tangible things ever seen by the plaintiff/decendent that reference or concern any dust mask, respirator or other respiratory protection product used by them.

**RESPONSE:**

**REQUEST NO. 31.**

All documents used or referenced in connection with any training, information or representation the plaintiff/decendent received concerning the use or limitations of any dust mask, respirator or other respiratory protection product used by them.

**RESPONSE:**

**REQUEST NO. 32.**

All documents that describe, depict, reference or contain any respiratory protection program (or any portion of a respiratory protection program) established or used by any employers or job site owners while the plaintiff/decendent worked at any job site.

**RESPONSE:**



**REQUEST NO. 33.**

All documents that describe, depict, reference or contain any training or experience the plaintiff/decedent had regarding checking and testing the fit of any dust mask, respirator or other respiratory protection product.

**RESPONSE:**

**REQUEST NO. 34.**

All documents evidencing or supporting the plaintiff/decedent's contention that the plaintiff/decedent was, or if they are making a household-exposure claim, the person through whom they contend they were exposed to asbestos, was exposed to asbestos by any Contractor or Contractor Defendant or on any premises or job site.

**RESPONSE:**

**REQUEST NO. 35.**

All documents depicting, describing, evidencing, or reflecting the identity of each asbestos-containing product or material to which the plaintiff/decedent contends they were, or, if they are making a household-exposure claim, the person through whom they contend they were, exposed to asbestos by any Contractor or Contractor Defendant or on any premises or job site.

**RESPONSE:**

**REQUEST NO. 36.**

All documents evidencing, confirming, or reflecting the plaintiff/decedent's presence, or, if making a household-exposure claim, the presence of the person through whom they contend they were exposed, on the premises of any Premises Defendant or their employment by any Contractor or Contractor Defendant that they contend they worked for on the premises of any Premises Defendant.

**RESPONSE:**

**REQUEST NO. 37.**

All documents evidencing, reflecting, showing results of, or otherwise relating to any air monitoring, sampling, or testing for the presence or level of asbestos fibers or dust in general on any premises on which the plaintiff/decedent contends they were, or if they are making a household-exposure claim, the person through whom they contend they were, exposed to

asbestos. This request necessarily includes any documents evidencing any violations of any standards or regulations related to permissible levels of asbestos.

**RESPONSE:**

**REQUEST NO. 38.**

All documents showing or indicating each location and use of asbestos or asbestos-containing products or materials that the plaintiff/decendent contends they were exposed to, or, if they are making a household-exposure claim, the person through whom they contend they were exposed to asbestos and each location and use of asbestos or asbestos-containing that they were exposed to through them.

**RESPONSE:**

**REQUEST NO. 39.**

Please produce all documents that any witness identified in the plaintiff/decendent's answer to Interrogatory No. 7 reviewed or relied upon in forming his/her opinion that: a product sold by Retailer proximately caused the plaintiff/decendent's injuries; Retailer's conduct with regard to the plaintiff/decendent violated any standard of care (i.e., that Retailer was negligent or grossly negligent, as alleged in the plaintiff/decendent's petition); and/or Retailer failed to properly test its products before releasing them for consumer use.

**RESPONSE:**

**REQUEST NO. 40.**

Any and all construction contracts for any work performed by any Contractor Defendant at any facility, premises or plant where the plaintiff/decendent worked with or around any Contractor Defendant.

**RESPONSE:**

**REQUEST NO. 41.**

Any and all documents that pertain to a Contractor Defendant using, disturbing, installing or removing asbestos-containing products or equipment or asbestos on any job site where the plaintiff/decendent claims exposure to asbestos.

**RESPONSE:**

**REQUEST NO. 42.**

All documents that the plaintiff/decendent contends show or tend to show that any Premises Defendant or any Contractor Defendant knew, or in the exercise of reasonable care should have known, at or prior to the time that the plaintiff/decendent, or, if they are making a household-exposure claim, the person through whom they contend they were exposed, were on any Premises Defendant's premises or in the presence of any Contractor Defendants, that any condition or activity on the premises involving asbestos or asbestos-containing products or materials presented an unreasonable risk of harm to the plaintiff/decendent, or , if they are making a household-exposure claim, to the person through whom they contend they were, exposed to asbestos or to persons similarly situated.

**RESPONSE:**

**REQUEST NO. 43.**

All documents relating to asbestos or dust, or to protections or precautions against asbestos or dust, that the plaintiff/decendent has every received from any source, including but not limited to newspaper articles, magazine or other periodical articles, union records or publications, correspondence, newsletters, pamphlets, instructions, advertisements, screening announcements, and notices.

**RESPONSE:**

**REQUEST NO. 44.**

All union cards or other membership documents showing that the plaintiff/decendent is or was a member of any union.

**RESPONSE:**

**REQUEST NO. 45.**

All documents constituting, reflecting, memorializing, evidencing, or relating to settlement agreements, contracts, deals, or any other type of agreement or understanding (whether or not reduced to final form and whether or not fully performed, paid, or satisfied) which the plaintiff/decendent has entered into, or agreed to enter into, with any person or company or other entity, to compromise, settle, release, or otherwise resolve any claim or potential claim (including any lawsuit, other legal proceeding, worker's compensation claim, or other claim) relating to any injury or disease that the plaintiff/decendent has suffered, claimed to suffer, or might suffer in the future.

**RESPONSE:**

**REQUEST NO. 46.**

With respect to any lawsuit, claim, or settlement made or anticipated (including but not limited to a claim made to a settlement trust in conjunction with a bankruptcy proceeding such as those for Johns Manville, UNARCO, and Celotex) regarding the plaintiff/decendent's alleged asbestos related disease,

- (a) copies of the plaintiff/decendent's responses to written discovery;
- (b) reports of the diagnosing physician (including test results and other documents on which the diagnosis identified in the report is based), and independent medical examination reports (including test results and other documents identified in the report);
- (c) transcripts of the plaintiff/decendent's depositions and the depositions of any of their coworkers;
- (d) copies of any affidavit, statement, claim form, or any document submitted to "prove up" or confirm exposure for purposes of obtaining payment or a promise to pay consideration in resolution of such claim.

**RESPONSE:**

**REQUEST NO. 47.**

All documents pertaining to, confirming, or reflecting the plaintiff/decendent presence (or, if the plaintiff/decendent is making a household-exposure claim, the presence of the person through whom they contend they were exposed to asbestos) and the presence of any Contractor or Contractor Defendant, at any location or premises at which they contend they worked (or, if they are making a household-exposure claim, the person through whom they contend they were exposed to asbestos worked) and were exposed to asbestos.

**RESPONSE:**

**REQUEST NO. 48.**

All documents regarding specifications, manufacturer's recommendations, directions, or manuals, including but not limited to, any documents relating to or describing the use or inclusion of asbestos or any asbestos-containing product or component part, for each piece of machinery, Heavy Equipment, engine or other equipment or any part of such machinery or equipment, that is alleged to be the source of plaintiff/decendent's claimed asbestos exposure.

**RESPONSE:**

**REQUEST NO. 49.**

All documents, including but not limited to studies and reports, describing, or relating to, levels of exposure to asbestos fibers resulting from the operation of or work on, with or around equipment, including but not limited to, pumps, vessels, turbines, boilers, furnaces, heat exchangers, tractors, Heavy Equipment, engines or any other mobile or affixed equipment.

**RESPONSE:**

**REQUEST NO. 50.**

Please complete and sign all authorization forms attached hereto as Exhibits A through J.

- Exhibit A - Medical Authorization (HIPAA)
- Exhibit B - Request for Social Security Earnings Information
- Exhibit C - Authorization for Release of Social Security Records
- Exhibit D - Payroll and Personnel Records Authorization
- Exhibit E - VA Authorization
- Exhibit F - Military Records Authorization
- Exhibit G - Authorization for Workers Compensation Commission Records
- Exhibit H - Two Authorizations to Obtain Income Tax Records
- Exhibit I - Authorization to obtain documents Trust related to Claims
- Exhibit J - Union Records

**RESPONSE:**

**DEFENDANTS' MASTER REQUEST FOR DISCLOSURE FOR ALL CASES**

Pursuant to Texas Rule of Civil Procedure 194, Defendants request that Plaintiff disclose all of the information and material described in Rule 194.2 (a) – (l) of the Texas Rules of Civil Procedure.

**REQUEST NO. 194.2(a):**

The correct names of the parties to the lawsuit.

**REQUEST NO. 194.2(b):**

The name, address, and telephone number of any potential parties.

**REQUEST NO. 194.2(c):**

The legal theories and, in general, the factual bases of the responding party's claims or defenses (the responding party need not marshal all evidence that may be offered at trial).

**REQUEST NO. 194.2(d):**

The amount and any method of calculating economic damages.

**REQUEST NO. 194.2(e):**

The name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case.

**REQUEST NO. 194.2(f):**

For any testifying expert:

- (1) the expert's name, address, and telephone number;
- (2) the subject matter on which the expert will testify;
- (3) the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise, subject to the control of the responding party, documents reflecting such information;
- (4) if the expert is retained by, employed by, or otherwise subject to the control of the responding party:

- (A) all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
- (B) the expert's current resume and bibliography.

**REQUEST NO. 194.2(g):**

Any indemnity and insuring agreements described in Rule 192.3(f).

**REQUEST NO. 194.2(h):**

Any settlement agreements described in Rule 192.3(g).

**REQUEST NO. 194.2(i):**

Any witness statements described in Rule 192.3(h).

**REQUEST NO. 194.2(j):**

In a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills.

**REQUEST NO. 194.2(k):**

In a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party.

**REQUEST NO. 194.2(l):**

The name, address, and telephone number of any person who may be designated as a responsible third party.

**AUTHORIZATION TO RELEASE PROTECTED HEALTH INFORMATION**

Patient Name: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Social Security Number \_\_\_\_\_

- 1. I authorize the use or disclosure of the above named individual's health information as described below.
- 2. The following individual or organization is authorized to make the disclosure:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

to disclose records obtained in the course of my evaluation and/or treatment from date \_\_\_\_\_ to date \_\_\_\_\_

3. The type and amount of information to be used or disclosed is as follows: (include dates where appropriate)

- |   |   |
|---|---|
| <input type="checkbox"/> Abstract/Pertinent Information       | <input type="checkbox"/> Emergency Room   |
| <input type="checkbox"/> Lab                                  | <input type="checkbox"/> x-ray and imaging reports  |
| <input type="checkbox"/> Treatment Plans                      | <input type="checkbox"/> consultation reports   |
| <input type="checkbox"/> Discharge Plans                      | <input type="checkbox"/> billing records  |
| <input type="checkbox"/> Progress Notes                       | <input type="checkbox"/> entire record <b>INCLUDING- HIV Testing &amp; Chemical Dependency.</b> |
| <input type="checkbox"/> treatment order(s)                   | <input type="checkbox"/> Other: _____   |
| <input type="checkbox"/> Psychological/Psychiatric Evaluation | <input type="checkbox"/> Other: _____   |
| <input type="checkbox"/> most recent discharge summary        | <input type="checkbox"/> Other: _____   |

4. Name/Address of person/ organization to which disclosure is to be made:

To: \_\_\_\_\_  
 Address \_\_\_\_\_  
 City, State, Zip \_\_\_\_\_

5. I understand that the information authorized for release may indicate the presence of a communicable or venereal disease which may include, but is not limited to diseases such as hepatitis, syphilis, gonorrhea or the Human Immunodeficiency Virus (HIV), also know as Acquired Immune Deficiency Syndrome (AIDS). I hereby authorize the above-named health care provider to disclose records obtained in the course of my evaluation and/or treatment, and to send them by U.S. mail service and/or electronic facsimile to: \_\_\_\_\_

For the following purpose: \_\_\_\_\_

6. I understand that I have a right to revoke this authorization at any time. I understand that if I revoke this authorization I must do so in writing and present my written revocation to the medical records department practitioner. I understand that the revocation will not apply to information that has already been released in response to this authorization. Unless otherwise revoked, this authorization will commence on the date indicated below and will expire on the following date, event, or condition: \_\_\_\_\_. If I fail to specify an expiration date, event or condition, this authorization will expire in one year.

For Official Governmental Use Only - Do Not Disseminate to the Public: 5371451 - Page 56 of 156



7. I understand that authorizing the disclosure of this health information is voluntary. I understand that my healthcare and the payment of my healthcare will not be affected if I refuse to sign this authorization. I understand that I may inspect or copy the information to be used or disclosed. I understand that any disclosure of information carries with it the potential for an unauthorized redisclosure and the information may not be protected by federal confidentiality rules. If I have questions about disclosure of my health information, I can contact this facility's privacy officer.

\_\_\_\_\_  
Signature of Patient or Legal Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
If Signed by Legal Representative, Relationship to Patient

**\*\*A PHOTOSTATIC COPY OF THIS RELEASE SHALL BE CONSIDERED AS VALID AS THE ORIGINAL\*\***

**REQUEST FOR SOCIAL SECURITY EARNINGS INFORMATION**

1. From whose record do you need the earnings information?

Print the Name, Social Security Number (SSN), and date of birth below.

Name _____	Social Security Number _____
Other Name(s) Used (Include Maiden Name) _____	Date of Birth (Mo/Day/Yr) _____

2. What kind of information do you need?

- Detailed Earnings Information For the period(s)/year(s): \_\_\_\_\_  
(If you check this block, tell us below why you need this information.)
- Certified Total Earnings For Each Year. For the year(s): \_\_\_\_\_  
(Check this box only if you want the information certified. Otherwise, call 1-800-772-1213 to request Form SSA-7004, Request for Earnings and Benefit Estimate Statement)

3. If you owe us a fee for this detailed earnings information, enter the amount due using the chart on page 3 . . . . . A. \$ \_\_\_\_\_

Do you want us to certify the information?  Yes  No

If yes, enter \$15.00 . . . . . B. \$ \_\_\_\_\_

ADD the amounts on lines A and B, and enter the TOTAL amount . . . . . C. \$ \_\_\_\_\_

- You can pay by CREDIT CARD by completing and returning the form on page 4, or
- Send your CHECK or MONEY ORDER for the amount on line C with the request and make check or money order payable to "Social Security Administration"
- DO NOT SEND CASH.

4. I am the individual to whom the record pertains (or a person who is authorized to sign on behalf of that individual). I understand that any false representation to knowingly and willfully obtain information from Social Security records is punishable by a fine of not more than \$5,000 or one year in prison.

SIGN your name here (Do not print) > \_\_\_\_\_ Date \_\_\_\_\_

Daytime Phone Number \_\_\_\_\_  
(Area Code) (Telephone Number)

5. Tell us where you want the information sent. (Please print)

Name \_\_\_\_\_ Address \_\_\_\_\_  
City, State & Zip Code \_\_\_\_\_

6. Mail Completed Form(s) To: Exception: If using private contractor (e.g., FedEx) to mail form(s), use:

Social Security Administration  
Division of Earnings Record Operations  
P.O. Box 33003  
Baltimore Maryland 21290-3003

Social Security Administration  
Division of Earnings Record Operations  
300 N. Greene St.  
Baltimore Maryland 21290-0300

Form Approved  
OMB No. 0960-0566

**Social Security Administration**  
**Consent for Release of Information**

TO: Social Security Administration

Name \_\_\_\_\_ Date of Birth \_\_\_\_\_ Social Security Number \_\_\_\_\_

I authorize the Social Security Administration to release information or records  
about me to:

NAME

ADDRESS

I want this information released because:

(There may be a charge for releasing information.)

Please release the following information:

- \_\_\_ Social Security Number
- \_\_\_ Identifying information (includes date and place of birth, parents' names)
- \_\_\_ Monthly Social Security benefit amount
- \_\_\_ Monthly Supplemental Security Income payment amount
- \_\_\_ Information about benefits/payments I received from \_\_\_\_\_ to \_\_\_\_\_
- \_\_\_ Information about my Medicare claim/coverage from \_\_\_\_\_ to \_\_\_\_\_  
(specify)
- \_\_\_ Medical records
- \_\_\_ Record(s) from my file (specify)
- \_\_\_ Other (specify)

I am the individual to whom the information/record applies or that person's  
parent (if a minor) or legal guardian. I know that if I make any representation  
which I know is false to obtain information from Social Security records, I could  
be punished by a fine or imprisonment or both.

Signature:

(Show signatures, names, and addresses of two people if signed by mark.)

Date: \_\_\_\_\_ Relationship: \_\_\_\_\_

SSA-3288 Internet (12/99)

**EXHIBIT**     C

**PAYROLL AND PERSONNEL RECORDS AUTHORIZATION**

**TO WHOM IT MAY CONCERN:**

**I hereby authorize you to provide to:**

\_\_\_\_\_

**at this address:**

\_\_\_\_\_

\_\_\_\_\_

**a complete copy of all records pertaining to my employment, including, but not limited to, all personnel, payroll, medical or hospital records pertaining to:**

**Full Name:** \_\_\_\_\_

**Date of Birth:** \_\_\_\_\_

**Social Security No:** \_\_\_\_\_

**My dates of employment were from** \_\_\_\_\_ **to** \_\_\_\_\_

**I worked in the following departments:**

\_\_\_\_\_

\_\_\_\_\_

**I was employed at the following office:**

\_\_\_\_\_

\_\_\_\_\_

**SIGNED:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**EXHIBIT**   D

OMB Number: 2900-0260  
Estimated burden: 2 minutes  
Expiration Date: 10/31/2004

### REQUEST FOR AND AUTHORIZATION TO RELEASE MEDICAL RECORDS OR HEALTH INFORMATION

Department of Veterans Affairs

The Paperwork Reduction Act of 1995 requires us to notify you that this information collection is in accordance with the clearance requirements of section 3507 of the Act. We may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a valid OMB number. We expect that the time expended by all individuals completing this form will average 2 minutes. This includes the time to read instructions, gather the necessary facts and fill out the form. The purpose of this form is to specifically outline the circumstances under which we may disclose data.

The execution of this form does not authorize the release of information other than that specifically described below. The information requested on this form is solicited under Title 38, U.S.C. The form authorizes release of information in accordance with the Health Insurance Portability and Accountability Act, 45 CFR Parts 160 and 164, 5 U.S.C. 552a, and 38 U.S.C. 5701 and 7332 that you specify. Your disclosure of the information requested on this form is voluntary. However, if the information including Social Security Number (SSN) (the SSN will be used to locate records for release) is not furnished completely and accurately, Department of Veterans Affairs will be unable to comply with the request. The Veterans Health Administration may not condition treatment, payment, enrollment or eligibility on signing the authorization.

#### ENTER BELOW THE PATIENT'S NAME AND SOCIAL SECURITY NUMBER IF THE PATIENT DATA CARD IMPRINT IS NOT USED.

TO: DEPARTMENT OF VETERANS AFFAIRS (Print or type name and address of health care facility)	PATIENT NAME (Last, First, Middle Initial)
	SOCIAL SECURITY NUMBER

NAME AND ADDRESS OF ORGANIZATION, INDIVIDUAL OR TITLE OF INDIVIDUAL TO WHOM INFORMATION IS TO BE RELEASED

VETERAN'S REQUEST: I request and authorize Department of Veterans Affairs to release the information specified below to the organization, or individual named on this request. I understand that the information to be released includes information regarding the following condition(s):

- DRUG ABUSE     
  ALCOHOLISM OR ALCOHOL ABUSE     
  TESTING FOR OR INFECTION WITH HUMAN IMMUNODEFICIENCY VIRUS (HIV)     
  SICKLE CELL ANEMIA

INFORMATION REQUESTED (Check applicable box(es) and state the extent or nature of the information to be disclosed, giving the dates or approximate dates covered by each)

- COPY OF HOSPITAL SUMMARY     
  COPY OF OUTPATIENT TREATMENT NOTE(S)     
  OTHER (Specify)

PURPOSE(S) OR NEED FOR WHICH THE INFORMATION IS TO BE USED BY INDIVIDUAL TO WHOM INFORMATION IS TO BE RELEASED

#### NOTE: ADDITIONAL ITEMS OF INFORMATION DESIRED MAY BE LISTED ON THE BACK OF THIS FORM

**AUTHORIZATION:** I certify that this request has been made freely, voluntarily and without coercion and that the information given above is accurate and complete to the best of my knowledge. I understand that I will receive a copy of this form after I sign it. I may revoke this authorization, in writing, at any time except to the extent that action has already been taken to comply with it. Written revocation is effective upon receipt by the Release of Information Unit at the facility housing the records. Redisclosure of my medical records by those receiving the above authorized information may be accomplished without my further written authorization and may no longer be protected. Without my express revocation, the authorization will automatically expire: (1) upon satisfaction of the need for disclosure; (2) on \_\_\_\_\_ (date supplied by patient); or (3) under the following conditions(s):

I understand that the VA health care practitioner's opinions and statements are not official VA decisions regarding whether I will receive other VA benefits or, if I receive VA benefits, their amount. They may, however, be considered with other evidence when these decisions are made at a VA Regional Office that specializes in benefit decisions.

DATE SIGNATURE OF PATIENT OR PERSON AUTHORIZED TO SIGN FOR PATIENT (Attach authority to sign, e.g., POA)

#### FOR VA USE ONLY

IMPRINT PATIENT DATA CARD (Name, Address, Social Security Number)	TYPE AND EXTENT OF MATERIAL	
	DATE	RELEASED BY

EXHIBIT E

Standard Form 180 (Rev. 02-02) (Page 1)  
Prescribed by NARA (36 CFR 1226.168(b))

Authorized for local reproduction  
Previous edition unusable

OMB No. 3095-0029 Expires 9/30/2005

# REQUEST PERTAINING TO MILITARY RECORDS

To ensure the best possible service, please thoroughly review the accompanying instructions before filling out this form. Please print clearly or type. If you need more space, use plain paper.

## SECTION I - INFORMATION NEEDED TO LOCATE RECORDS (Furnish as much as possible.)

1. NAME USED DURING SERVICE (last, first, and middle)	2. SOCIAL SECURITY NO.	3. DATE OF BIRTH	4. PLACE OF BIRTH
---	------------------------	------------------	-------------------

5. SERVICE, PAST AND PRESENT	BRANCH OF SERVICE	DATES OF SERVICE		CHECK ONE		SERVICE NUMBER DURING THIS PERIOD (If unknown, write "unknown")
		DATE ENTERED	DATE RELEASED	OFFICER	ENLISTED	
a. ACTIVE SERVICE						
b. RESERVE SERVICE						
c. NATIONAL GUARD						

6. IS THIS PERSON DECEASED? If "YES" enter the date of death. <input type="checkbox"/> NO <input type="checkbox"/> YES _____	7. IS (WAS) THIS PERSON RETIRED FROM MILITARY SERVICE? <input type="checkbox"/> NO <input type="checkbox"/> YES
---	--

## SECTION II - INFORMATION AND/OR DOCUMENTS REQUESTED

1. REPORT OF SEPARATION (DD Form 214 or equivalent). This contains information normally needed to verify military service. A copy may be sent to the veteran, the deceased veteran's next of kin, or other persons or organizations if authorized in Section III, below. NOTE: If more than one period of service was performed, even in the same branch, there may be more than one Report of Separation. Be sure to show EACH year that a Report of Separation was issued, for which you need a copy.

An UNDELETED Report of Separation is requested for the year(s) \_\_\_\_\_

This normally will be a copy of the full separation document including such sensitive items as the character of separation, authority for separation, reason for separation, reenlistment eligibility code, separation (SPD/SPN) code, and dates of time lost. An undeleted version is ordinarily required to determine eligibility for benefits.

A DELETED Report of Separation is requested for the year(s) \_\_\_\_\_

The following information will be deleted from the copy sent: authority for separation, reason for separation, reenlistment eligibility code, separation (SPD/SPN) code, and for separations after June 30, 1979, character of separation and dates of time lost.

2. OTHER INFORMATION AND/OR DOCUMENTS REQUESTED \_\_\_\_\_

3. PURPOSE (Optional - An explanation of the purpose of the request is strictly voluntary. Such information may help the agency answering this request to provide the best possible response and will in no way be used to make a decision to deny the request.) \_\_\_\_\_

## SECTION III - RETURN ADDRESS AND SIGNATURE

1. REQUESTER IS:

<input type="checkbox"/> Military service member or veteran identified in Section I, above	<input type="checkbox"/> Legal guardian (must submit copy of court appointment)
<input type="checkbox"/> Next of kin of deceased veteran _____ (relation)	<input type="checkbox"/> Other (specify) _____

2. SEND INFORMATION/DOCUMENTS TO:  
(Please print or type. See item 3 on accompanying instructions.)

Name \_\_\_\_\_

Street \_\_\_\_\_ Apt. \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

3. AUTHORIZATION SIGNATURE REQUIRED (See item 2 on accompanying instructions.) I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the information in this Section III is true and correct.

Signature of requester (Please do not print) \_\_\_\_\_

Date of this request \_\_\_\_\_ Daytime phone \_\_\_\_\_

Email address \_\_\_\_\_

# EXHIBIT F

Standard Form 180 (Rev. 02-02) (Page 2)  
 Prescribed by NARA (36 CFR 1228.168(b))

Authorized for local reproduction  
 Previous edition unusable

OMB No. 3095-0029 Expires 9/30/2005

## LOCATION OF MILITARY RECORDS

The various categories of military service records are described in the chart below. For each category there is a code number which indicates the address at the bottom of the page to which this request should be sent. Please refer to the Instruction and Information Sheet accompanying this form as needed.

BRANCH	CURRENT STATUS OF SERVICE MEMBER	ADDRESS CODE	
		Personnel Record	Health Record
AIR FORCE	Discharged, deceased, or retired before 5/1/1994	14	14
	Discharged, deceased, or retired on or after 5/1/1994	14	11
	Active (including National Guard on active duty in the Air Force), TDRL, or general officers retired with pay	1	
	Reserve, retired reserve in nonpay status, current National Guard officers not on active duty in the Air Force, or National Guard released from active duty in the Air Force	2	
	Current National Guard enlisted not on active duty in the Air Force	13	
COAST GUARD	Discharge, deceased, or retired before 1/1/1898	6	
	Discharged, deceased, or retired 1/1/1898 - 3/31/1998	14	14
	Discharged, deceased, or retired on or after 4/1/1998	14	11
	Active, reserve, or TDRL	3	
MARINE CORPS	Discharged, deceased, or retired before 1/1/1905	6	
	Discharged, deceased, or retired 1/1/1905 - 4/30/1994	14	14
	Discharged, deceased, or retired on or after 5/1/1994	14	11
	Individual Ready Reserve or Fleet Marine Corps Reserve	5	
	Active, Selected Marine Corps Reserve, TDRL	4	
ARMY	Discharged, deceased, or retired before 11/1/1912 (enlisted) or before 7/1/1917 (officer)	6	
	Discharged, deceased, or retired 11/1/1912 - 10/15/1992 (enlisted) or 7/1/1917 - 10/15/1992 (officer)	14	14
	Discharged, deceased, or retired on or after 10/16/1992	14	11
	Reserve; or active duty records of current National Guard members who performed service in the U.S. Army before 7/1/1972	7	
	Active enlisted (including National Guard on active duty in the U.S. Army) or TDRL enlisted	9	
	Active officers (including National Guard on active duty in the U.S. Army) or TDRL officers	8	
	Current National Guard enlisted not on active duty in Army (including records of Army active duty performed after 6/30/1972)	13	
	Current National Guard officers not on active duty in Army (including records of Army active duty performed after 6/30/1972)	12	
NAVY	Discharged, deceased, or retired before 1/1/1886 (enlisted) or before 1/1/1903 (officer)	6	
	Discharged, deceased, or retired 1/1/1886 - 1/30/1994 (enlisted) or 1/1/1903 - 1/30/1994 (officer)	14	14
	Discharged, deceased, or retired 1/31/1994 - 12/31/1994	14	11
	Discharged, deceased, or retired on or after 1/1/1995	10	
	Active, reserve, or TDRL	10	
PUBLIC HEALTH SERVICE	Commissioned Corps - active, inactive, terminated, retired	15	

### ADDRESS LIST OF CUSTODIANS (BY CODE NUMBERS SHOWN ABOVE) - Where to write/send this form

1	Air Force Personnel Center HQ AFPC/DPSRP 550 C Street West, Suite 19 Randolph AFB, TX 78150-4721	6	National Archives & Records Administration Old Military and Civil Records (NWCTB-Military) Textual Services Division 700 Pennsylvania Ave., N.W. Washington, DC 20408-0001	11	Department of Veterans Affairs Records Management Center P.O. Box 5020 St. Louis, MO 63115-5020
2	Air Reserve Personnel Center /DSMR HQ ARPC/DPSSA/B 6760 E. Irvington Place, Suite 4600 Denver, CO 80290-4600	7	Commander U.S. Army Reserve Personnel Command ATTN: ARPC-ZCC-B 1 Reserve Way St. Louis, MO 63132-5200	12	Army National Guard Readiness Center NGB-ARF 111 S. George Mason Dr. Arlington, VA 22204-1382
3	Commander CGPC-Adm-3 U.S. Coast Guard 2700 2nd Street, S.W. Washington, DC 20593-0001	8	U.S. Total Army Personnel Command ATTN: TAPC-MSR-S 200 Stoval Street Alexandria, VA 22332-0444	13	The Adjutant General (of the appropriate state, DC, or Puerto Rico)
4	Headquarters U.S. Marine Corps Personnel Management Support Branch (MMSB-10) 2008 Elliot Road Quantico, VA 22134-5030	9	Commander USAEREC ATTN: PCRE-F 8899 E. 56th St. Indianapolis, IN 46249-5301	14	National Personnel Records Center (Military Personnel Records) 9700 Page Ave. St. Louis, MO 63132-5100
5	Marine Corps Reserve Support Command (Code MMT) 15303 Andrews Road Kansas City, MO 64147-1207	10	Navy Personnel Command (PERS-313C1) 5720 Integrity Drive Millington, TN 38055-3130	15	Division of Commissioned Personnel ATTN: Records Officer 5600 Fishers Lane, Room 4-36 Rockville, MD 20857-0001

Send to:  
TEXAS WORKERS' COMPENSATION COMMISSION  
7551 Metro Center Drive, Suite 100, MS-828  
Austin, TX 78744

### REQUEST FOR COPIES OF CONFIDENTIAL CLAIMANT INFORMATION

SUBMIT A SEPARATE TWCC-153  
FOR EACH TWCC OR IAB #

Please carefully read the information on both sides of this form and the accompanying instructions. INCORRECTLY COMPLETED FORMS WILL BE RETURNED TO REQUESTOR WITHOUT ACTION. Use this form to request the confidential information listed below. This form must be signed by a party eligible to receive the information requested. The signature must be notarized.  
(Please type or print)

#### I. CLAIM FILE IDENTIFICATION. Provide the following information to identify the requested claim file.

TWCC or IAB Number		
Employee's Name		
Last	First	MI

Employee's Social Security Number	-	-	-
Employee's Date of Injury	m	m	y

#### II. REQUESTOR INFORMATION. Provide the following information pertaining to the requestor.

Name		TWCC/Representative Box No. (if Applicable):	
Address		Prepaid Account No. (if Applicable):	
City, State	ZIP	Telephone No. ( )	<input type="checkbox"/> Authorized Legal Representative Statement on File

#### III. INFORMATION REQUESTED. Please indicate the information and services requested. Copy Fees: \$1.00/first page - \$0.30/each additional page. Certification Fee: \$1.00

**CLAIM FILE INFORMATION - TWCC REPROGRAPHICS DEPARTMENT - (512) 804-4990**  
Provides paper copies of claim information maintained by the Commission in the original claim file and/or electronic data stored on TWCC computer.

Certified  Uncertified

Expedited Handling Request (\$25.00 Additional Charge)

Claim File (Complete)

Specific document in file: \_\_\_\_\_  Dispute Resolution Contact Data (Electronic)

Other (Specify) \_\_\_\_\_

**A FEE STATEMENT WILL BE SENT TO REQUESTOR. COPIES WILL BE AVAILABLE UPON RECEIPT OF PAYMENT.**

**MEDICAL RECORDS INFORMATION - TWCC MEDICAL REVIEW DIVISION - (512) 804-4812**  
Provides paper copies of claim information maintained in specific TWCC Medical Division records.

Tracking No: \_\_\_\_\_

Expedited Handling Request (\$25.00 Additional Charge)

Spinal Surgery File (Complete)  Medical Dispute File (Complete)

Specific File Document

Medical Dispute Resolution Contact Data (Electronic)

**A FEE STATEMENT WILL BE SENT TO REQUESTOR. COPIES WILL BE AVAILABLE UPON RECEIPT OF PAYMENT.**

**HEARINGS RECORD - TWCC HEARINGS DIVISION - (512) 804-4060**  
Provides information received at TWCC hearings pertaining to disputes between the health care provider, the carrier, the employee, the employer and/or TWCC. (Applies to claims with date of injury after January 1, 1991 only.)

Certified  Uncertified TWCC Docket No: \_\_\_\_\_

Expedited Handling Requested (\$25.00 Additional Charge)

Complete Hearings Record

Specific document in record: \_\_\_\_\_ (example: transcript, original petition, etc.)

Video Tape (if available) \$5.72  Audio Tape \$3.60 each

**REQUESTOR WILL BE ADVISED OF CHARGES. COPIES WILL BE AVAILABLE UPON RECEIPT OF PAYMENT.  
DEPOSIT REQUIRED FOR TAPE TRANSCRIPTION: \$350.00/hour (estimate).**

COMPLETE

BOTH

SIDES



For Official Governmental Use Only - Do Not Disseminate to the Public: 5371451 - Page 64 of 156



**IMPORTANT: BY EXECUTING THIS FORM, REQUESTOR REPRESENTS THAT HE OR SHE IS ENTITLED TO THE INFORMATION REQUESTED AND THAT HE OR SHE HAS FULL AUTHORITY TO ACT AS A REQUESTOR. REQUESTOR ALSO ACKNOWLEDGES HIS OR HER LIABILITY FOR PAYMENT OF ALL AMOUNTS OWED FOR SERVICES PROVIDED AS A RESULT OF THIS REQUEST.**

**IV. REQUESTOR ELIGIBILITY AND NOTARIZATION. (PLEASE CHECK ONE BOX ONLY)**

The Texas Workers' Compensation Act, Texas Labor Code, Title 5, Section 402.084, limits the release of confidential information in or derived from a claim file to the categories of persons listed below. Indicate the category of eligibility, which qualifies you to receive the information requested. Sign and complete the notarization prior to sending the request to TWCC. Eligibility will be verified.

- The employee or the employee's legal beneficiary
- The employee's or the legal beneficiary's representative (attach letter of representation)
- The employer at the time of injury. Requestor must provide injured employee's period of employment: \_\_\_\_\_  
mo./yr. to mo./yr.
- The Texas Certified Self-Insurer Guaranty Association Established under Subchapter G, Chapter 407, if that association has assumed the obligations of an impaired employer
- Health Care Provider who is a party to a Medical Dispute. (Section 413.031 of the Act.)
- The workers' compensation insurance carrier. Requestor must provide injured employee's date of injury or current claim: \_\_\_\_\_  
mo./yr.
- The Texas Property and Casualty Insurance Guaranty Association, if that association has assumed the obligations of an impaired insurance company
- A third party litigant in a lawsuit, in which the cause of action arises from the incident that gave rise to the injury. (COPY OF PETITION AND ANSWER MUST BE ATTACHED). Requestor must provide injured employee's date of injury \_\_\_\_\_  
mo./yr.

I have read and understood this form and the accompanying instructions. I am entitled to receive the confidential employee information being requested as indicated above. I understand that it is a Class A misdemeanor to unlawfully receive, publish, disclose, or distribute confidential information in or derived from an employee's claim file. [Texas Labor Code, Sections 402.064; 402.081; 402.083 - .084; 402.086 and 402.091]

Name of Requestor: \_\_\_\_\_  
(Please Print)

Position/Title: \_\_\_\_\_

Firm Name: \_\_\_\_\_  
(if applicable)

Federal Tax I.D.#: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

State of \_\_\_\_\_ \*

County of \_\_\_\_\_ \*

Before me on the above date personally appeared \_\_\_\_\_, who after first being sworn, said that the statements contained in this request are true.

Signed \_\_\_\_\_

Notary Public, State of \_\_\_\_\_

My Commission Expires \_\_\_\_\_



**FORM TWCC-153**  
**REQUEST FOR COPIES OF CONFIDENTIAL**  
**CLAIMANT INFORMATION INSTRUCTIONS**  
[www.twcc.state.tx.us](http://www.twcc.state.tx.us)

1. **FORM TWCC-153 MUST BE COMPLETED IN ITS ENTIRETY.** Please print or type. Send a separate TWCC-153 request form for each TWCC claim number for which you are requesting copies of confidential employee information.
2. A requestor **MUST** indicate in Section IV the legal basis on which he/she is eligible to receive requested confidential employee information. Only individuals in the categories listed are entitled to receive copies of confidential information. See Texas Workers' Compensation Act, Texas Labor Code, Section 402.084.
  - A. An eligible insurance carrier must have handled a workers' compensation claim for the injured worker.
  - B. An out of state insurance carrier or employer, or their legal representative, may be eligible to receive confidential claim file information. Documentation of a workers' compensation claim against that employer or the insurance carrier paying that claim must be provided to determine eligibility (also see number 3 below).
3. A party eligible to receive confidential claim file information may authorize a legal representative to request and receive the information on their behalf. Refer to the TWCC Advisory 95-01 for requirements and additional information. To obtain a copy of this advisory visit the TWCC website indicated above. To establish eligibility to receive confidential claim file information, the legal representative of a party must provide documentation of representation, e.g. letter of representation from client, copy of the contract between the client and the representative or Original Answer.
4. The requestor must swear to the correctness of the entitlement information before a **notary public**, sign the completed form before the notary, and have the notary complete the sworn acknowledgment. The original signed and notarized form should be mailed or personally delivered to the address indicated at top of Form TWCC-153. Incorrectly attested forms will be returned without action.
5. Copies of this form will be accepted if both sides are an exact reproduction of the original and include an original signature and notarization.
6. Indicate if a **certified copy** is requested. The copy of the information requested will have a letter of certification attached, which is signed or stamped and sealed by the Custodian of Records, or their delegate, attesting to the authenticity of the attached document(s). See Section III. Certifications are \$1.00 additional fee each.
7. The requestor agrees to pay the full amount due TWCC according to the listed fees.
  - A. **THE FEES MUST BE PAID PRIOR TO THE SHIPMENT OF THE REQUESTED INFORMATION.** Fee statements **MUST** be paid within 30 days of receipt of the statement. Past due amounts will be forwarded to the Texas Attorney General's Office for collection.
  - B. **FEES ARE SUBJECT TO CHANGE.** Fees for mailed copies include postage.
8. **Cancellation of a request for copies of claimant information may be made by calling the responsible division at the telephone number indicated and obtaining a cancellation verification number. Cancellation will NOT relieve requestor of responsibility for payment of amounts owed for services provided PRIOR to notice of cancellation. Cancellation is NOT AVAILABLE after a fee statement has been prepared.**
9. For **additional assistance** in completing Section III, or to make an inquiry regarding the status of a request, contact the TWCC department directly responsible for handling the request at the telephone number indicated.
10. To obtain an injured employee's **claim history** complete and file Form TWCC-155 Request for Record Check. To obtain a **pre-employment check** on persons who have been given a tentative offer of employment, complete and file Form TWCC-156 Prospective Employment Authorization and Certification.
11. Governmental Agencies/Political Subdivisions, or regulatory bodies requesting copies of confidential claimant information in a capacity other than as an employer, should not complete this form. Please contact TWCC General Counsel at (512) 804-4275 for information concerning determination of eligibility to receive confidential information.

**IMPORTANT: BY EXECUTION OF FORM TWCC-153, THE REQUESTOR REPRESENTS THAT HE OR SHE IS ENTITLED TO THE INFORMATION REQUESTED AND THAT HE OR SHE HAS FULL AUTHORITY TO ACT AS A REQUESTOR. IT IS A CLASS A MISDEMEANOR FOR UNAUTHORIZED PERSONS TO RECEIVE CONFIDENTIAL CLAIM FILE INFORMATION OR TO DISCLOSE SUCH INFORMATION TO UNAUTHORIZED PERSONS (TEXAS LABOR CODE §§ 402.084; 402.081; 402.083 - .084; 402.086 & 402.091). THE REQUESTOR ALSO ACKNOWLEDGES HIS OR HER LIABILITY FOR PAYMENT OF ALL AMOUNTS OWED FOR SERVICES PROVIDED AS A RESULT OF THIS REQUEST.**



Form **4506**  
(Rev. January 2004)

### Request for Copy of Tax Return

OMB No. 1545-0429

Department of the Treasury  
Internal Revenue Service

- ▶ Do not sign this form unless all applicable parts have been completed. Read the instructions on page 2.
- ▶ Request may be rejected if the form is incomplete, illegible, or any required part was blank at the time of signature.

**TIP:** You may be able to get your tax return or return information from other sources. If you had your tax return completed by a paid preparer, they should be able to provide you a copy of the return. The IRS can provide a Tax Return Transcript for many returns free of charge. The transcript provides most of the line entries from the tax return and usually contains the information that a third party (such as a mortgage company) requires. See new Form 4506-T, Request for Transcript of Tax Return, to order a transcript or you can call 1-800-829-1040 to order a transcript.

1a Name shown on tax return. If a joint return, enter the name shown first.	1b First social security number on tax return or employer identification number (see instructions)
2a If a joint return, enter spouse's name shown on tax return	2b Second social security number if joint tax return
3 Current name, address (including apt., room, or suite no.), city, state, and ZIP code	

4 Address, (including apt., room, or suite no.), city, state, and ZIP code shown on the last return filed if different from line 3

5 If the tax return is to be mailed to a third party (such as a mortgage company), enter the third party's name, address, and telephone number. The IRS has no control over what the third party does with the tax return.

**CAUTION:** Lines 6 and 7 must be completed if the third party requires you to complete Form 4506. Do not sign Form 4506 if the third party requests that you sign Form 4506 and lines 6 and 7 are blank.

6 Tax return requested (Form 1040, 1120, 941, etc.) and all attachments as originally submitted to the IRS, including Form(s) W-2, schedules, or amended returns. Copies of Forms 1040, 1040A, and 1040EZ are generally available for 7 years from filing before they are destroyed by law. Other returns may be available for a longer period of time. Enter only one return number. If you need more than one type of return, you must complete another Form 4506. ▶

Note: If the copies must be certified for court or administrative proceedings, check here.

7 Year or period requested. Enter the ending date of the year or period, using the mm/dd/yyyy format. If you are requesting more than four years or periods, you must attach another Form 4506.

\_ / \_ / \_ \_ \_ \_    \_ / \_ / \_ \_ \_ \_    \_ / \_ / \_ \_ \_ \_    \_ / \_ / \_ \_ \_ \_

8 Fee. There is a \$39 fee for each return requested. Full payment must be included with your request or it will be rejected. Make your check or money order payable to "United States Treasury." Enter your SSN or EIN and "Form 4506 request" on your check or money order.	\$ 39.00
a Cost for each return	
b Number of returns requested on line 7	
c Total cost. Multiply line 8a by line 8b	

9 If we cannot find the tax return, we will refund the fee. If the refund should go to the third party listed on line 5, check here

Signature of taxpayer(s). I declare that I am either the taxpayer whose name is shown on line 1a or 2a, or a person authorized to obtain the tax return requested. If the request applies to a joint return, either husband or wife must sign. If signed by a corporate officer, partner, guardian, tax matters partner, executor, receiver, administrator, trustee, or party other than the taxpayer, I certify that I have the authority to execute Form 4506 on behalf of the taxpayer.

Signature (see instructions)	Date
Title (if line 1a above is a corporation, partnership, estate, or trust)	
Spouse's signature	Date

Telephone number of taxpayer on line 1a or 2a  
( )

EXHIBIT H

For Official Governmental Use Only - Do Not Disseminate to the Public: 5371451 - Page 67 of 156

Form **4506**  
(Rev. January 2004)

### Request for Copy of Tax Return

OMB No. 1545-0429

Department of the Treasury  
Internal Revenue Service

- ▶ Do not sign this form unless all applicable parts have been completed. Read the instructions on page 2.
- ▶ Request may be rejected if the form is incomplete, illegible, or any required part was blank at the time of signature.

**TIP:** You may be able to get your tax return or return information from other sources. If you had your tax return completed by a paid preparer, they should be able to provide you a copy of the return. The IRS can provide a Tax Return Transcript for many returns free of charge. The transcript provides most of the line entries from the tax return and usually contains the information that a third party (such as a mortgage company) requires. See new Form 4506-T, Request for Transcript of Tax Return, to order a transcript or you can call 1-800-829-1040 to order a transcript.

1a Name shown on tax return. If a joint return, enter the name shown first.	1b First social security number on tax return or employer identification number (see instructions)
2a If a joint return, enter spouse's name shown on tax return	2b Second social security number if joint tax return

3 Current name, address (including apt., room, or suite no.), city, state, and ZIP code

4 Address, (including apt., room, or suite no.), city, state, and ZIP code shown on the last return filed if different from line 3

5 If the tax return is to be mailed to a third party (such as a mortgage company), enter the third party's name, address, and telephone number. The IRS has no control over what the third party does with the tax return.

**CAUTION:** Lines 6 and 7 must be completed if the third party requires you to complete Form 4506. Do not sign Form 4506 if the third party requests that you sign Form 4506 and lines 6 and 7 are blank.

6 Tax return requested (Form 1040, 1120, 941, etc.) and all attachments as originally submitted to the IRS, including Form(s) W-2, schedules, or amended returns. Copies of Forms 1040, 1040A, and 1040EZ are generally available for 7 years from filing before they are destroyed by law. Other returns may be available for a longer period of time. Enter only one return number. If you need more than one type of return, you must complete another Form 4506. ▶

Note: If the copies must be certified for court or administrative proceedings, check here.

7 Year or period requested. Enter the ending date of the year or period, using the mm/dd/yyyy format. If you are requesting more than four years or periods, you must attach another Form 4506.

\_\_\_\_/\_\_\_\_/\_\_\_\_      \_\_\_\_/\_\_\_\_/\_\_\_\_      \_\_\_\_/\_\_\_\_/\_\_\_\_      \_\_\_\_/\_\_\_\_/\_\_\_\_

8 Fee. There is a \$39 fee for each return requested. Full payment must be included with your request or it will be rejected. Make your check or money order payable to "United States Treasury." Enter your SSN or EIN and "Form 4506 request" on your check or money order.	
a Cost for each return	\$ 39.00
b Number of returns requested on line 7	
c Total cost. Multiply line 8a by line 8b	

9 If we cannot find the tax return, we will refund the fee. If the refund should go to the third party listed on line 5, check here

Signature of taxpayer(s). I declare that I am either the taxpayer whose name is shown on line 1a or 2a, or a person authorized to obtain the tax return requested. If the request applies to a joint return, either husband or wife must sign. If signed by a corporate officer, partner, guardian, tax matters partner, executor, receiver, administrator, trustee, or party other than the taxpayer, I certify that I have the authority to execute Form 4506 on behalf of the taxpayer.

Signature (see instructions)	Telephone number of taxpayer on line 1a or 2a ( )
Date	
Title (if line 1a above is a corporation, partnership, estate, or trust)	
Spouse's signature	Date

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**AUTHORIZATION FOR RELEASE OF RECORDS OF BANKRUPTCY TRUSTS AND CLAIMS RESOLUTION FACILITIES**

**TO WHOM IT MAY CONCERN:**

This Authorization specifically allows the law firm of BROWN McCARROLL, L.L.P., or any of its representatives to obtain all information requested from \_\_\_\_\_ ("the Trust"), including claim submissions, correspondence, and any information regarding exposure to asbestos or other hazardous substances, trade and occupation information, earnings, and any documents submitted by plaintiff/decendent seeking compensation through "the Trust."

In addition, this Authorization shall extend to any and all reports pertaining to medical screening, annual physical examinations, including X-rays, medical examination reports, and plaintiff/decendent waives any privilege which plaintiff/decendent may have regarding such reports, records and information for the purposes of this lawsuit.

A copy of this Authorization bearing my signature shall be as valid as the original.

Plaintiff/Decendent: \_\_\_\_\_  
Social Security No.: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_

Signature: \_\_\_\_\_

Name of Representative, if applicable: \_\_\_\_\_

Date: \_\_\_\_\_

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**EXHIBIT I**

AUTHORIZATION FOR UNION RECORDS

TO WHOM IT MAY CONCERN:

This authorization specifically allows the law firm of BROWN McCARROLL, L.L.P., or any of its representatives to obtain all information requested from the unions of which plaintiff/decedent, \_\_\_\_\_, was a member, including but not limited to, payroll records and information, worker's compensation claim records, if any, health and dental records, and any and all reports pertaining to medical screening, annual physical examinations, including X-rays, medical examination reports, and plaintiff/decedent waives any privilege which plaintiff/decedent may have regarding such reports, records and information for the purposes of this lawsuit.

A copy of this authorization bearing my signature shall be as valid as the original.

Name of Union: \_\_\_\_\_

Address of Union: \_\_\_\_\_

Dates of Union Membership: \_\_\_\_\_

Plaintiff/Decedent: \_\_\_\_\_

Social Security No.: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Signature: \_\_\_\_\_

Name of Representative, if applicable: \_\_\_\_\_

Date: \_\_\_\_\_

**MASTER DISCOVERY**

**NO. 2004-03964**

**IN RE: ASBESTOS LITIGATION**

§ **IN THE DISTRICT COURT OF**  
§  
§ **HARRIS COUNTY, TEXAS**  
§  
§ **11TH JUDICIAL DISTRICT**

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**PLAINTIFF'S REQUEST FOR DISCLOSURE, INTERROGATORIES,  
AND REQUESTS FOR PRODUCTION TO DEFENDANT**

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TO: Defendant, by and through its attorney of record.

Plaintiff requests every Defendant answer the attached Master Request for Disclosure and the Set of General Interrogatories and Requests for Production. Additionally, please answer the set of specific Interrogatories and Requests for Production which are applicable to the capacity in which you have been sued in a specific case:

**Instructions**

Please answer the Master Request for Disclosure, found on page 7, as well as the Set of General Interrogatories and Requests for Production, found on page 8. Additionally, please answer the Set of Specific Interrogatories and Requests for Production which are applicable to you as a Defendant. There are separate sets as follows:

	Page
GENERAL discovery . . . . .	8
PRODUCTS Defendants . . . . .	21
CONTRACTOR Defendants . . . . .	28
EMPLOYER Defendants . . . . .	38
PREMISES Defendants . . . . .	49
EQUIPMENT MANUFACTURER Defendants . . . . .	60
FRICITION MATERIALS Defendants . . . . .	65
RAILROAD (FELA) Defendants . . . . .	69
GENERAL NEGLIGENCE Defendants . . . . .	76
(household exposure claims against including, but not limited to, premise owners, contractors and employers)	

1. Please produce all documents and tangible things as they are kept in the usual course of business or organize and label them to correspond with the categories or numbered requests in this set of discovery. *See* Texas Rule of Civil Procedure 196.3(c).
2. If any information or material is being withheld under any claim of privilege, protection, or immunity, please state with specificity the particular privilege, protection, or immunity asserted. *See* Texas Rule of Civil Procedure 193.3.
3. If Defendant cannot produce requested information or material because it is not in Defendant's possession, custody, or control, please identify the information or material, the reason the information or material is not in Defendant's possession, custody, or control, and the entity currently having possession, custody, or control over the information or material.
4. When providing a date, please provide the exact day, month, and year. If the exact date is not known, please provide the best approximation of the date and clearly note that the date is an approximation.
5. As specified by Texas Rule of Civil Procedure 196.4, if responsive material is in electronic, magnetic, or digital form, Plaintiff specifically requests production of such material. Plaintiff requests such material be provided on CD-ROM.
6. In the event a proper and timely objection is filed as to any requested material, please nevertheless respond to all portions of the request which do not fall within the scope of the objection. For example, if a request is objected to on the grounds that it is too broad insofar as it seeks documents covering years Defendant believes are not relevant to this litigation, please nevertheless produce documents for all years which Defendant concedes are relevant. *See* Texas Rule of Civil Procedure 193.2(b).
7. As to Defendants sued in their capacity as a Product Manufacturer, if you fully and completely answer Interrogatories 10 - 18 and Requests for Production 33 - 41 in Plaintiff's Master GENERAL Interrogatories and Requests for Production applicable to All Defendants, please disregard Interrogatories 1 - 4, 7 - 9, 13 and 15 and Requests for Production Nos. 1, 3, 4, 6 - 8 and 12 - 14 in Plaintiff's Master SPECIFIC Interrogatories and Requests for Production applicable to PRODUCT MANUFACTURER Defendants.



## General Definitions

As used in this set of discovery, the following terms mean:

1. The term, "Defendant," means the business entity answering these discovery requests and any of its merged, consolidated, or acquired predecessors, divisions, joint ventures, subsidiaries, foreign subsidiaries, foreign subsidiaries of predecessors, parent companies, sister companies, if such entity ever engaged in the mining, sale, manufacture, marketing, or distribution of asbestos or any asbestos containing product or substance, or used or required or permitted the use of asbestos or asbestos containing products or substances in a commercial or industrial setting, or acquired or transferred liability for the same. This definition includes present and former officers, directors, agents, employees, and all other persons acting or purporting to act on behalf of the business entity or its predecessors, subsidiaries, and/or affiliates.
  - "Predecessors" further means any business entity, whether or not incorporated, which had all or some of its assets purchased by Defendant or came to be acquired by Defendant whether by merger, consolidation, or other means.
  - "Subsidiaries" further means any business entity, whether or not incorporated, which is or was in any way owned or controlled, in whole or in part by Defendant or its predecessors.
2. The term, "document," is synonymous in meaning and equal in scope to the usage of the phrase, "documents and tangible things," in Rule 192.3(b) of the Texas Rules of Civil Procedure. A draft or a nonidentical copy is a separate document within the meaning of this term. Requested documents include, but are not limited to, the following:
  - a. those that are now or were formerly in the possession, custody, or control of Defendant, and
  - b. those that are known or believed to be responsive to these discovery requests regardless of who now has or formerly had possession, custody, or control of the documents.

Documents include, by way of example only, any memorandum, request envelope, correspondence, electronic mail, report, note, Post-It, message, telephone message, telephone log, diary, journal, appointment calendar, calendar, group scheduler calendar, drawing, painting, accounting paper, minutes, working paper, financial report, accounting report, work papers, drafts, facsimile, facsimile transmission report, contract, invoice, record of sale or purchase, Teletype message, chart, graph, index, directory, computer directory, computer disk, computer tape, or any other written, printed, typed, punched, taped, filmed, or graphic matter however produced or reproduced. Documents also include the file, folder tabs, and labels appended to or containing any documents.

3. The term, "person," includes natural persons, firms, partnerships, associations, joint ventures, corporations, and any other form of business organization or arrangement, as well as officers, directors, shareholders, employees, agents, and contractors of any business organization or arrangement.
4. The term, "meeting," means any act or process of persons coming together for the purpose of discussing and/or acting upon some matter, whether such gathering was formal or informal, in person or through other means.
5. The term, "asbestos," means any of the naturally-occurring fibrous silicate minerals, including both serpentine forms (chrysotile) and amphibole forms (amosite, crocidolite, tremolite, anthophyllite, and actinolite), whether referred to by their scientific names or by synonyms such as brown (amosite), white (chrysotile) or blue (crocidolite) asbestos.
6. The term, "asbestos-containing product," means any product or material that contains asbestos in any form. Such products include, but are not limited to, pipe covering, turbines, cement, block, gaskets, packing, plaster, joint compound, floor and ceiling tiles, mastics, raw fibers, fireproofing, shingles, panels, sheets, boards, millboard, refractory cement, boilers, firebrick, brake and clutch linings, finishing compound, texture, drilling mud, "hot tops," and other construction, building, drywall, lath, and insulation materials.
7. The term, "asbestos-in-place," means any asbestos-containing product that was used, applied, or installed on any part of a premises or on any improvements made to a premises, and that remained on that premises at any time during the period in which Plaintiff has alleged exposure to asbestos.
8. The terms, "trade organization" and "trade association," mean any organization or association of business, industrial, or governmental entities that were associated and/or met for the purpose of achieving common goals, exchanging or disseminating information related to common needs or interests, and/or learning information or facts of interest to the various members of the organization or association.
9. The terms, "plant" and "facility," mean any location where materials are refined, converted, chemically altered, changed, assembled, manufactured, constructed, or fabricated as well as locations where products are fabricated, assembled, or manufactured or prepared for further fabrication or assembly. This definition also includes office spaces, storage spaces, control rooms, undeveloped land, and similar areas within the larger plant or facility.
10. The term, "manufacture," means to fabricate, construct, assemble, prepare for fabrication or assembly, or take any other action prior to completion of a product or material.
11. The terms, "medical department," "safety department," and "industrial hygiene department," mean an individual or a group of individuals working for Defendant, either directly or in a contractual capacity, whose purpose was or is to provide guidance, assistance, or advice concerning any aspect of medical health including, but not limited to,

the safety of Defendant's workers and the safety of individuals using or exposed to asbestos or asbestos-containing products.

12. The term, "hazards of asbestos," means any potential or actual asbestos-related injury, effect, damage, scarring, wound, impairment, or disability of any part of human or non-human anatomy including, but not limited to, the lungs and associated tissue.
13. The term, "test," includes, but is not limited to, studies of atmospheric dust samples, studies of the concentration of asbestos in airborne test samples, studies of the lung conditions of workers (by x-ray or other means), pulmonary function studies of workers, animal studies, pathological studies, industrial hygiene studies, risk assessment studies, cost-benefit analyses, and any other studies concerning health and safety.
14. The terms, "identify" and "identity," mean:
  - a. in reference to a natural person: the person's full name, present or last known business address, present or last known home address, telephone numbers, employer, the years of employment and positions held during employment (if employed by Defendant), the locality(ies) where the person was so employed, and any other information that may be helpful in locating the person;
  - b. in reference to any business entity: the full legal name and form of organization, all other names under which it conducts business, its present or last known address, and the name and address of its registered agent;
  - c. in reference to a document or tangible thing: its date of creation, its author or creator, the type of document or tangible thing, the nature and substance of the document or tangible thing, its present location, and the identity of its present custodian;
  - d. in reference to a communication: the identity of the persons involved or participating in the communication, the date of the communication, and the general subject matter of the communication; and
  - e. in reference to a product: the name and type of product, its identifying features and characteristics, the name of the manufacturer, and the date of manufacture.
15. The term, "communication," means any transmission or exchange of information, whether oral or written, and whether face to face, by telephone, mail, fax, personal delivery, electronic means, or otherwise.

16. The term, "premises," means:
  - a. real property, as well as any structures or other improvements located on the property, and
  - b. a ship or other floating vehicle, vessel, or structure.
17. The terms, "abate" and "abatement," mean any removal and/or cleanup of asbestos-containing products on a premises.
18. The term, "Dreessen Report," means W.C. Dreessen's "A Study of Asbestos in the Asbestos Textile Industry," published in January of 1938 in Public Health Bill No. 241, U.S. Public Health Service.
19. The term, "Fleischer-Drinker Report," means W. Fleischer and P. Drinker's, *et al.* "A Health Survey of Pipe Covering Operations in Constructing Naval Vessels," published in January of 1946 in the Journal of Industrial Hygiene & Toxicology.
20. The term, "utilize," when referring to asbestos-containing products and/or asbestos job site(s) means to install, inspect, apply, maintain, repair, replace, or remove.
21. The term, "breathing zone" means that physical area of the surrounding environment in which a person performs the normal respiratory function.
22. The definitions stated above shall also apply to other grammatical forms of the word defined, such as singular and plural, masculine and feminine, and various verb tenses.
23. Any word not specifically defined above is to be given its meaning as contained in the most recent edition of the American Heritage Dictionary, published by the Houghton-Mifflin Company.

**Plaintiff's Master Request for Disclosure**  
**(Applicable to All Types of Defendants)**

Pursuant to Texas Rule of Civil Procedure 194, Defendant is hereby requested to disclose, in compliance with the Texas Rules of Civil Procedure and the Case Management Order of Texas Multi-District Litigation, the information or material described in Rule 194.2 (a) through (k).

**Plaintiff's Master GENERAL Interrogatories and Requests for Production**  
**(Applicable to ALL Defendants)**

**INTERROGATORY NO. 1:**

When and how did Defendant first learn that inhalation of asbestos fibers can lead to the development of each of the following asbestos-related diseases:

- a. asbestosis,
- b. pleural plaques,
- c. lung cancer,
- d. kidney cancer,
- e. laryngeal cancer,
- f. esophageal cancer,
- g. stomach cancer,
- h. colon cancer, and
- i. mesothelioma?

**REQUEST FOR PRODUCTION NO. 1:**

Please produce all documents and tangible things that indicate the time and/or manner in which Defendant learned inhalation of asbestos fibers by humans can lead to the development of the following asbestos-related diseases:

- a. asbestosis,
- b. pleural plaques,
- c. lung cancer,
- d. kidney cancer,
- e. laryngeal cancer,
- f. esophageal cancer,
- g. stomach cancer,
- h. colon cancer, and
- i. mesothelioma.

**INTERROGATORY NO. 2:**

Please list all trade organizations, trade associations, and any other groups to which Defendant belonged in which information relating to the hazards of asbestos or nuisance dust in general was discussed, disseminated, or in any way published before 1980. This list should include (but is not limited to) any membership in the American Hygiene Foundation, Industrial Hygiene Foundation, Chemical Manufacturer's Association (or its predecessor, the MCA), American Chemical Council, American Petroleum Institute, Texas Chemical Council, National Safety Council, American National Standards Institute (ANSI), Asbestos Information Association, Industrial Medical Association, American Society of Mechanical Engineers; American Society for Testing

and Materials, Chlorine Institute, American Industrial Hygiene Association, National Insulation Manufacturers Association, Asbestos Textile Institute, Society of Automotive Engineers, Society of Petroleum Engineers, ACGIH, American Occupational Medicine Association, American Public Health Association, Friction Materials Standards Institute, Brake Lining Manufacturer's Association, American Medical Association, NIOSH and any state safety organizations. As to each listed group, please state:

- a. the time period when Defendant was a member;
- b. the identity of Defendant's employees, former employees, or representatives who attended any of the meetings held by each listed group, as well as the dates and locations of the meetings they attended;
- c. the identity of Defendant's employees, former employees, or representatives who served on any committees or subcommittees of any listed group (e.g., a medical advisory committee or legal committee); and
- d. the name of the committee or subcommittee on which such person served and the position occupied on the committee, if applicable.

#### REQUEST FOR PRODUCTION NO. 2:

Please produce all documents and tangible things containing any information Defendant received before 1980, relating to the hazards of asbestos or nuisance dust in general that was discussed, disseminated, or in any way published by any organization, association, or group listed in Defendant's response to the Interrogatory immediately above, or by any other trade organization or group.

#### INTERROGATORY NO. 3:

Please identify each of Defendant's employees, former employees, or representatives who attended any proceeding, symposium, or conference of a scientific, medical, or technical nature, before 1972, during which information relating to the hazards of asbestos or nuisance dust in general was discussed, disseminated, or in any way published (e.g., the effects of human or non-human exposure to asbestos, populations at risk, etc.). A response to this Interrogatory should include any attendance at the Seventh Saranac Symposium in 1952, the Proceedings of the New York Academy of Sciences in October of 1964, any meetings held by the Exxon Corporation in Houston, Texas, or meetings of any organization listed in Defendant's response to Interrogatory No. 2. For each person identified in the response to this Interrogatory, please also list the proceeding, symposium, or conference the person attended; provide the date and location of the proceeding, symposium, or conference; provide the identity of the person within Defendant's organization who received or was designated to receive the attending person's report of the information gathered at such proceeding, symposium, or conference; and describe the manner in which such reports were made.

**REQUEST FOR PRODUCTION NO. 3:**

Please produce all documents and tangible things related to any meeting, attended by any of Defendant's employees, former employees, or representatives, that indicate any discussion, consideration, or information regarding asbestos or nuisance dust in general. This Request for Production specifically seeks, but is not limited to: meeting agendas, minutes, notes or memoranda from any proceeding, symposium or conference listed in Defendant's Response to the preceding Interrogatory, as well as from safety committees, purchasing committees or other groups within Defendant's organization generated before 1972.

**INTERROGATORY NO. 4:**

Please describe Defendant's medical, safety, and industrial hygiene programs from the Defendant's inception through the current time. Specifically, please state when Defendant first established each of its medical departments, safety departments, and/or industrial hygiene departments. Please also provide the name or designation of each department. For each department identified in the response to this Interrogatory, please identify each person associated with the department, including, but not limited to, the director, manager, physician, nurse, medical personnel, safety engineer, industrial hygienist, safety personnel, and other employees in such department who were employed by Defendant or contracted with Defendant at any time.

**REQUEST FOR PRODUCTION NO. 4:**

Please produce all documents and tangible things relating to Defendant's establishment of the medical, safety, and industrial hygiene departments noted in Defendant's response to the Interrogatory immediately above. This Request for Production specifically seeks, but is not limited to, any policies, procedures or guidelines given to each such department by Defendant's management, and any programs, testing, or other actions taken by each such department regarding the hazards of asbestos or nuisance dust in general.

**INTERROGATORY NO. 5:**

Has Defendant ever been investigated or cited by OSHA or any other local, state, or federal governmental agency for any matter related to asbestos or asbestos exposure? If so, please provide the dates of such investigations, the results that were communicated to Defendant, and the remedial measures (if any) which were undertaken by Defendant.

**REQUEST FOR PRODUCTION NO. 5:**

Please produce all documents and tangible things relating to health or safety inspections of Defendant, by local, state or federal regulatory agencies. This Request for Production specifically



seeks, but is not limited to: all documents and tangible things relating to any violations, citations, or warnings, and includes inspections for asbestos and other dust hazards.

**INTERROGATORY NO. 6:**

Please provide Defendant's complete corporate history, including its ownership, sale, acquisition, or divestiture, and any mergers, acquisitions, consolidations, or other similar events involving Defendant at any time during its history.

**REQUEST FOR PRODUCTION NO. 6:**

Please produce all the closing binders and/or final transaction documents related to all transactions in which Defendant acquired any business entity which manufactured, mined, distributed, supplied, or sold asbestos-containing products.

**REQUEST FOR PRODUCTION NO. 7:**

Please produce all the closing binders and/or final transaction documents related to all transactions in which Defendant was acquired by another entity.

**REQUEST FOR PRODUCTION NO. 8:**

Please produce all the closing binders and/or final transaction documents related to all transactions in which Defendant agreed to assume tort liabilities of any third party which manufactured, mined, distributed, supplied, or sold asbestos-containing products.

**REQUEST FOR PRODUCTION NO. 9:**

Please produce all the closing binders and/or final transaction documents related to all transactions in which Defendant agreed to indemnify, defend or hold harmless the tort liabilities of any third party which manufactured, mined, distributed, supplied or sold asbestos-containing products.

**REQUEST FOR PRODUCTION NO. 10:**

Please produce all the closing binders and/or final transaction documents related to all transactions in which Defendant changed its name.

**INTERROGATORY NO. 7:**

Where are Defendant's principal places of business in Texas (city and county)? If Defendant contends that none of its locations in Texas are a principal place of business, please identify its place of business in Texas where its highest-level decision makers work. If Defendant claims it has no high-level decision makers in Texas, please identify Defendant's three most significant business locations within Texas.

**INTERROGATORY NO. 8:**

Please identify each person who has supplied any information or assisted in locating any documents or tangible things used in answering or responding to all Asbestos Multi-District Litigation discovery, and provide a year-by-year list of all positions or job titles held by each person.

**INTERROGATORY NO. 9:**

When was the first time Defendant became familiar with the concept of a threshold limit value, or TLV, for airborne dust, and how was Defendant first made aware of this concept?

**REQUEST FOR PRODUCTION NO. 11:**

Please produce all documents and tangible things, received or obtained by Defendant before 1972, that indicate that inhaled asbestos fibers can be hazardous to human or non-human health. This Request for Production specifically seeks, but is not limited to: all responsive books, articles, reports, pamphlets and manufacturer's instructions.

**REQUEST FOR PRODUCTION NO. 12:**

Please produce all documents and tangible things relating to the inventories of all Defendant's libraries, research repositories, or other archives that contain magazines, journals, books, publications or other documents related to asbestos, pneumoconiosis, or any other dust-related disease (including, but not limited to, the effects of exposure to asbestos, industrial hygiene measures relating to asbestos dust, and medical information or research relating to asbestos or its effects on animals or humans, populations at risk, etc.). This Request for Production specifically seeks, but is not limited to: all card catalogs, indices, holding lists, databases, other record management systems, and subscription lists for periodicals such as: Journal of the American Medical Association, Industrial Medicine, Journal of Industrial Hygiene and Toxicology, National Safety News, Industrial Hygiene Foundation Digest, and Public Health Reports of the United States.

**REQUEST FOR PRODUCTION NO. 13:**

Please produce all documents and tangible things containing information concerning the hazards of asbestos or nuisance dust in general that Defendant received at any time.

**REQUEST FOR PRODUCTION NO. 14:**

Please produce all documents and tangible things containing information concerning the hazards of asbestos or nuisance dust in general that Defendant published, distributed, or disseminated at any time.

**REQUEST FOR PRODUCTION NO. 15:**

Please produce all documents and tangible things, created by any of Defendant's employees, former employees, or representatives at any time, that refer to any documents or tangible things responsive to the Request for Production immediately above.

**REQUEST FOR PRODUCTION NO. 16:**

Please produce all documents and tangible things generated by Defendant before 1972 that discuss or refer to the Fleischer-Drinker Report.

**REQUEST FOR PRODUCTION NO. 17:**

Please produce all documents and tangible things generated by Defendant before 1972 that discuss or refer to the Dreessen Report.

**REQUEST FOR PRODUCTION NO. 18:**

Please produce all documents and tangible things relating to Defendant's document and record retention (and/or destruction) policies or procedures, including, but not limited to:

- a. any supplements, addenda, memoranda, operating bulletins, revisions, or any other superseding instructions that refer to the stoppage, suspension or resumption of responsive policies or procedures; and
- b. policies or procedures regarding documents or records created, maintained, or stored by electronic, digital, optical and/or magnetic means (such as microfilm, microfiche, imaging, scanning, or storage on tapes, disks, CD or DVD-based media, databases, or on any computer hardware, backup system, download system, file dumping or other system of information management, whether on-site or off-site).

**REQUEST FOR PRODUCTION NO. 19:**

Please produce all demonstrative aids that Defendant plans to use at trial in this matter.

**REQUEST FOR PRODUCTION NO. 20:**

Please produce all documents and tangible things relating to communications between Defendant and any of its worker's compensation insurance carriers or any other insurance companies, made at any time, regarding asbestos-containing products, the hazards of asbestos or nuisance dust in general and any asbestos-related studies, analyses or testing conducted by any insurance carriers.

**REQUEST FOR PRODUCTION NO. 21:**

Please produce all documents and tangible things that indicate Defendant's net worth and/or financial position, including, but not limited to, all "10-K" forms, "10-Q" forms, and annual reports for the last ten (10) years. If Defendant is not a publically traded entity, please produce Defendant's audited balance sheets, cash flow worksheets, and federal and state tax returns for the last ten (10) years.

**REQUEST FOR PRODUCTION NO. 22:**

Please produce copies of all affidavits, depositions, and trial transcripts of Defendant's employees, former employees, or representatives taken in any matter involving an alleged injury or claimed property damage, incurred at any time, due to asbestos. This Request for Production includes all affidavits, depositions, and trial transcripts of all persons listed by Defendant pursuant to Texas Rule of Civil Procedure 194.2(e) as having knowledge of relevant facts.

**REQUEST FOR PRODUCTION NO. 23:**

Please produce copies of all affidavits, depositions, and trial transcripts, in the possession of Defendant, of all experts Defendant intends to call at trial.

**REQUEST FOR PRODUCTION NO. 24:**

Please produce all documents and tangible things related to inventory, stock-on-hand, warehousing, or other storage of asbestos or asbestos-containing products at any location owned, operated, or controlled by Defendant between 1972 and the present day.

**REQUEST FOR PRODUCTION NO. 25:**

Please produce all documents and tangible things that indicate Defendant's participation in, or funding of, any research regarding the health effects of asbestos exposure.

**REQUEST FOR PRODUCTION NO. 26:**

Please produce all documents and tangible things indicating any industrial hygiene advice, related to the hazards of asbestos, that Defendant received from any insurance carrier at any time.

**REQUEST FOR PRODUCTION NO. 27:**

Please produce the personnel records of all witnesses listed in the disclosures that Defendant made in this case pursuant to Texas Rule of Civil Procedure 194.

**REQUEST FOR PRODUCTION NO. 28:**

Please produce all reports, writings (whether published or unpublished) and other documents and tangible things that were written, created and/or edited by any expert Defendant plans to call at trial, and that pertain, in any way, to the hazards of asbestos.

**REQUEST FOR PRODUCTION NO. 29:**

Please produce all documents and tangible things Defendant's counsel provided to any of Defendant's expert or fact witnesses as a result of the filing of this case.

**REQUEST FOR PRODUCTION NO. 30:**

Please produce all responses to written discovery made by Defendant in all previous or pending asbestos-related lawsuits other than this lawsuit.

**REQUEST FOR PRODUCTION NO. 31:**

If Defendant contends it has not been sued in the proper capacity as set forth in Plaintiff's latest petition, please produce all documents and tangible things that support this contention.

**REQUEST FOR PRODUCTION NO. 32:**

**Please produce all agreements between Defendant and any manufacturer of asbestos-containing products in which Defendant agreed to act on the manufacturer's behalf in representing, selling, or distributing the manufacturer's products.**

**General Interrogatories 10 - 18 and Requests for Production 33 - 41  
are propounded to PRODUCT MANUFACTURERS ONLY**

**INTERROGATORY NO. 10:**

Please identify each asbestos-containing product that Defendant mined, manufactured, marketed, produced, researched, sold, distributed, or patented at any time. For each product identified, please provide the following information:

- a. the trade name or brand name of the product mined, manufactured, marketed, produced, researched, sold, distributed, and/or patented;
- b. the date the product was patented (if patented), placed on the market (if marketed), and the inclusive dates of the product's manufacture or sale (if manufactured or sold);
- c. the physical and chemical composition of the product, including the type of asbestos contained in the product and the percentage or amount of asbestos in each product;
- d. the date Defendant stopped mining, manufacturing, marketing, producing, researching, selling, and/or distributing the product;
- e. the date the product was removed from the market (if marketed) and no longer sold or distributed and the reasons therefor;
- f. the date asbestos was removed from the product, if ever, and the reasons for removing it;
- g. the seller(s), distributor(s) and/or supplier(s) from whom Defendant purchased the asbestos used in each particular product, and the type (example: amosite, chrysotile) and quantity of asbestos Defendant purchased from the seller(s);
- h. whether Defendant ever conducted any testing on the product to determine whether it posed any potential hazard to human or non-human health;
- i. the plant or facility where the product was mined, manufactured, produced, or researched;
- j. the foreseeable users of the product (such as insulators, helpers, pipefitters, boilermakers, welders, machinists, plasterers, drywall finishers, carpenters, shipwrights, etc.); and
- k. a description of any warnings that Defendant placed on the product or its packaging, operating manuals, brochures, catalogs, or other related printed material. This description should include the precise language of the warning, the size of the warning, the location on the product or its packaging where the warning was printed, and when the warning was first placed on the product.

**REQUEST FOR PRODUCTION NO. 33:**

Please produce all documents and tangible things relating to Defendant's mining, manufacture, marketing, production, research, sale, distribution, or patenting of any asbestos-containing product at any time. This Request for Production specifically seeks, but is not limited to:

packaging, instructions, package inserts, warnings, advertisements, and records of safety or health testing for each such product.

**INTERROGATORY NO. 11:**

As to any asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant at any time, were such products ever further distributed, marketed, packaged, labeled, or sold by companies or individuals other than Defendant? If so, please identify such companies or individuals, provide the dates those companies or individuals further distributed, marketed, packaged, labeled, or sold Defendant's asbestos-containing products, and identify the specific asbestos-containing products involved.

**INTERROGATORY NO. 12:**

As to each asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant at any time, was each such product generally expected to reach, or packaged to reach, the consumer or user without substantial change in the condition in which it was sold? If not, with respect to each such product, please explain in what way Defendant claims such product was to be altered or substantially changed after sale or distribution and before reaching the consumer or user.

**REQUEST FOR PRODUCTION NO. 34:**

If your response to Interrogatory No. 12 was affirmative, please produce all documents or tangible things that show in any way, how any asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant at any time was to be altered or substantially changed after the product was sold or distributed and before reaching the consumer or user.

**INTERROGATORY NO. 13:**

As to each asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant at any time, does Defendant contend that any of the products can be generally utilized without liberating asbestos fibers into the air? If so, please identify each such product, generally describe the intended use of the product, and explain how such use would not tend to liberate asbestos fibers into the air.



**REQUEST FOR PRODUCTION NO. 35:**

Please produce all documents and tangible things that indicate, in any way, the dust-creating potential of any asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant at any time.

**INTERROGATORY NO. 14:**

Was it foreseeable to Defendant, at the time each asbestos-containing product mined manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant was released for sale and distribution, that the product might be removed, stripped, ripped out, or replaced at some time after installation?

**INTERROGATORY NO. 15:**

Before 1970, did Defendant ever mine, manufacture, market, produce, research, sell, distribute, or patent any product which did not contain asbestos and which could be substituted for any asbestos-containing product? If so, please identify such asbestos-free product, and state the date such product was first placed on the market.

**INTERROGATORY NO. 16:**

As to each asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant at any time, when did Defendant become aware of asbestos-free substitutes or alternatives for such product (e.g. mineral wool), regardless of Defendant's belief of the viability of such substitutes or alternatives?

**REQUEST FOR PRODUCTION NO. 36:**

Please produce all documents and tangible things that indicate, in any way, Defendant's knowledge or awareness of asbestos-free substitutes or alternatives for any product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant regardless of Defendant's belief of the viability of such substitutes or alternatives.

**REQUEST FOR PRODUCTION NO. 37:**

Please produce all documents and tangible things relating to cost-risk analyses, cost-benefit analyses, or any other study, analysis, report, or document generated or obtained by Defendant at any time, that discusses the cost of abating, removing, replacing, or encapsulating asbestos or implementing any safeguards or engineering controls designed to protect persons from the hazards of asbestos or nuisance dust in general.

**REQUEST FOR PRODUCTION NO. 38:**

Please produce all documents and tangible things evidencing health surveys, epidemiological studies, environmental testing, air monitoring, or dust level counts conducted at any time by Defendant or at Defendant's request related to the use of Defendant's asbestos-containing products identified in Interrogatory No. 10.

**INTERROGATORY NO. 17:**

If it is your contention that you took the proper precautions to protect users of your asbestos-containing product(s) from potential hazards associated with the use of said asbestos containing-product(s), please identify any such precautions and actions taken by you.

**REQUEST FOR PRODUCTION NO. 39:**

Please produce any and all documents identifying precautions taken by you to protect users of your asbestos-containing product(s) from the potential hazards associated with asbestos.

**REQUEST FOR PRODUCTION NO. 40:**

Please produce any and all advertisements, brochures, product manuals, or any other such documents relating to any asbestos containing product(s) manufactured, sold, or otherwise distributed by you.

**INTERROGATORY NO. 18:**

As to each and every asbestos-containing product identified in Response to Interrogatory No. 10, please list each and every asbestos fiber supplier to this Defendant.

**REQUEST FOR PRODUCTION NO. 41:**

Please produce all documents and tangible things that indicate, in any way, each and every asbestos fiber supplier to this Defendant for any asbestos containing product identified in response to Interrogatory No. 10.

**Plaintiff's Master SPECIFIC Interrogatories and Requests for Production**  
**(Applicable only to PRODUCT Defendant)**

**INTERROGATORY NO. 1:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, please identify each asbestos-containing product that Defendant mined, manufactured, marketed, produced, researched, sold, distributed, or patented at any time. For each product identified, please provide the following information:

- a. the trade name or brand name of the product mined, manufactured, marketed, produced, researched, sold, distributed, and/or patented;
- b. the date the product was patented (if patented), placed on the market (if marketed), and the inclusive dates of the product's manufacture or sale (if manufactured or sold);
- c. the physical and chemical composition of the product, including the type of asbestos contained in the product and the percentage or amount of asbestos in each product;
- d. the date Defendant stopped mining, manufacturing, marketing, producing, researching, selling, and/or distributing the product;
- e. the date the product was removed from the market (if marketed) and no longer sold or distributed and the reasons therefor;
- f. the date asbestos was removed from the product, if ever, and the reasons for removing it;
- g. the seller(s), distributor(s) and/or supplier(s) from whom Defendant purchased the asbestos used in each particular product, and the type (example: amosite, chrysotile) and quantity of asbestos Defendant purchased from the seller(s);
- h. whether Defendant ever conducted any testing on the product to determine whether it posed any potential hazard to human or non-human health;
- i. the plant or facility where the product was mined, manufactured, produced, or researched;
- j. the foreseeable users of the product (such as insulators, helpers, pipefitters, boilermakers, welders, machinists, plasterers, drywall finishers, carpenters, shipwrights, etc.); and
- k. a description of any warnings that Defendant placed on the product or its packaging, operating manuals, brochures, catalogs, or other related printed material. This description should include the precise language of the warning, the size of the warning, the location on the product or its packaging where the warning was printed, and when the warning was first placed on the product.

**REQUEST FOR PRODUCTION NO. 1:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, please produce

all documents and tangible things relating to Defendant's mining, manufacture, marketing, production, research, sale, distribution, or patenting of any asbestos-containing product at any time. This Request for Production specifically seeks, but is not limited to: packaging, instructions, package inserts, warnings, advertisements, and records of safety or health testing for each such product.

**INTERROGATORY NO. 2:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, as to any asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant at any time, were such products ever further distributed, marketed, packaged, labeled, or sold by companies or individuals other than Defendant? If so, please identify such companies or individuals, provide the dates those companies or individuals further distributed, marketed, packaged, labeled, or sold Defendant's asbestos-containing products, and identify the specific asbestos-containing products involved.

**REQUEST FOR PRODUCTION NO. 2:**

If your response to Interrogatory No. 2 is affirmative, please produce the documents showing the terms of said agreement, including:

- a. contracts,
- b. rebranding agreements,
- c. shipping documents which are relevant to the terms of said agreement,
- d. purchase orders which are relevant to the terms of said agreement,
- e. invoices which are relevant to the terms of said agreement,
- f. requisitions which are relevant to the terms of said agreement, or
- g. correspondence which is relevant to the terms of said agreement.

**INTERROGATORY NO. 3:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, as to each asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant at any time, was each such product generally expected to reach, or packaged to reach, the consumer or user without substantial change in the condition in which it was sold? If not, with respect to each such product, please explain in what way Defendant claims such product was to be altered or substantially changed after sale or distribution and before reaching the consumer or user.

**REQUEST FOR PRODUCTION NO. 3:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, if your response to Interrogatory No. 3 was affirmative, please produce all documents or tangible things that show in any way, how any asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant at any time was to be altered or substantially changed after the product was sold or distributed and before reaching the consumer or user.

**INTERROGATORY NO. 4:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, as to each asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant at any time, does Defendant contend that any of the products can be generally utilized without liberating asbestos fibers into the air? If so, please identify each such product, generally describe the intended use of the product, and explain how such use would not tend to liberate asbestos fibers into the air.

**REQUEST FOR PRODUCTION NO. 4:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, please produce all documents and tangible things that indicate, in any way, the dust-creating potential of any asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant at any time.

**INTERROGATORY NO. 5:**

Please identify all persons with knowledge of facts relevant to the presence or absence of Defendant's asbestos and/or asbestos-containing products at any worksites or locations identified in discovery where Plaintiff, Plaintiff's decedent, or (in a household exposure case) exposed family member was present, please include a short statement as to the nature of the individual's knowledge s it relates to this subject matter.

**REQUEST FOR PRODUCTION NO. 5:**

Please produce all documents or tangible things which show the presence or absence of Defendant's asbestos and/or asbestos-containing products at any worksites or locations identified in discovery where Plaintiff, Plaintiff's decedent, or (in a household exposure case) exposed family member was present.

**INTERROGATORY NO. 6:**

Beginning in the year that Defendant first manufactured, marketed, produced, researched, sold, distributed, or patented any asbestos-containing product, and continuing through the present day, please identify each person who has held the position of corporate medical director, corporate safety director, and corporate industrial hygienist, however characterized. For each person identified, please also provide the person's current or last known address and whether the person is currently alive or dead, if known.

**INTERROGATORY NO. 7:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, was it foreseeable to Defendant, at the time each asbestos-containing product mined manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant was released for sale and distribution, that the product might be removed, stripped, ripped out, or replaced at some time after installation?

**INTERROGATORY NO. 8:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, before 1970, did Defendant ever mine, manufacture, market, produce, research, sell, distribute, or patent any product which did not contain asbestos and which could be substituted for any asbestos-containing product? If so, please identify such asbestos-free product, and state the date such product was first placed on the market.

**INTERROGATORY NO. 9:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, as to each asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant at any time, when did Defendant become aware of asbestos-free substitutes or alternatives for such product (e.g. mineral wool), regardless of Defendant's belief of the viability of such substitutes or alternatives?

**REQUEST FOR PRODUCTION NO. 6:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, please produce all documents and tangible things that indicate, in any way, Defendant's knowledge or awareness

of asbestos-free substitutes or alternatives for any product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant regardless of Defendant's belief of the viability of such substitutes or alternatives.

REQUEST FOR PRODUCTION NO. 7:

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, please produce all documents and tangible things relating to cost-risk analyses, cost-benefit analyses, or any other study, analysis, report, or document generated or obtained by Defendant at any time, that discusses the cost of abating, removing, replacing, or encapsulating asbestos or implementing any safeguards or engineering controls designed to protect persons from the hazards of asbestos or nuisance dust in general.

REQUEST FOR PRODUCTION NO. 8:

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, please produce all documents and tangible things evidencing health surveys, epidemiological studies, environmental testing, air monitoring, or dust level counts conducted at any time by Defendant or at Defendant's request related to the use of Defendant's asbestos-containing products identified in Interrogatory No. 1.

INTERROGATORY NO. 10:

Please indicate whether or not there are any documents, including but not limited to, invoices, billing records, sales records, contracts, or any other like document that reflect the distribution of your product to any of the job sites identified by Plaintiff.

REQUEST FOR PRODUCTION NO. 9:

Please produce any and all documents, including but not limited to, invoices, billing records, sales records, contracts, or any other like document that reflect the distribution of your product to any of the job sites identified by Plaintiff.

INTERROGATORY NO. 11:

If it is your contention that your product was not or could not have been sold, distributed or otherwise present on any job site at which Plaintiff claims exposure to asbestos, please state the reasons for this contention and the underlying basis for it.

**REQUEST FOR PRODUCTION NO. 10:**

Please produce any and all documents, including but not limited to, sales records, invoices, billing records, shipping records, and any other type of document that supports your contention that your products were not or could not have been present on job sites at which any Plaintiff claims exposure to asbestos.

**INTERROGATORY NO. 12:**

If you intend to make the contention at the trial of this case that your products were not or could not have been present on any job sites to which Plaintiff claims exposure to asbestos please identify the individual or individuals who will testify to this contention and the underlying basis for their testimony.

**INTERROGATORY NO. 13:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, if it is your contention that you took the proper precautions to protect users of your asbestos-containing product(s) from potential hazards associated with the use of said asbestos containing-product(s), please identify any such precautions and actions taken by you.

**REQUEST FOR PRODUCTION NO. 11:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, please produce any and all documents identifying to precautions taken by you to protect users of your asbestos-containing product(s) from the potential hazards associated with asbestos.

**REQUEST FOR PRODUCTION NO. 12:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, please produce any and all advertisements, brochures, product manuals, or any other such documents relating to any asbestos containing product(s) manufactured, sold, or otherwise distributed by you.



**INTERROGATORY NO. 14:**

If it is your contention that the Plaintiff's description of your asbestos-containing product(s) or his/her use of your asbestos-containing product(s) is not a proper description and/or use please state the bases for this contention.

**REQUEST FOR PRODUCTION NO. 13:**

If it is your contention that Plaintiff's description of your asbestos-containing product(s) and/or his/her use of your asbestos-containing product is incorrect, please produce any and all documents that support this contention.

**INTERROGATORY NO. 15:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, as to each and every asbestos-containing product identified in Response to Interrogatory No. 1, please list each and every asbestos fiber supplier to this Defendant.

**REQUEST FOR PRODUCTION NO. 14:**

To the extent not previously answered in Plaintiff's Master General Interrogatories, for each product identified by Plaintiff in written discovery responses or sworn testimony, please produce all documents and tangible things that indicate, in any way, each and every asbestos fiber supplier to this Defendant for any asbestos containing product identified in response to Interrogatory No. 1.

**Plaintiff's Master SPECIFIC Interrogatories and Requests For Production**  
**(Applicable only to CONTRACTOR Defendant)**

In addition to the General Definitions listed previously and are applicable to these Interrogatories and Requests for Production, the following definition(s) also apply: "Asbestos Job Site" means any job site at which Defendant performed, or contracted to perform, any work that involved utilizing asbestos-containing products in any way. Defendant's response to Interrogatory No. 1 below should be a full and complete list of Asbestos Job Sites. Defendant is reminded that the term "utilize" is defined in the Definitions section above, and includes maintenance and removal of asbestos or asbestos-containing products.

**INTERROGATORY NO. 1:**

Please list, in chronological order, all jobs performed, or contracted to perform, by Defendant, at an Asbestos Job Site that has been identified by any Plaintiff, Plaintiff's decedent, or (in a household exposure case) exposed family member during the time period from when Defendant first performed or was contacted to perform any work involving utilizing asbestos-containing products through the last year which Plaintiff alleges exposure to asbestos. For each job listed, please provide the job number assigned by Defendant, the specific location of the work (i.e. facility name, city, and state), a brief description of the work performed, and the start and end dates of the job.

**REQUEST FOR PRODUCTION NO. 1:**

Please produce all documents and tangible things that indicate, in any way, the work performed at each Asbestos Job Site identified in Interrogatory No. 1. This Request for Production specifically seeks, but is not limited to: the underlying job contracts, subcontracts, job specifications, instructions, owner's work policies, and similar items.

**INTERROGATORY NO. 2:**

For each Asbestos Job Site identified in Interrogatory No. 1, what asbestos-containing products were utilized? For each such product, please provide:

- a. a description of the asbestos-containing product;
- b. the brand name of the product;
- c. the specific location at the Asbestos Job Site where the product was utilized;
- d. the supplier from whom Defendant obtained the asbestos-containing product; and
- e. how the asbestos-containing product was utilized.

**REQUEST FOR PRODUCTION NO. 2:**

Please produce all documents and tangible things relating to the utilization, purchase, acquisition, and sale of asbestos-containing products at each Asbestos Job Site identified in Interrogatory No. 1. This Request for Production specifically seeks, but is not limited to: ordering and sales paperwork, requisitions, invoices, shipping documents, bills of lading, price quotations, and any other communications between Defendant and any manufacturer, distributor, or supplier of any asbestos-containing products utilized at each Asbestos Job Site identified in Interrogatory No. 1.

**INTERROGATORY NO. 3:**

Please identify any and all information related to the presence or absence of asbestos and/or asbestos-containing products at any Asbestos Job Sites identified by Plaintiff where Plaintiff, Plaintiff's decedent, or in a household exposure case the person through whom Plaintiff is claiming exposure was present when Defendant performed any work beginning when Defendant first performed or was contracted to perform any work involving utilizing asbestos-containing products through the last year.

**REQUEST FOR PRODUCTION NO. 3:**

Please produce all documents and tangible things related to the presence or absence of asbestos and/or asbestos-containing products at any Asbestos Job Sites identified in discovery where Plaintiff, Plaintiff's decedent, or in a household exposure case the person through whom Plaintiff is claiming exposure was present when Defendant performed any work beginning when Defendant first performed or was contracted to perform any work involving utilizing asbestos-containing products through the last year.

**INTERROGATORY NO. 4:**

Did Defendant ever test or monitor for the presence or amount of airborne dust (including asbestos or nuisance dust in general) at any Asbestos Job Site identified in Interrogatory No. 1? If so, please provide the dates of such testing, the frequency of such testing (if exact dates are not known), the type of test conducted, the results obtained, and the identity of the person with the most knowledge about the tests and their results.

**REQUEST FOR PRODUCTION NO. 4:**

Please produce all documents and tangible things relating to air monitoring, dust level counts or measurements, destructive testing of any asbestos-containing products, and any other asbestos-related environmental testing or monitoring conducted at each Asbestos Job Site identified in Interrogatory No. 1. This Request for Production specifically includes, but is not limited to: all

documents and tangible things relating to any of Defendant's actions taken or decisions made as a result of any such testing or monitoring.

**INTERROGATORY NO. 5:**

Please describe all health or safety rules, requirements, regulations, guidelines, procedures, and warnings given by Defendant to its employees or to other persons regarding the hazards of asbestos or nuisance dust in general. This Interrogatory seeks, but is not limited to, information regarding Defendant's establishment of any respirator program; worker or shift rotation scheme; required use of special clothing, changing rooms, showers, clothes lockers, and clothes laundering; personal or environmental monitoring; asbestos waste disposal; and caution or warning signs at any Asbestos Job Site identified in Interrogatory No. 1. Please list the persons or job trades to whom Defendant gave such rules, requirements, regulations, guidelines, procedures, and/or warnings, and state the first year Defendant gave each.

**REQUEST FOR PRODUCTION NO. 5:**

Please produce all documents and tangible things (including, but not limited to: photographs, videos, or other depictions) showing any safety precautions taken to protect persons from the hazards of asbestos or nuisance dust in general at all Asbestos Job Sites identified in Interrogatory No. 1, including, but not limited to: containment areas, warning signs, safety handbooks, videos or slide presentations, protective clothing, ventilation, engineering controls, and respiratory protection.

**INTERROGATORY NO. 6:**

Did Defendant have any specific safety procedure for abating, removing, encapsulating, or otherwise seeking to minimize or eliminate the amount of airborne fibers released by the utilization of asbestos and/or asbestos-containing products at any Asbestos Job Site identified in Interrogatory No. 1? If so, please provide the date when the procedure was initiated, the methods used, the products abated, removed, or encapsulated pursuant to the procedure, the locations of those products at each Asbestos Job Site identified in Interrogatory No. 1, and the storage and/or disposal procedures for each of the products.

**REQUEST FOR PRODUCTION NO. 6:**

Please produce all documents and tangible things relating to abatement, removal, encapsulation or other efforts made to minimize or eliminate the amount of airborne fibers released by the utilization of asbestos and/or asbestos-containing products at all Asbestos Job Sites identified in Interrogatory No. 1. This Request for Production specifically includes, but is not limited to: all documents and tangible things relating to the transportation or final disposition of abated, removed, or encapsulated asbestos and/or asbestos-containing products.

**INTERROGATORY NO. 7:**

Has Defendant been investigated or cited by OSHA or any other local, state, or federal governmental agency for any matter related to asbestos or asbestos exposure at any Asbestos Job Site identified in Interrogatory No. 1? If so, please provide the dates of such investigations, the results that were communicated to Defendant, and the remedial measures (if any) which were undertaken by Defendant.

**REQUEST FOR PRODUCTION NO. 7:**

Please produce all documents and tangible things relating to investigations or citations identified in Interrogatory No. 7. This Request for Production specifically seeks, but is not limited to: all documents and tangible things relating to any violations, citations, or warnings, and includes inspections for asbestos and other dust hazards.

**INTERROGATORY NO. 8:**

Has Defendant ever employed or hired any person or entity who performed inspections at any Asbestos Job Site identified in Interrogatory No. 1, such as labor inspectors, insurance company personnel, or any other person employed or hired by Defendant? This Interrogatory is limited to health and safety inspections related to asbestos or other dust hazards. If so, please provide the dates of such inspections, the results that were communicated to Defendant, and the remedial measures (if any) which were undertaken by Defendant.

**REQUEST FOR PRODUCTION NO. 8:**

Please produce all documents and tangible things relating to health or safety inspections of any Asbestos Job Site identified in Interrogatory No. 1 by labor inspectors, insurance company personnel, or any other person employed or hired by Defendant. This Request for Production specifically seeks, but is not limited to: all industrial hygiene studies or surveys that included air monitoring, dust level counts or measurements, destructive testing of any asbestos-containing products, and any other asbestos-related environmental testing or monitoring, whether or not Defendant paid for such studies or surveys.

**INTERROGATORY NO. 9:**

What was the earliest year that Defendant was advised that one of its employees showed radiographic evidence or other medical indication of asbestosis, asbestos-related pleural or parenchymal changes, or any other asbestos-related abnormality?

**REQUEST FOR PRODUCTION NO. 9:**

Please produce all documents and tangible things relating to communications made, at any time, between Defendant and any manufacturer of asbestos-containing products about the use of or hazards of asbestos and/or asbestos-containing products.

**REQUEST FOR PRODUCTION NO. 10:**

Please produce all documents and tangible things that Defendant believes support the contention that Plaintiff was not exposed to asbestos as a result of any work performed by Defendant.

**INTERROGATORY NO. 10:**

If it is your contention that Plaintiff was not or could not have been exposed to asbestos as a result of work done by you, please state all of the underlying bases for this contention.

**REQUEST FOR PRODUCTION NO. 11:**

Please produce all documents and tangible things that Defendant believes support the contention that Plaintiff was not exposed to harmful levels of asbestos as a result of any work performed by Defendant.

**INTERROGATORY NO. 11:**

If it is your contention that Plaintiff was not or could not have been exposed to asbestos as a result of work done by you, please indicate which individuals will testify to this at the trial of this case, and the underlying bases for their testimony.

**REQUEST FOR PRODUCTION NO. 12:**

Please produce all documents and tangible things that contain or refer to any complaints made by any person or organization regarding any safety concerns about Defendant's work performance, including, but not limited to, complaints regarding dust at any jobsite identified in Interrogatory No. 1.

**REQUEST FOR PRODUCTION NO. 13:**

Please produce all documents and tangible things relating to any safety program audits Defendant conducted or caused to be conducted at any time, related to Defendant's utilization of asbestos-containing products.

**REQUEST FOR PRODUCTION NO. 14:**

Please produce all safety manuals, guidelines, policies, rules, regulations, procedures, memoranda, or other documents and tangible things distributed by Defendant to its employees working at any Asbestos Job Site identified in Interrogatory No. 1.

**REQUEST FOR PRODUCTION NO. 15:**

Please produce all safety manuals, guidelines, policies, rules, regulations, procedures, memoranda, or other documents and tangible things specifically addressing the hazards of asbestos or nuisance dust in general that were distributed by Defendant to its employees working at any Asbestos Job Site identified in Interrogatory No. 1.

**REQUEST FOR PRODUCTION NO. 16:**

Please produce all documents and tangible things relating to the purchase, acquisition, issuance, or use of any dust-related safety equipment or protective equipment supplied by Defendant to any of its employees working at any Asbestos Job Site identified in Interrogatory No. 1.

**REQUEST FOR PRODUCTION NO. 17:**

Please produce all documents and tangible things indicating the time frame when safeguards or engineering controls designed to protect workers from the hazards of asbestos or nuisance dust in general were first started by Defendant at any Asbestos Job Site identified in Interrogatory No. 1, and when those safeguards or engineering controls were completed.

**REQUEST FOR PRODUCTION NO. 18:**

Please produce all documents and tangible things relating to safeguards or engineering controls designed to protect workers from the hazards of asbestos or nuisance dust in general that were considered, but not implemented, by Defendant at any Asbestos Job Site identified in Interrogatory No. 1.

**REQUEST FOR PRODUCTION NO. 19:**

Please produce all documents and tangible things relating to cost-risk analyses, cost-benefit analyses, or any other study, analysis, report, or document generated or obtained by Defendant that discusses the cost of switching to asbestos-free product utilization or of implementing any safeguards or engineering controls designed to protect persons from the hazards of asbestos or nuisance dust in general.

**REQUEST FOR PRODUCTION NO. 20:**

Please produce all documents and tangible things relating to Defendant's cessation of the use of asbestos-containing products at any Asbestos Job Site identified in Interrogatory No. 1.

**REQUEST FOR PRODUCTION NO. 21:**

Please produce all documents and tangible things relating to Defendant's consideration of alternatives to the utilization of asbestos-containing products at any Asbestos Job Site identified in Interrogatory No. 1.

**REQUEST FOR PRODUCTION NO. 22:**

Please produce all photographs of asbestos-in-place or asbestos-containing products being utilized by Defendant at any Asbestos Job Site identified in Interrogatory No. 1.

**REQUEST FOR PRODUCTION NO. 23:**

Please produce all documents and tangible things relating to any person's claimed injury as a result of exposure to asbestos at any Asbestos Job Site identified in Interrogatory No. 1, including, but not limited to, household exposure claims and workers' compensation claims.

**REQUEST FOR PRODUCTION NO. 24:**

Please produce all assignments of liability, subrogation agreements and other documents and tangible things relating to any sale or transfer of liability for torts an/or negligent acts committed by Defendant at any Asbestos Job Site identified in Interrogatory No. 1.

**REQUEST FOR PRODUCTION NO. 25:**

Please produce all documents and tangible things provided by manufacturers of asbestos-containing products and received by Defendant from any source at any time.



**REQUEST FOR PRODUCTION NO. 26:**

Please produce all documents and tangible things that indicate health surveys or epidemiological studies conducted at Defendant's request, or involving any of Defendant's employees.

**REQUEST FOR PRODUCTION NO. 27:**

Please produce any and all contracts, memoranda, job specifications, instructions, or other documents and tangible things that reflect, in any way, arrangements made by Defendant for any subcontractor to utilize asbestos-containing products at Asbestos Job Site identified in Interrogatory No. 1.

**REQUEST FOR PRODUCTION NO. 28:**

If Defendant employed Plaintiff, please produce all documents and tangible things that indicate the job sites to which Defendant assigned Plaintiff, whether or not those job sites were also Asbestos Job Sites identified in Interrogatory No. 1.

**REQUEST FOR PRODUCTION NO. 29:**

If Defendant employed Plaintiff, please produce all documents and tangible things that indicate the duration of each assignment on each job site to which Defendant assigned Plaintiff, whether or not those job sites were also Asbestos Job Sites identified in Interrogatory No. 1.

**REQUEST FOR PRODUCTION NO. 30:**

If Defendant employed Plaintiff, please produce all documents and tangible things that indicate the work to be done on each job site to which Defendant assigned Plaintiff, whether or not those job sites were also Asbestos Job Sites identified in Interrogatory No. 1. This Request for Production specifically seeks, but is not limited to, job specifications and change orders.

**REQUEST FOR PRODUCTION NO. 31:**

Please produce all documents and tangible things Defendant provided to Plaintiff informing him that he had been or might have been exposed to asbestos fibers as a result of Defendant's work at any Asbestos Job Site identified in Interrogatory No. 1.

**REQUEST FOR PRODUCTION NO. 32:**

Please produce any photographs, schematics, diagrams or drawings of any Asbestos Job Sites identified in Interrogatory No. 1.

**REQUEST FOR PRODUCTION NO. 33:**

Please produce any and all safety videotapes that in any way address asbestos hazards that were provided or shown to Contractor's employees.

**INTERROGATORY NO. 12:**

Is Defendant aware of any subcontractor that utilized any asbestos-containing products at any jobsite identified in response to Interrogatory No. 1?

**INTERROGATORY NO. 13:**

Referring to Interrogatory No. 12 above, if the answer to Interrogatory No. 12 is yes, please list all such subcontractors and the specific asbestos products Defendant has knowledge of being used by this subcontractor.

**INTERROGATORY NO. 14:**

Is Defendant aware of any engineering firm that made drawings that directed work or utilized specifications calling for the utilization of any asbestos-containing products at any jobsite?

**REQUEST FOR PRODUCTION NO.34:**

Please produce any and all engineering contracts, subcontracts, drawings or specifications of any kind wherein any work was specified with the utilization of any asbestos-containing products at any jobsite.

**REQUEST FOR PRODUCTION NO. 35:**

To the extent not previously produced, please produce all plaintiff specific documents, reports and evaluations, including but not limited to personnel files, employment records, accident reports, incident reports, medical evaluations, x-rays, x-ray reports, work performance documents, and reprimands.

**REQUEST FOR PRODUCTION NO. 36:**

Produce all deposition transcripts or other sworn testimony of each asbestos personal injury plaintiff that has provided sworn testimony in any other matter concerning asbestos exposure in the work areas of Plaintiff at the premises at issue during the relevant time period (as defined at the beginning of this section).

**REQUEST FOR PRODUCTION NO. 37:**

Produce all deposition transcripts or other sworn testimony of each asbestos personal injury plaintiff that has provided sworn testimony in any matter concerning asbestos exposure in the work areas of Plaintiff at the Premises at Issue from the time when asbestos products were first utilized at the premises through 1980.

**Plaintiff's Master SPECIFIC Interrogatories and Requests For Production**  
**(Applicable only to EMPLOYER Defendant)**

In addition to the General Definitions listed previously and are applicable to these Interrogatories and Requests for Production, the following definition(s) also apply: "Premises at Issue" means Defendant's premises at which Plaintiff has alleged he worked.

"Relevant Time Period" means the period during which asbestos containing products were first utilized at the Premises at issue and the last year of Plaintiff's alleged presence at the Premises at Issue (as identified in Plaintiff's discovery responses and/or sworn testimony.

**INTERROGATORY NO. 1:**

Between the time asbestos containing products were first utilized at the Premises at Issue and the last year of Plaintiff's alleged presence at the Premises at Issue, what asbestos-containing products were utilized at the Premises at Issue? For each such product, please provide:

- a. a description of the asbestos-containing product;
- b. the brand name of the product;
- c. the specific location at the premises where the product was utilized;
- d. the supplier from whom Defendant obtained the asbestos-containing product; and
- e. how the asbestos-containing product was utilized.

**REQUEST FOR PRODUCTION NO. 1:**

Please produce all documents and tangible things relating to the purchase, acquisition, or sale of asbestos-containing products for use at the Premises at Issue identified in Interrogatory No. 1. This Request for Production specifically seeks, but is not limited to: ordering and sales paperwork, requisitions, invoices, shipping documents, bills of lading, price quotations, and any other communications between Defendant and any manufacturer, distributor, or supplier of any asbestos-containing products utilized at the Premises at Issue.

**INTERROGATORY NO. 2:**

Beginning with the year that asbestos was first utilized at the Premises at Issue and continuing through the last year identified in Plaintiff's discovery, please identify any and all information related to the presence or absence of asbestos and/or asbestos-containing products at any premises identified in discovery, owned or operated by Defendant, where any Plaintiff or Plaintiff's decedent was present.

**REQUEST FOR PRODUCTION NO. 2:**

Beginning with the year that asbestos was first utilized at the Premises at Issue, please produce all documents and tangible things related to the presence or absence of asbestos and/or asbestos-containing products at any premises identified in discovery, owned or operated by Defendant, where any Plaintiff or Plaintiff's decedent was present.

**INTERROGATORY NO. 3:**

During the years of Plaintiff's alleged presence (as identified in Plaintiff's discovery responses and/or sworn testimony) at the Premises at Issue, did Defendant hire any outside contractors to perform work on the Premises at Issue which involved, in any way, the utilization of asbestos-containing products? If so, please identify all such contractors, the dates the contractors worked at the Premises at Issue, what type of work the contractors performed, where on the Premises at Issue the contractors' work was performed, and the asbestos-containing products which were utilized by the contractors.

**REQUEST FOR PRODUCTION NO. 3:**

Please produce all documents and tangible things that indicate, in any way, the work performed by any outside contractors at the Premises at Issue as identified in response to Interrogatory No. 3. This Request for Production specifically seeks, but is not limited to: the underlying job contracts, subcontracts, job specifications, instructions, Defendant's work policies for outside contractors, and similar items.

**INTERROGATORY NO. 4:**

Did Defendant ever conduct (or have another entity conduct), an investigation, survey, monitoring or other inquiry to identify the emission source(s) of airborne asbestos fibers, or ever test (or have another entity test or monitor) for the presence or amount of airborne dust (including asbestos dust or nuisance dust in general) at the Premises at Issue before 1980? If so, please provide the dates of such testing or monitoring, the frequency of such testing or monitoring (if exact dates are not known), the type of test conducted, the results obtained, and the identity of the person with the most knowledge about the tests or monitoring and their results.

**REQUEST FOR PRODUCTION NO. 4:**

Please produce all documents and tangible things relating to air monitoring, dust level counts or measurements, destructive testing of any asbestos-containing products, and any other asbestos-related environmental testing or monitoring identified in response to Interrogatory No. 3. This Request for Production specifically includes, but is not limited to: all documents and tangible

things relating to any of Defendant's actions taken or decisions made as a result of any such testing or monitoring.

**INTERROGATORY NO. 5:**

Please describe all health or safety rules, requirements, regulations, guidelines, procedures, and warnings given by Defendant to its employees regarding the hazards of asbestos or nuisance dust in general. This Interrogatory seeks, but is not limited to, information regarding Defendant's establishment of any respirator program; worker or shift rotation scheme; required use of special clothing, changing rooms, showers, clothes lockers, and clothes laundering; personal or environmental monitoring; asbestos waste disposal; and caution or warning signs.

**INTERROGATORY NO. 6:**

For each item described in Interrogatory No. 5, please list the persons or job trades to whom Defendant gave such rules, requirements, regulations, guidelines, procedures, and/or warnings between 1930 and 1980, and state the first year Defendant gave each.

**REQUEST FOR PRODUCTION NO. 5:**

Please produce all documents and tangible things (including, but not limited to: photographs, videos, or other depictions) showing any safety precautions taken to protect persons from the hazards of asbestos or nuisance dust in general at the Premises at Issue between 1930 and 1980, including, but not limited to: containment areas, warning signs, safety handbooks, videos or slide presentations, protective clothing, ventilation, engineering controls, and respiratory protection.

**INTERROGATORY NO. 7:**

Did Defendant have any program or procedure for abating, removing, or encapsulating asbestos and/or asbestos-containing products at the Premises at Issue before the 1980? If so, please provide the date when the program or procedure was initiated and completed, the methods used, the products abated, removed, or encapsulated, the locations of those products at the Premises at Issue, and the storage and/or disposal procedures for each of the products.

**REQUEST FOR PRODUCTION NO. 6:**

Please produce all documents and tangible things relating to abatement, removal, or encapsulation of asbestos and/or asbestos-containing products at the Premises at Issue before 1980. This Request for Production specifically includes, but is not limited to: all documents and tangible things relating to the transportation or final disposition of abated, removed, encapsulated or other

treatment to reduce the fiber release asbestos and/or asbestos-containing products from the Premises at Issue before 1980.

**INTERROGATORY NO. 8:**

Beginning in the year that Defendant first began conducting any type of operations at the Premises at Issue, and continuing through the last year identified in Plaintiff's discovery, please identify each person who has held the positions identified below. For each person identified, please also provide the person's current or last known address and whether the person is currently alive or dead, if known:

- a. plant safety director;
- b. plant industrial hygienist;
- c. medical director; and
- d. plant physician.

**REQUEST FOR PRODUCTION NO. 7:**

Please produce all documents and tangible things, such as organizational charts or rosters, that identify the persons in management positions at the Premises at Issue during the relevant time period, their areas of responsibility, their current or last known addresses, and whether they are currently alive or dead.

**INTERROGATORY NO. 9:**

Has Defendant been investigated or cited by OSHA or any other local, state, or federal governmental agency for any matter related to asbestos or asbestos exposure at the Premises at Issue before 1980? If so, please provide the dates of such investigations, the results that were communicated to Defendant, and the remedial measures (if any) which were undertaken by Defendant.

**REQUEST FOR PRODUCTION NO. 8:**

Please produce all documents and tangible things relating to health or safety inspections related to asbestos of the Premises at Issue before 1980, by local, state or federal regulatory agencies. This Request for Production specifically seeks, but is not limited to: all documents and tangible things relating to any violations, citations, or warnings, and includes inspections for asbestos and other dust hazards.

**INTERROGATORY NO. 10:**

Before 1980, were any health or safety inspections related to asbestos hazards conducted by officials or employees of the federal or state governments, insurance company, personnel or any other person employed or hired by Defendant? This Interrogatory is limited to health and safety inspections related to asbestos or other dust hazards. If so, please provide the dates of such inspections, the results that were communicated to Defendant, and the remedial measures (if any) which were undertaken by Defendant.

**REQUEST FOR PRODUCTION NO. 9:**

Please produce all documents and tangible things relating to the items identified in response to Interrogatory No. 10.

**INTERROGATORY NO. 11:**

What was the earliest year that Defendant was advised that one of its employees or any other person working on any premises owned or operated by Defendant showed radiographic evidence or other medical indication of asbestosis, asbestos-related pleural or parenchymal changes, or any other asbestos-related abnormality?

**REQUEST FOR PRODUCTION NO. 10:**

Please produce all documents and tangible things relating to the inventories of any library, research repository, or other archive physically located at the Premises at Issue, that contains magazines, journals, books, publications or other documents related to asbestos, pneumoconiosis, or any other dust-related disease (including, but not limited to, the effects of exposure to asbestos, industrial hygiene measures relating to asbestos dust, and medical information or research relating to asbestos or its effects on animals or humans, populations at risk, etc.). This Request for Production specifically seeks, but is not limited to: all card catalogs, indices, holding lists, databases, other record management systems, and subscription lists for periodicals such as: Journal of the American Medical Association, Industrial Medicine, Journal of Industrial Hygiene and Toxicology, National Safety News, Industrial Hygiene Foundation Digest, and Public Health Reports of the United States.

**REQUEST FOR PRODUCTION NO. 11:**

Please produce all documents and tangible things relating to communications made, at any time, between Defendant and any manufacturer of asbestos-containing products about the asbestos contained in such products.



**INTERROGATORY NO. 12:**

If it is your contention that Plaintiff was not exposed to asbestos at the Premises at Issue, please state all facts and information on which this contention is based.

**REQUEST FOR PRODUCTION NO. 12:**

Please produce all documents and tangible things that Defendant believes support the contention that Plaintiff was not exposed to asbestos at the Premises at Issue.

**REQUEST FOR PRODUCTION NO. 13:**

Please produce all documents and tangible things that Defendant believes support the contention that Plaintiff was not exposed to harmful levels of asbestos at the Premises at Issue.

**REQUEST FOR PRODUCTION NO. 14:**

Please produce all blueprints, maps, plats, photographs and architectural renderings of the Premises at Issue made until the last year of exposure identified by Plaintiff in their discovery.

**REQUEST FOR PRODUCTION NO. 15:**

Please produce all documents and tangible things that contain or refer to any complaints made by any person or organization regarding any safety concerns related to asbestos at the Premises at Issue before 1980 including, but not limited to, complaints regarding dust.

**REQUEST FOR PRODUCTION NO. 16:**

Please produce all documents and tangible things relating to any safety program audits regarding asbestos which Defendant conducted or caused to be conducted at the Premises at Issue before 1980.

**REQUEST FOR PRODUCTION NO. 17:**

Please produce all safety manuals, guidelines, policies, rules, regulations, procedures, memoranda, or other documents and tangible things distributed by Defendant regarding asbestos to its employees working at the Premises at Issue before 1980.

REQUEST FOR PRODUCTION NO. 18:

Please produce all safety manuals, guidelines, policies, rules, regulations, procedures, memoranda, or other documents and tangible things specifically addressing the hazards of asbestos or nuisance dust in general that were distributed by Defendant to its employees working at the Premises at Issue before 1980.

REQUEST FOR PRODUCTION NO. 19:

Please produce all documents and tangible things relating to the purchase, acquisition, issuance, or use of any dust-related safety equipment or protective equipment for protection from asbestos exposure supplied by Defendant to any of its employees working at the Premises at Issue before 1980.

REQUEST FOR PRODUCTION NO. 20:

Please produce all documents and tangible things indicating the time frame when safeguards or engineering controls designed to protect workers from the hazards of asbestos or nuisance dust in general were first started at the Premises at Issue, and when those safeguards or engineering controls were completed.

REQUEST FOR PRODUCTION NO. 21:

Please produce all documents and tangible things relating to safeguards or engineering controls designed to protect workers from the hazards of asbestos or nuisance dust in general that were considered, but not implemented, by Defendant before 1980.

REQUEST FOR PRODUCTION NO. 22:

Please produce all documents and tangible things relating to cost-risk analyses, cost-benefit analyses, or any other study, analysis, report, or document generated or obtained by Defendant before 1980, that discusses the cost of abating, removing, replacing, or encapsulating asbestos or implementing any safeguards or engineering controls designed to protect persons from the hazards of asbestos or nuisance dust in general.

REQUEST FOR PRODUCTION NO. 23:

Please produce all documents and tangible things relating to the cessation of asbestos-containing product use in any of Defendant's plants or facilities at any time.

**REQUEST FOR PRODUCTION NO. 24:**

Please produce all documents and tangible things relating to the identification or tracking of employees who were physically present at the Premises at Issue during the period Plaintiff was employed at the premises as identified in his discovery responses and/or sworn testimony, including but not limited to: gate records, sign-in logs, visitors' logs, identification badge or "brassing" procedures, and fingerprinting.

**REQUEST FOR PRODUCTION NO. 25:**

Please produce Defendant's employment file of any co-worker listed in this who was also an employee of Defendant. This request includes, but is not limited to, medical exams, reviews, reprimands, and job assignment information.

**REQUEST FOR PRODUCTION NO. 26:**

Please produce all documents and tangible things relating to Defendant's consideration of alternatives to the use of asbestos-containing products before 1980.

**REQUEST FOR PRODUCTION NO. 27:**

Please produce all photographs of asbestos-in-place or asbestos-containing products being used or manipulated in any way at the Premises at Issue before 1980.

**REQUEST FOR PRODUCTION NO. 28:**

Please produce all documents and tangible things relating to any person's claimed injury as a result of exposure to asbestos, before 1980, at any plant or facility owned or operated by Defendant, including, but not limited to, household exposure claims and workers' compensation claims.

**REQUEST FOR PRODUCTION NO. 29:**

Please produce all assignments of liability, subrogation agreements and other documents and tangible things relating to any sale or transfer of liability for torts committed at the Premises at Issue from 1930 to 1980.

**REQUEST FOR PRODUCTION NO. 30:**

Please produce all documents and tangible things relating to the use of asbestos in any industrial processes at the Premises at Issue from 1930 to the last year identified in discovery responses that Plaintiff was employed at the Premises at Issue.

**REQUEST FOR PRODUCTION NO. 31:**

Please produce all documents and tangible things relating to boilers and turbines at the Premises at Issue during the relevant time period. This request includes, but is not limited to: owners' manuals, maintenance manuals, purchase orders, invoices, field erection drawings, specifications, and inspection reports.

**REQUEST FOR PRODUCTION NO. 32:**

Please produce all health surveys or epidemiological studies regarding asbestos exposure conducted between 1930 and 1980 at Defendant's request, or involving any of Defendant's employees.

**REQUEST FOR PRODUCTION NO. 33:**

Please produce any and all contracts, memoranda, job specifications, instructions, or other documents and tangible things that reflect, in any way, arrangements made by Defendant for any contractor to utilize asbestos-containing products at the Premises at Issue before 1980.

**REQUEST FOR PRODUCTION NO. 34:**

Please produce all agreements between Defendant and any manufacturer of asbestos-containing products in which Defendant agreed to act on the manufacturer's behalf in representing, selling, or distributing the manufacturer's products.

**REQUEST FOR PRODUCTION NO. 35:**

Please produce all documents and tangible things that indicate, in any way, the job sites to which Defendant assigned Plaintiff.

**REQUEST FOR PRODUCTION NO. 36:**

Please produce all documents and tangible things that indicate, in any way, the duration of each assignment on each job site to which Defendant assigned Plaintiff.

**REQUEST FOR PRODUCTION NO. 37:**

Please produce all documents and tangible things that indicate, in any way, the work to be done on each jobsite to which Defendant assigned Plaintiff.

**REQUEST FOR PRODUCTION NO. 38:**

Please produce all documents and tangible things that indicate, in any way, the specifications for the work to be done, including change orders, on each jobsite to which Defendant assigned any Plaintiff.

**REQUEST FOR PRODUCTION NO. 39:**

Please produce all documents and tangible things Defendant provided to Plaintiff informing him that he had been or might have been exposed to asbestos fibers during his employment by Defendant.

**INTERROGATORY NO. 13:**

Did you maintain Worker's Compensation insurance that would cover Plaintiff's alleged injuries? If so, please identify insurance carrier and the dates during which said Worker's Compensation insurance was maintained.

**REQUEST FOR PRODUCTION NO. 40:**

Please produce all Worker's compensation Policies that would cover Plaintiff's alleged injuries in effect at the Premises at Issue during the relevant time periods.

**REQUEST FOR PRODUCTION NO. 41:**

Please produce any and all documents relating to any abatement of asbestos on any Asbestos Job Site that occurred after 1980.

**REQUEST FOR PRODUCTION NO. 42:**

Please produce Defendant's employment file concerning Plaintiff. This request includes but is not limited to medical exams of Plaintiff, reviews, reprimands, and job assignment information.

**REQUEST FOR PRODUCTION NO. 43:**

To the extent not previously produced, please produce all plaintiff specific documents, reports and evaluations, including but not limited to personnel files, employment records, accident reports,

incident reports, medical evaluations, x-rays, x-ray reports, work performance documents, and reprimands.

**REQUEST FOR PRODUCTION NO. 44:**

Produce all deposition transcripts or other sworn testimony of each asbestos personal injury plaintiff that has provided sworn testimony in any other matter concerning asbestos exposure in the work areas of Plaintiff at the premises at issue during the relevant time period (as defined at the beginning of this section).

**REQUEST FOR PRODUCTION NO. 45:**

Produce all deposition transcripts or other sworn testimony of each asbestos personal injury plaintiff that has provided sworn testimony in any matter concerning asbestos exposure in the work areas of Plaintiff at the Premises at Issue from the time when asbestos products were first utilized at the premises through 1980.

**Plaintiff's Master SPECIFIC Interrogatories and Requests For Production**  
**(Applicable only to PREMISES Defendant)**

In addition to the General Definitions listed previously and are applicable to these Interrogatories and Requests for Production, the following definition(s) also apply: "Premises at Issue" means Defendant's premises at which any Plaintiff has alleged he worked while employed by his contractor employer(s).

"Relevant Time Period" means the period during which asbestos containing products were first utilized at the Premises at Issue and the last year of Plaintiff's alleged presence at the Premises at Issue (as identified in Plaintiff's discovery response).

**INTERROGATORY NO. 1:**

Between the time period asbestos containing products were first utilized at the Premises at Issue and the last year of plaintiff's alleged presence at the Premises at Issue (as identified in Plaintiff's discovery responses and/or sworn testimony), what asbestos-containing products were utilized at the Premises at Issue? For each such product, please provide:

- a. a description of the asbestos-containing product;
- b. the brand name of the product;
- c. the specific location at the premises where the product was utilized;
- d. the supplier from whom Defendant obtained the asbestos-containing product; and
- e. how the asbestos-containing product was utilized.

**REQUEST FOR PRODUCTION NO. 1:**

Please produce all documents and tangible things relating to the purchase, acquisition, or sale of asbestos-containing products identified in Interrogatory No. 1. This Request for Production specifically seeks, but is not limited to: ordering and sales paperwork, requisitions, invoices, shipping documents, bills of lading, price quotations, and any other communications between Defendant and any manufacturer, distributor, or supplier of any asbestos-containing products utilized at the Premises at Issue.

**INTERROGATORY NO. 2:**

During the years of Plaintiff's alleged presence (as identified in Plaintiff's discovery responses and sworn testimony) at the Premises at Issue, did Defendant hire any outside contractors to perform work on the Premises at Issue which involved, in any way, the utilization of asbestos-containing products? If so, please identify all such contractors, the dates the contractors worked at the Premises at Issue, what type of work the contractors performed, where on the Premises at Issue the contractors' work was performed, and the asbestos-containing products which were utilized by the contractors.

**REQUEST FOR PRODUCTION NO. 2:**

Please produce all documents and tangible things that indicate, in any way, the work performed by any outside contractors at the Premises at Issue identified in Interrogatory No. 2. This Request for Production specifically seeks, but is not limited to: the underlying job contracts, subcontracts, job specifications, instructions, Defendant's work policies for outside contractors, and similar items.

**INTERROGATORY NO. 3:**

Did Defendant ever conduct (or have another entity conduct), an investigation, survey, monitoring or other inquiry to identify the emission source(s) of airborne asbestos fibers, or ever test (or have another entity test) for the presence or amount of airborne dust (including asbestos dust or nuisance dust in general) at the Premises at Issue before 1980? If so, please provide the dates of such testing, the frequency of such testing (if exact dates are not known), the type of test conducted, the results obtained, and the identity of the person with the most knowledge about the tests and their results.

**REQUEST FOR PRODUCTION NO. 3:**

Please produce all documents and tangible things relating to air monitoring, dust level counts or measurements, destructive testing of any asbestos-containing products, and any other asbestos-related environmental testing or monitoring identified in response to Interrogatory No. 2. This Request for Production specifically includes, but is not limited to: all documents and tangible things relating to any of Defendant's actions taken or decisions made as a result of any such testing or monitoring.

**INTERROGATORY NO. 4:**

Please describe all health or safety rules, requirements, regulations, guidelines, procedures, and warnings given by Defendant to its employees regarding the hazards of asbestos. This Interrogatory seeks, but is not limited to, information regarding Defendant's establishment of any respirator program; worker or shift rotation scheme; required use of special clothing, changing rooms, showers, clothes lockers, and clothes laundering; personal or environmental monitoring; asbestos waste disposal; and caution or warning signs.

**INTERROGATORY NO. 5:**

For each item described in Interrogatory No. 4, please list the persons or job trades to whom Defendant gave such rules, requirements, regulations, guidelines, procedures, and/or warnings between 1930 and 1980, and state the first year Defendant gave each.



**REQUEST FOR PRODUCTION NO. 4:**

Please produce all documents and tangible things (including, but not limited to: photographs, videos, or other depictions) showing any safety precautions taken to protect persons from the hazards of asbestos dust or nuisance dust in general at the Premises at Issue between 1930 and 1980, including, but not limited to: containment areas, warning signs, safety handbooks, videos or slide presentations, protective clothing, ventilation, engineering controls, and respiratory protection.

**INTERROGATORY NO. 6:**

Before 1980, did Defendant hold safety meetings at the Premises at Issue for (a) its employees, and (b) contractor employees working at the Premises at Issue? If so, how often were such meetings held, and what topics were discussed?

**REQUEST FOR PRODUCTION NO. 5:**

Please produce all documents and tangible things related to safety meetings conducted at the Premises at Issue for Defendant's employees and/or employees of contractors working at the Premises at Issue at any time before 1980.

**INTERROGATORY NO. 7:**

Did Defendant have any program or procedure for abating, removing, or encapsulating asbestos and/or asbestos-containing products or otherwise treating asbestos containing products in an effort to reduce fiber release. at the Premises at Issue before 1980? If so, please provide the date when the program or procedure was initiated and completed, the methods used, the products abated, removed, or encapsulated, the locations of those products at the Premises at Issue, and the storage and/or disposal procedures for each of the products.

**REQUEST FOR PRODUCTION NO. 6:**

Please produce all documents and tangible things relating to each item identified in Interrogatory No. 7. This Request for Production specifically includes, but is not limited to: all documents and tangible things relating to the transportation or final disposition of abated, removed, or encapsulated asbestos and/or asbestos-containing products from the Premises at Issue before 1980.

**INTERROGATORY NO. 8:**

Please identify each person employed by Defendant whose duties and responsibilities during the years in which Plaintiff is alleging exposure at the Premises at Issue included communicating with

contractors (and specifically with Plaintiff's employers) regarding any of the following matters, or taking any action regarding any of the following matters:

- a. the terms of the contracts between Defendant and contractors (including Plaintiff's employers);
- b. job specifications, blueprints, isometric drawings, or similar materials related to the work contracted between Defendant and contractors (including Plaintiff's employers);
- c. payment of contractors (including Plaintiff's employers) for the work contracted between Defendant and such contractors;
- d. purchase orders, warehousing arrangements, or Defendant's provision or approval of asbestos-containing products to be used by contractors (including Plaintiff's employers) in the course of the work contracted between Defendant and such contractors; and
- e. oversight, supervision, observation, inspection, monitoring, or approval by Defendant of the work contracted between Defendant and contractors (including Plaintiff's employers), to include authorizing payment for completion.

#### REQUEST FOR PRODUCTION NO. 7:

Please produce all documents and tangible things relating to any communications between Defendant and Plaintiff's employers regarding any of the matters noted in the Interrogatory immediately above. This Request for Production specifically seeks, but is not limited to the following information for the years during which Plaintiff is alleging exposure at the Premises at Issue:

- a. contracts between Defendant and Plaintiff's employers for any job identified by Plaintiff in his deposition or by any coworkers in their depositions;
- b. invitations to bid, requests for proposals, bids, proposals, accident or safety reports, statements of scope of work, work orders, instructions, job specifications, design specifications, blueprints, isometric drawings, plans, photographs, architectural renderings, offers, acceptances, contracts, amendments, addenda, change orders, inspection reports, work logs or contractor logs, and any other documents and tangible things referring to work pending, in-progress, or completed by Plaintiff's employers at the Premises at Issue;
- c. correspondence between Defendant and Plaintiff's employers relating in any way to the contract(s) between Defendant and Plaintiff's employers, and the work Defendant was hiring Plaintiff's employers to perform at the Premises at Issue;
- d. correspondence between Defendant and Plaintiff's employers relating in any way to the hazards of asbestos dust or nuisance dust in general;
- e. authorizations for payment, invoices, bills, check requests, requisitions, and cancelled checks indicating payment to Plaintiff's employers for work performed at the Premises at Issue; and
- f. purchase orders, warehousing arrangements, and Defendant's provision or approval of asbestos-containing products to be used by Plaintiff's employers in the performance of the work Defendant hired Plaintiff's employers to perform at the Premises at Issue.

**INTERROGATORY NO. 9:**

Beginning in the year that Defendant first began conducting any type of business at the Premises at Issue, and continuing through the present day, please identify each person who has held the positions identified below. For each person identified, please also provide the person's current or last known address and whether the person is currently alive or dead, if known:

- a. plant safety director;
- b. plant industrial hygienist;
- c. medical director; and
- d. plant physician.

**REQUEST FOR PRODUCTION NO. 8:**

Please produce all documents and tangible things, such as organizational charts or rosters, that identify the persons in management positions at the Premises at Issue during the relevant time period their areas of responsibility, their current or last known addresses, and whether they are currently alive or dead.

**INTERROGATORY NO. 10:**

Has Defendant been investigated or cited by OSHA or any other local, state, or federal governmental agency for any matter related to asbestos or asbestos exposure at the Premises at Issue before 1980? If so, please provide the dates of such investigations, the results that were communicated to Defendant, and the remedial measures (if any) which were undertaken by Defendant.

**REQUEST FOR PRODUCTION NO. 9:**

Please produce all documents and tangible things relating to health or safety inspections regarding the presence of asbestos at the Premises at Issue before 1980, by local, state or federal regulatory agencies. This Request for Production specifically seeks, but is not limited to: all documents and tangible things relating to any violations, citations, or warnings, for inspections regarding asbestos hazards.

**INTERROGATORY NO. 11:**

Before 1980, were any health or safety inspections related to asbestos hazards conducted by officials or employees of the federal or state governments, insurance company personnel, or any other person employed or hired by Defendant? This Interrogatory is limited to health and safety inspections related to asbestos or other nuisance dust hazards. If so, please provide the dates of such inspections, the results that were communicated to Defendant, and the remedial measures (if any) which were undertaken by Defendant.

**REQUEST FOR PRODUCTION NO. 10:**

Please produce all documents and tangible things relating to the items identified in Interrogatory No. 11.

**INTERROGATORY NO. 12:**

What was the earliest year that Defendant was advised that one of its employees or any other person working on any premises owned or operated by Defendant showed radiographic evidence or other medical indication of asbestosis, asbestos-related pleural or parenchymal changes, or any other asbestos-related abnormality?

**REQUEST FOR PRODUCTION NO. 11:**

Please produce all documents and tangible things relating to the inventories of any library, research repository, or other archive physically located at the Premises at Issue, that contains magazines, journals, books, publications or other documents related to asbestos, pneumoconiosis, or any other dust-related disease (including, but not limited to, the effects of exposure to asbestos, industrial hygiene measures relating to asbestos dust, and medical information or research relating to asbestos or its effects on animals or humans, populations at risk, etc.). This Request for Production specifically seeks, but is not limited to: all card catalogs, indices, holding lists, databases, other record management systems, and subscription lists for periodicals such as: Journal of the American Medical Association, Industrial Medicine, Journal of Industrial Hygiene and Toxicology, National Safety News, Industrial Hygiene Foundation Digest, and Public Health Reports of the United States.

**REQUEST FOR PRODUCTION NO. 12:**

Please produce all documents and tangible things relating to communications made, at any time, between Defendant and any manufacturer of asbestos-containing products about the asbestos contained in such products and/or the health hazards concerning asbestos.

**REQUEST FOR PRODUCTION NO. 13:**

Please produce all documents and tangible things that Defendant believes support the contention that Plaintiff was not exposed to asbestos at the Premises at Issue.

**REQUEST FOR PRODUCTION NO. 14:**

Please produce all documents and tangible things that Defendant believes support the contention that Plaintiff was not exposed to harmful levels of asbestos at the Premises at Issue.

**REQUEST FOR PRODUCTION NO. 15:**

Please produce all blueprints, maps, plats, photographs and architectural renderings of the Premises at Issue made during the relevant time period in this case.

**REQUEST FOR PRODUCTION NO. 16:**

Please produce all documents and tangible things that contain or refer to any complaints made by any person or organization regarding any safety concerns at the Premises at Issue before 1980 related to asbestos.

**REQUEST FOR PRODUCTION NO. 17:**

Please produce all documents and tangible things relating to any safety program audits regarding asbestos which Defendant conducted or caused to be conducted at the Premises at Issue before 1980.

**REQUEST FOR PRODUCTION NO. 18:**

Please produce all safety manuals, guidelines, policies, rules, regulations, procedures, memoranda, or other documents and tangible things distributed by Defendant regarding asbestos to its employees, Plaintiff's employer, or to any other person working at the Premises at Issue before 1980.

**REQUEST FOR PRODUCTION NO. 19:**

Please produce all documents and tangible things relating to the purchase, acquisition, issuance, or use of any dust-related safety equipment for protection from asbestos exposure or protective equipment for protection from asbestos exposure supplied by Defendant to any of its employees, Plaintiff's employer, or to any other person working at the Premises at Issue between 1930 and 1980.

**REQUEST FOR PRODUCTION NO. 20:**

Please produce all documents and tangible things indicating the time frame when safeguards or engineering controls designed to protect workers from the hazards of asbestos dust or nuisance dust in general were first started at the Premises at Issue.

**REQUEST FOR PRODUCTION NO. 21:**

Please produce all documents and tangible things relating to cost-risk analyses, cost-benefit analyses, or any other study, analysis, report, or document generated or obtained by Defendant before 1980, that discusses the cost of abating, removing, replacing, or encapsulating asbestos or implementing any safeguards or engineering controls designed to protect persons from the hazards of asbestos.

**REQUEST FOR PRODUCTION NO. 22:**

Please produce all documents and tangible things relating to the cessation of asbestos-containing product use in any of Defendant's plants or facilities at any time.

**REQUEST FOR PRODUCTION NO. 23:**

Please produce all documents and tangible things relating to Defendant's consideration of alternatives to the use of asbestos-containing products before 1980.

**REQUEST FOR PRODUCTION NO. 24:**

Please produce all photographs of asbestos-in-place or asbestos-containing products being used or manipulated in any way at the Premises at Issue before 1980.

**REQUEST FOR PRODUCTION NO. 25:**

Please produce all documents and tangible things relating to any person's claimed injury as a result of exposure to asbestos, between 1930 and 1980, at any plant or facility owned or operated by Defendant, including, but not limited to, household exposure claims and workers' compensation claims.

**REQUEST FOR PRODUCTION NO. 26:**

Please produce all assignments of liability, subrogation agreements and other documents and tangible things relating to any sale or transfer of liability for asbestos related personal injuries committed at the Premises at Issue between 1930 and 1980.

**REQUEST FOR PRODUCTION NO. 27:**

Please produce all documents and tangible things relating to the use of asbestos in any industrial processes at the Premises at Issue between the time of Plaintiff's first employment at the Premises at Issue and continuing to the present day.

**REQUEST FOR PRODUCTION NO. 28:**

Please produce all documents and tangible things relating to boilers and turbines at the Premises at Issue during the relevant time period (see beginning of this section for definition). This request includes, but is not limited to: owners' manuals, maintenance manuals, purchase orders, invoices, field erection drawings, specifications, and inspection reports..

**REQUEST FOR PRODUCTION NO. 29:**

Please produce all health surveys and epidemiological studies regarding asbestos exposure conducted between 1930 and 1980 at Defendant's request, or involving any of Defendant's employees.

**REQUEST FOR PRODUCTION NO. 30:**

Please produce any and all contracts, memoranda, job specifications, instructions, or other documents and tangible things that reflect, in any way, for arrangements made by Defendant for any contractor (including Plaintiff's employers) to utilize asbestos-containing products at the Premises at Issue during the relevant time period (defined at the beginning of this section).

**REQUEST FOR PRODUCTION NO. 31:**

Please produce all depositions and other transcripts of sworn testimony in possession of Defendant given by any person regarding asbestos related work performed by Plaintiff's employers at the Premises at Issue during the relevant time period (defined at the beginning of this section).

**REQUEST FOR PRODUCTION NO. 32:**

Please produce all documents and tangible things that indicate Defendant's satisfaction, or lack thereof, with Plaintiff's employers and the work Plaintiff's employers performed at the Premises at Issue during the period in which Plaintiff is claiming exposure at the Premises at Issue. This Request for Production specifically seeks, but is not limited to: memoranda, correspondence, progress reports, and all other responsive reports prepared by Defendant.

**REQUEST FOR PRODUCTION NO. 33:**

Please produce all documents and tangible things that indicate whether, and how, Plaintiff's employers or any of its employees violated any of Defendant's rules or regulations at the Premises at Issue during the period in which Plaintiff is claiming exposure at the Premises at Issue.

**REQUEST FOR PRODUCTION NO. 34:**

Please produce all documents and tangible things that indicate Defendant's response to any of Plaintiff's employers' violations of any of Defendant's rules or regulations at the Premises at Issue during the period in which Plaintiff is claiming exposure at the Premises at Issue.

**REQUEST FOR PRODUCTION NO. 35:**

Please produce all documents and tangible things that indicate whether, and how, Plaintiff's employers or any of its employees committed any safety violations at the Premises at Issue during the period in which Plaintiff is claiming exposure at the Premises at Issue.

**REQUEST FOR PRODUCTION NO. 36:**

Please produce all documents and tangible things Defendant provided to any Plaintiff informing him that he had been or might have been exposed to asbestos fibers during his at the Premises at Issue.

**INTERROGATORY NO. 13:**

If it is Defendant's contention that Plaintiff was not exposed to asbestos at the Premises at Issue please provide all facts and information on which this contention is based.

**REQUEST FOR PRODUCTION NO. 37:**

Please produce any and all documents that support your contention that Plaintiff was not exposed to asbestos at the premises at issue.

**REQUEST FOR PRODUCTION NO. 38:**

Please produce any and all documentation that relate in any way to the issue of who controlled the manner and means by which work was done by contractors on the Premises at Issue including, but not limited to, contract provisions, addendum, safety policies, or any other such documentation.

**INTERROGATORY NO.14:**

If it is your contention that you had no control over the manner and means by which work was done at the Premises at Issue, please provide the facts and information on which this contention is based.



**INTERROGATORY NO. 15:**

If it is your contention that you had no control over the manner and means in which work was done on the Premises at Issue, please indicate which individuals will give this testimony at the time of trial and their basis for giving such testimony.

**INTERROGATORY NO. 16:**

Identify which individuals are going to testify regarding the lack of asbestos at the Premises at Issue, and the basis for their testimony.

**REQUEST FOR PRODUCTION NO. 39:**

To the extent not previously produced, please produce all plaintiff specific documents, reports and evaluations, including but not limited to personnel files, employment records, accident reports, incident reports, medical evaluations, x-rays, x-ray reports, work performance documents, and reprimands.

**REQUEST FOR PRODUCTION NO. 40:**

Produce all deposition transcripts or other sworn testimony of each asbestos personal injury plaintiff that has provided sworn testimony in any other matter concerning asbestos exposure in the work areas of Plaintiff at the premises at issue during the relevant time period (as defined at the beginning of this section).

**REQUEST FOR PRODUCTION NO. 41:**

Produce all deposition transcripts or other sworn testimony of each asbestos personal injury plaintiff that has provided sworn testimony in any matter concerning asbestos exposure in the work areas of Plaintiff at the Premises at Issue from the time when asbestos products were first utilized at the premises through 1980.

**Plaintiff's Master SPECIFIC Interrogatories and Requests for Production**  
**(Applicable only to EQUIPMENT MANUFACTURER Defendant)**

**INTERROGATORY NO. 1:**

For each piece of equipment that Plaintiff identifies in written discovery or sworn testimony) that Defendant manufactured, marketed, sold or distributed, did Defendant ever specify the use of asbestos or asbestos-containing products or utilize asbestos containing component parts in the design manufacture, construction, erection, operations, service, and/or repair of such equipment? If so, and for each type or piece of equipment identified, please provide the following information:

- a. the trade name or brand name of the equipment manufactured, marketed, sold or distributed by Defendant;
- b. the type and/or brand name of asbestos or asbestos-containing product specified for use with the equipment;
- c. the date the equipment was placed on the market, and the inclusive dates of the equipment's manufacture, sale, and distribution;
- d. a detailed description of the equipment, including a description of how and why the equipment involved the use of asbestos or asbestos-containing products;
- e. the date Defendant stopped manufacturing, marketing, selling, and/or distributing the equipment;
- f. if applicable, the date the equipment was removed from the market and no longer sold or distributed and the reasons therefor;
- g. if applicable, the date asbestos was no longer specified for use with the equipment, and the reasons for no longer specifying it;
- h. if applicable, the seller from whom Defendant purchased the asbestos used in the equipment, and the type (example: amosite, chrysotile) and quantity of asbestos Defendant purchased from the seller;
- i. whether Defendant ever conducted any testing on the equipment to determine whether it posed any potential asbestos-related hazard to human or non-human health;
- j. the plants or facilities where the equipment was manufactured;
- k. the foreseeable users of the equipment (such as insulators, helpers, pipefitters, boilermakers, welders, machinists, plasterers, drywall finishers, carpenters, shipwrights, etc.); and
- l. a description of any warnings that Defendant placed on the equipment or its packaging, operating manuals, brochures, catalogs, or other related printed material. This description should include the precise language of the warning, the size of the warning, the location on the equipment or its packaging where the warning was printed, and when the warning was first placed on the equipment.

**REQUEST FOR PRODUCTION NO. 1:**

Please produce all documents and tangible things relating to Defendant's manufacture, marketing, sale and distribution of any equipment identified in response to Interrogatory No. 1 above

including field erection drawings, field erection notes/logs, blueprints, specifications, invoices, shipping documentation, contracts and/or purchase agreements.

**REQUEST FOR PRODUCTION NO. 2:**

For each model of equipment identified in Interrogatory No. 1, please produce all operation and repair manuals, packaging, instructions, package inserts, warnings, advertisements, and records of safety or health testing for each such type or piece of equipment.

**INTERROGATORY NO. 2:**

As to any equipment identified in response to Interrogatory No. 1 above, was such equipment ever further distributed, marketed, packaged, labeled, or sold by companies or individuals other than Defendant? If so, please identify such companies or individuals, provide the dates those companies or individuals further distributed, marketed, packaged, labeled, or sold Defendant's asbestos-containing products, and identify the specific asbestos-containing products involved.

**REQUEST FOR PRODUCTION NO. 3:**

Please produce all documents and tangible things that indicate, in any way, Defendant's arrangements with other entities to further distribute, market, package, label, or sell any equipment identified in the response to Interrogatory No. 1 above. This Request for Production specifically seeks, but is not limited to, items such as contracts, "rebranding agreements," shipping documents, purchase orders, invoices, requisitions, and correspondence.

**INTERROGATORY NO. 3:**

As to any equipment identified in response to Interrogatory No. 1 above, was such equipment generally expected to reach, or packaged to reach, the consumer or user without substantial change in the condition in which it was sold? If not, with respect to each such product, please explain in what way Defendant claims such product was to be altered or substantially changed after sale or distribution and before reaching the consumer or user.

**REQUEST FOR PRODUCTION NO. 4:**

Please produce all documents and tangible things that indicate, in any way, how any equipment identified in the response to Interrogatory No. 1 above was to be altered or substantially changed after the product was sold or distributed and before reaching the consumer or user.

**INTERROGATORY NO. 4:**

As to any equipment identified in response to Interrogatory No. 1 above, does Defendant contend that such equipment can be generally utilized without liberating asbestos fibers into the air? If so, please identify such equipment, generally describe the intended use of the equipment, and explain how such use would not tend to liberate asbestos fibers into the air.

**REQUEST FOR PRODUCTION NO. 5:**

Please produce all documents and tangible things that indicate, in any way, the dust-creating potential of any equipment identified in response to Interrogatory No. 1 above.

**INTERROGATORY NO. 5:**

As to any equipment identified in response to Interrogatory No. 1 above, did Defendant ever use any type of written sales contract between Defendant and the buyer of such equipment? If so, did such written sales contract ever include a clause that Defendant would agree to repair and/or service the equipment if necessary?

**REQUEST FOR PRODUCTION NO. 6:**

Please produce all documents and tangible things related to any agreement entered into by Defendant to repair and/or service any equipment identified in response to Interrogatory No. 1 above.

**INTERROGATORY NO. 6:**

Did Defendant ever enter into any agreement with any manufacturer of asbestos-containing products to use or recommend the use of that manufacturer's asbestos-containing products with any equipment identified in response to Interrogatory No. 1 above?

**REQUEST FOR PRODUCTION NO. 7:**

Please produce all documents and tangible things related to any agreement entered into by Defendant to use or recommend the use of any particular type or brand of asbestos-containing product with any equipment identified in response to Interrogatory No. 1 above.

**INTERROGATORY NO. 7:**

Beginning in the year that Defendant first manufactured, marketed, sold, or distributed the equipment identified in response to Interrogatory No. 1 above, and continuing through the present day, please identify each person who has held the position of (a) corporate medical director, (b)

corporate safety director, and (c) corporate industrial hygienist, however characterized. For each person identified, please also provide the person's current or last known address and whether the person is currently alive or dead, if known.

**INTERROGATORY NO. 8:**

Was it foreseeable to Defendant, at the time each type or piece of equipment identified in response to Interrogatory No. 1 above was released for sale and distribution, that the asbestos or asbestos-containing products specified for use with such equipment might be removed, stripped, ripped out, or replaced at some time after installation?

**REQUEST FOR PRODUCTION NO. 8:**

As to any equipment identified in response to Interrogatory No. 1 above, please produce all documents and tangible things relating to cost-risk analyses, cost-benefit analyses, or any other study, analysis, report, or document generated or obtained by Defendant at any time, that discusses the issue of specifying asbestos-free products in place of asbestos or asbestos-containing products for use with such equipment, or which discusses any safeguards or engineering controls designed to protect persons using such equipment from the hazards of asbestos dust or nuisance dust in general.

**REQUEST FOR PRODUCTION NO. 9:**

Please produce all documents and tangible things relating to any person's claimed asbestos-related injury as a result of exposure to any equipment identified in response to Interrogatory No. 1 above, including, but not limited to, household exposure claims and workers' compensation claims.

**REQUEST FOR PRODUCTION NO. 10:**

Please produce all documents and tangible things that indicate health surveys, epidemiological studies, environmental testing at any location, air monitoring at any location, or dust level counts at any location conducted at any time at Defendant's request, or involving any equipment identified in response to Interrogatory No. 1 above.

**REQUEST FOR PRODUCTION NO. 11:**

Please produce any and all brochures, sales manuals, advertisements, equipment manuals, or the like that relate to any equipment manufactured by you to which Plaintiff alleges that he worked with or around.

**INTERROGATORY NO. 9:**

Were asbestos gaskets utilized as component parts off the equipment manufactured, sold, or distributed by you to which Plaintiff alleges that he worked with or around?

**INTERROGATORY NO. 10:**

Was asbestos packing utilized as component parts of the equipment manufactured, sold, or distributed by you to which Plaintiff alleges that he worked with or around?

**REQUEST FOR PRODUCTION NO. 12:**

Please produce any and all documents relating to asbestos gaskets and their utilization with equipment manufactured sold, or distributed by you, that Plaintiff alleges he worked with or around.

**REQUEST FOR PRODUCTION NO. 13:**

Please produce any and all documents relating to asbestos packing and their utilization with equipment manufactured, sold, or distributed by you, and that Plaintiff alleges he worked with or around.

**INTERROGATORY NO. 11:**

Was it necessary for asbestos insulation to be utilized in conjunction with your equipment that Plaintiff alleges he worked with or around?

**REQUEST FOR PRODUCTION NO. 14:**

Please produce any documents relating to the utilization of asbestos insulation on or around your equipment that Plaintiff alleges he worked with or around.

**INTERROGATORY NO. 12:**

Please provide the serial numbers for any of your equipment that Plaintiff alleges that he worked with or around.

**REQUEST FOR PRODUCTION NO. 15:**

Please provide any and all naval records, specifications or other documentation relating to the presence of your equipment on the particular vessel or jobsite where Plaintiff worked.

**Plaintiff's Master SPECIFIC Interrogatories and Requests for Production**  
**(Applicable only to FRICTION MATERIALS Defendant)**

In addition to the General Definitions listed previously and are applicable to these Interrogatories and Requests for Production, the following definition(s) also apply: "Friction Products" shall hereafter be defined as asbestos containing automotive, industrial/machinery, or aircraft brakes/brake linings, clutches/clutch linings, or brake blocks.

**INTERROGATORY NO. 1:**

For each friction product identified by Plaintiff in answers to written discovery and/or sworn testimony, please identify each asbestos-containing friction product that Defendant mined, manufactured, marketed, made, researched, sold, distributed, or patented. For each friction product identified, please provide the following information:

- a. the trade name or brand name of the friction product mined, manufactured, marketed, made, researched, sold, distributed, and/or patented;
- b. the date the friction product was patented (if patented), placed on the market (if marketed), and the inclusive dates of the friction product's manufacture or sale (if manufactured or sold);
- c. the physical and chemical composition of the friction product, including the type of asbestos contained in the friction product and the percentage or amount of asbestos in the friction product;
- d. the date Defendant stopped mining, manufacturing, marketing, making, researching, selling, and/or distributing the friction product;
- e. the date the friction product was removed from the market (if marketed) and no longer sold or distributed and the reasons therefor;
- f. the date asbestos was removed from the friction product, if ever, and the reasons for removing it;
- g. the seller(s), distributor(s) and/or supplier(s) from whom Defendant purchased the asbestos used in each particular friction product, and the type (example: amosite, chrysotile) and quantity of asbestos Defendant purchased from the seller(s);
- h. whether Defendant ever conducted any testing on the friction product to determine whether it posed any potential hazard to human or non-human health;
- i. the plant or facility where the friction product was mined, manufactured, made, or researched;
- j. the foreseeable users of the friction product (such as insulators, helpers, pipefitters, boilermakers, welders, machinists, plasterers, drywall finishers, carpenters, shipwrights, etc.); and
- k. a description of any warnings that Defendant placed on the friction product or its packaging, operating manuals, brochures, catalogs, or other related printed material. This description should include the precise language of the warning, the size of the warning, the location on the friction product or its packaging where the warning was printed, and when the warning was first placed on the friction product.

**REQUEST FOR PRODUCTION NO. 1:**

Please produce all documents and tangible things relating to Defendant's manufacture, marketing, making, research, sale, distribution, or patenting of any asbestos-containing friction product identified in Interrogatory No. 1. This Request for Production specifically seeks, but is not limited to: packaging, instructions, package inserts, warnings, advertisements, and records of safety or health testing for each such product.

**INTERROGATORY NO. 2:**

As to any asbestos-containing friction product identified in Interrogatory No. 1, were such friction products ever further distributed, marketed, packaged, labeled, or sold by companies or individuals other than Defendant? If so, please identify such companies or individuals, provide the dates those companies or individuals further distributed, marketed, packaged, labeled, or sold Defendant's asbestos-containing friction products, and identify the specific asbestos-containing friction products involved.

**REQUEST FOR PRODUCTION NO. 2:**

Please produce all documents and tangible things that indicate, in any way, Defendant's arrangements with other entities to further distribute, market, package, label, or sell any asbestos-containing friction product identified in Interrogatory No. 1. This Request for Production specifically seeks, but is not limited to, items such as contracts, "rebranding agreements," shipping documents, purchase orders, invoices, requisitions, and correspondence.

**INTERROGATORY NO. 3:**

As to each asbestos-containing friction product identified in Interrogatory No. 1, was each such product generally expected to reach, or packaged to reach, the consumer or user without substantial change in the condition in which it was sold? If not, with respect to each such friction product, please explain in what way Defendant claims such product was to be altered or substantially changed after sale or distribution and before reaching the consumer or user.

**REQUEST FOR PRODUCTION NO. 3:**

Please produce all documents and tangible things that indicate, in any way, how any asbestos-containing friction product identified in Interrogatory No. 1 was to be altered or substantially changed after the friction product was sold or distributed and before reaching the consumer or user.



**INTERROGATORY NO. 4:**

As to each asbestos-containing friction product identified in Interrogatory No. 1, does Defendant contend that any of the friction products can be generally utilized without liberating asbestos fibers into the air? If so, please identify each such product, generally describe the intended use of the product, and explain how such use would not tend to liberate asbestos fibers into the air.

**REQUEST FOR PRODUCTION NO. 4:**

Please produce all documents and tangible things that indicate, in any way, the dust-creating potential of any asbestos-containing friction product manufactured, marketed, made, researched, sold, distributed, or patented by Defendant.

**INTERROGATORY NO. 5:**

Does Defendant contend that exposure to its asbestos-containing friction products is mitigated or eliminated because chrysotile asbestos degrades into a non-fibrous particle? If so, please identify, by title, author, and publication, each medical and/or scientific source Defendant relies upon in support of its position, the percentage of chrysotile converted into non-fibrous particles in its asbestos-containing friction products, and any articles or other sources describing the fibrogenic, carcinogenic, or pathogenic qualities of the resulting non-fibrous particles.

**REQUEST FOR PRODUCTION NO. 5:**

Please produce all documents and tangible things that indicate, in any way, any research or discussion involving Defendant on the issue of degradation of chrysotile asbestos into any substance Defendant maintains is not hazardous or is somehow less hazardous than asbestos. This Request for Production includes, but is not limited to, copies of all articles in Defendant's possession which would be responsive to the Interrogatory immediately above.

**INTERROGATORY NO. 6:**

Beginning in the year that Defendant first manufactured, marketed, made, researched, sold, distributed, or patented any asbestos-containing friction product, and continuing through the present day, please identify each person who has held the position of corporate medical director, corporate safety director and corporate industrial hygienist, however characterized. For each person identified, please also provide the person's current or last known address and whether the person is currently alive or dead, if known.

**REQUEST FOR PRODUCTION NO. 6:**

Please produce all documents and tangible things, such as organizational charts or rosters, that identify Defendant's management positions and the persons holding those positions at any time,

their areas of responsibility, their current or last known addresses, and whether they are currently alive or dead.

**INTERROGATORY NO. 7:**

Was it foreseeable to Defendant, at the time each asbestos-containing friction product manufactured, marketed, made, researched, sold, distributed, or patented by Defendant was released for sale and distribution, that the product might be sanded, ground, removed, stripped, ripped out, or replaced at some time after installation? As to sanding and grinding specifically, did Defendant ever specify, recommend, or suggest that any of its asbestos-containing friction products should be sanded or ground?

**INTERROGATORY NO. 8:**

Before 1970, did Defendant ever manufacture, market, make, research, sell, distribute, or patent any friction product which did not contain asbestos and which could be substituted for any asbestos-containing friction product? If so, please identify such asbestos-free friction product, and state the date such friction product was first placed on the market.

**INTERROGATORY NO. 9:**

As to each asbestos-containing friction product manufactured, marketed, made, researched, sold, distributed, or patented by Defendant, when did Defendant become aware of asbestos-free substitutes or alternatives for such friction product (e.g. mineral wool), regardless of Defendant's belief of the viability of such substitutes or alternatives?

**REQUEST FOR PRODUCTION NO. 7:**

Please produce all documents and tangible things that indicate, in any way, Defendant's knowledge or awareness of asbestos-free substitutes or alternatives for any friction product manufactured, marketed, made, researched, sold, distributed, or patented by Defendant regardless of Defendant's belief of the viability of such substitutes or alternatives.

**REQUEST FOR PRODUCTION NO. 8:**

Please produce all documents and tangible things that indicate health surveys, epidemiological studies, environmental testings, air monitoring or other tests for airborne asbestos fibers in Defendant's or Defendant's agent's possession that show or detail the release of asbestos fibers during the grinding, sanding, drilling, handling or other manipulation of asbestos containing friction products.

**Plaintiff's Master SPECIFIC Interrogatories and Requests for Production**  
**(Applicable only to RAILROAD (FELA) Defendant)**

In addition to the General Definitions listed previously and are applicable to these Interrogatories and Requests for Production, the following definition(s) also apply: the term "railroad" includes but is not limited to Defendant's premise, plant, facility, roundhouse, switchyard, engines (both steam and diesel), freight cars and passenger cars.

**INTERROGATORY NO. 1:**

From 1930 to the present, what asbestos-containing products were utilized by railroad workers on Defendant's railroads? For each such product, please provide:

- a. a description of the asbestos-containing product;
- b. the brand name of the product;
- c. the specific location on Defendant's railroad where the product was utilized;
- d. the supplier from whom Defendant obtained the asbestos-containing product; and
- e. how the asbestos-containing product was utilized.

**REQUEST FOR PRODUCTION NO. 1:**

Please produce all documents and tangible things relating to the purchase, acquisition, or sale of asbestos-containing products for use by Defendant's employees from 1930 to the present. This Request for Production specifically seeks, but is not limited to: ordering and sales paperwork, requisitions, invoices, shipping documents, bills of lading, price quotations, and any other communications between Defendant and any manufacturer, distributor, or supplier of any asbestos-containing products that were so utilized.

**INTERROGATORY NO. 2:**

Was Defendant ever a member of the Railroad Claims Registry? If so, please state the years Defendant was a member, the years of Defendant's attendance and involvement in the Railroad Claims Registry's meetings, and identify each employee or representative of Defendant who attended each Railroad Claims Registry meeting, as well as the date and location of every such meeting attended by Defendant's employee or representative.

**REQUEST FOR PRODUCTION NO. 2:**

Please produce all documents and tangible things that indicate, in any way, Defendant's membership in the Railroad Claims Registry.

**INTERROGATORY NO. 3:**

Was Defendant ever a member of the Association of American Railroads or the American Railway Association? If so, please state:

- a. the time period when Defendant was a member;
- b. the identity of Defendant's employees, former employees, or representatives who attended any of the meetings held by of the Association of American Railroads or the American Railway Association, as well as the dates and locations of the meetings they attended;
- c. the identity of Defendant's employees, former employees, or representatives who served on any committees or subcommittees of the Association of American Railroads or the American Railway Association (e.g., a medical advisory committee or legal committee); and
- d. the name of the committee or subcommittee on which such person served and the position occupied on the committee, if applicable.

**REQUEST FOR PRODUCTION NO. 3:**

Please produce all documents and tangible things that indicate, in any way, Defendant's membership in the Association of American Railroads or the American Railway Association.

**INTERROGATORY NO. 4:**

Was Defendant ever a member of the Association of Railway Claim Agents? If so, please state:

- a. the time period when Defendant was a member;
- b. the identity of Defendant's employees, former employees, or representatives who attended any of the meetings held by of the Association of Railway Claim Agents, as well as the dates and locations of the meetings they attended;
- c. the identity of Defendant's employees, former employees, or representatives who served on any committees or subcommittees of the Association of Railway Claim Agents (e.g., a medical advisory committee or legal committee); and
- d. the name of the committee or subcommittee on which such person served and the position occupied on the committee, if applicable.

**INTERROGATORY NO. 5:**

At any time before 1980, did Defendant ever conduct (or have another entity conduct), an investigation, survey, or other inquiry to identify the emission source(s) of airborne asbestos fibers, or ever test (or have another entity test) for the presence or amount of airborne dust (including asbestos or nuisance dust in general) at Defendant's railroad(s)? If so, please provide the dates of such testing, the frequency of such testing (if exact dates are not known), the type of test conducted, the results obtained, and the identity of the person with the most knowledge about the tests and their results.

**REQUEST FOR PRODUCTION NO. 4:**

Please produce all documents and tangible things relating to air monitoring, dust level counts or measurements, destructive testing of any asbestos-containing products, and any other asbestos-related environmental testing or monitoring conducted at Defendant's railroad(s) beginning in 1930 and up through the period of time for which Plaintiff is alleging exposure at Defendant's railroad(s). This Request for Production specifically includes, but is not limited to: all documents and tangible things relating to any of Defendant's actions taken or decisions made as a result of any such testing or monitoring.

**INTERROGATORY NO. 6:**

Please describe all health or safety rules, requirements, regulations, guidelines, procedures, and warnings given by Defendant to its employees regarding the hazards of asbestos or nuisance dust in general. This Interrogatory seeks, but is not limited to, information regarding Defendant's establishment of any respirator program; wetting-down lagging; worker or shift rotation scheme; required use of special clothing, changing rooms, showers, clothes lockers, and clothes laundering; personal or environmental monitoring; asbestos waste disposal; and caution or warning signs. Please list the persons or job trades to whom Defendant gave such rules, requirements, regulations, guidelines, procedures, and/or warnings, and state the first year Defendant gave each.

**REQUEST FOR PRODUCTION NO. 5:**

Please produce all documents and tangible things (including, but not limited to: photographs, videos, or other depictions) showing any safety precautions taken to protect persons from the hazards of asbestos or nuisance dust in general, including, but not limited to: containment areas, warning signs, safety handbooks, videos or slide presentations, protective clothing, ventilation, engineering controls, wetting-down of lagging and respiratory protection.

**INTERROGATORY NO. 7:**

Did Defendant ever have any program or procedure for abating, removing, wetting-down or encapsulating asbestos and/or asbestos-containing products at any of Defendant's facilities? If so, please provide the date when the program or procedure was initiated and completed, the methods used, the products abated, removed, wetted-down or encapsulated, the locations of those products, and the storage and/or disposal procedures for each of the products.

**REQUEST FOR PRODUCTION NO. 6:**

Please produce all documents and tangible things relating to abatement, removal, or encapsulation of asbestos and/or asbestos-containing products at any of Defendant's facilities. This Request for Production specifically includes, but is not limited to: all documents and tangible things relating to

the transportation or final disposition of abated, removed, or encapsulated asbestos and/or asbestos-containing products.

**INTERROGATORY NO. 8:**

Please describe all actions taken by Defendant to comply with the Boiler Inspection Act, previously 45 U.S.C. §23, now designated at 49 U.S.C. §20701 *et seq.*

**INTERROGATORY NO. 9:**

What was the earliest year that Defendant was advised that one of its employees or any other person working on Defendant's railroad(s) showed radiographic evidence or other medical indication of asbestosis, asbestos-related pleural or parenchymal changes, or any other asbestos-related abnormality?

**REQUEST FOR PRODUCTION NO. 7:**

If Defendant is contending that Plaintiff was not exposed to asbestos at Defendant's railroad(s), please produce all documents and tangible things that Defendant believes support this contention.

**REQUEST FOR PRODUCTION NO. 8:**

If Defendant is contending that Plaintiff was not exposed to harmful levels of asbestos at Defendant's railroad(s), please produce all documents and tangible things that Defendant believes support this contention.

**REQUEST FOR PRODUCTION NO. 9:**

Please produce all blueprints, maps, plats, photographs, architectural renderings, or similar material that reflect the location and dimensions of all cars, engines, locomotives, roundhouses, switchyards or similar locations that Plaintiff worked in or near, and that reflect the location or placement of asbestos-containing products at any time beginning in 1930 and up through the period of time for which Plaintiff is alleging exposure at Defendant's railroad(s).

**REQUEST FOR PRODUCTION NO. 10:**

Please produce all photographs, diagrams, videotapes, slides, and/or movie film depicting Defendant's railroad(s), including, but not limited to, areas such as engine rooms, boiler rooms, common areas, living quarters, roundhouses, switchyards, shops, locomotives, and transport cars beginning in 1930 and up through the period of time for which Plaintiff is alleging exposure at Defendant's railroad(s). This Request for Production specifically includes any responsive material created for the purpose of litigation.

**REQUEST FOR PRODUCTION NO. 11:**

Please produce all documents and tangible things that contain or refer to any complaints made by any person or organization regarding any safety concerns at Defendant's railroad(s) before 1980, including, but not limited to, complaints regarding dust.

**REQUEST FOR PRODUCTION NO. 12:**

Please produce all documents and tangible things relating to any safety program audits Defendant conducted or caused to be conducted beginning in 1930 and up through the period of time for which Plaintiff is alleging exposure at Defendant's railroad(s).

**REQUEST FOR PRODUCTION NO. 13:**

Please produce all safety manuals, guidelines, policies, rules, regulations, procedures, memoranda, or other documents and tangible things distributed by Defendant to its railroad employees beginning in 1930 and up through the period of time for which Plaintiff is alleging exposure at Defendant's railroad(s).

**REQUEST FOR PRODUCTION NO. 14:**

Please produce all safety manuals, guidelines, policies, rules, regulations, procedures, memoranda, or other documents and tangible things specifically addressing the hazards of asbestos or nuisance dust in general that were distributed by Defendant to its railroad employees beginning in 1930 and up through the period of time for which Plaintiff is alleging exposure at Defendant's railroad(s).

**REQUEST FOR PRODUCTION NO. 15:**

Please produce all documents and tangible things relating to the purchase, acquisition, issuance, or use of any dust-related safety equipment or protective equipment supplied by Defendant to any of its railroad employees beginning in 1930 and up through the period of time for which Plaintiff is alleging exposure at Defendant's railroad(s).

**REQUEST FOR PRODUCTION NO. 16:**

Please produce all documents and tangible things indicating the time frame when safeguards or engineering controls designed to protect workers from the hazards of asbestos or nuisance dust in general were first started by Defendant, and when those safeguards or engineering controls were completed.

**REQUEST FOR PRODUCTION NO. 17:**

Please produce all documents and tangible things relating to safeguards or engineering controls designed to protect workers from the hazards of asbestos or nuisance dust in general that were considered, but not implemented, by Defendant beginning in 1930 and up through the period of time for which Plaintiff is alleging exposure at Defendant's railroad(s).

**REQUEST FOR PRODUCTION NO. 18:**

Please produce all documents and tangible things relating to cost-risk analyses, cost-benefit analyses, or any other study, analysis, report, or document generated or obtained by Defendant beginning in 1930 and up through the period of time for which Plaintiff is alleging exposure at Defendant's railroad(s) that discusses the cost of abating, removing, replacing, or encapsulating asbestos or implementing any safeguards or engineering controls designed to protect persons from the hazards of asbestos or nuisance dust in general.

**REQUEST FOR PRODUCTION NO. 19:**

Please produce all documents and tangible things relating to the cessation of asbestos-containing product use at Defendant's railroad(s) at any time.

**REQUEST FOR PRODUCTION NO. 20:**

Please produce all documents and tangible things relating to Defendant's consideration of alternatives to the use of asbestos-containing products at Defendant's railroad(s) beginning in 1930 and up through the period of time for which Plaintiff is alleging exposure at Defendant's railroad(s).

**REQUEST FOR PRODUCTION NO. 21:**

Please produce all documents and tangible things relating to any person's claimed injury as a result of exposure to asbestos, before 1980, at any of Defendant's railroad(s), including, but not limited to, household exposure claims and workers' compensation claims.

**REQUEST FOR PRODUCTION NO. 22:**

Please produce all assignments of liability, subrogation agreements and/or negligent acts and other documents and tangible things relating to any sale or transfer of liability for torts committed at Defendant's railroad(s).



**REQUEST FOR PRODUCTION NO. 23:**

Please produce all documents and tangible things relating to boilers and turbines located at Defendant's railroad(s) beginning in 1930 and up through the period of time for which Plaintiff is alleging exposure at Defendant's railroad(s). This request includes, but is not limited to: owners' manuals, maintenance manuals, purchase orders, and invoices.

**REQUEST FOR PRODUCTION NO. 24:**

Please produce all documents and tangible things that indicate health surveys or epidemiological studies conducted before 1980 at Defendant's request, or involving any of Defendant's railroad employees.

**REQUEST FOR PRODUCTION NO. 25:**

Please produce any and all contracts, memoranda, job specifications, instructions, or other documents and tangible things that reflect, in any way, arrangements made by Defendant for any contractor to utilize asbestos-containing products at Defendant's railroad(s) beginning in 1930 and up through the period of time for which Plaintiff is alleging exposure at Defendant's railroad(s).

**REQUEST FOR PRODUCTION NO. 26:**

Please produce all documents and tangible things that indicate, in any way, particular jobs, duties, and/or tasks to which Defendant assigned any Plaintiff.

**REQUEST FOR PRODUCTION NO. 27:**

Please produce all documents and tangible things that indicate, in any way, the duration of each assignment to a particular job, duties, and/or tasks to which Defendant assigned any Plaintiff.

**REQUEST FOR PRODUCTION NO. 28:**

Please produce all documents and tangible things Defendant provided to any Plaintiff informing him that he had been or might have been exposed to asbestos fibers during his employment by Defendant.

**Plaintiff's Master SPECIFIC Interrogatories and Requests for Production**  
**(Applicable only to GENERAL NEGLIGENCE (Household Exposure) Defendant)**

In addition to the General Definitions listed previously and are applicable to these Interrogatories and Requests for Production, the following definition(s) also apply: "Premises at Issue" or "Premises" mean the Defendant's premise(s) at which individual or individuals through whom Plaintiff alleges exposure to asbestos or asbestos containing products were present.

"Injured Plaintiff" means the person who is bringing the general negligence claim in the instant matter for his/her own asbestos related injury.

"Relevant time period" means the period of time beginning when Defendant was first aware of asbestos-containing products being utilized at the Premises at Issue and the last year the person through whom Plaintiff is claiming exposure was present at the Premises.

**INTERROGATORY NO. 1:**

During the relevant time period, what asbestos-containing products were utilized at each and every area of alleged presence (as identified in Plaintiff's discovery responses and sworn testimony) at the Premises at Issue? For each such product, please provide:

- a. a description of the asbestos-containing product;
- b. the brand name of the product;
- c. the specific location at the premises where the product was utilized;
- d. the supplier from whom Defendant obtained the asbestos-containing product; and
- e. how the asbestos-containing product was utilized.

**REQUEST FOR PRODUCTION NO. 1:**

Please produce all documents and tangible things relating to the purchase, acquisition, or sale of asbestos-containing products identified in Interrogatory No. 1. This Request for Production specifically seeks, but is not limited to: ordering and sales paperwork, requisitions, invoices, shipping documents, bills of lading, price quotations, and any other communications between Defendant and any manufacturer, distributor, or supplier of any asbestos-containing products utilized at the Premises at Issue.

**INTERROGATORY NO. 2:**

Did Defendant ever conduct (or have another entity conduct), an investigation, survey, or other inquiry to identify the emission source(s) of airborne asbestos fibers, or ever test (of have another entity test) for the presence or amount of airborne dust (including asbestos or nuisance dust in general) at the Premises at Issue before 1980? If so, please provide the dates of such testing, the frequency of such testing (if exact dates are not known), the type of test conducted, the results obtained, and the identity of the person with the most knowledge about the tests and their results.

**REQUEST FOR PRODUCTION NO. 2:**

Please produce all documents and tangible things relating to air monitoring, dust level counts or measurements, destructive testing of any asbestos-containing products, and any other asbestos-related environmental testing or monitoring conducted at the Premises at Issue before 1980. This Request for Production specifically includes, but is not limited to: all documents and tangible things relating to any of Defendant's actions taken or decisions made as a result of any such testing or monitoring.

**INTERROGATORY NO. 3:**

Please describe all health or safety rules, requirements, regulations, guidelines, procedures, and warnings given by Defendant to its employees regarding the hazards of asbestos or nuisance dust in general. This Interrogatory seeks, but is not limited to, information regarding Defendant's establishment of any respirator program; worker or shift rotation scheme; required use of special clothing, changing rooms, showers, clothes lockers, and clothes laundering; personal or environmental monitoring; asbestos waste disposal; and caution or warning signs. Please list the persons or job trades to whom Defendant gave such rules, requirements, regulations, guidelines, procedures, and/or warnings between 1930 and 1980, and state the first year Defendant gave each.

**REQUEST FOR PRODUCTION NO. 3:**

Please produce all documents and tangible things (including, but not limited to: photographs, videos, or other depictions) showing any safety precautions taken to protect persons from the hazards of asbestos or nuisance dust in general at the Premises at Issue between 1930 and 1980, including, but not limited to: containment areas, warning signs, safety handbooks, videos or slide presentations, protective clothing, ventilation, engineering controls, and respiratory protection.

**INTERROGATORY NO. 4:**

Did Defendant have any program or procedure for abating, removing, or encapsulating asbestos and/or asbestos-containing products at the Premises at Issue before 1980? If so, please provide the date when the program or procedure was initiated and completed, the methods used, the products abated, removed, or encapsulated, the locations of those products at the Premises at Issue, and the storage and/or disposal procedures for each of the products.

**REQUEST FOR PRODUCTION NO. 4:**

Please produce all documents and tangible things relating to abatement, removal, or encapsulation of asbestos and/or asbestos-containing products at the Premises at Issue before 1980. This Request for Production specifically includes, but is not limited to: all documents and tangible things relating to the transportation or final disposition of abated, removed, or encapsulated asbestos and/or asbestos-containing products from the Premises at Issue before 1980.

**INTERROGATORY NO. 5:**

During the relevant time period, please identify each person employed by Defendant whose duties and responsibilities included communicating with contractors regarding any of the following matters, or taking any action regarding any of the following matters, to the extent such responsibilities or communications included asbestos or asbestos containing products,

- a. the terms of the contracts between Defendant and contractors;
- b. job specifications, blueprints, isometric drawings, or similar materials related to the work contracted between Defendant and contractors;
- c. payment of contractors for the work contracted between Defendant and such contractors;
- d. purchase orders, warehousing arrangements, or Defendant's provision or approval of asbestos-containing products to be used by contractors in the course of the work contracted between Defendant and such contractors; and
- e. oversight, supervision, observation, inspection, monitoring, or approval by Defendant of the work contracted between Defendant and contractors, to include authorizing payment for completion.

**INTERROGATORY NO. 6:**

Please identify all warnings given by Defendant, if any, to anyone at the Premises at Issue (including the person through whom exposure to Plaintiff is alleged) regarding the hazards of asbestos and the dangers inherent in the inhalation of asbestos fibers, and please include the following information:

- a. the individuals to whom such warnings were given;
- b. when such warnings were given;
- c. in what manner such warnings were given (e.g. written pamphlets, signs posted, oral/group meeting, individual discussions, etc.);
- d. whether Defendant ever published, wrote, edited, or distributed any other printed materials, such as brochures, pamphlets, catalogs, packaging, advertising, signs, statements, or other materials containing any warnings regarding the hazards of asbestos; and
- e. whether any such warnings were in Spanish or any other language besides English.

**INTERROGATORY NO. 7:**

Beginning in the year that Defendant first began conducting any type of operations or business at the Premises at Issue, and continuing through the present day, please identify each person who has held the position of plant manager, plant safety director, and plant industrial hygienist. For each person identified, please also provide the person's current or last known address and whether the person is currently alive or dead, if known.

**REQUEST FOR PRODUCTION NO. 5:**

Please produce all documents and tangible things, such as organizational charts or rosters, that identify the persons in management positions at the Premises at Issue at any time, their areas of responsibility, their current or last known addresses, and whether they are currently alive or dead.

**INTERROGATORY NO. 8:**

Has Defendant been investigated or cited by OSHA or any other local, state, or federal governmental agency for any matter related to asbestos or asbestos exposure at the Premises at Issue before 1980? If so, please provide the dates of such investigations, the results that were communicated to Defendant, and the remedial measures (if any) which were undertaken by Defendant.

**REQUEST FOR PRODUCTION NO. 6:**

Please produce all documents and tangible things relating to health or safety inspections of the Premises at Issue before 1980, by local, state or federal regulatory agencies. This Request for Production specifically seeks, but is not limited to: all documents and tangible things relating to any violations, citations, or warnings, and includes inspections for asbestos and other dust hazards.

**INTERROGATORY NO. 9:**

Before 1980, was any part of the Premises at Issue ever inspected by labor inspectors, insurance company personnel, or any other person employed or hired by Defendant? This Interrogatory is limited to health and safety inspections related to asbestos or other dust hazards. If so, please provide the dates of such inspections, the results that were communicated to Defendant, and the remedial measures (if any) which were undertaken by Defendant.

**REQUEST FOR PRODUCTION NO. 7:**

Please produce all documents and tangible things relating to health or safety inspections of the Premises at Issue before 1980, by labor inspectors, insurance company personnel, or any person employed or hired by Defendant. This Request for Production specifically seeks, but is not limited to: all industrial hygiene studies or surveys that included air monitoring, dust level counts or measurements, destructive testing of any asbestos-containing products, and any other asbestos-related environmental testing or monitoring, whether or not Defendant paid for such studies or surveys.

**INTERROGATORY NO. 10:**

What was the earliest year that Defendant was advised that one of its employees or any other person working on any premises owned or operated by Defendant showed radiographic evidence

or other medical indication of asbestosis, asbestos-related pleural or parenchymal changes, or any other asbestos-related abnormality?

**REQUEST FOR PRODUCTION NO. 8:**

Please produce all documents and tangible things relating to the inventories of any library, research repository, or other archive physically located at the Premises at Issue, that contains magazines, journals, books, publications or other documents related to asbestos, pneumoconiosis, or any other dust-related disease (including, but not limited to, the effects of exposure to asbestos, industrial hygiene measures relating to asbestos dust, and medical information or research relating to asbestos or its effects on animals or humans, populations at risk, etc.). This Request for Production specifically seeks, but is not limited to: all card catalogs, indices, holding lists, databases, other record management systems, and subscription lists for periodicals such as: Journal of the American Medical Association, Industrial Medicine, Journal of Industrial Hygiene and Toxicology, National Safety News, Industrial Hygiene Foundation Digest, and Public Health Reports of the United States.

**REQUEST FOR PRODUCTION NO. 9:**

Please produce all documents and tangible things relating to communications made, at any time, between Defendant and any manufacturer of asbestos-containing products about the asbestos contained in such products.

**REQUEST FOR PRODUCTION NO. 10:**

Please produce all documents and tangible things that Defendant believes support the contention that the person(s) whom through Plaintiff alleges exposure were not exposed to asbestos at the Premises at Issue.

**REQUEST FOR PRODUCTION NO. 11:**

Please produce all documents and tangible things that Defendant believes support the contention that the person(s) whom through Plaintiff alleges exposure were not exposed to harmful levels of asbestos at the Premises at Issue.

**REQUEST FOR PRODUCTION NO. 12:**

Please produce all blueprints, maps, plats, photographs and architectural renderings of the Premises at Issue made before 1980.

**REQUEST FOR PRODUCTION NO. 13:**

Please produce all documents and tangible things that contain or refer to any complaints made by any person or organization regarding any safety concerns at the Premises at Issue before 1980 including, but not limited to, complaints regarding dust.

**REQUEST FOR PRODUCTION NO. 14:**

Please produce all documents and tangible things relating to any safety program audits Defendant conducted or caused to be conducted at the Premises at Issue before 1980.

**REQUEST FOR PRODUCTION NO. 15:**

Please produce all safety manuals, guidelines, policies, rules, regulations, procedures, memoranda, or other documents and tangible things distributed by Defendant to its employees, to the employer of the person(s) whom through Plaintiff alleges exposure, to contractors other than the employer of person(s) whom through Plaintiff alleges exposure, or to any other person working at the Premises at Issue before 1980.

**REQUEST FOR PRODUCTION NO. 16:**

Please produce all safety manuals, guidelines, policies, rules, regulations, procedures, memoranda, or other documents and tangible things specifically addressing the hazards of asbestos or nuisance dust in general, that were distributed by Defendant to its employees, to the employer of the person(s) whom through Plaintiff alleges exposure, to contractors other than the employer of person(s) whom through Plaintiff alleges exposure, or to any other person working at the Premises at Issue before 1980.

**REQUEST FOR PRODUCTION NO. 17:**

Please produce all documents and tangible things relating to the purchase, acquisition, issuance, or use of any dust-related safety equipment or protective equipment supplied by Defendant to any of its employees, to the employer of the person(s) whom through Plaintiff alleges exposure, to contractors other than the employer of the person(s) whom through Plaintiff alleges exposure, or to any other person working at the Premises at Issue during the relevant time period.

**REQUEST FOR PRODUCTION NO. 18:**

Please produce all documents and tangible things indicating the time frame when safeguards or engineering controls designed to protect workers from the hazards of asbestos or nuisance dust in general were first started at the Premises at Issue, and when those safeguards or engineering controls were completed.

**REQUEST FOR PRODUCTION NO. 19:**

Please produce all documents and tangible things relating to safeguards or engineering controls designed to protect workers from the hazards of asbestos or nuisance dust in general that were considered, but not implemented, by Defendant before 1980.

**REQUEST FOR PRODUCTION NO. 20:**

Please produce all documents and tangible things relating to cost-risk analyses, cost-benefit analyses, or any other study, analysis, report, or document generated or obtained by Defendant before 1980, that discusses the cost of abating, removing, replacing, or encapsulating asbestos or implementing any safeguards or engineering controls designed to protect persons from the hazards of asbestos or nuisance dust in general.

**REQUEST FOR PRODUCTION NO. 21:**

Please produce all documents and tangible things relating to the cessation of asbestos-containing product use in any of Defendant's plants or facilities at any time.

**REQUEST FOR PRODUCTION NO. 22:**

Please produce all documents and tangible things relating to the cessation of asbestos-containing product use in any of Defendant's plants or facilities at any time.

**REQUEST FOR PRODUCTION NO. 23:**

Please produce all documents and tangible things relating to the identification or tracking of contractors or employees of contractors who were physically present at the Premises at Issue during the relevant time period, including but not limited to: gate records, sign-in logs, visitors' logs, identification badge or "brassing" procedures, and fingerprinting.

**REQUEST FOR PRODUCTION NO. 24:**

Please produce all documents and tangible things relating to the identification of persons entering or leaving the Premises at Issue during the relevant time period.

**REQUEST FOR PRODUCTION NO. 25:**

Please produce all documents and tangible things relating to Defendant's consideration or discussion of alternatives to the use of asbestos-containing products before 1980.



**REQUEST FOR PRODUCTION NO. 26:**

Please produce all photographs of asbestos-in-place or asbestos-containing products being used or manipulated in any way at the Premises at Issue before 1980.

**REQUEST FOR PRODUCTION NO. 27:**

Please produce all documents and tangible things relating to any person's claimed injury as a result of exposure to asbestos, during the relevant time period, at any plant or facility owned or operated by Defendant, including, but not limited to, household exposure claims and workers' compensation claims.

**REQUEST FOR PRODUCTION NO. 28:**

Please produce all assignments of liability, subrogation agreements and other documents and tangible things relating to any sale or transfer of liability for torts committed at the Premises at Issue during the relevant time period.

**REQUEST FOR PRODUCTION NO. 29:**

Please produce all documents and tangible things relating to the use of asbestos in any industrial processes at the Premises at Issue during the relevant time period.

**REQUEST FOR PRODUCTION NO. 30:**

Please produce all documents and tangible things relating to boilers and turbines at the Premises at Issue before 1980. This request includes, but is not limited to: owners' manuals, maintenance manuals, purchase orders, and invoices.

**REQUEST FOR PRODUCTION NO. 31:**

Please produce all documents and tangible things provided by manufacturers of asbestos-containing products received by Defendant during the relevant time period.

**REQUEST FOR PRODUCTION NO. 32:**

Please produce all documents and tangible things that indicate health surveys or epidemiological studies conducted during the relevant time period at Defendant's request, or involving any of Defendant's employees.

**REQUEST FOR PRODUCTION NO. 33:**

Please produce any and all contracts, memoranda, job specifications, instructions, or other documents and tangible things that reflect, in any way, arrangements made by Defendant, if Defendant is a premise owner, for any contractor (including the person's whom through Plaintiff alleges exposure) to utilize asbestos-containing products at the Premises at Issue during the relevant time period.

**REQUEST FOR PRODUCTION NO. 34:**

Please produce all depositions and other transcripts of sworn testimony, in Defendant's possession, given by any of Plaintiff's employers' other employees regarding the performance of employers of the person(s) whom through Plaintiff alleges exposure as a contractor at the Premises at Issue during the relevant time period.

**REQUEST FOR PRODUCTION NO. 35:**

Please produce all depositions and other transcripts of sworn testimony given by any of Defendant's employees regarding any contract dispute between Defendant and employers of the person(s) whom through Plaintiff alleges exposure during the relevant time period.

**REQUEST FOR PRODUCTION NO. 36:**

Please produce all depositions and other transcripts of sworn testimony, in Defendant's possession, given by any of Plaintiff's employers' other employees regarding any contract dispute between Defendant and employers of the person(s) whom through Plaintiff alleges exposure during the relevant time period.

**REQUEST FOR PRODUCTION NO. 37:**

Please produce all progress reports, monthly reports, status reports, and all other documents and tangible things provided to Defendant by the employers of the person(s) whom through Plaintiff alleges exposure during the relevant time period.

**REQUEST FOR PRODUCTION NO. 38:**

Please produce all documents and tangible things that indicate Defendant's satisfaction, or lack thereof, with employers of the person(s) whom through Plaintiff alleges exposure and the work with employers of the person(s) whom through Plaintiff alleges exposure performed at the Premises at Issue during the relevant time period. This Request for Production specifically seeks, but is not limited to: memoranda, correspondence, progress reports, and all other responsive reports prepared by Defendant.

**REQUEST FOR PRODUCTION NO. 39:**

Please produce all documents and tangible things that indicate whether, and how, the employers of the person(s) whom through Plaintiff alleges exposure or any of its employees violated any of Defendant's rules or regulations at the Premises at Issue during the relevant time period.

**REQUEST FOR PRODUCTION NO. 40:**

Please produce all documents and tangible things that indicate Defendant's response to any violations of the employer of the person(s) whom through Plaintiff alleges exposure violations of any of Defendant's rules or regulations at the Premises at Issue during the relevant time period.

**REQUEST FOR PRODUCTION NO. 41:**

Please produce all documents and tangible things that indicate whether, and how, the employers of the person(s) whom through Plaintiff alleges exposure or any of its employees committed any safety violations at the Premises at Issue during the relevant time period.

**REQUEST FOR PRODUCTION NO. 42:**

Please produce all documents and tangible things that indicate Defendant's response to any safety violations of the employers of the person(s) whom through Plaintiff alleges exposure at the Premises at Issue during the relevant time period.

**REQUEST FOR PRODUCTION NO. 43:**

Please produce all documents and tangible things Defendant provided to the person(s) whom through Plaintiff alleges exposure informing him that he had been or might have been exposed to asbestos fibers during his employment by Defendant.

**REQUEST FOR PRODUCTION NO. 44:**

Please produce all documents and tangible things reflecting payments made to the employer of the person(s) whom through Plaintiff alleges exposure for work contracted to do at the Premises at Issue, including but not limited to authorizations for payment, invoices, bills, check requests, requisitions, canceled checks, or other documents of a similar nature reflecting payment for services rendered by employer of the person(s) whom through Plaintiff alleges exposure.

**REQUEST FOR PRODUCTION NO. 45:**

Please produce all documents and tangible things related to the medical condition of the person(s) whom through Plaintiff alleges exposure at any time during their work at the Premises at Issue. This request specifically includes any and all x-rays, x-ray reports, medical notes and/or medical records of any kind, annual physical forms, and any records relating to health of the person(s) whom through Plaintiff alleges exposure.

**REQUEST FOR PRODUCTION NO. 46:**

For the Premises at Issue, please produce all depositions, transcripts, witness statements or other sworn testimony or discovery, responses provided by any and all individuals (including but not limited to any asbestos lawsuits to which Defendant is or was a party) alleging exposure at all locations Plaintiff has identified as written discovery responses and/or sworn testimony as areas in which the exposure alleged to have caused contributed to the injury in this case occurred.

**INTERROGATORY NO. 11:**

If it is your contention that the person(s) whom through Plaintiff alleges exposure were not exposed to asbestos at the Premises at Issue, please state all facts and information that support this contention.



I, Charles Bacarisse, District Clerk of Harris County, Texas, certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date  
Witness my official hand and seal of office  
this \_\_\_\_\_

Certified Document Number: \_\_\_\_\_

CHARLES BACARISSE, DISTRICT CLERK  
HARRIS COUNTY, TEXAS