

In Re:

TEXAS STATE SILICA PRODUCTS
LIABILITY LITIGATION

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§

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

295TM JUDICIAL DISTRICT
(Judge Tracy Christopher)

This Document Relates to All Cases

CHARLES BACARISSE
District Clerk

SEP 14 2005

Harris County, Texas

Deputy

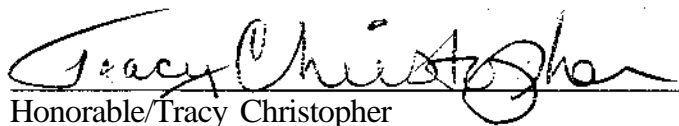
ORDER NO. 9

Plaintiffs' Master Set of Requests for Production to Defendants

After considering the proposed "Master Set of Requests for Production to Defendants" submitted by Plaintiffs and after ruling on objections to the Requests for Production made by Defendants, the Court ORDERS as follows:

1. As part of the initial discovery to be answered by Defendants, the Court adopts the form of the "Master Set of Requests for Production to Defendants" attached as Exhibit "A" to this Order.
2. Defendants' objections to the Master Set of Requests for Production to Defendants are overruled.
3. Any additional, non-repetitive objections by any Defendant to the Master Set of Requests for Production to Defendants attached hereto as Exhibit "A" must be submitted in writing within five business days of the date of this Order.
4. The time by which Defendants must respond to the Master Set of Requests for Production to Defendants will be set by separate order of the Court.

SIGNED and ENTERED this the 14th day of September, 2005.

A handwritten signature in cursive script that reads "Tracy Christopher". The signature is written in black ink and is positioned above a horizontal line.

Honorable/Tracy Christopher
Pre-Trial Judge

MasterFileNumber:2004-70000

IN RE:	§	IN THE DISTRICT COURT
	§	
TEXAS STATE SILICA	§	295 th JUDICIAL DISTRICT
PRODUCTS LIABILITY LITIGATION	§	
	§	HARRIS COUNTY, TEXAS
	§	(Judge Tracy Christopher)

**Texas Silica MDL
Master Set of Request for Production to Defendants**

Definitions

"Product" shall mean those Products that contain and/or produce respirable crystalline silica dust, as well or those Products that are designed, and listed, marketed, sold and/or distributed to prevent the respiration of silica dust, including but not limited to Respiratory Protection or Product and compressors that have been identified by existing MDL Plaintiffs either by naming the Product brand name or by identifying a photograph of the Product. In terms of Product(s) that are designed for Respiratory Protection, this shall mean those Products that are designed, marketed, sold and/or distributed to prevent the respiration or inhalation of crystalline silica dust, including but not limited to dust masks, dust respirators, cartridge respirators, air supplied hoods and non-air-supplied hoods.

Unless otherwise specified, answers to this request for Production shall be limited to the Products identified in the Plaintiffs verified fact sheet and the years Plaintiff used each Product identified.

"Respiratory health hazards" - means respiratory health hazards involving dust.

"Alleged toxic materials" means any materials to which the Plaintiff alleges exposure or has alleged or claimed exposure in the past (including, but not limited to, silica, silica containing products, heavy metals, asbestos-containing products, solvents, chemicals, and/or welding fumes) and which Plaintiff claims or has claimed in the past to have caused or contributed to any disease, injury or illness.

Exhi EXHIBITA

REQUEST FOR PRODUCTION - RESPIRATOR DEFENDANTS

Definitions - Respirator Defendants Only

Uncertified Products - These Requests apply to Products not certified by the Bureau of Mines or the National Institute for Occupational Safety and Health. For any uncertified Product the Defendant shall produce this information for the period of five years preceding the date of Plaintiff's first use of the Product up to the date of Plaintiff's last use of the Product.

"Laboratory filtration study" shall mean any test that investigates the performance of the filter in question initiated by you or a third party consultant in order to obtain or retain certification from the National Institute of Occupational Safety and Health or the Bureau of Mines which would include "silica dust tests" and "face seal to face piece studies."

"Face piece to face seal studies" shall mean any study carried out to determine the extent, if any, of face seal leakage in any of the Products as defined above.

"Field tests" shall mean any test carried out in a simulated or actual work environment to test the performance of the Products as defined above.

"Comparative studies" shall mean any study or memoranda reflecting the results of any of the above mentioned tests on any of the Products as defined above comparing the performance of any Product against any Product manufactured by you.

"Investigative studies, performance analysis, air filtering studies" shall mean any other study or test that tests the performance of the respirator in any other manner to determine its filtration and/or face seal capabilities using any other dust or mist other than silica for the purpose of testing the performance of efficiency of any Product as defined above.

In accordance with the Texas Rules of Civil Procedure, please produce copies of the following:

1. Copies of any and all franchise agreements, distributor agreements, retail distributor agreements, marketing agreements, memoranda of understanding, or letter agreements between you and any other company which is in the business of

selling your respiratory Product(s) designed, manufactured and or sold in the state of Texas.

2. Copies of any and all laboratory filtration studies, face piece to face seal studies or field tests, investigative studies, performance analyses, air filtering studies, and/or comparative studies on the performance of the Products as defined above from the period your product was first certified by NIOSH up until the date of Plaintiffs last use of your Product. For Products designed, manufactured or sold before NIOSH certification, the Defendant shall produce this information for the period of five years preceding the date of Plaintiffs first use of your Product up to the date of Plaintiffs last use of your Product. This request includes silica dust tests but does not include any other quality control tests.
3. Copies of any and all warnings, instructions, packaging labels, signs or other type of insignia which were either attached to or accompanied with any of the Product(s) as defined above from the period your product was first certified by NIOSH up until up to the date of Plaintiff's last use of your Product. For Products designed, manufactured or sold before NIOSH certification, the Defendant shall produce this information for the period of five years preceding the date of Plaintiffs first use of your Product up until the date of Plaintiffs last use of your Product. If this packaging is printed in different colors, please provide color copies. This request includes any and all modifications or changes in language for any of the labels or instructions accompanied with this respiratory Product
 - a. Copies of all documents concerning the advisability, feasibility, decision to or reason for commencing the use of warnings or warning labels on any of the Products as defined above, including memoranda or correspondence by individuals or committees discussing the same from the period your Product was first certified by NIOSH up until the date of Plaintiff's last use of your Product. For Products designed, manufactured or sold before NIOSH certification, the Defendant shall produce this information for the period of five years preceding the date of Plaintiffs first use of your Product up until the date of Plaintiffs last use of your Product.
4. Copies of any and all sales brochures, sales literature, trade journal advertisements, informational pamphlets or other types of written material which might have been provided by you to a purchaser which pertain to any of the Products as defined above for a period of five years prior to the date of Plaintiffs first use of the Product up to the date of the Plaintiffs last use of the Product.
 - a. Copies of any and all marketing circulars, memoranda, bulletins, newsletters, technical information or selling points including any documents listed above that were provided by you to any and all representatives, distributors and/or sales persons for a period of five years prior to the date of Plaintiff's first use of the Product up to the date of the Plaintiffs last use of the Product.

5. Copies of any and all complaints, customer problems relating to respiratory health hazards or complaints of Product misuse regarding Products as defined above which were brought to your attention with regard to the Products from the period your Product was first certified by NIOSH up until the date of Plaintiffs last use of your Product. For Products designed, manufactured or sold before NIOSH certification, the Defendant shall produce this information for the period of five years preceding the date of Plaintiffs first use of the Product up to the date of Plaintiff's last use of the Product.
6. Copies of any and all position papers, statements, testimony by your company representatives or correspondence of any kind relating to any government regulatory agency, particularly that of the National Institute for Occupational Safety and Health or the Bureau of Mines, pertaining to the rules and regulations relating to the certification and/or government approved testing of any of the Products as defined above.
7. Copies of any and all in house guidelines or communications, technical papers or standards relating to Product warnings, instructions or use limitations which you have utilized in the development of any warnings or instructions for the Products as defined above from the period your Product was first certified by NIOSH up until the date of Plaintiffs last use of your Product. For Products designed, manufactured or sold before NIOSH certification, the Defendant shall produce this information for the period of five years preceding the date of Plaintiffs first use of the product up to the date of Plaintiffs last use of the Product.
8. Copies of any document which reflects the defendant's current policies relating to document retention and preservation of documents.
9. Your current annual report or net worth statement.
10. Any and all Quality Control plans required pursuant to *30 C.F.R. § 11.40 et seq.* and any amendments or changes to these Quality Control Plans and/or manuals applicable to any Product as defined above up to the date of Plaintiff's last use.
11. Any and all documents, memoranda, correspondence, and/or reports between you and the National Institute for Occupational Safety and Health relating to Quality control plans and/or manuals applicable to the any or the Products as defined above for the entire period such Product was designed, manufactured or sold by you up to the date of Plaintiff's last use.
12. Any and all tests in your possession, custody or control made by representatives or agents of the Los Alamos Scientific Laboratory to the National Institute for Occupational Safety and Health, the Bureau of Mines and/or you regarding the

quality control plan and/or manuals applicable to the any or the Products as defined above from the period your Product was first certified by NIOSH up until the date of Plaintiffs last use of your Product. For Products designed, manufactured or sold before NIOSH certification, the Defendant shall produce this information for the period of five years preceding the date of Plaintiff's first use of the Product up to the date of Plaintiff's last use of the Product.

13. Copies of any and all quality control tests performed you on any Product as defined above pursuant to *30 C.F.R. § 11.40 et seq.* or any other test which relates to the performance of the Product as defined above conducted by you if such test was used to determine whether your Product was in compliance with quality control specifications outlined by your own quality control plan for the period one year prior to the Plaintiffs first use of the Product up to the date of the Plaintiffs last use of the Product. These quality control tests will be limited to Final Lot inspections showing Critical, Major A and Major B defects.
 - a. Copies of any and all records which represent summaries of laboratory tests and/or quality control tests carried out pursuant to *30 C.F.R. § 11.40 et seq.* Such documents include, but are not limited to, "Requests for Quality Assurance," "control charts," summaries of testing, tables, graphs and/or other summaries of any type which summarize the results of quality control tests for the period one year prior to the Plaintiffs first use of the Product up to the date of the Plaintiffs last use of the Product. These quality control tests will be limited to Final Lot inspections showing Critical, Major A and Major B defects.
14. Any and all communications, correspondence, field memoranda and/or memoranda from or to the National Institute for Occupational Safety and Health and/or the United States Bureau of Mines relating to the failure, problems and/or possible regulatory noncompliance and/or regulatory compliance associated with granting and/or providing approval by those government agencies for any Product as defined above from the period your Product was first certified by NIOSH up until the date of Plaintiffs last use of your Product. For Products designed, manufactured or sold before NIOSH certification, the Defendant shall produce this information for the period of five years preceding the date of Plaintiff's first use of the Product up to the date of Plaintiff's last use of the Product.
15. Copies of any and all minutes, agendas, meetings, training sessions, conferences materials, or other type of materials regarding the training and education of individuals involved in the sale, marketing, sale and distribution of any Product as defined above up to the date of Plaintiff's last use.
16. Copies of any and all marketing, sale and or distribution plans, reports, studies, relating to the strategy to be applied by your company for the sale and or distribution of any Product as defined above for a period of five years before the date of Plaintiff's first use of the Product up until the date of Plaintiff's last use of the Product.

17. All transcripts in your possession custody, or control of all deposition or trial testimony by each expert identified pursuant to Rule 194.2(f), Tex. R. Civ. P. (Defendant may produce, in lieu of actual copies of transcripts, a list of transcripts responsive to this request).
18. A copy of any and all billing records, invoices or charges from any expert who may testify in this case or whose opinions have been relied upon by an expert who may testify.
19. All photographs, blueprints, plans, diagrams, drawings, maps, models, mockups or other visual reproductions referring, relating, pertaining to 1) any of Plaintiff's employers' premises, 2) any of Premises Defendant's property where Plaintiff worked and 3) any of Plaintiff's worksites.
20. Any and all industrial hygiene inspections, air monitoring results, surveys or studies of any of Plaintiff's job location or employer where he/she was allegedly exposed to alleged toxic materials.
21. All correspondence, notes, memoranda, data or reports of any inspection relating to foundry, sandblasting or other silica dust generating operations conducted by any federal, state or municipal agency at any of the employment locations identified by Plaintiff pursuant to the definition stated above.
22. All documents reviewed by any corporate representative or any witness produced by the Defendant, used to refresh the recollection of the witness to prepare for sworn testimony.
23. All depositions of your corporate representatives, agents and/or employees conducted in any prior or pending silica-related litigation, excluding depositions in workers' compensation cases. (Defendant may produce, in lieu of actual copies of transcripts, a list of transcripts responsive to this request).
24. Copies of any and all sale agreements, contracts, stock purchase agreements, or corporate merger agreements which relate to the sale and/or purchase of your company which sold, manufactured or distributed any Product identified by Plaintiff up to the date of Plaintiff's last use of said Product. This request does not have to be answered if an agreement can be reached between defendant and plaintiff with respect to successor liability.
25. Copies of any and all invoices, receipts, purchase orders, computer printouts, inventory lists or other type of documents reflecting the sale of any Product sold by you for any Product as defined above as limited to the job sites and/or work locations identified by Plaintiff in his/her verified fact sheet for the years of Plaintiff's alleged use of said Product.

**REQUEST FOR PRODUCTION - SILICA CONTAINING PRODUCT
DEFENDANTS**

In accordance with the Texas Rules of Civil Procedure, please produce copies of the following:

1. All operating or use instructions or manuals provided to purchasers or users of the Products which you sold for the time period beginning five years prior to the date of Plaintiff's first alleged exposure to your product and ending on the date of Plaintiff's last exposure to your Product, including representative samples of exact copies.
2. All instructions or recommendations relating to the Products manufactured, produced, sold and/or marketed for the time period beginning five years prior to the date of Plaintiff's first alleged exposure to your product and ending on the date of Plaintiff's last exposure to your Product, including representative samples of exact copies. This request does not include instructions you provided to your own employees.
3. Representative samples of the containers or packages in which the Products were shipped, transported or sold for the time period beginning five years prior to the date of Plaintiff's first alleged exposure to your product and ending on the date of Plaintiff's last exposure to your Product.
4. Copies of any and all invoices, receipts, purchase orders, computer printouts, inventory lists or other type of documents reflecting the sale of any Product sold by you for any Product as defined above as limited to the job sites and/or work locations identified by Plaintiff in his/her verified fact sheet for the years of Plaintiff's alleged use of said Product.
5. All correspondence, memoranda, notes or other documents concerning the use, sale, purchase or delivery of Products to any person or worksite identified by Plaintiff in his/her verified fact sheet.
6. Document or records evidencing that the labels were actually placed on the Products or containers.
7. All documents concerning the discussion of the advisability, feasibility, decision to or reason for commencing the use of any warnings or warning labels on any Product manufactured, sold, distributed or marketed by you for the time period beginning with the earlier of 1974 or the date five years prior to Plaintiff's first alleged exposure to your Product and ending on the date of Plaintiff's last exposure to your Product.

8. All sales, dealership or distribution agreements between you and any dealer or distributor in the state of Texas for your Product during the time period of Plaintiff's alleged exposure to your products.
9. All advertising material, pamphlets, brochures, Product bulletins and other documents used by you, your dealers or distributors in connection with the sale or distribution of Products released, mailed, distributed or published during the time period of Plaintiff's alleged exposure to your Products.
10. All internal studies or air sampling surveys that show whether or not the Defendant appreciated when and to what degree silica becomes respirable conducted during the time period beginning on the date five years prior to Plaintiff's first alleged exposure to your Product and ending on the date of Plaintiff's last exposure to your Product. This request does not include internal studies or air sampling surveys conducted at your plants.
11. Documents that discuss or refer to the time when you first learned that exposure to silica may cause or be associated with the diseases listed in III (a) of the Defendant's Verified Fact sheet maintained by the following committees past or present:
 - a. Medical department
 - b. Health safety and environment department
 - c. Industrial health or hygiene department;
 - d. Research and development department. ••>
12. All correspondence, notes, memoranda, data or reports of any inspection relating to foundry or sandblasting operations conducted by any federal, state or municipal agency at any of the employment locations identified by Plaintiff in his/her verified fact sheet.
13. As pertaining to any of your factories or plants where Products were manufactured, processed, packaged, sold or distributed by your employees please produce the following for the relevant time period stated above:
 - a) All policies and procedures relating to respiratory protection to be utilized by your employees working around Products involving significantly similar exposure to silica or silica containing dust to what Plaintiff was exposed.

- b) Copies of any and all industrial hygiene surveys, air sampling surveys or other safety inspections at any plant locations which evaluate respiratory hazards within your manufacturing facility involving significantly similar exposure to silica or silica containing dust to that of Plaintiff.
 - c) Copies of any and all inspection reports, citations or other type documents relating to any inspection of your facility by any local, state or government agency, relating to respiratory hazards to silica or silica containing dust for exposures substantially similar to that of Plaintiff.
14. All warnings and training concerning the hazards of silica that you provided to your employees whose exposure to products was significantly similar to Plaintiffs alleged exposure. This request is limited to employees of your facilities where the Products were produced and to the time period of Plaintiff's alleged exposure to your products.
 15. All MSHA (Mine Safety Health Administration) forms 7000-1 and 7000-2 (and any predecessor forms) reporting injuries or illnesses in your employees for dust diseases of the lungs. Information on any such form that could be used to identify an employee may be redacted before production. This request is limited to employees of your facilities where the Products were produced and to injuries or illnesses allegedly resulting from exposures to silica that were substantially similar to Plaintiffs alleged exposure.
 16. Documents, papers, books, accounts, correspondence, memoranda, minutes of meetings, publications and digests, or correspondence pertaining to the health hazards of exposure to your Products generated or received in connection with your involvement in any trade organization, industry organization or similar entity as listed in Defendants verified fact sheet under III(a).
 17. All documents, papers, proceedings, abstracts, reports and studies received or presented at any scientific or medical symposium or similar meeting or otherwise published by any of your officers or employees, related to the health hazards of exposure to silica, crystalline silica or Products.
 18. All correspondence, memoranda, records, and reports concerning any research or studies related to the hazards of exposure to silica, crystalline silica or Products. This request does not include any research or studies of exposures at your facilities and is limited to a) research or studies in which you directly participated or funded and b) research or studies for which you provided direct funding that were performed by any organization, consultant or institution of which you were a member.
 19. A list of all papers, proceedings, abstracts, reports, periodicals and studies in your possession relating to the hazards of exposure to silica, crystalline silica or Products.

20. All testimony, statements or other documents concerning silica, crystalline silica or Products and health, safe silica exposure levels or the safe handling of silica or Products submitted by you or on your behalf to any federal or state administrative agency.
21. Films, videotapes, visual aids and printed materials used or available for use, at educational seminars or other presentations presented to users of your Products relating to such Products or their use.
22. Complete purchase or sale agreements and related corporate filings by which you purchased or sold any company, operation or business entity already selling, distributing, processing or manufacturing Products. This request is limited to those defendants that contend they do not have successor liability for the Products at issue.
23. Your current annual report or net worth statement.
24. A copy of any surveillance movies, photographs or nonprivileged investigative reports that have been made of plaintiff.
25. Any documents, photographs, industrial hygiene surveys, safety inspections, non-privileged investigative reports or other physical evidence pertaining to any employers previously disclosed in Defendant's disclosures.
26. Copies of all Material Safety Data Sheets (MSDS) that apply to any Product(s) manufactured and/or sold by you.
27. Copies of any and all correspondence, memoranda or written communication of any type advising any of the companies identified in Plaintiff's verified fact sheet of the health hazards associated with the use and application of any of the Products sold by you at any time period prior to the time of Plaintiff's last exposure to your Product.
28. All transcripts in your possession custody, or control of all deposition or trial testimony by each expert identified pursuant to Rule 194.2(f), Tex. R. Civ. P. (Defendant may produce, in lieu of actual copies of transcripts, a list of transcripts responsive to this request).
29. A copy of any and all billing records, invoices or charges from any expert who may testify in this case or whose opinions have been relied upon by an expert who may testify.
30. All photographs, blueprints, plans, diagrams, drawings, maps, models, mockups or other visual reproductions referring, relating, pertaining to 1) any of Plaintiff's

employers' premises, 2) any of Premises Defendant's property and 3) any of Plaintiff's worksites.

31. Any and all industrial hygiene inspections, air monitoring results, surveys or studies of any of Plaintiff's job location or employer where he/she was allegedly exposed to alleged toxic materials. Alleged toxic materials means any materials to which the Plaintiff alleges exposure or has alleged or claimed exposure in the past (including but not limited to silica, silica-containing products, heavy metals, asbestos containing products, solvents, chemicals and/or welding fumes) which Plaintiff claims or has claimed in the past to have caused or contributed to any disease, injury or illness.
32. All documents reviewed by any corporate representative or witness used to refresh the recollection of this witness to prepare for sworn testimony in this case.
33. All depositions of your corporate representatives, agents and/or employees conducted in any prior or pending silica-related litigation. Depositions of employees taken in proceedings in which the employee was making a work-related injury claim, whether or not covered by workers compensation, are excluded from this request.
34. Complete sale agreements, contracts, stock purchase agreements, corporate merger agreements which relate to the sale and/or purchase of your company which sold, manufactured or distributed any Product identified by Plaintiff up to the date of Plaintiff's last use of said Product. This request is limited to those defendants that contend they do not have successor liability for the Products at issue.

REQUEST FOR PRODUCTION - DISTRIBUTORS

Time Frame Limitations - The limiting time frame of these requests, unless otherwise specified, is as follows: For Product(s) certified by NIOSH (National Institute for Occupational Safety and Health) please produce copies of such material from the period your product was first certified by NIOSH up until the date of Plaintiff's last use of your Product. For Products sold before NIOSH certification, the Defendant shall produce this information for the period five years preceding the date of Plaintiff's date of first use of the product up to the date of Plaintiff's last use. For Products not certified by NIOSH, the limiting time period for productions shall be from 1974 up until the date of Plaintiff's last exposure. If exposure preceded 1974, five years prior to the date of first exposure up until the date of last exposure.

These requests are not applicable to Defendants involved with power tools, saws or grinders.

1. Copies of any and all franchise agreements, distributor agreements, retail distributor agreements, marketing agreements, memoranda of understanding, or letter agreements between you and any other company which is in the business of selling any Product sold by you in the state of Texas.
2. Copies of any and all invoices, receipts, purchase orders, computer printouts, inventory lists or other type of documents reflecting the sale of any Product sold by you for any Product as defined above as limited to the job sites and/or work locations identified by Plaintiff in his/her verified fact sheet for the years of Plaintiff's alleged use of said Product.
3. All marketing circulars, memoranda, bulletins, newsletters, sales literature, technical information and/or other non privileged documents relating to the selling points of any Product sold by you as a distributor for any Product as defined above five years prior to the date of alleged first use up to the time of Plaintiff's last exposure.
4. Copies of any and all advertising material, brochures, pamphlets, training literature, booklets, video tapes, tape recordings, posters, manuals or other types of documents which relate to the proper use and application of any Product either used by your sales persons or distributed to customers five years prior to the date of alleged first use up to the time of Plaintiff's last exposure.
5. All newsletters, correspondence, memoranda, marketing circulars, brochures, program or conference agendas which pertain to the performance and/or efficiency of the Products between you and any manufacturer on whose behalf you sold any Product(s) five years prior to the date of alleged first use up to the

time of Plaintiff's last exposure.

6. Copies of any and all technical standards, periodicals, articles, guidelines, or correspondence which pertains to the performance and/or efficiency of the Products you sold which are in your possession for any of the Products as defined above five years prior to the date of alleged first use up to the time of Plaintiff's last exposure.
7. Copies of any and all complaints, customer problems relating to respiratory health hazards of a Product as defined above or complaints of Product misuse regarding Products as defined above which were brought to your attention with regard to the Products sold by you as a distributor as provided by the definition of "Time Frame" stated above.
8. Copies of any and all communications between you and any manufacturer for whom you sold Product(s) relating to respiratory health hazards and any of the conditions listed in III(a) of the Defendants verified fact sheet for any of the Products as defined above up to the time of Plaintiff's last exposure.
9. Copies of any and all advertising materials, correspondence, or written communications of any type relating to any and all on site services provided to your company with regard to the sale of the Product during the years of Plaintiff's alleged use of the Product.
10. All transcripts in your possession custody, or control of all deposition or trial testimony by each expert identified pursuant to Rule 194.2(f), Tex. R. Civ. P. (Defendant may produce, in lieu of actual copies of transcripts, a list of transcripts responsive to this request).
11. A copy of any and all billing records, invoices or charges from any expert who may testify in this case or whose opinions have been relied upon by an expert who may testify.
12. All photographs, blueprints, plans, diagrams, drawings, maps, models, mockups or other visual reproductions referring, relating, pertaining to 1) any of Plaintiff's employers' premises, 2) any of Premises Defendant's property and 3) any of Plaintiff's worksites.
13. Any and all industrial hygiene inspections, air monitoring results, surveys or studies of any of Plaintiff's job location or employer where he/she was allegedly exposed to alleged toxic materials.
14. All correspondence, notes, memoranda, data or reports of any inspection relating to foundry or sandblasting operations conducted by any federal, state or

municipal agency at any of the employment locations identified by Plaintiff pursuant to the definition stated above.

15. All documents reviewed by any corporate representative or witness produced by the Defendant used to refresh the recollection of the witness to prepare for sworn testimony in this case.
16. All depositions of your corporate representatives, agents and/or employees conducted in any prior or pending silica-related litigation excluding depositions in workers compensation cases.
17. Copies of any and all sale agreements, contracts, stock purchase agreements, corporate merger agreements which relate to the sale and/or purchase of your company which sold, manufactured or distributed the Product(s) identified by Plaintiff up to the date of Plaintiffs last use of said Product. This request does not have to be answered if an agreement can be reached between the Defendant and Plaintiff with respect to successor liability.

**REQUEST FOR PRODUCTION - ABRASIVE BLASTING EQUIPMENT
DEFENDANTS**

Uncertified Products - These Requests apply to Products not certified by the Bureau of Mines or the National Institute for Occupational Safety and Health. For any uncertified Product the Defendant shall produce this information for the period of five years preceding the date of Plaintiff's first use of the Product up to the date of Plaintiff's last use of the Product.

1. Copies of any and all franchise agreements, distributor agreements, retail distributor agreements, marketing agreements, memoranda of understanding, or letter agreements between you and any other company which is in the business of selling any Product designed, manufactured and or sold by you in Texas for any of the Products as defined above.
2. Copies of any and all invoices, receipts, purchase orders, computer printouts, inventory lists or other type of documents reflecting the sale of any Product sold by you for any Product as defined above as limited to the job sites and/or work locations identified by Plaintiff in his/her verified fact sheet for the years of Plaintiff's alleged use of said Product.
3. Copies of any and all industrial hygiene surveys, safety inspections or air sampling reports conducted by anyone either affiliated with you or some other entity which pertain to any part of the premises of any of the companies listed in Request for Production No. 2 for any of the Products as defined above.
4. Copies of any and all laboratory or field tests, investigative studies, performance analyses, and/or comparative studies which relate to the level(s) of respirable silica dust produced by Product (while in operation) which was designed, manufactured, distributed and/or sold by you.
5. Copies of any and all technical standards, performance standards, recommended practices, periodicals, articles, guidelines, or correspondence in Defendant's possession which pertain to the performance and/or efficiency of the Product as it relates to respiratory health hazards for any of the Products as defined above.
6. Copies of any and all warnings, instructions, labels, signs or other type of insignia relating to respiratory health hazards which were either attached to or accompanied with any of the Product designed, manufactured, distributed and/or sold by you. This request includes any and all modifications or changes in language for any of the labels or instructions accompanied with this Product the equipment designed, manufactured, distributed and sold by you from 1974 up to the time of Plaintiff's last exposure. If the exposure preceded 1974, then five

years prior to the date of the first exposure up until the date of the last exposure.

7. Copies of any and all sales brochures, sales literature, trade journal advertisements informational pamphlets, Product bulletins designed, manufactured, distributed and/or sold by you five years prior to the date of first alleged use up to the time of Plaintiffs last exposure.
8. Copies of any and all packaging labels or instructions concerning respiratory health hazards which were submitted to any third party consultant or agent and/or representative on your behalf for approval with regard to any Product designed, manufactured and sold by you. This request includes any modifications or changes to any of the labels or instructions which accompanied any of this equipment. This request is limited to any of the Products as defined above up from 1974 up until the date of Plaintiff's last exposure to the time of Plaintiff's last exposure. If the exposure preceded 1974, then five years prior to the date of the first exposure up until the date of the last exposure.
9. Copies of any and all complaints, Product inquiries, and customer problems relating to respiratory health hazards and the performance or use of a Product as defined above which were brought to your attention with regard to any Product designed, manufactured, sold and/or distributed by you from 1974 up to the time of Plaintiff's last exposure. If the exposure preceded 1974, then five years prior to the date of the first exposure up until the date of the last exposure.
10. All testimony, statements or other documents concerning silica, crystalline silica or Products and health, safe silica exposure levels or the safe handling of silica or Products submitted by you or on your behalf to any federal or state administrative agency.
11. All marketing circulars, memoranda, bulletins, newsletters, sales literature, technical information and/or other documents relating to the selling points of the Products designed, manufactured, distributed or sold by you and distributed to any and all agents, representatives and/or salespersons involved in the sale of the Product, five years prior to the date of first alleged use up until the time of Plaintiff's last exposure.
12. Copies of any and all published guidelines, technical papers or standards relating to Product warnings regarding respiratory health hazards which you have utilized in the development of any warnings or instructions for all Products manufactured by you which were designed, manufactured, sold and/or distributed by you, from 1974 up until the up to the time of Plaintiff's last exposure. If the exposure preceded 1974, then five years prior to the date of the first exposure up until the date of the last exposure.

13. Copies of any document which reflects the defendant's policies relating to your current policy on document retention and preservation of documents.
14. Copies of all documents concerning the advisability, feasibility, decision to or reason for commencing the use of warnings relating to respiratory health hazards for warning labels on any of the Product designed, manufactured, sold and/or distributed by you, from 1974 up until the time of Plaintiff's last exposure. If the exposure preceded 1974, then five years prior to the date of the first exposure up until the date of the last exposure.
15. All documents which concern in any way the language, location, size or color of each warning, warning label or instruction relating to respiratory health hazards which may have accompanied any of the Products which were designed, manufactured, sold and/or distributed by you from 1974 up to the time of Plaintiff's last exposure. If the exposure preceded 1974, then five years prior to the date of the first exposure up until the date of the last exposure.
16. All records and files of any of your committees or departments having the responsibility for initiating, reviewing or making recommendations concerning the labeling of any of the Product(s) which was designed, manufactured, sold and/or distributed by you as it relates to the subject of respiratory health hazards from 1974 up to the time of Plaintiff's last exposure. If the exposure preceded 1974, then five years prior to the date of the first exposure up until the date of the last exposure.
17. Your current annual report or net worth statement if exemplary damages are pled for.
18. Copies of any and all communications between you and other distributors or manufacturers of any of the Product manufactured or sold by you regarding the use and application of these Products in atmospheres containing respirable free silica or other pneumoconiosis-producing dusts from 1974 up to the time of Plaintiff's last exposure. If the exposure preceded 1974, then five years prior to the date of the first exposure up until the date of the last exposure. This request excludes discussion of other abrasive materials that are not considered capable of producing silicosis or other pneumoconiosis related diseases.
19. All transcripts in your possession custody, or control of all deposition or trial testimony by each expert identified pursuant to Rule 194.2(f), Tex. R. Civ. P. (Defendant may produce, in lieu of actual copies of transcripts, a list of transcripts responsive to this request).
20. A copy of any and all billing records, invoices or charges from any expert who may testify in this case or whose opinions have been relied upon by an expert who may testify.

21. All photographs, blueprints, plans, diagrams, drawings, maps, models, mockups or other visual reproductions referring, relating, pertaining to 1) any of Plaintiffs employers' premises, 2) any of Premises Defendant's property and 3) any of Plaintiffs worksites.
22. All correspondence, notes, memoranda, data or reports of any inspection relating to foundry or sandblasting operations conducted by any federal, state or municipal agency at any of the employment locations identified by Plaintiff pursuant to the definition stated above.
23. All documents reviewed by any corporate representative or witness used to refresh the recollection of this witness to prepare for sworn testimony in this case.
24. All depositions of your corporate representatives, agents and/or employees conducted in any prior or pending silica-related litigation excluding depositions in workers compensation cases.
25. Copies of any and all sale agreements, contracts, stock purchase agreements, corporate merger agreements, or any documents of any type which relate to the sale and/or purchase of the company which sold, manufactured or distributed the any Product identified by Plaintiff up to the date of Plaintiffs last use of said Product. This request does not have to be answered if an agreement can be reached between the defendant and plaintiff with respect to successor liability.