

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS PRODUCTS LIABILITY
LITIGATION (NO. VI)

Civil Action No. MDL 875

[PLAINTIFF] v. [DEFENDANTS]

Case No. _____

This document applies to cases of
Cascino Vaughan Law Offices plaintiffs

Plaintiff's Standard Interrogatories and Request for Production of Documents
to Product Liability and Nuisance Defendants

Plaintiff, pursuant to Rule 33 and 34 of the Federal Rules of Civil Procedure, propounds the following interrogatories and request for production of documents to be answered by defendants sued for product liability or nuisance claims. A separate set of standard discovery is prepared for defendants sued as premises owners. The discovery requests are to be answered within 30 days after service of the job site and employer lists for Plaintiff's Response to Standard Interrogatories. Said documents and things are to be produced at Cascino Vaughan Law Offices, Ltd., 220 S Ashland Avenue, Chicago, IL 60607, or such location as mutually agreed upon by counsel.

DEFINITIONS

As used herein:

1. "Document" shall mean any writing or any other tangible thing in the custody, possession, or control of the defendants -- whether printed, recorded, reproduced by any process, or written or produced by hand, including but not limited to, letters, reports, agreements, e-mails, communications, including correspondence, telegrams, memoranda, summaries or records of telephone conversations, summaries or records of personal conversations or interviews, stenographic or handwritten notes, diaries, notebooks,

worksheets, note charts, log books, forecasts, photographs, tape recording, electronic files, printouts of electronic files, models, statistical statements, production records, calendars, summaries, minutes or records of meetings or conferences, expressions or statements of policy, list of persons attending meetings or conferences, opinions or reports of consultants, appraisals, records or summaries of negotiations, brochures, pamphlets, tax returns, financial statements, profit and loss statements, cash flow statements, balance sheets, annual or other periodic reports, prospectuses, registrations, solicitations, telephone bills, toll card records, payroll records, checkbooks, canceled checks, receipts, purchase orders, invoices, bills of lading, press releases, advertisements, circulars, trade letters, drafts of any document, revisions of drafts of any documents, invoices, receipts, marginal comments appearing on any document, contents of databases, and all other writings.

2. “Injured person” means the person claiming injury from exposure to asbestos.
3. “Defendant” means the person or entity to which this discovery is directed and any successor or predecessor entity for whose conduct defendant is responsible or alleged to be responsible.
4. If the discovery is directed to any insurer, “defendant” includes any alleged insured.
5. Discovery requests include defendant’s knowledge of conduct, actions, documents, or records of other persons or entities, including without limitation parent companies, subsidiaries, joint ventures, successors, predecessors or previous owners/operators of assets, involved in transactions of asbestos containing products or asbestos insulated equipment as set forth in and responsive to this discovery request.
6. “Person” or “entity” means a natural person, firm, association, corporation, joint venture,

partnership, proprietorship or any other legal entity or business enterprise, arrangement or organization, including but not limited to any individuals(s) or agents, employees, representatives, corporate parent, subsidiary, predecessor, successor, affiliate, or other person acting, or purporting to act, on behalf of a defendant herein.

7. Identify a “person” means list the name, last known phone number, address, and employer, and title or position with said employer, of a natural person, or the name, address, and phone number of any other legal entity, group, association, enterprise, or organization.
8. Identify a “document” means the date on the document, the recipients and the authors, the title, the subject matter, document type, and the identity of the person presently having possession.
9. Identify with respect to a “product” means brand name, trade name, model or inventory number or other designation used in the sale of the product.
10. Identify with respect to a “claim,” “lawsuit,” or “action,” means the parties, tribunal, docket or file number, state, county and jurisdiction; name, address and telephone number of the claimant's or plaintiff's attorneys.
11. Identify with respect to a “transaction” means the date, persons or entities involved, location, product, and the role played by each party or entity to the transaction (e.g. raw material supplier, processor, manufacturer, distributor, supplier, seller, re-brander, carrier, shipper, broker, installer, erector or employer).
12. “Asbestos products” or “asbestos-containing products” includes a) raw asbestos b) any product containing any amount of asbestos in its formulation or preparation c) products containing asbestos containing components or parts or d) vermiculite containing

products.

13. “Asbestos insulated equipment” means equipment which, at any time before it was placed into service, was insulated, covered, protected, or sealed with asbestos containing products, including without limitation turbines, boilers, piping, flanges, ducts, breechings, conduit, tanks, pots, vessels, ovens, furnaces, condensers, exchangers, superheaters, clarifiers, demineralizers, drums, economizers, flash tanks, refrigerated coolers, chilled water systems, or other thermal equipment.
14. “Transaction” includes without limitation manufacturing, supplying, selling, reselling, processing, distributing, re-branding, shipping, delivering, receiving, installing, erecting, fabricating, removing, demolishing, or abating.
15. The term “health and safety” refers to medical effects, safety equipment or precautions, ventilation standards or requirements, industrial hygiene practices, epidemiology, warning or cautionary notices, occupational standards and guidelines, manufacturers' material safety data sheets, permissible exposure levels, toxins, toxicity levels and related issues for asbestos.
16. The term “investigations” refers to tests, epidemiological and other studies, research, development, or analysis, including all proposed, closed, incomplete or ongoing investigations.
17. The term “job site list” refers to the list of job sites provided in response to interrogatory # 17 of Plaintiff’s Response to Standard Interrogatories.
18. The term “employer list” refers to the list of employers provided in response to interrogatory # 16 of Plaintiff’s Response to Standard Interrogatories.
19. The singular shall include the plural, and the plural shall include the singular.

20. The masculine, feminine, or neutral pronoun shall not exclude the other genders.

PRIVILEGE

Identify all documents for which privilege is claimed and state the basis for the claim.

INTERROGATORIES

1. Identify all person(s) answering or contacted to answer these interrogatories, including which particular answers they provided or were contacted about.
2. Identify transactions of products or services involving job sites of the injured person on the job site list provided in response to interrogatory # 17 of Plaintiff's Response to Standard Interrogatories ("job site list") during or before the time periods listed on the job site list.
3. Identify transactions of products or services to the employers of the injured person during or before the time periods on the employer list provided in response to interrogatory # 16 of Plaintiff's Response to Standard Interrogatories ("employer list").
4. Identify sales to contractors working at or suppliers of materials to job sites of the injured person during or before the time periods on the job site list.
5. Identify transactions listed in answers to interrogatories 2, 3, or 4 above involving asbestos containing products or asbestos insulated equipment.
6. If any portion of the sales or job project records are not available during or before the time periods on the job site list or employer list, state which records are not available and why they are not available.
7. If defendant was a contractor or distributor, identify the suppliers of insulation, sealing, other products, thermal insulated equipment, or asbestos fibers used in transactions identified in response to interrogatories 2, 3, 4, and 5 above.

8. If defendant is a reseller of products, identify any labels or markings placed by defendant on asbestos containing products or asbestos insulated equipment in any of the transactions identified in response to interrogatories 2, 3, 4 or 5 above.
9. If defendant is a contractor, identify the color of uniforms or hats, worn by its personnel during field work during the time periods in the job site list.
10. Identify all lawsuits or claims to which defendant has been a party for asbestos related injuries, property damage or insurance coverage relating to asbestos containing products or asbestos insulated equipment at the job sites listed on the job site list.
11. Identify all investigations showing that defendant's asbestos containing products or asbestos insulated equipment would not be harmful to health including the funding source, protocol, cohort group, study dates, investigators, authors, editors, and contributors.
12. Identify all persons who have given testimony under oath in a prior claim for asbestos related injury, property damage or insurance coverage, including a description of the action and whether the testimony concerns any of the injured person's job sites on the job site list or employers listed on the employer list.
13. Which persons or entities does defendant contend are responsible for the claimed injury and what are the facts and evidence supporting such contention?
14. Identify warnings defendant contends were provided to the injured person concerning health hazards of asbestos or the combined effect of asbestos and tobacco exposure, including the date, method of communication, and any persons making the communication.
15. Identify any investigation which defendant conducted or was aware of concerning the

combined health effects of asbestos and tobacco exposure.

16. Identify asbestos containing products which defendant manufactured, sold, or installed including the dates of manufacture, sale, and/or installation.
17. Describe the asbestos content of the products identified above, including type or grade of asbestos, percentage by weight of asbestos, percentage by volume of asbestos, color, and texture.
18. Identify equipment defendant manufactured, sold, installed, erected, or worked on which was insulated or sealed with asbestos containing products during manufacture, installation, erection, or operational maintenance and repair.
19. With respect to each of the above asbestos insulated equipment, describe the asbestos containing products, including without limitation the manufacturer, supplier, brand names, contractors applying, fiber types and grade, and when the asbestos was applied (e.g. before shipment from the manufacturing facility or during installation, erection, or operational maintenance and repair).
20. Identify suppliers for asbestos fibers used for each product in answers to interrogatories 16 and 18 above, including the type or grade of fiber for each supplier and the time period of supply.
21. Identify all publications or catalogues in which defendant placed advertising for the sale of asbestos containing products or asbestos insulated equipment including the dates of such advertising.
22. What is the history since 1940 of changes in business structure of ownership of assets or operations of defendant, or any person or entity covered by definition numbers 3 above, involved in transactions identified in answers to interrogatories 2, 3, or 4 above.

23. What is the history since 1940 of changes in business structure of ownership of assets or operations of defendant, or any person or entity covered by definition numbers 3 above, involved in transactions identified in answers to interrogatory 5 above.
24. When and how did defendant become aware of any health hazards of asbestos to human beings?
25. Identify defendant's employees or independent consultants with responsibilities for health and safety relating to asbestos containing products or equipment since 1930.
26. Identify the health and safety publications or abstracts, including without limitation medical, industrial hygiene, and toxicology publications, received by defendant, or any person or entity covered by definition numbers 3 above, from the years 1927 to 1986.
27. Identify asbestos-related workers' compensation claims made against defendant, or any person or entity covered by definition numbers 3 above, before 1985.
28. Identify which of the following trade, professional and business organizations which defendant or its employees were members of or to which defendant sent representatives or to whose publications defendant or its employees subscribed from 1930 to the present, including dates of membership or attendance or subscription: Industrial Health Foundation (or one of its predecessors); Asbestos Textile Institute; Asbestos Information Association of North America; National Mineral Wool Producers Association; Asbestos Cement Pipe Producers Association; Magnesia Insulation Manufacturers Association; American Industrial Hygiene Foundation; Brake Lining Manufacturers Association; Friction Materials Standards Institute, Inc.; Asbestos Brake Lining Manufacturers Institute; Quebec Asbestos Mining Association; Institute of Occupational & Environmental Health of Quebec Asbestos Mining Association; American Society for

Testing and Materials; Grinding Wheel Institute; Trudeau Foundation; National Safety Council; National Insulation Manufacturers Association; The Refractories Institute; American Petroleum Institute; Chemical Manufacturers Association; Vinyl Institute; Society of Plastics Industries; Ethylene Oxide Industry Council; Chlorine Institute; Asbestos Information Association; American Society of Mechanical Engineers; American Society of Safety Engineers; Edison Electric Institute; Electric Power Research Institute, and American Petroleum Institute.

29. Identify insurers and their named insureds given notice by defendant about this claim or whom defendant believes may be responsible for coverage of the claim, including the insurer's name, address, policy number and date of notice.
30. Identify the persons who were in charge of the medical, industrial hygiene, and safety departments or functions for defendant since 1920.

DOCUMENT REQUESTS

1. Documents identified, referred to, or incorporated in any answer to interrogatories served in this case.
2. Documents used, relied upon, reviewed, or referred to in answering interrogatories served in this case.
3. Statements defendant, or any person or entity covered by definition numbers 3 above, has relating to the facts in this case.
4. Transcripts and exhibits of testimony given by any person employed by or formerly employed by defendant, or an entity in definitions 3 above, in asbestos litigation.
5. Transcripts, exhibits of testimony, or statements given by any person relating to asbestos claims at the job sites listed in the job site list.

6. Copies of interrogatory answers, if any, served by defendant in Madison County, IL, and Baltimore, MD, asbestos litigation.
7. Project, job, vendor, customer files, ledgers, logs for sales of products or services during or before the times at the injured person's job sites on the job site list.
8. Project, job, vendor, customer files, ledgers, or logs for sales of products or services during or before the times to the injured person's employers on the employer list.
9. Project, job, vendor, or customer files, ledgers or logs for sales of products or services to contractors working at job sites of the injured person during or before the time periods on the job site list.
10. Project, job, vendor, or customer files for transactions of asbestos containing products or asbestos insulated equipment during or before the times at the job sites on the job site list or to the employers on the employer list.
11. Contracts, specifications, or drawings relating to asbestos containing products or asbestos insulated equipment that were reviewed, prepared or approved by defendant for the transactions identified in the response to interrogatories number 2, 3, 4 or 5 above.
12. Other documents showing transactions relating to asbestos-containing products or asbestos-insulated equipment at the job sites during or before the times on the job site list.
13. Photos, drawings, illustrations, or sketches of any asbestos containing products or asbestos insulated equipment involved in the transactions identified in response to interrogatories 2, 3, 4, or 5 above.
14. If defendant is a contractor, photos or depictions of uniforms worn by defendant's personnel for any transactions relating to the injured person's job sites during the periods

listed on the job site list.

15. If defendant is a contractor or distributor, photos or depictions of vehicles used by defendant's personnel for any transactions relating to the injured person's job sites during the periods listed on the job site list.
16. Documents relating to warnings about health hazards of asbestos provided to the injured person or the injured person's employer.
17. Documents relating to precautionary instructions when removing or applying asbestos containing materials or demolishing asbestos insulated equipment.
18. Documents relating to worker's compensation claims filed against defendant by any employee or former employee claiming an asbestos related condition.
19. Sales, marketing or advertising materials relating to asbestos containing products or asbestos insulated equipment manufactured or sold by defendants.
20. Documents since 1940 relating to the history of changes in business structure of ownership of assets or operations of defendant, or any person or entity covered by definition numbers 3 above, involved in transactions identified in answers to interrogatories 2, 3, or 4 above.
21. Documents since 1940 relating to the history of changes in business structure of ownership of assets or operations of defendant, or any person or entity covered by definition number 3 above, involved in transactions identified in answers to interrogatory 5 above.
22. If defendant disputes or denies any alleged responsibility or successorship for the conduct of another entity, provide copies of any other transactional records supporting defendant's contention.

23. Documents relating to investigations about the health hazards of asbestos in which defendant participated or to which it contributed funds.
24. Documents relating to the amount of funds spent by defendant or which it contributed for research by others into the health hazards of asbestos for each year since 1930.
25. Documents relating to health and safety concerning thermal insulation products or asbestos insulated equipment of trade associations, professional societies, or committees, which defendant was a member of or sent representatives to or to whose publications defendant subscribed from 1930 to the present.
26. Health and safety publications or abstracts, including without limitation medical, industrial hygiene, and toxicology publications, relating to asbestos which are in the possession of defendant.
27. Insurance policies or certificates relating to bodily or personal injury claims at the job sites identified in the job site list.
28. Documents showing the injured person does not have a medical condition related to asbestos exposure.