

**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
This Document Relates to:	:	
	:	
MARLENE WOODS	:	09-cv-62583
MARIE H JURGLANIS	:	12-cv-60003

ORDER

AND NOW this 26th day of June, 2012, upon consideration of “Plaintiffs Motion to Compel Production of General Electric Company 30(b)(6) Electrical Product Witness” (12-60003 Doc. 40; 09-62583 Doc. 91), GE’s response (09-62583 Doc. 92)¹, and plaintiffs’ reply (12-60003 Doc. 55; 09-62583 Doc. 97) it is hereby **ORDERED** that the motion is **DENIED**.²

¹GE’s response apparently was not docketed in the Jurglanis case.

² Fed. R. Civ. P. 30(b)(6) requires that the deposition notice “describe with reasonable particularity” the matters for examination. Plaintiffs’ notice fails to meet this requirement in that it is not limited to relevant time frames or products likely used by plaintiffs. Contrary to plaintiffs’ suggestion, the Rule requires reasonable particularity not only so that GE may identify the appropriate witnesses, but also so that GE may properly prepare those witnesses. U.S. v. Taylor, 166 F.R.D. 356, 360 (M.D. N.C. 1996) (erroneously cited by plaintiffs to support their contention); Nippo Corp./Intern. Bridge Corp. v. AMEC Earth & Environ., 09-956, 2009 WL 4798150, at *2-3 (E.D. Pa., Dec. 11, 2009) (providing that “the ‘reasonable particularity’ requirement . . . requires that the requesting party describe topics with enough specificity to enable the responding party to designate and prepare one or more deponents”). Plaintiffs have described the deposition topics so broadly that GE would theoretically be forced to prepare their witnesses to discuss multiple aspects of, and associated matters regarding, every industrial electrical product created by GE over a 100 year period. Such a task would be highly problematic. We will not compel it.

To meet the “reasonable particularity” requirement, a 30(b)(6) notice must be limited to relevant time periods and products. Plaintiffs should appreciate that phrases like “without limitation” are unhelpful. At the same time, we observe that relevant products could include, not only the products with which plaintiffs alleged they worked, but also: (1) those products that other evidence, such as co-worker testimony, establishes that the plaintiffs likely worked on, and (2) secondary products that necessarily must have been used with primary products, such as the wiring attached to switchgear.

(continued...)

BY THE COURT:

/s/ David R. Strawbridge
DAVID R. STRAWBRIDGE
United States Magistrate Judge

²(...continued)

We are unable to accept on this record GE's blanket argument that the notice must be quashed merely because it believes that some of the deposition topics are duplicative of testimony taken in past Rule 30(b)(6) depositions. Nippo Corp., 2009 WL 4798150, at *4 (holding that "the mere possibility of repetitious testimony is not by itself sufficient to justify a protective order"). Should duplicative questions arise during the deposition, GE may object to those questions at that time. However, as we have previously admonished plaintiffs' counsel, prior to taking a Rule 30(b)(6) deposition, they should review any relevant past deposition transcripts so as to avoid duplicative questions.

Finally, contrary to GE's contention, Rule 30(b)(6) requires "reasonable particularity", not "painstaking specificity." *Compare* Fed. R. Civ. P. 30(b)(6) ("a party may name as the deponent a [] corporation . . . and must describe with reasonable particularity the matters for examination") *with* Prokosch v. Catalina Lighting, Inc., 193 F.R.D. 633, 638 (D. Minn. 2000) (erroneously stating that Rule 30(b)(6) requires "the requesting party [to take care] to designate, with painstaking specificity, the particular subject areas that are intended to be questioned"). We recognize that some flexibility must be built into the 30(b)(6) notice topics, but we caution the parties that the more generally they frame their deposition topics: (1) the harder it becomes for the witness to prepare for the deposition; (2) the more likely it becomes that the witness will not know the answer to certain questions; and (3) the more likely it becomes that the notice will lack "reasonable particularity."