

**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 All Cases	:	
In Which The Cascino Vaughan Law Office :	:	
Is Listed as Plaintiffs' Counsel	:	

**ORDER**

Presently before the Court for resolution is a dispute between plaintiffs and the defendants regarding a set of interrogatories, requests for production, and requests for admissions related to bankruptcy trusts. Certain defendants have propounded this set of requests on plaintiffs, and plaintiffs have objected to them. In leu of a formal motion, the Court asked the defense liaisons and plaintiffs' counsel, Cascino Vaughan Law Offices ("CVLO"), for letter briefs on the issue. After the briefs were received, the Court held a telephonic hearing on the issue on August 3, 2011, which has been transcribed. During that hearing, the Court ruled on plaintiffs' objections. Below are the disputed interrogatories, requests for production, and requests for admissions, as well as the Court's rulings thereon:

1. Interrogatory 1: Identify every lawyer, including any referring lawyers, or entities that have filed, or retained the right to file, a lawsuit or claim for compensation against any company, Bankrupt Entity, and/or 524(g) Trust based on Plaintiff's alleged exposure to asbestos.

Plaintiffs' objection to Interrogatory 1 is **OVERRULED**.

2. Interrogatory 2: Does any lawyer, law office, or entity have any financial interest, referral arrangement, other rights to represent Plaintiff with respect to Plaintiff's alleged asbestos exposures? For each such lawyer, law office, or entity, identify:
  - (a) the name and address;
  - (b) the nature of the financial interest, referral arrangement, or other right;
  - (c) whether the lawyer, law office, or entity has made, or will in the future make any claims for compensation from a Bankrupt Entity or 524(g) trust; and
  - (d) whether that lawyer, law office, or entity has received any subpoena, inquiry letter, discovery request, or citation from a state or federal governmental entity, including Congress, with respect to asbestos or silica claims.

Plaintiffs' objection to Interrogatory 2 is **SUSTAINED**.

3. Interrogatory 3: Have you filed, or do you intend to file any claim for compensation with any 524(g) Trust or Bankrupt Entity as a result of your alleged exposure to asbestos?

Plaintiffs' objection to Interrogatory 3 is **SUSTAINED in part** as to the portion asking whether the plaintiff "intend[s] to file" a claim and **OVERRULED in part** as to the portion of the interrogatory asking whether plaintiff "[has] filed" a claim.

4. Interrogatory 4: If the answer to Interrogatory Number 3 is "No," do you agree to assign any and all rights you may have to file a claim with any 524(g) Trust or Bankrupt Entity to Defendants?

Plaintiffs' objection to Interrogatory 4 is **SUSTAINED**.

5. Interrogatory 5: If the answer to Interrogatory Number 3 is anything other than "No," state whether you have made, filed, or submitted a claim against any 524(g) Trust or other Bankrupt Entity seeking compensation for any alleged injury related to Plaintiff's asbestos or silica exposure. For each claim state the following:
  - (a) the full identity of each entity and/or 524(g) Trust against whom such claim was made or filed, and the date where each such claim was made;
  - (b) the name and nature of the entity with which the claim was made;
  - (c) any identifying number, such as a docket, file, or petition number, for each claim;
  - (d) the amount, if any, paid or agreed to be paid, in compensation for the claim of the plaintiff/decedent;
  - (e) the nature of and basis for the claim; and
  - (f) the current status of the claim (i.e. pending, approved, deferred, rejected, etc.).

Plaintiffs' objection to Interrogatory 5 is **OVERRULED**.

6. Interrogatory 6: With regard to any claim for compensation for injury allegedly due to Plaintiff's exposure to asbestos or silica you may make or file in the future with any Bankrupt Entity or any 524(g) Trust, identify:
  - (a) the full identity of each entity and/or 524(g) Trust against whom such claim will be made;
  - (b) the basis for such claim; and
  - (c) the date you anticipate you will make such claim.

Plaintiffs' objection to Interrogatory 6 is **SUSTAINED**.

7. Interrogatory 7: Do you contend that the only asbestos-containing products to which Plaintiff was exposed during his or her life are those products manufactured by the Companies/entities that have been sued in this action?

Plaintiffs' objection to Interrogatory 7 is **OVERRULED**.

8. Interrogatory 8: Do you contend that you are entitled to compensation from one or more Bankrupt Entity and/or 524(g) Trust as a result of your alleged exposure to asbestos?

Plaintiffs' objection to Interrogatory 8 is **OVERRULED**.

9. Interrogatory 9: Have you, or any agent or attorney on your behalf, deferred, or requested to defer, any claim for compensation with any 524(g) Trust or Bankrupt Entity?

Plaintiffs' objection to Interrogatory 9 is **OVERRULED**.

10. Interrogatory 10: Were you ever screened or evaluated for an asbestos-related disease?

Interrogatory 11: If the answer to Interrogatory No. 10 is yes, identify:

- (a) the date and location of such screening or evaluation;
- (b) the entity that conducted the screening or evaluation;
- (c) the physician(s) that interpreted the findings; and
- (d) the name of the entity that set-up, coordinated, and/or financed the screening or evaluation.

Plaintiffs' objections to Interrogatories 10 and 11 are **OVERRULED**.

12. Interrogatory 12. Have you in the past, or will you in the future, receive any compensation as a result of a pre-packaged bankruptcy plan executed by any entity?

Plaintiffs' objection to Interrogatory 12 is **SUSTAINED in part** as to the portion of the interrogatory asking whether the plaintiff "will [] in the future" receive any compensation and **OVERRULED in part** as to the portion asking whether plaintiff "[has] in the past" received any compensation.

13. Document Request 1: Produce true and correct copies of all documents or claim forms submitted to any Bankrupt Entity and/or 524(g) Trust to make or support a claim for compensation for any alleged injury related to Plaintiff's asbestos or silica exposure, including all claim forms and documents submitted with or in support of each claim, including without limitation medical reports, affidavits, transcripts and interrogatory responses or similar documents.

Document Request 2: Produce any and all correspondence to any Bankrupt Entity and/or 524(g) Trust send from you, or on your behalf.

Document Request 3: Produce any document, form, affidavit, certification, or application signed by Plaintiff which has been deferred, or not yet submitted to a 524(g) Trust or Bankrupt Entity.

Plaintiffs' objections to Document Requests 1 through 3 are **OVERRULED**.

14. Document Request 4: Produce any documents responsive to Interrogatory No. 2(d).

Plaintiffs' objection to Document Request 4 is **SUSTAINED**.

15. Document Request 5: Produce any documents relating to Interrogatory No. 11.

Plaintiffs' objection to Document Request 5 is **OVERRULED**.

16. There are 190 Requests for Admissions. However, there are only two unique questions, each asked regarding 95 different asbestos manufactures. Generically, the questions are:

1. Admit that Plaintiff was exposed to asbestos from products manufactured and/or sold by \_\_\_\_\_.
2. If you admit that Plaintiff was exposed to asbestos fibers from products manufactured and/or sold by \_\_\_\_\_, admit that Plaintiff's exposure to asbestos fibers from products manufactured and/or sold by \_\_\_\_\_ was a contributing cause of his or her alleged disease.

Plaintiffs' objections to these requests for admissions are **SUSTAINED**.

**AND IT IS SO ORDERED.**

Date: 8/4/11

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