

Exhibit A

RECORDS COLLECTION PROTOCOL

1. ***The basis for this Protocol.*** As of the date of the Court's entry of this protocol, there are approximately six hundred and fifty (650) cases in the MDL-875 actions filed by Cascino Vaughan Law Offices, Ltd. ("CVLO") that are subject to scheduling orders.¹ Pursuant to this Court's Order of August 23, 2011, medical and all other records in those cases are to be acquired through the use of a three-page omnibus authorization. Time is of the essence in collecting these records.

2. ***Parties Affected By This Protocol.*** This Protocol binds all plaintiffs and defendants in the MDL-875 actions in which CVLO is plaintiff's counsel. All CVLO plaintiffs currently subject to scheduling orders shall be bound to the terms of this records collection protocol. Furthermore, as new scheduling orders are entered and additional CVLO plaintiffs are named, CVLO shall, from the date of the entry of that scheduling order, be bound to the terms of this records collection protocol. The firm of Forman Perry Watkins Krutz & Tardy, LLP ("Forman Perry"), who represents certain defendants in the CVLO MDL-875 actions, has entered into a joint defense agreement with a number of the defendants to collect medical and other records in those cases where scheduling orders are entered. In order to expedite this process, this signed protocol shall apply to **all** defendants, including those who have opted out of participating in the Forman Perry Joint Medical Records Defense Group.

Forman Perry will advise CLVO as to the names of the defendants who are part of the Forman Perry Joint Medical Records Defense Group.

3. ***Definitions.*** This protocol shall employ the following definitions:

- a. "Medical records" refers to:
 - (i) All records, reports, bills, test results, or other documents concerning the medical care, treatment, and examination of a patient;
 - (ii) All pathology, that is not necessary for care and treatment, original tissue blocks, original tissue slides, wet tissue, records, self histories, histochemical, and immunochemical reports, autopsy reports including but not limited to hand-written notes and/or drawings associated with the autopsy, test results, other documents, or electronic information concerning the medical care, treatment, and examination of the patient, including photomicrographs, millipore filters, written tissue digestion protocol, or other material related in any way to any lung tissue

¹ These scheduling orders are entered in what have been commonly referred to in pleadings and other documents as the Top Ten Cases (June 9, 2011), the combined CVLO-1&2 Cases (September 26, 2011), the CVLO-3 Cases (September 28, 2011), the CVLO-4 cases (October 26, 2011), and the 230 cases listed on the September 27, 2011 Case Management and Scheduling Order Pertaining to Drs. Schonfeld, Anderson and Sadek.

- asbestos fiber burden analysis or ferruginous body study performed on the tissues of the patient;
 - (iii) Copies of bills or statements of services rendered for such service;
 - (iv) X-ray films, MRI films, CT films, and all other imaging films involving the patient.
- b. “Social Security Administration records” refers to any information regarding the person’s Social Security records, including but not limited to the information requested on Federal Form SSA-7050-F4 (“Request for Social Security Earnings Information”)
 - c. “Military records” refers to any and all information regarding the person’s US Military records, including but not limited to the information requested on Federal Form SF180 (“Request Pertaining to Military Records”)
 - d. “Union records” refers to union information and records including but not limited to:
 - (i) Application for membership;
 - (ii) Yearly income including number of hours/days worked per year;
 - (iii) Names and addresses of any and all employers, locations of work sites including any job and/or work logs;
 - (iv) Any pension related information including documents showing pension contributions by employers;
 - (v) Records of any grievances filed or claims made for work-related injuries;
 - (vi) Records of all claims for health, accident, pension or disability benefits;
 - (vii) All records pertaining to any claim for injuries allegedly during the course of his/her employment;
 - (viii) All medical reports and records, infirmary records, return to work slips, medical excuses, and accident reports; and
 - e. “Authorizations” refers to Exhibit A to the Pretrial Order of August 23, 2011 (MDL-875 Doc. 8058).

4. Scope of Protocol. The protocol shall be in place for all records collection from this date forward. Defendants shall not be charged with collection of additional records, which may be outlined in the definitions section, which were not previously requested from a provider.

5. Records to be Requested. CVLO has provided or will provide via interrogatory answers a list of each plaintiff currently on a scheduling order and identify the plaintiffs’ known employers, union membership and military service, including the time period, by year, for each.

6. Requests For Records. As soon as possible but no later than twenty-one (21) days of the date of any scheduling order entered, defendants may begin requesting medical, Social Security Administration, military, and union records for all plaintiffs for which an authorization and Plaintiff’s Answer to Standard Interrogatories is tendered by CVLO. Any defendant who has chosen not to be included in the Joint Medical Records Defense Group represented by Forman Perry shall first make any request for plaintiff records to Forman Perry to alleviate multiple

requests to providers. If Forman Perry has not or will not seek those records, the defendant may then proceed with the collection of the records directly from the provider, once it notifies CVLO of this intent. If Forman Perry has already or intends to request the records, the defendant will receive those records directly from Forman Perry with no additional request sent to the provider. The defendant seeking the records will be responsible to pay Forman Perry the reasonable costs for providing those records, including, but not limited to the provider costs previously assessed to the collecting defendants prior to receipt. In the event any records provided to Forman Perry cannot be duplicated due to formatting, specifically duplication of radiology CD's which are often not reproduceable, the defendant may seek those records directly from the provider, once it notifies CVLO of this intent. If an entity does not respond to defendant's request for records within 5 days, defendants shall attempt to call the entity to follow-up. Medical records will be requested from all medical entities named on Plaintiff's Answer to Standard Interrogatories and any other entities defendants believe may possess medical records for each plaintiff.

If Forman Perry requests records from a "secondary source" (i.e. a provider not listed in CVLO discovery answers and/or whose identity is learned from receipt of provider records), Forman Perry shall immediately notify CVLO in writing of the identity of the provider and date those records were ordered. All records shall be timely produced without reservation.

7. Transmittal of Records. Defendants will provide CVLO with portable document format ("PDF") files of all documents it receives in response to requests for medical, Social Security Administration, military and union records. These documents will be OCR'd (optical character recognition), burned to CD and sent to CVLO within 5 days of receipt by the defendant. CDs will be sent via FedEx standard overnight delivery using the FedEx account number provided by CVLO to:

Robert Niewiarowski
Docket Manager
Cascino Vaughan Law Offices
220 South Ashland Avenue
Chicago, Illinois 60607

Plaintiffs shall be responsible for immediate payment of costs incurred for compilation of the CDs which are provided.

8. Pathology, X-rays, and all other original health records material. Defendant shall notify CVLO within 7 days of receiving any pathology materials and/or imaging films. Forman Perry will notify all relevant defendants, via the court's electronic service list for defense counsel, of the receipt of all pathology and original x-ray films on a weekly basis. CVLO has the right to request any pathology materials and/or imaging films obtained by defendant. Defendants will provide these materials via FedEx standard overnight delivery within 7 days of request to CVLO using the FedEx account number provided by CVLO. CVLO will return all pathology materials and imaging films provided by defendant within 60 days of receipt or no later than 60 days prior to the deadline for defendants to provide expert reports, whichever shall occur first. The date may be extended by the Court.

Likewise, CVLO will notify all relevant defendants within 7 days of receiving any pathology materials and/or imaging films. After sixty (60) days, in which CVLO may send the pathology and/or imaging films received to an expert for consultation, Forman Perry has the right to request any pathology materials and/or imaging films obtained by CVLO. CVLO will provide these materials via FedEx standard overnight delivery within 7 days of request. The tracking number of the FedEx package will be provided to Forman Perry the same day the package is sent. Forman Perry will return all pathology materials and imaging films provided by CVLO within 60 days of receipt, or no later than 60 days prior to the deadline for CVLO to provide expert reports, whichever shall occur first.

In the event that pathology and/or imaging films are received by either CVLO or defendant less than 120 days prior to the deadline for filing defendant expert reports, Forman Perry and/or CVLO's return of such materials will be shortened by agreement of the parties such that both sides have time to have the material reviewed.

9. *Non-compliance of providers.* The Court's August 23, 2011 Order expressly dictates that all entities served with the approved authorization shall accept that authorization as valid and comply with all of its terms. Should any providers fail to comply with the terms of the authorization, the party seeking those records may notify the Court and file any and all appropriate motions with the Court. The Court will address any alleged non-compliance on the part of a provider in an expedited process.

10. *Reports and Attorney Communication.* Once weekly Forman Perry will provide CVLO and the Court an e-mail report in the form previously provided or in a form subsequently agreed on by the parties.

Michael Cascino and Mary Margaret Gay of Forman Perry are designated as the contact attorneys regarding all records acquisitions issues. Mary Margaret Gay will confer with Michael Cascino weekly at a time agreed to by the parties to confirm receipt of reports and discuss any issues that have arisen during the preceding week. Mary Margaret Gay and Michael Cascino will work together to resolve any problems arising from this protocol.

Nothing in this protocol shall be construed to affect the current scheduling order deadlines in place for any cases currently on scheduling orders. Any need for extensions of such deadlines will be considered based on the circumstances of the particular case.