

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

IN RE: ASBESTOS PRODUCTS)
LIABILITY LITIGATION (No. VI))
_____)

MDL DOCKET NO.: MDL 875

DEFENDANTS' MASTER INTERROGATORIES

Certain Defendants¹ hereby propound the following First Set of Joint Interrogatories to Plaintiff(s), to be answered separately and fully, in writing, under oath and in accordance with the Federal Rules of Civil Procedure, as follows:

I. General Instructions

A. If any of these Interrogatories cannot be answered in full, then you should answer to the extent possible and specify the reasons for your inability to answer the remainder.

B. The person or persons answering these Interrogatories must furnish such information as is known or is available to him/her upon reasonable investigation regardless of whether you obtained this information directly, or whether this information was obtained by and made known to you by any of your attorneys or other agents or representatives.

C. If you object to any part of an Interrogatory, state precisely your objection and answer, to the best of your ability, the remaining portion of that Interrogatory. If any discovery request is objected to as inquiring into privileged matter, set forth fully in the objection the facts upon which you base your objection. If you object to the scope or time period of an Interrogatory and refuse to answer for that scope or time period, state your objection and answer the Interrogatory within what you believe is the appropriate scope for the appropriate time period.

D. Rule 33 of the Federal Rules of Civil Procedure allows each party to serve twenty-

¹FPWK&T Clients

five (25) interrogatories upon any other party as a matter of right. To the extent multiple defendants are listed herein as participants in the propounding of this discovery, each said defendant so joins for the purpose of avoidance of cumulative discovery efforts and to expedite the discovery process. Notwithstanding, each below-listed defendant reserves the right to propound additional interrogatories, without leave of court, in such a number so that each defendant may exercise its right to serve twenty-five (25) total interrogatories as contemplated in Rule 33. In the event any or all of the below-listed defendants choose to exercise its right to propound a total of twenty-five (25) interrogatories each, each defendant named herein will be deemed responsible for a proportionate share of questions presented below.

II. Definitions

As used in these interrogatories, the terms listed below are defined as follows:

A. “You,” “your,” “yourself,” “claimant,” or “plaintiff” means or refers to the person claiming occupational exposure to asbestos upon which this action is based, and, as applicable, any party, personal representative or beneficiary and/or persons acting or purporting to act on his/her behalf.

B. “Document” or “documents” means any writing of any kind, including originals and all nonidentical copies (whether different from the originals by reason of any notation made on such copies or otherwise), including without limitation correspondence, memoranda, notes, desk calendars, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, invoices, statements, receipts, returns, warranties, guaranties, summaries, pamphlets, books, prospectuses, interoffice and intraoffice communications, offers, notations of any sort of conversation, telephone calls, meetings or other communications, bulletins, magazines, publications, printed matter, photographs, computer printouts, teletypes, telefaxes, invoices, worksheets and all drafts, alterations,

modifications, changes and amendments of any of the foregoing, tapes, tape recordings, transcripts, graphic or aural records or representations of any kind, and electronic, mechanical or electric records or representations of any kind, or which you have knowledge or which are now or were formally in your actual or constructive possession, custody or control.

C. "Possession, custody or control" includes the joint or several possession, custody or control not only by the person to whom these interrogatories are addressed, but also the joint or several possession, custody or control by each or any other person acting or purporting to act on behalf of the person, whether as employee, attorney, accountant, agent, sponsor, spokesman, or otherwise.

D. "Relates to" means supports, evidences, describes, mentions, refers to, contradicts or comprises.

E. "Person" means any natural or juridical person, firm, corporation, partnership, proprietorship, joint venture, organization, group of natural persons or other association separately identifiable, whether or not such association has a separate juristic existence in its own right.

F. "Identify," "identity" and "identification," when used to refer to a natural person, means to state the following:

1. The person's full name and present or last known home address, home telephone number, business address and business telephone number;
2. The person's present title and employer or other business affiliation;
3. The person's home address, home telephone number, business address and business telephone number at the time of the actions at which each Interrogatory is directed; and
4. His employer and title at the time of the actions at which each Interrogatory is directed.

G. "Identify," "identity" and "identification," when used to refer to a document, means

to state the following:

1. The subject of the document;
2. The title of the document;
3. The type of document (e.g., letter, memorandum, telegram, chart);
4. The date of the document, or if the specific date thereof is unknown, the month and year or other best approximation of such date with reference to other events;
5. The identity of the person or persons who wrote, contributed to, prepared or originated such document; and
6. The present or last known location and custodian of the document.

H. “Identify,” “identity” and “identification,” when used to refer to oral communications means to state the following:

1. Identify the person making any statement, the person to whom the statement was made, and all persons present at the time the statement was made;
2. To state whether the statement was recorded, transcribed, or summarized by any person;
3. To summarize the contents of the communication or conversation;
4. To state the date of the communication; and
5. To identify any person having custody of any document evidencing the communication.

I. To “state the basis for a claim or allegation” means to provide the following information:

1. Identify persons having information or knowledge about such incident or event about which such claim or allegation is made;
2. Identify documents pertaining to such incident or event about which such claim or allegation is made;
3. Identify documents providing information about such incident or event about

which such claim or allegation is made;

4. Identify oral or verbal communications pertaining to such incident or event about which such claim or allegation is made;
5. Identify oral or verbal communications providing information about such incident or event about which such claim or allegation is made;
6. Describe the incident or event about which such claim or allegation is made; and
7. State the legal bases, including identifying contracts, agreements or other documents (including specifying the particular portions relied upon), statutes, rules, regulations and oral and verbal communications, underlying or supporting the claim or allegation or upon which the claim or allegation is based.

J. As used herein, “jobsite” shall refer to and include the locations(s), property, facility(ies), buildings, work sites, and plant(s) where you worked during your lifetime.

III. Interrogatories

A. Background

INTERROGATORY NO. 1: State the full name(s) of the claimant and any personal representative, and any other party-plaintiff, including nicknames and aliases, present address(es), last four digits of social security number, driver’s license number and state of issuance, and date of birth of claimant and date of death if applicable.

INTERROGATORY NO. 2: Please provide the name and address of any current and/or former spouse(s), of the claimant and the names and addresses of any children of claimant.

B. Educational Background

INTERROGATORY NO. 3: Describe in detail claimant’s educational background, including the name(s) and locations(s) of all secondary and post-secondary schools, all preparatory schools, junior colleges, colleges, universities, trade or vocational schools, or other educational institutions, the dates of attendance for each such educational institution and the course of study.

C. Military Service

INTERROGATORY NO. 4: Has claimant ever been a member of any military branch of the United States Government or a state government, including but not limited to the Army, Navy, Air Force, Marines, Coast Guard, National Guard, or any reserve unit thereof; if so, please describe

such service, including the military branch, serial number, the beginning and ending dates of such military service, each job title and rank and dates of same, and a description of military work responsibilities and location assignments.

D. Other Claims/Lawsuits

INTERROGATORY NO. 5: Has the claimant ever filed, or been a plaintiff in, any other lawsuit or made any other claims (including any claim under any insurance or worker's compensation policy or for Social Security or SSI benefits) for monetary compensation due to an injury or physical condition? If so, for each such lawsuit and claims, please set forth the title, court, and cause number of such suit or claim, the identity of the person, corporation, organization, or entity against whom each lawsuit was filed or each claim was made, the date of the lawsuit or claim and the sums that have been received to date as a result of any such lawsuit or claim.

E. Plaintiff's Employment History

INTERROGATORY NO. 6: Please describe claimant's employment history, including for each employer the identity and address of the employer, the dates of employment, the title and description of each job held, the time frame in which the job was held, a description of the work performed for each job or craft, the identities and addresses of supervisors, and the identity and addresses of all co-workers for each job and all trades or crafts that worked in close proximity.

INTERROGATORY NO. 7: If you contend you were exposed to asbestos during the course of any employment, please set forth for each the identity of each employer for whom you were working and the job site when you were allegedly exposed to asbestos, a description of your job duties at the time of your alleged exposure and the identity of all persons with knowledge of the circumstances of your exposure.

INTERROGATORY NO. 8: Please set forth a detailed description of any and all written warning signs, notices, bulletins, pamphlets or memoranda posted at any of claimant's places of employment.

F. Defendant and Product Identification

INTERROGATORY NO. 9: For each Defendant-Party propounding these interrogatories, please separately set forth the following information for the exact product(s) or equipment the claimant contends are at issue in this asbestos personal injury suit:

1. The brand or trade name and general description by size, color, shape, and function of each such product and/or equipment;
2. Each employer and location where the claimant worked with or on said product(s) or equipment and claims exposure to respirable asbestos based on such work;
3. The nature and details of the work performed; and the source, manner, and dates of any alleged exposure of claimant to respirable asbestos for each such product and

equipment at each worksite location;

4. The names and addresses of all co-workers with whom claimant worked when he/she claims exposure to respirable asbestos at each such worksite location; and
5. Identify by name and address any distributor/supplier of any asbestos product or asbestos-containing product for any worksite location where claimant claims exposure to respirable asbestos, and specify the worksite, the product(s) and the factual basis for identification of such distributor/supplier.

INTERROGATORY NO. 10: For each Defendant-Party propounding these interrogatories, and for each product identified in response to Interrogatory No. 9, identify the nature of any alleged defect (whether design, manufacturing, lack of inadequate warnings, or other) and describe with specificity the defect, and any feasible alternative design(s) which allege to have existed with respect to the product(s) at issue.

G. Plaintiff's Union Membership

INTERROGATORY NO. 11: Was claimant ever a member of any labor union or employed in a job in which a labor union served as the collective bargaining representative for employees? If so, please provide the identity of the union including the name of the international union, the name and address of the relevant local in which claimant was a member or which was the collective bargaining agent regarding his/her job classification, and the dates and time periods of membership in each union or work at such a job and the employer for which claimant worked at the relevant time.

H. Medical Information

INTERROGATORY NO. 12: Describe with particularity each and every disease, illness, injury, disability, defect, medical symptom or other physical or mental condition(s) of claimant for which compensation is sought in this lawsuit (hereinafter, "Claimed Condition"), including but not limited to a description of the symptom(s).

INTERROGATORY NO. 13: Does claimant or any other Plaintiff currently receive any medical treatment or medical services for any Claimed Condition? If so, please describe the nature of the treatment or service and identify the medical provider(s) for such treatment or service, the identity of the physician, health care provider, or other person who first diagnosed or treated each Claimed Condition, and the date when the diagnosis was made and the identity of each physician or other healthcare provider who has provided treatment to you for the Claimed Condition, the dates of such treatment and the nature of such treatment.

INTERROGATORY NO. 14: Has claimant ever undergone an x-ray examination, a pulmonary function test or any kind of respiratory system-related examination or screening for any reason (for example, annually, periodically or in connection with any examination)? If so, please set forth the identity of the company, physician, medical provider or other person who administered

each test, the date and location of each test, whether the tests were made at the request of an employer, union or other person and if so, the identity of the employer, union or other person and the results or interpretations of each test and the identity and address of the current custodian of any documents relating to these tests.

INTERROGATORY NO. 15: Unless provided in response to the preceding interrogatories, identify each physician, health care provider, or other medical practitioner who has ever given claimant medical care, the name of the hospital, clinic or other place where care was rendered, the dates of such treatment, the illness or injury for which claimant was treated, or examined or tested, and the details of any disability, permanent impairment or dysfunction from such injury or illness.

INTERROGATORY NO. 16: Has claimant ever been told that he/she was suffering from any pulmonary disease or received a medical diagnosis regarding such an illness? If so, please provide, for each diagnosis, the date the diagnosis was made, the method and information upon which the diagnosis was made, the name and address of each and every hospital, medical institution, laboratory, physician, nurse, laboratory technician, or other person involved in any part of the diagnosis, and a detailed description of the specific course of treatment or therapy, including any medication prescribed as a result of the diagnosis, and the identity of each prescribing physician and whether the claimant followed the prescribed course of treatment.

INTERROGATORY NO. 17: Identify all prescription medications you have taken from the date ten years preceding the diagnosis of each Claimed Condition to the present, including the identity of the prescribing doctor.

I. Damages and Secondary Payor Information

INTERROGATORY NO. 18: Please itemize all damages that are sought by or on behalf of claimant, and, as applicable, by any party-personal representative or beneficiary, by type of damage and dollar amount and describe the method used to calculate each amount, including for each itemization a detailed description of the type or nature of each damage claimed to have suffered, the value or amount of money associated with each claimed damage, the factual basis for each damage, and the identity of all persons having knowledge of facts supporting each damage.

INTERROGATORY NO. 19: List and itemize the total amount of all medical and hospital expenses, or any other expenses incurred by you as a result of the injuries involved in this suit and state whether or not each of these expenses have been paid either wholly or in part, and identify the person or persons who has paid the expense.

INTERROGATORY NO. 20: Are you making a claim for loss of earnings or impairment of earning power because of the Claimed Condition? If so, please set forth the amount for such loss and/or impairment and the facts to support such amount.

INTERROGATORY NO. 21: If this suit seeks damages by a spouse or child for loss of consortium, or similar damage, please set forth in complete detail all facts on which this claim is based, including a complete description of the loss suffered.

INTERROGATORY NO. 22: Have you or your attorney(s) or representative(s) applied to or submitted a claim to any personal injury settlement trust, bankruptcy fund, bankruptcy proceeding, or settlement account on your behalf? If so, please state name and address of each such trust, fund, or account, the date when each application or claim was made, the amount of each claim, whether compensation was received as a result of the application or claim(s), the date, amount and duration of any compensation received, and the identity of all documents constituting, evidencing or relating in any way to the application or claim.

INTERROGATORY NO. 23: State the claimant's date of birth and Social Security number and whether any of claimant's medical expenses or losses have been paid by Medicare, Medicaid, private medical insurance, or any similar source, and, if so, please state the name of the entity making such payments on claimant's behalf, the Health Insurance Claim Number ("HICN") or group or identifier number, and whether claimant has applied for, qualified for, or been awarded Social Security (retirement or disability) benefits or anticipates applying for or being awarded such benefits within the next thirty months and/or whether claimant has or had end stage renal failure or disease.

J. Witnesses and Exhibits

INTERROGATORY NO. 24: Identify all persons, by name, address, and phone number who were witnesses to, or have knowledge of any facts relevant to (1) claimant's job duties at any worksite and/or (2) claimant's alleged exposure to asbestos-containing products at such worksite.

INTERROGATORY NO. 25: Identify all recorded statements (whether written, audio taped, videotaped or otherwise recorded in any way) from any person, including but not limited to plaintiff, regarding the subject matter of this lawsuit or otherwise relating to the facts of this lawsuit and the damages claimed.

INTERROGATORY NO. 26: Identify every fact witness from whom plaintiff intends to offer testimony at the trial of this matter and provide a summary of their anticipated testimony, including a specification of each product, job site and employer about which they will testify.

INTERROGATORY NO. 27: Identify each person whom plaintiff intends to call as an expert witness to testify at the trial of this matter. For each witness identified, please provide the following information:

1. A description of the subject matter upon which he or she is expected to testify;
2. A description of the opinions held and/or formulated by the witness;
3. A summary of the grounds for the witness's opinion;
4. A list of the data or other information considered or relied upon by the witness in formulating his/her opinion;

5. A description of any exhibits to be used as a summary of or support for the opinions;
6. A current copy of the witness's curriculum vitae; and
7. A list of all cases in which the witness has testified—either at trial or in deposition—in the preceding four years.

INTERROGATORY NO. 28: Identify each document upon which you have relied with regard to the allegations you make in your complaint or amended complaint and state whether you intend to offer the document into evidence at the trial of this cause.

INTERROGATORY NO. 29: Identify each document referred to or relied upon in responding to these interrogatories.

INTERROGATORY NO. 30: Identify all persons who provided you with any assistance or information used in answering these interrogatories and state the particular information each person supplied.

INTERROGATORY NO. 31: Identify all persons by name and address who assisted you in any way in identifying products to which you were allegedly exposed or which you used, or who have provided or will provide information about which products may have been used at any work site where you worked.

INTERROGATORY NO. 32: Have you or your attorneys, representatives, or experts performed any tests upon any safety device or asbestos-containing products the Injured Party personally used and/or to which he or she was exposed? If so, please identify the person(s) performing each test, the date of each test, the location where each test was performed, the identity of all persons present during any of the tests, the specific type of test or tests performed on each product, the specific products on which the tests were performed (identifying the products by manufacturer, brand name, and type of product), a description of the tools or equipment used in each test, the identity of any reports, notes, memoranda, or any other type of record made of the tests, and the results of each test.

INTERROGATORY NO. 33: Are you aware of any air sampling or monitoring, tests, or studies for any airborne contaminants, including asbestos, ever conducted at any of the Injured Party's job sites? If so, state when and where the tests were conducted; the identity of the person or entity conducting the tests; the type of material used, being tested, or studied in such tests; the nature and results of the tests or studies; the identity of all persons with knowledge of the tests or studies; whether you have any documents evidencing, describing, or relating in any way to the tests or studies; and identify all documents evidencing, describing or relating in any way to the tests or studies.

Submitted this the _____ day of July, 2010.

Respectfully submitted,
Certain Defendants²

By: _____
ATTORNEY (MSB #)

OF COUNSEL:

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²FPWK&T Clients

CERTIFICATE OF SERVICE

I, the undersigned attorney on behalf of CERTAIN DEFENDANTS³ do hereby certify that I have served by United States mail, postage prepaid, and/or electronic correspondence a true and correct copy of the above and foregoing First Set of Interrogatories to counsel for plaintiffs and all known defense counsel.

This, the _____ day of July, 2010.

ATTORNEY (MSB #)

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