

**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 the	:	
Cases Identified on the Attached Case List	:	

**ORDER**

**AND NOW**, this 4th day of December, 2012, upon consideration Georgia-Pacific LLC's Motion[s] for Sanctions Pursuant to Federal Rule of Civil Procedure 37" (10-64567 Doc. 125, 08-89845 Doc.160, 10-67885 Doc. 130, 10-61348 Doc. 149, 10-64606 Doc. 137, 10-61345 Doc. 146, 09-64733 Doc. 141, 09-62185 Doc. 123, 08-90732 Doc. 127, 10-61115 Doc. 123, 09-60186 Doc. 119, 11-63501 Doc. 189, 08-89446 Doc. 104, 09-60287 Doc. 111, 08-90132 Doc. 128, 09-60440 Doc. 104, and 09-60550 Doc. 157), the responses (10-64567 Doc. 131, 08-89845 Doc. 164, 10-67885 Doc. 135, 10-61348 Doc. 154, 10-64606 Doc. 144, 10-61345 Doc. 152, 09-64733 Doc. 146, 09-62185 Doc. 129, 08-90732 Doc. 131, 10-61115 Doc. 129, 09-60186 Doc. 123, 11-63501 Doc. 196, 08-89446 Doc.109, 09-60287 Doc. 115, 08-90132 Doc. 133, 09-60440 Doc. 108, and 09-60550 Doc. 162), and the reply (see e.g. 10-61348 Doc. 155) it is hereby **ORDERED** that:

- A. all related motions for joinder are **GRANTED**.
- B. The motions to strike are **GRANTED in part** and **DENIED in part**. Pursuant to Federal Rule of Civil Procedure 37, Georgia-Pacific LLC ("GP") seeks to strike various interrogatory response sets from Plaintiffs and to bar "any witnesses not properly disclosed against Georgia-Pacific in Plaintiff[s'] discovery responses." For the reasons set out in Ferguson v. A.C. & S., Inc., 08-90234 2012 WL 5839023 (E.D. Pa. Nov. 16, 2012):

**1. Andris 10-67885 Doc. 130**

Discovery in this case closed on July 13, 2012. “Plaintiff’s First Response to Standard Interrogatories” and “Plaintiff’s Response to Georgia-Pacific’s Product Specific Interrogatories” (10-67885 Doc. 130 Ex. B & D) are struck in that they are unverified. Thus, we **GRANT** Defendant’s motion as to these responses.

“Plaintiff’s First Response to Standard Interrogatories-6/21/12” (Id. Ex. C) is struck in part in that it is only partially verified as to “answers that are not statements or objections of plaintiff’s attorney.” In light of the limited verification, any interrogatory answers (as opposed to objections) which are clearly provided by counsel are struck as unverified. Thus, we **GRANT** Defendant’s motion to strike the answers to interrogatories 6, 8-10, 17, 19, 21, 26-31, 32(a)-(c), and 33-36 in that they are “statements . . . of plaintiff’s attorney” and not verified. We **DENY** Defendant’s motion as to the other responses within this set.

**2. Bennington 10-61115 Doc. 123**

Discovery in this case closed on August 3, 2012. “Plaintiff’s Supplemental Response to Standard Interrogatories-8/3/12” and Plaintiff’s Response to Georgia-Pacific’s Product Specific Interrogatories, both served on August 3, 2012, (10-61115 Doc. 123 Exs. C-D) are struck in that they are unverified. Thus, we **GRANT** Defendant’s motion as to these responses.

“Plaintiff’s Response to Standard Interrogatories-July 14, 2012” (Id. Ex. B) is struck in part in that it is only partially verified as to “answers that are not statements or objections of plaintiff’s attorney.” In light of the limited verification, any interrogatory answers (as opposed

to objections) which are clearly provided by counsel are struck as unverified. Thus, we **GRANT** Defendant's motion to strike the answers to interrogatories 6, 8-10, 17, 19, 21, 26-31, 32(a)-(c), and 33-36 in that they are "statements . . . of plaintiff's attorney" and not verified. We **DENY** Defendant's motion as to the other responses within this set.

**3. Bolton 09-60186 Doc. 119**

Discovery in this case closed on August 3, 2012. "Plaintiff's First Response to Standard Interrogatories", "Plaintiff's First Response to Standard Interrogatories-7/16/2012", "Plaintiff's Supplemental Response to Standard Interrogatories-8/3/12", and "Plaintiff's Response to Georgia-Pacific Corp.'s Product Specific Interrogatories", served on August 1, 2012, (09-60186 Doc. 119 Exs. B, C, E, & F ) are all struck in that they are unverified. Thus, we **GRANT** Defendant's motion as to these responses.

"Plaintiff's Supplemental Response to Standard Interrogatories-7/19/2012" (Id. Ex. D) is struck in part in that it is only partially verified as to "answers that are not statements or objections of plaintiff's attorney." In light of the limited verification, any interrogatory answers (as opposed to objections) which are clearly provided by counsel are struck as unverified. Thus, we **GRANT** Defendant's motion to strike the answers to interrogatories 6, 8-10, 17, 19, 21, 26-31, 32(a)-(c), and 33-36 in that they are "statements . . . of plaintiff's attorney" and not verified. We **DENY** Defendant's motion as to the other responses within this set.

**4. Brazzoni 11-63501 Doc. 189**

Discovery in this case closed on August 3, 2012. "Plaintiff's First Response to Standard Interrogatories", "Plaintiff's First Signed Response to Standard Interrogatories - 7/10/12", and "Plaintiff's Supplemental Response to Standard

Interrogatories - 8/3/12" (09-60186 Doc. 119 Exs. B, C, E), were previously struck in Ferguson, 2012 WL 5839023 at \*13 for being unverified. Thus, we **GRANT** Defendant's motion as to these responses.

On July 2012, Plaintiff served another document entitled "Plaintiff's First Response to Standard Interrogatories-7/10/12." (Id., D). This response is struck in part in that it is only partially verified as to "answers that are not statements or objections of plaintiff's attorney." In light of the limited verification, any interrogatory answers (as opposed to objections) which are clearly provided by counsel are struck as unverified. Thus, we **GRANT** Defendant's motion to strike the answers to interrogatories 6, 8-10, 17, 19, 21, 26-31, 32(a)-(c), and 33-36 in that they are "statements . . . of plaintiff's attorney" and not verified. We **DENY** Defendant's motion as to the other responses within this set.

**5. Collins 10-64567 Doc. 125**

Discovery in this case closed on July 13, 2012. "Plaintiff's First Response to Standard Interrogatories" and "Plaintiff's Response to Georgia-Pacific Corp.'s Product Specific Interrogatories", served on July 13, 2012, (10-64567 Doc. 125 Exs. B & D) are both struck in that they are unverified. Thus, we **GRANT** Defendant's motion as to these responses.

Plaintiff's First Response to Standard Interrogatories-June 21, 2012" served July 6, 2012, (Id., Ex. C) is struck in part in that it is only partially verified as to "answers that are not statements or objections of plaintiff's attorney." In light of the limited verification, any interrogatory answers (as opposed to objections) which are clearly provided by counsel are struck as unverified. Thus, we **GRANT** Defendant's motion to strike the answers to interrogatories 6, 8-10, 17, 19, 21, 26-31, 32(a)-(c), and 33-36 in that they are "statements . . . of plaintiff's attorney"

and not verified. We **DENY** Defendant's motion as to the other responses within this set.

**6. Cook 08-89446 Doc. 104**

Discovery in this case closed on August 3, 2012. "Plaintiff's Response to Standard Interrogatories", "Plaintiff's Supplemental Response to Standard Interrogatories-8/3/12", and "Plaintiff's Response to Georgia-Pacific Corp.'s Product Specific Interrogatories", served July 23, 2012, (08-89446 Doc. 104 Exs. B, E, F) are all struck in that they are unverified. Thus, we **GRANT** Defendant's motion as to these responses.

"Plaintiff's First Response to Standard Interrogatories-June 4, 2012" and "Plaintiff's Supplemental Signed Responses to Standard Interrogatories-August 3, 2012" (Id. Exs. C & D) are fully verified.<sup>1</sup> Thus, we **DENY** Defendant's motion as to these two responses.

**7. Doyle 08-89845 Doc. 160**

Discovery in this case closed on July 13, 2012. "Plaintiff's First Response to Standard Interrogatories" and "Plaintiff's Response to Georgia-Pacific Corp.'s Product Specific Interrogatories", served April 19, 2012, (08-89845 Doc. 160 Exs. B & D) are both struck in that they are unverified. Thus, we **GRANT** Defendant's motion as to these responses.

"Plaintiff's First Response to Standard Interrogatories-June 28, 2012" (Id. Ex. C) is struck in part in that it is only partially verified as to "answers that are not statements or objections of plaintiff's attorney." In light of the limited verification, any interrogatory answers (as opposed to objections) which are clearly provided by counsel are struck as unverified. Thus, we **GRANT**

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<sup>1</sup> Attached to the August 3, 2012 set of interrogatory responses is the same verification dated June 5, 2012 that is attached to the June 4, 2012 set of interrogatory responses. Since the verification is for "the answers to Plaintiff's Verified Response to Standard Interrogatories", it seemingly could apply to either set of interrogatory responses. We will presume, having no evidence to the contrary, that Plaintiff consented to have that verification attached to both sets of interrogatory responses.

Defendant's motion to strike the answers to interrogatories 6, 8-10, 17, 19, 21, 26-30, 32(a)-(c), and 33-36 in that they are "statements . . . of plaintiff's attorney" and not verified. We **DENY** Defendant's motion as to the other responses within this set.

**8. Esser 09-60287 Doc. 111**

Discovery in this case closed on August 3, 2012. "Plaintiff's First Response to Standard Interrogatories", "Plaintiff's Supplemental Response to Standard Interrogatories-8/3/12", and Plaintiff's August 3, 2012 Response to Georgia-Pacific's Product Specific Interrogatories (09-60287 Doc. 111 Exs. B, D, E) are all struck in that they are unverified. Thus, we **GRANT** Defendant's motion as to these responses.

"Plaintiff's First Response to Standard Interrogatories-August 1, 2012" (Id. Ex. C) is struck in part in that it is only partially verified as to "answers that are not statements or objections of plaintiff's attorney." In light of the limited verification, any interrogatory answers (as opposed to objections) which are clearly provided by counsel are struck as unverified. Thus, we **GRANT** Defendant's motion to strike the answers to interrogatories 6, 8-10, 17, 19, 21, 26-31, 32(a)-(c), and 33-36 in that they are "statements . . . of plaintiff's attorney" and not verified. We **DENY** Defendant's motion as to the other responses within this set.

**9. Beatrice Jones 08-90132 Doc. 128**

Discovery in this case closed on August 3, 2012. "Plaintiff's First Response to Standard Interrogatories", "Plaintiff's First Response to Standard Interrogatories-July 15, 2012", "Plaintiff's Supplemental Response to Standard Interrogatories-8/3/12", and "Plaintiff's Response to Georgia-Pacific Corp.'s Product Specific Interrogatories" served August 3, 2012, (08-90132 Doc. 128 Exs. B, C, E, F) are all struck in that they are unverified. Thus, we **GRANT**

Defendant's motion as to these responses.

"Plaintiff's Supplemental Signed Response to Standard Interrogatories-7/20/12" (Id. Ex. D) is struck in part in that it is only partially verified as to "answers that are not statements or objections of plaintiff's attorney." In light of the limited verification, any interrogatory answers (as opposed to objections) which are clearly provided by counsel are struck as unverified. Thus, we **GRANT** Defendant's motion to strike the answers to interrogatories 6, 8-10, 17, 19, 21, 26-31, 32(a)-(c), and 33-36 in that they are "statements . . . of plaintiff's attorney" and not verified. We **DENY** Defendant's motion as to the other responses within this set.

**10. Elinor Jones 09-60440 Doc. 104**

Discovery in this case closed on August 3, 2012. "Plaintiff's First Response to Standard Interrogatories", "Plaintiff's Supplemental Response to Standard Interrogatories-8/3/12", and Plaintiff's Response to Georgia-Pacific's Product Specific Interrogatories, served August 3, 2012, (09-60440 Doc. 104 Exs. B, D, E) are all struck in that they are unverified. Thus, we **GRANT** Defendant's motion as to these responses.

"Plaintiff's First Response to Standard Interrogatories-July 9, 2012 (Id. Ex. C) is struck in part in that it is only partially verified as to "answers that are not statements or objections of plaintiff's attorney." In light of the limited verification, any interrogatory answers (as opposed to objections) which are clearly provided by counsel are struck as unverified. Thus, we **GRANT** Defendant's motion to strike the answers to interrogatories 6, 8-10, 17, 19, 21, 26-31, 32(a)-(c), and 33-36 in that they are "statements . . . of plaintiff's attorney" and not verified. We **DENY** Defendant's motion as to the other responses within this set.

**11. Junk 09-60550 Doc. 157**

Discovery in this case closed on August 3, 2012. “Plaintiff’s First Response to Standard Interrogatories”, “Plaintiff’s Supplemental Response to Standard Interrogatories-8/3/12”, and “Plaintiff’s Response to Georgia-Pacific Corp.’s Product Specific Interrogatories”, served on July 27, 2012, (09-60550 Doc. 157 Exs. B, D, E) are all struck in that they are unverified. Thus, we **GRANT** Defendant’s motion as to these responses.

“Plaintiff’s Supplemental Signed Response to Standard Interrogatories-7/20/12” (Id. Ex. C) is struck in part in that it is only partially verified as to “answers that are not statements or objections of plaintiff’s attorney.” In light of the limited verification, any interrogatory answers (as opposed to objections) which are clearly provided by counsel are struck as unverified. Thus, we **GRANT** Defendant’s motion to strike the answers to interrogatories 6, 8-10, 17, 19, 21, 26-31, 32(a)-(c), and 33-36 in that they are “statements . . . of plaintiff’s attorney” and not verified. We **DENY** Defendant’s motion as to the other responses within this set.

**12. Lorentz 10-61348 Doc. 149**

Discovery in this case closed on July 13, 2012. “Plaintiff’s First Response to Standard Interrogatories” (10-61348 Doc. 149 Ex. B) is struck in that it is unverified. “Plaintiff’s First Response to Standard Interrogatories-June 16, 2012. (Id. Ex. C) does contain a partial verification, however, the verification is specifically for “Plaintiff’s Signed Response to Georgia Pacific’s Bankruptcy Trust Discovery Requests.” Thus, this partial verification does not apply to this set of interrogatory responses and they are struck as unverified. As a result, we **GRANT** Defendant’s motion as to these two response sets.

“Plaintiff’s Response to Georgia-Pacific Corp.’s Product Specific Interrogatories”

served on June 6, 2012, (Id. Ex. D) is struck in part in that it is only partially verified as to “answers that are not statements or objections of plaintiff’s attorney.” In light of the limited verification, any interrogatory answers (as opposed to objections) which are clearly provided by counsel are struck as unverified. Thus, we **GRANT** Defendant’s motion to strike the answers to interrogatories 1-3, 5-6, 8, and 11-12 in that they are “statements . . . of plaintiff’s attorney” and not verified. We **DENY** Defendant’s motion as to the other responses within this set.

**13. Louis 10-64606 Doc. 137**

Discovery in this case closed on July 13, 2012. “Plaintiff’s First Response to Standard Interrogatories-February 9, 2012” and “Plaintiff’s Response to Georgia-Pacific Corp.’s Product Specific Interrogatories”<sup>2</sup>, served April 20, 2012, (10-64606 Doc. 137 Exs. B, D) are both struck in that they are unverified. Thus, we **GRANT** Defendant’s motion as to these responses.

Plaintiff’s First Response to Standard Interrogatories-June 28, 2012” (Id. Ex. C) is struck in part in that it is only partially verified as to “answers that are not statements or objections of plaintiff’s attorney.” In light of the limited verification, any interrogatory answers (as opposed to objections) which are clearly provided by counsel are struck as unverified. Thus, we **GRANT** Defendant’s motion to strike the answers to interrogatories 6, 8-10, 17, 19, 21, 26-30, 32(a)-(c), and 33-36 in that they are “statements . . . of plaintiff’s attorney” and not verified. We **DENY** Defendant’s motion as to the other responses within this set.

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<sup>2</sup> Although GP asserts in its brief that this interrogatory response set was verified, neither the set attached to its motion as Exhibit D or the one attached to Plaintiff’s response (Doc.144) as Exhibit 4 contain a signed client verification. Thus, unless evidence establishes otherwise, we presume that GP erred in its brief and that interrogatory set was not verified.

**14. Rickey 10-61345 Doc. 146**

Discovery in this case closed on July 13, 2012. “Plaintiff’s First Response to Standard Interrogatories” and “Plaintiff’s Response to Georgia-Pacific Corp.’s Product Specific Interrogatories”, served July 13, 2012, (10-61345 Doc. 146 Exs. B & D) are both struck in that they are unverified. Thus, we **GRANT** Defendant’s motion as to these responses.

“Plaintiff’s First Signed Response to Standard Interrogatories-6/19/12” (Id. Ex. C) is struck in part in that it is only partially verified as to “answers that are not statements or objections of plaintiff’s attorney.” In light of the limited verification, any interrogatory answers (as opposed to objections) which are clearly provided by counsel are struck as unverified. Thus, we **GRANT** Defendant’s motion to strike the answers to interrogatories 6, 8-10, 17, 19, 26-31, 32(a)-(c), and 33-36 in that they are “statements . . . of plaintiff’s attorney” and not verified. We **DENY** Defendant’s motion as to the other responses within this set.

**15. Stephens 09-64733 Doc. 141**

Discovery in this case closed on July 13, 2012. “Plaintiff’s First Response to Standard Interrogatories” and “Plaintiff’s Supplementation to Standard Interrogatories-July 12, 2012”(09-64733 Doc. 141 Exs. B & C) are both struck in that they are unverified. Thus, we **GRANT** Defendant’s motion as to these responses. “Plaintiff’s Response to Georgia-Pacific Corp.’s Product Specific Interrogatories”, served June 6, 2012, (Id. Ex. D) is fully verified and, thus, we **DENY** Defendant’s motion as to this answer set.

**16. Vradenburg 09-62185 Doc. 123**

Discovery in this case closed on July 13, 2012. “Plaintiff’s First Response to

Standard Interrogatories-February 14, 2012” served on June 21, 2012, “Plaintiffs’s Supplemental Response to Standard Interrogatories-6/29/12”, and “Plaintiff’s Response to Georgia-Pacific Corp.’s Product Specific Interrogatories”, served July 11, 2012, (09-62185 Doc. 123 Exs. B-D) are struck in part in that they are only partially verified as to “answers that are not statements or objections of plaintiff’s attorney.” In light of the limited verifications, any interrogatory answers (as opposed to objections) which are clearly provided by counsel are struck as unverified. Thus, we **GRANT** Defendant’s motion to strike (a) the answers to interrogatories 6, 8-10, 16-21, 26-31, 32(a)-(c), and 33-36 in “Plaintiff’s First Response to Standard Interrogatories-February 14, 2012”, (b) the answers to interrogatories 6 (except for the June 29, 2012 supplement), 16 (except for the June 29, 2012 supplement to subsections (a)-(d)), 17, 19-21, 26-31, 32(a)-(c), and 33-36 in “Plaintiffs’s Supplemental Response to Standard Interrogatories-6/29/12”, and (c) interrogatory answers 1-3, 5, 6, 8, 11, and 12 in “Plaintiff’s Response to Georgia-Pacific Corp.’s Product Specific Interrogatories” in that they are “statements . . . of plaintiff’s attorney” and not verified. We **DENY** Defendant’s motion as to the other responses within these sets.

**17. Wilson 08-90732 Doc. 127**

Discovery in this case closed on July 13, 2012. “Plaintiff’s First Response to Standard Interrogatories” (08-90732 Doc. 127 Ex. B) is struck in that it is unverified. Thus, we **GRANT** Defendant’s motion as to this response set.

“Plaintiff’s First Response to Standard Interrogatories-June 20, 2012” and “Plaintiff’s Response to Georgia-Pacific Corp.’s Product Specific Interrogatories” served June 20, 2012, (Id. Exs. C & D) are struck in part in that they are only partially verified as to “answers

that are not statements or objections of plaintiff's attorney." In light of the limited verification, any interrogatory answers (as opposed to objections) which are clearly provided by counsel are struck as unverified. Thus, we **GRANT** Defendant's motion to strike (a) the answers to interrogatories 6, 8-10, 17, 19, 21, 26-30, 32(a)-(c), and 33-36 in "Plaintiff's First Response to Standard Interrogatories-June 20, 2012", and (b) interrogatory answers 1-3, 5, 6, 8, and 11-12 in "Plaintiff's Response to Georgia-Pacific Corp.'s Product Specific Interrogatories" in that they are "statements . . . of plaintiff's attorney" and not verified. We **DENY** Defendant's motion as to the other responses within these sets.

C. Defendant's request that the court bar "any witnesses not properly disclosed against Georgia-Pacific in Plaintiff's discovery responses" is **DENIED without prejudice**.

BY THE COURT:

/s/ David R. Strawbridge  
DAVID R. STRAWBRIDGE  
UNITED STATES MAGISTRATE JUDGE

## **CASE LIST**

Collins 10-64567 Doc. 125

Doyle 08-89845 Doc. 160

Andris 10-67885 Doc. 130

Lorentz 10-61348 Doc. 149

Louis 10-64606 Doc. 137

Rickey 10-61345 Doc. 146

Stephens 09-64733 Doc. 141

Vradenburg 09-62185 Doc. 123

Wilson 08-90732 Doc. 127

Bennington 10-61115 Doc. 123

Bolton 09-60186 Doc. 119

Brazzoni 11-63501 Doc. 189

Cook 08-89446 Doc. 104

Esser 09-60287 Doc. 111

B Jones 08-90132 Doc. 128

D Jones 09-60440 Doc. 104

Junk 09-60550 Doc. 157