

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

[PLAINTIFF] v. [DEFENDANTS]

Case No. _____

This document applies to cases of
Cascino Vaughan Law Offices plaintiffs

Plaintiff's Standard Interrogatories and
Request for Production of Documents to Premises Owner Defendants

Plaintiff, pursuant to Rule 33 and 34 of the Federal Rules of Civil Procedure, propounds the following interrogatories and request for production of documents to be answered by defendants sued as premises owners. A separate set of standard discovery is prepared for defendants not sued as premises owners. The discovery requests are to be answered within 30 days after service of the job site and employer lists for Plaintiff's Response to Standard Interrogatories. Said documents and things are to be produced at Cascino Vaughan Law Offices, Ltd., 220 S Ashland Avenue, Chicago, IL 60607, or such location as mutually agreed upon by counsel. As to a particular defendant, the discovery request applies to the job sites which defendant, or a predecessor or successor entity, presently or in the past owned, operated, or controlled.

DEFINITIONS

As used herein:

1. "Document" shall mean any writing or any other tangible thing in the custody, possession, or control of the defendants -- whether printed, recorded, reproduced by any process, or written or produced by hand, including but not limited to, letters, reports,

agreements, e-mails, communications, including correspondence, telegrams, memoranda, summaries or records of telephone conversations, summaries or records of personal conversations or interviews, stenographic or handwritten notes, diaries, notebooks, worksheets, note charts, log books, forecasts, photographs, tape recording, electronic files, printouts of electronic files, models, statistical statements, production records, calendars, summaries, minutes or records of meetings or conferences, expressions or statements of policy, list of persons attending meetings or conferences, opinions or reports of consultants, appraisals, records or summaries of negotiations, brochures, pamphlets, tax returns, financial statements, profit and loss statements, cash flow statements, balance sheets, annual or other periodic reports, prospectuses, registrations, solicitations, telephone bills, toll card records, payroll records, checkbooks, canceled checks, receipts, purchase orders, invoices, bills of lading, press releases, advertisements, circulars, trade letters, drafts of any document, revisions of drafts of any documents, invoices, receipts, marginal comments appearing on any document, contents of databases, and all other writings.

2. “Injured person” means the person claiming injury from exposure to asbestos.
3. “Defendant” means the person or entity to which this discovery is directed and any successor or predecessor entity for whose conduct defendant is responsible or alleged to be responsible.
4. If the discovery is directed to any insurer, “defendant” includes any alleged insured.
5. Discovery requests include defendant’s knowledge of or possession of documents relating to conduct, actions, documents, or records of other persons or entities, including without limitation parent companies, subsidiaries, joint ventures, successors,

predecessors or previous owners/operators of assets, which involve the asbestos containing products or asbestos insulated equipment identified in the discovery responses.

6. “Person” or “entity” means a natural person, firm, association, corporation, joint venture, partnership, proprietorship or any other legal entity or business enterprise, arrangement or organization, including but not limited to any individuals(s) or agents, employees, representatives, corporate parent, subsidiary, predecessor, successor, affiliate, or other person acting, or purporting to act, on behalf of a defendant herein.
7. Identify a “person” means list the name, last known phone number, address, and employer, and title or position with said employer, of a natural person, or the name, address, and phone number of any other legal entity, group, association, enterprise, or organization.
8. Identify a “document” means the date on the document, the recipients and the authors, the title, the subject matter, document type, and the identity of the person presently having possession.
9. Identify with respect to a “product” means brand name, trade name, model or inventory number or other designation used in the sale of the product.
10. Identify with respect to a “claim,” “lawsuit,” or “action,” means the parties, tribunal, docket or file number, state, county and jurisdiction; name, address and telephone number of the claimant's or plaintiff's attorneys.
11. Identify with respect to a “transaction” means the date, persons or entities involved, location, product, and the role played by each party or entity to the transaction (e.g. raw material supplier, processor, manufacturer, distributor, supplier, seller, re-branding,

- carrier, shipper, broker, installer, erector or employer).
12. “Asbestos-containing products” includes a) raw asbestos b) any product containing any amount of asbestos in its formulation or preparation c) products containing asbestos containing components or parts or d) vermiculite containing products.
 13. “Asbestos insulated equipment” means equipment which, at any time before it was placed into service, was insulated, covered, protected, or sealed with asbestos containing products, including without limitation turbines, boilers, piping, ducts, breechings, conduit, tanks, pots, vessels, ovens, furnaces, condensers, exchangers, superheaters, clarifiers, demineralizers, drum, economizers, flash tanks, refrigerated coolers, chilled water systems, or other thermal equipment.
 14. “Transaction” includes, without limitation manufacturing, supplying, selling, reselling, processing, distributing, re-branding, shipping, delivering, receiving, installing, erecting, fabricating, removing, demolishing, or abating.
 15. The term “health and safety” refers to medical effects, safety equipment or precautions, ventilation standards or requirements, industrial hygiene practices, epidemiology, warning or cautionary notices, occupational standards and guidelines, manufacturers' material safety data sheets, permissible exposure levels, toxins, toxicity levels and related issues for asbestos.
 16. The term “investigation” refers to tests, epidemiological and other studies, research, development, or analysis, including all proposed, closed, incomplete or ongoing investigations.
 17. The term “job site list” refers to the list of job sites provided in response to interrogatory #17 of Plaintiff’s Response to Standard Interrogatories

18. The term “employer list” refers to the list of employers provided in response to interrogatory # 16 of Plaintiff’s Response to Standard Interrogatories.
19. The singular shall include the plural, and the plural shall include the singular.
20. The masculine, feminine, or neutral pronoun shall not exclude the other genders.

PRIVILEGE

Identify all documents for which privilege is claimed and state the basis for the claim.

INTERROGATORIES

1. Identify all person(s) answering or contacted to answer these interrogatories, including which particular answers they provided or were contacted about.
2. Identify projects or work done at job sites of the injured person during or before the time periods on the job site list provided in response to interrogatory # 17 of Plaintiff’s Response to Standard Interrogatories (“job site list”), including without limitation the date of the work, description of the project, and job site involved.
3. Specify any projects identified in response to interrogatory #2 which defendant contends are “improvements” for the purposes of a construction statute of repose defense.
4. Identify asbestos containing materials and asbestos insulated equipment used, installed, erected, repaired, maintained, demolished, or removed for each project identified in the answer to interrogatory #2 above, including without limitation type of product, brand name, model, manufacturer, and supplier.
5. For each project identified in response to interrogatory #2 above, identify contractors subcontractors, material suppliers, and equipment suppliers for each project including the work performed, material supplied, and/or equipment supplied by each.
6. For each project identified in response to interrogatory #2 above, identify for each project

work performed and/or material supplied by defendant.

7. Describe the frequency of repair and maintenance activities for major equipment or systems such as overhauls, unit shutdowns, outages, turnarounds, annual inspections and maintenance, including any policies or practices relating to such activities.
8. During or before the time periods on the job site list, describe what records for the projects or work at defendant's job sites are available, including without limitation, construction project files, daily maintenance logs, contractor sign in sheets, shut down, outage or turnaround records, contracts, purchase orders, bid documents, specifications, accounts payable vendor files, construction payout escrow documents, lien waivers, contractor insurance certificates, equipment warranties.
9. If any portion of the project or work records are not available during or before the time periods on the job site list, state which records are not available and why they are not available.
10. For each premise and during or before the time periods listed on the job site list, identify the persons responsible for project engineering, supervision of erection, installation, repair, or maintenance of work identified in response to interrogatory 2.
11. Identify all lawsuits or claims to which defendant has been a party for asbestos related injuries, property damage or insurance coverage relating to asbestos containing products or asbestos insulated equipment at the job sites on the job site list.
12. Identify all persons who have given testimony under oath in a prior claim for asbestos related injury at the job sites listed on the job site list.
13. Which persons or entities does defendant contend are responsible for the claimed injury and what are the facts and evidence supporting such contention?

14. Identify warnings defendant contends were provided to the injured person concerning health hazards of asbestos or the combined effect of asbestos and tobacco exposure, including the date, method of communication, and any persons making the communication.
15. Identify any investigation which defendant conducted or was aware of concerning the combined health effects of asbestos and tobacco exposure.
16. Describe the asbestos containing products or materials identified above in answer to interrogatory 2, including without limitation the type of asbestos fiber, percentage by weight and volume of each asbestos fiber type, color, and texture.
17. Specify defendant's basis for knowledge of the fiber types identified in response to interrogatory 16 above, including all documents and persons with knowledge.
18. With respect to the asbestos insulated equipment identified above in answers to interrogatories 2 through 4, describe the asbestos containing products and when they were applied (e.g. before shipment from the manufacturing facility or during installation, erection, or operational maintenance and repair).
19. Identify any interest, including without limitation based on ownership, operation, or control, the defendant presently has or had in the past in any premises on the job site list, including the nature and dates of all changes in such interest.
20. Identify all entities who had ownership interests in the premises on the job site list other than defendant and describe the transactions which resulted in changes of ownership.
21. If defendant contends it is not responsible for the premises on the job site list, what person or entity does defendant contend is responsible and what is the basis for this contention?

22. When and how did defendant become aware of any health hazards of asbestos to human beings?
23. Identify defendant's employees or independent consultants with responsibilities for health and safety relating to asbestos containing products or equipment since 1930.
24. Identify the health and safety publications or abstracts, including without limitation medical, industrial hygiene, and toxicology publications, received by defendant, or any person or entity covered by definition number 3 above, from the years 1927 to 1986.
25. Identify and describe all contractor safety programs or other work practices, including the persons to whom they are applicable, for control of asbestos exposures for the premises during the time periods listed in the job site list, including without limitation whether these were in writing and the effective dates of changes or updates.
26. Describe any programs or practices relating to the inspection, assessment, and surveillance of asbestos at the premises during the time periods listed on the job site list.
27. Identify asbestos-related workers' compensation claims made against defendant, or any person or entity covered by definition numbers 3 above, before 1980.
28. Identify which of the following trade, professional and business organizations which defendant or its employees were members of or to which defendant sent representatives or to whose publications defendant or its employees subscribed from 1930 to the present, including dates of membership or attendance or subscription: Industrial Health Foundation (or one of its predecessors); Asbestos Textile Institute; Asbestos Information Association of North America; National Mineral Wool Producers Association; Asbestos Cement Pipe Producers Association; Magnesia Insulation Manufacturers Association; American Industrial Hygiene Foundation; Brake Lining Manufacturers Association;

Friction Materials Standards Institute, Inc.; Asbestos Brake Lining Manufacturers Institute; Quebec Asbestos Mining Association; Institute of Occupational & Environmental Health of Quebec Asbestos Mining Association; American Society for Testing and Materials; Grinding Wheel Institute; Trudeau Foundation; National Safety Council; National Insulation Manufacturers Association; The Refractories Institute; American Petroleum Institute; Chemical Manufacturers Association; Vinyl Institute; Society of Plastics Industries; Ethylene Oxide Industry Council; Chlorine Institute; Asbestos Information Association; American Society of Mechanical Engineers; American Society of Safety Engineers; Edison Electric Institute; and Electric Power Research Institute, American Petroleum Institute.

29. Identify insurers and their named insureds given notice by defendant about this claim or whom defendant believes may be responsible for coverage of the claim, including the insurer's name, address, policy number and date of notice.
30. Identify the persons who were in charge of the medical, industrial hygiene, and safety departments or functions for defendant since 1920.
31. Identify the colors of uniforms or hats worn by defendant's personnel during field work.

DOCUMENT REQUESTS

1. Documents identified, referred to, or incorporated in any answer to interrogatories served in this case.
2. Documents used, relied upon, reviewed, or referred to in answering interrogatories served in this case.
3. Copies of interrogatory answers, if any, served by defendant in Madison County, IL, and Baltimore, MD, asbestos litigation.

4. Statements defendant, or any person or entity covered by definition numbers 3 above, has relating to the facts in this case.
5. Transcripts and exhibits of testimony given by any witness employed by or formerly employed by defendant, or an entity in definition number 3 above, in asbestos litigation.
6. Transcripts, exhibits of testimony, or statements given by any person relating to asbestos claims at the job sites listed in the job site list.
7. Construction project files, daily maintenance logs, contractor sign in sheets, shut down, outage or turnaround records, contracts, purchase orders, bid documents, specifications, accounts payable vendor files, construction payout escrow documents, lien waivers, contractor insurance certificates, equipment warranties during or before the times at the injured person's job sites listed in the job site list.
8. Contracts, specifications, or drawings relating to asbestos containing products or asbestos insulated equipment that were reviewed, prepared or approved by defendant for the transactions identified in the response to interrogatories number 2 through 6.
9. Other documents showing transactions relating to asbestos-containing products or asbestos-insulated equipment at the job sites during or before the times on the job site list.
10. Photos, drawings, illustrations, or sketches of any asbestos containing products or asbestos insulated equipment involved in the transactions identified in responses to interrogatories 2 through 6 above.
11. Photos or depictions of uniforms or hats worn by defendant's personnel during the periods listed in the job site list.
12. Documents relating to warnings about health hazards of asbestos provided to the injured

person or the injured person's employer.

13. Documents relating to precautionary instructions when removing or applying asbestos containing materials or demolishing asbestos insulated equipment.
14. Documents relating to worker's compensation claims filed against defendant by any employee or former employee claiming an asbestos related condition.
15. Documents since 1940 relating to the history of changes in ownership or operations by defendant, or any person or entity covered by definition number 3 above, of the premises listed in the job site list.
16. If defendant disputes or denies any alleged responsibility or successorship for the conduct of another entity, provide copies of transactional records supporting defendant's contention.
17. Documents relating to the history of the ownership, operation, or control of the premises on the job site list.
18. Records showing the asbestos content and location of materials removed from the premises.
19. Documents relating to investigations about the health hazards of asbestos in which defendant participated or to which it contributed funds.
20. Documents relating to the amount of funds spent by defendant or which it contributed for research by others into the health hazards of asbestos for each year since 1930.
21. Documents relating to health and safety concerning thermal insulation products or asbestos insulated equipment of trade associations, professional societies, or committees, which defendant was a member of or sent representatives to or to whose publications defendant subscribed from 1930 to the present.

22. Health and safety publications or abstracts, including without limitation medical, industrial hygiene, and toxicology publications, relating to asbestos which are in the possession of defendant.
23. Insurance policies or certificates relating to bodily or personal injury claims at the job sites identified in the job site list.