

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

**IN RE: ASBESTOS PRODUCTS** )  
**LIABILITY LITIGATION (No. VI)** )  
\_\_\_\_\_ )

**MDL DOCKET NO.: 875**

**DEFENDANTS' MASTER REQUESTS FOR PRODUCTION OF DOCUMENTS**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, please produce for inspection and copying the following documents in your possession, custody or control, at (PLACE) at (TIME AND DATE AT LEAST 30 DAYS FROM DATE OF REQUEST) or such other location, date, and time as may be mutually agreed upon by the parties:

**I. General Instructions**

A. If any of these Requests for Production cannot be complied with in full, then you should respond and produce documents to the extent possible and specify the reasons for your inability to respond and produce documents for the remainder of the request.

B. In producing each document, please furnish such information as is known or is available to you 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 a Request for Production, please state precisely your objection and produce all non-objectionable documents. If any discovery request is objected to as inquiring into a privileged matter, please set forth fully in the objection the facts upon which you base your objection. If you object to the scope or time period of a Request for Production and refuse to produce documents for that scope or time period, please state your objection and produce the documents within what you believe is the appropriate scope for the appropriate time period.

D. If any document requested is no longer in your possession, custody, or control, please describe in detail what became of it.

## **II. Definitions**

As used in these Requests for Production, the terms listed below are defined as follows:

A. "You," "your," "yourself," or "plaintiff" means or refers to person claiming occupational exposure to asbestos upon which this action is based, and, as applicable, any party, personal representative or beneficiary and/or other persons acting or purporting to act on his/her behalf, including but not limited to the person answering this discovery 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. As used herein, "job site" shall refer to and include the locations(s), property, facility(ies), buildings, work sites, and plant(s) where you worked during your lifetime.

## **II. Requests For Production of Documents and Things**

Please produce the following documents and things in accordance with the terms set forth above and pursuant to Rule 34 of the Federal Rules of Civil Procedure:

1. All reports, correspondence and records from any medical provider who has examined the plaintiff and from any medical facility where the plaintiff has been treated either as an inpatient or as an outpatient.
2. All tissue specimens, tissue slides, tissue blocks, whole tissue or organ specimens, sputum cytology slides and specimens, biopsy and autopsy specimens, biopsy and autopsy slides, and any other pathologic material from plaintiff.
3. All chest radiographs, tomographic films, computerized tomographic (C.T.) films, gallium or other radiosotopic tracing films, perfusion and ventilation scans, nuclear magnetic resonance (N.M.R.) or Magnetic Resonance Imaging (M.R.I.) films, or any other record of any diagnostic imaging modality including the digital files that encode the imaging done in any radiologic examination involving plaintiff.
4. All radiologists' or other physicians' reports of any diagnostic radiologic procedure performed on plaintiff.
5. All pulmonary function test results and data on the plaintiff, including, but not limited to, all measurements of diffusion capacity, arterial blood gases, lung compliance, lung volumes, expiratory and inspiratory lung airflow rates, and the flow volume loops or tracing related to any

such data.

6. All interpretive reports on pulmonary function data on plaintiff.
7. All documents relating to any previous or pending lawsuit, claim or demand ever made by the plaintiff for damages, compensation or other benefits allegedly resulting from any illness or injury as identified in response to Interrogatory No. 5, including but not limited to, workers' compensation claim records, social security disability records, federal or state unemployment compensation claim records, disability insurance claim records, pension claim records, any other health or accident insurance claim records, or suit.
8. All documents relating to the plaintiff's military or foreign service as identified in response to Interrogatory No. 4, including but not limited to personnel records, medical records, discharge papers, military occupational specialty qualifications, promotions, reductions or disciplinary actions.
9. All documents relating to the plaintiff's membership or representation by, any labor union as identified in response to Interrogatory No. 11, including any collective bargaining agreement with plaintiff's employer(s), and any employee health, safety and welfare bulletin and notices related to asbestos and exposure to asbestos.
10. All documents or records which contain comments, complaints, suggestions, or proposals made to the plaintiff's employer or union, by the plaintiff or by other employees or union members regarding asbestos exposure at any job site identified in response to Interrogatory No. 6.
11. All written communications between plaintiff and any local or international union regarding the possible hazards associated with exposure to asbestos.
12. All documents evidencing, referring to, or relating in any way to plaintiff's employment (including part-time employment) or to any job sites where plaintiff has worked as identified in Interrogatory No. 6, including all diaries, logs, journals, plaintiff's personnel file from all of plaintiff's past and current employers, and other similar written materials.
13. All documents produced, distributed, or otherwise made available to plaintiff at any product safety course, training session, seminar, class or other program plaintiff attended during the course of plaintiff's employment as identified in response to Interrogatory No. 6.
14. All documents evidencing, referring to, or relating in any way to plaintiff's participation in any medical or health screening or survey for any occupational lung disease.
15. All medical records evidencing, referring to, or relating in any way to any physical examinations plaintiff received as part of plaintiff's employment.
16. All documents which plaintiff contends support his or her exposure or possible exposure to any asbestos-containing product(s) as alleged in the complaint.

17. All documents or tangible things of any kind regarding any training or instruction provided to plaintiff by an employer, union, or other person with respect to the use of asbestos or asbestos-containing products and any safety or protective measures or devices, including but not limited to all manuals, pamphlets, booklets, literature, correspondence, videos or other documents or things relating to any such instruction.

18. The plaintiff's federal, state and local income tax records for the last five years as well as any other documents upon which the plaintiff relies in support of his claim. If loss of earnings or of earning capacity is alleged or claimed to have occurred before the current year, include copies of the income tax records for the plaintiff from five years prior to the claimed loss and up to the current tax year.

19. All bills, invoices, payment records, or other documents evidencing, referring to, or relating in any way to the special damages, losses and expenses claimed in this matter as set forth in response to Interrogatory No. 18.

20. All statements, transcripts, recorded interviews, films, videotapes, reports, questionnaires, forms or other documents made, submitted, compiled, prepared or filled out by, on behalf of, or under the direction of plaintiff relating in any way to exposure or alleged exposure to any asbestos or asbestos-containing products or to any other alleged toxic substance.

21. All written, recorded, filmed, transcribed, or videotaped statements by any person, including, but not limited to, plaintiff, regarding the plaintiff's alleged exposure to asbestos or any asbestos-containing product or any other allegation of plaintiff's complaint.

22. All documents, photographs, films, movies, or videotapes that depict or refer to plaintiff's present condition, injuries, and/or damages.

23. All transcripts in your possession, custody, or control of all deposition or trial testimony by each expert that you intend to call as a witness in this lawsuit.

24. All reports prepared by each person you intend to call to testify as an expert witness in this lawsuit as identified in response to Interrogatory No. 27.

25. For each person you intend to call to testify as an expert witness in this lawsuit, produce all documents upon which that person relied in reaching his/her opinion.

26. All documents evidencing, referring to, or relating in any way to any settlements or other agreements you have reached with any party or nonparty regarding the claims at issue in this lawsuit.

27. All documents evidencing, referring to, or relating in any way to any application submitted by you or on your behalf to any personal injury settlement trust or settlement account as identified in response to Interrogatory No. 22.

28. A Copy of your Medicare, Medicaid, Schip, Champus or other health insurance card, and

a copy of any and all documentation provided by you and/or sent to you from the Center for Medicare/Medicaid Services (CMS).

29. All documents reflecting any payments from a non-party that have been made to you for any of the damages you allege you suffered from exposure to asbestos and/or asbestos-containing products.

30. All diaries, journals, logs, or other written materials plaintiff has kept that relate to plaintiff's alleged exposure to any asbestos containing product(s).

31. All documents or items that you intend to offer as exhibits at the trial of this matter.

32. All documents that reflect or relate to the sale or distribution of any product at issue in this lawsuit to any employer for whom the plaintiff claims to have worked while exposed to asbestos, asbestos-containing products, or any airborne contaminants.

33. Please fully execute the attached authorizations (Exhibits A through O) and documents:

- a. Personnel records authorizations (Exhibit A);
- b. Authorization for Release of Information and Documents Pertaining to Bankruptcy Trusts. (Exhibit B);
- c. Educational and vocational records authorization (Exhibit C);
- d. Criminal records authorization (Exhibit D);
- e. Authorization for disclosure and release of veterans affairs records (Exhibit E);
- f. Social security administration consent for release of information (Exhibit F);
- g. Request for social security earnings information (Exhibit G);
- h. Authorization and direction for disclosure and release of union records (Exhibit H);
- i. Request for copy or transcript of tax form (Exhibit I);
- j. Request for and consent to release of medical records protected by 38 U.S.C. § 7332 (Exhibit J);
- k. Request(s) pertaining to military records (Exhibit K);
- l. Authorizations to obtain state income tax records (Exhibit L);
- m. Authorization to obtain workers compensation records (Exhibit M).

n. "Consent to Release" form (attached as Exhibit N) and declaration of Medicare eligibility form (attached as Exhibit O).

33. All documents identified, referenced in, forming the basis of, or used in preparation of your responses to Defendants' interrogatories to Plaintiff.
34. All other documents identified in any response to the interrogatories served by these defendants or any discovery requests propounded by any other defendant to this lawsuit.
35. All sales literature, advertising, promotional material, technical literature, warnings, material safety data sheets, labels, product records, shipping records, invoices purchase orders, marketing records, NIOSH and OSHA documents, sales, records, internal memorandum, internal reports, minutes of meetings, or other documents which relate to any asbestos containing products and/or protective equipment which the Injured Party used or to which he or she was exposed.
36. All documents or tangible things of any kind whatsoever which evidence, show, or set forth the levels or concentrations of exposure to asbestos dust and/or other allegedly harmful particulate with which the Injured Party had contact at each of his or her work sites, and the dates and lengths of time for each such exposure.

Submitted this the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Respectfully submitted,

DEFENDANT(S)

By: \_\_\_\_\_  
ATTORNEY

OF COUNSEL:

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**CERTIFICATE OF SERVICE**

I, the undersigned attorney on behalf of DEFENDANT 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 Requests for Production of Documents to counsel for plaintiffs and all known defense counsel.

This, the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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ATTORNEY