

**IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO**

STATE OF OHIO	) IN THE COURT OF COMMON PLEAS
	) SS:
CUYAHOGA COUNTY	) JUDGE HARRY A. HANNA
IN RE: SPECIAL DOCKET 73958	) JUDGE LEO M. SPELLACY
	)
CUYAHOGA COUNTY	)
ASBESTOS CASES	)
	) CASE MANAGEMENT ORDER )TO
	IMPLEMENT LEXISNEXIS FILE&SERVE )IN
	PLACE OF CLAD
	)
	)

**TABLE OF CONTENTS**

A.	PREAMBLE .....	1
B1.	GENERAL PROVISIONS .....	1
	1.Cases to Which This Order Applies.....	1
	2.The Docket.....	1
	3.The Complaint .....	1
	4.Answer .....	2
	5.Amended Complaints.....	3
	6.Cross-Claims and Third-Party Claims.....	4
	7.Conditions for Default Judgment.....	4
	8.Leaves to Plead.....	4
	9.Service of Documents.....	5
	10.Dismissals of Cross-Claims and Third-Party Complaints.....	5
	11.Joinder in Motions .....	5
	12.Multiple Counsel.....	6
	13.Notice of Appearance/Pro Hac Vice.....	6
	14.Liaison Counsel .....	6
	15.Attendance at Hearings .....	7
	16.Cooperation Among counsel Shall Not Constitute a Waiver of Privileges .....	7
B2.	ELECTRONIC FILING PROCEDURES	
C.	CASE MANAGEMENT SCHEDULE .....	7
	17.Case Management Schedule .....	7

D.	WRITTEN DISCOVERY .....	7
	18. Defendants' Master Consolidated Discovery Requests (?CDRs?) to Plaintiffs .....	8
	19. Records of diagnosis .....	8
	20. Records Authorizations and Tax Returns .....	8
	21. Identification of Product Identification Witnesses and Product Identification .....	9
	22. X-Rays, Tissue Specimens, Examination of Same .....	10
	23. Discovery to Defendants .....	10
	24. Additional Written Discovery .....	11
F.	DEPOSITIONS .....	11
	25. Defense Lead Counsel .....	11
	26. Depositions of Plaintiffs and of Plaintiffs' Product Identification Witnesses .....	11
	27. Plaintiff's De Bene Esse Depositions .....	15
G.	MEDICAL EXAMINATIONS .....	16
	29. Physical Examinations .....	16
H.	WITNESS AND EXHIBIT LISTS AND EXPERT REPORTS .....	17
	30. Identification of Expert and Lay Witnesses -- Reports and Prior Testimony .....	17
	31. Final Witness and Exhibits .....	18
	32. Use of Prior Testimony .....	18
I.	PROCEDURE FOR SEEKING DISMISSAL .....	18
	33. Defendant's Request .....	18
	34. Plaintiff's Response .....	19
	35. Action on Refusal to Consent to Dismissal .....	19
J.	GROUPING OF PLAINTIFFS .....	19
	36. General .....	19
	37. Groups 1-13 .....	20
	38. Subsequent Groups .....	20
	39. Exigent Cases .....	20
K.	SANCTIONS .....	20
	40. General .....	20
	41. Plaintiff's Failure to Comply .....	21
	42. Defendant's Failure to Comply .....	21

A. PREAMBLE..... PREAMBLE

It is the goal of this Court to secure the just, efficient and economical resolution of each **Asbestos personal injury, Silica, and FELA** case now pending or hereafter filed in the Court of Common Pleas for Cuyahoga County, Ohio, and to facilitate discovery, eliminate duplication of effort, prevent unnecessary paperwork and promote judicial economy in the management of such cases.

B. GENERAL PROVISIONS

1. Cases to Which This Order Applies. Cases to Which This Order Applies

This General Personal Injury Case Management Order No. 1 (as amended, June \_\_\_, 2003) shall govern pre-trial discovery activities in all asbestos personal injury cases currently pending or to be filed in this Court from the date of this Order until further order of this Court.

2. The Docket. The Docket

The Court has decided to use the LexisNexis *File & Serve* system in order to increase the efficiency of the Court. (Section C of this Order).

3. The Complaint. The Complaint

In order to facilitate a manageable docketing system and to insure the proper payment of filing fees, multiple plaintiff asbestos complaints shall only be accepted by the clerk if the complaint complies with the following guidelines:

a. The caption of the complaint must indicate that it is a **Master Consolidated Asbestos, Silica or FELA Complaint?**

b. The complaint must have a space for the clerk to indicate a separate case number and judge next to each primary plaintiff (not including spouse with consortium claim).

c. **All statutory filing fees shall be assessed electronically by the clerk at the time of online review of any filing with a statutory fee. Fees will be transferred upon review and acceptance by the clerk to the court's bank account via Automated Clearing House. (ACH). Firms will no longer send fees to the court, but will receive a monthly invoice from LexisNexis File & Serve.**

d. A copy of the complaint shall be provided to the clerk for each defendant and each primary plaintiff.

e. Only one summons will be issued to each defendant listed on the **Master Consolidated Asbestos, Silica or FELA Complaint?** and will apply to all case numbers listed on that complaint.

4. Answer. Answer

Defendants and Third-Party Defendants are no longer to file answers to Plaintiff's Complaints or Third-Party Complaints in asbestos litigation in Cuyahoga County, Ohio. Rather, the following procedure will apply:

a. Within 28 days after service of the Complaint, the Defendant or Third-Party Defendant shall enter an appearance which shall constitute:

i. a denial of all averments of fact in the Complaint or Third-Party Complaint, and

ii. an allegation of all affirmative defenses.

b. If any Defendant or Third-Party Defendant wishes to assert a claim for indemnification and contribution against any other party, this may also be accomplished by making a statement in the Notice of Appearance which

specifically identifies the party or parties against whom the claim is asserted. Failure to assert such a claim in the Notice of Appearance does not in any way prohibit or limit a party's right to do so at a later time pursuant to the laws of the State of Ohio and the Ohio Rules of Civil Procedure.

c. In the event that a claim for indemnification and contribution is asserted, the party against whom the claim is asserted shall **not** file a responsive pleading. All averments of fact shall be deemed to be denied and all affirmative defenses to the claims for indemnification and contribution shall be deemed to have been raised.

d. Except for the filing of motions pursuant to Rule 12 and complaints to join a Third-Party Defendant, there shall be no further pleading after the complaint.

e. The entry of appearance shall include Counsel's E-mail address. (Amended Standing Order No. 7)

f. A cover sheet containing the names of each individual plaintiff and the corresponding case number in the Master Complaint must accompany the notice of appearance. Only one Notice of Appearance is required for each Master Complaint, but it must have the cover sheet which lists plaintiffs' names and case numbers.

#### 5. Amended Complaints. Amended Complaints

Any defendant who is named as party in an original complaint need not serve or file a responsive pleading to any amended complaint. If an amended complaint raises additional claims or sets forth new, substantive allegations, a defendant may serve and file a response within the time prescribed by the Ohio Rules of Civil Procedure. If a defendant chooses not to respond to an amended complaint, its previously filed appearance shall be deemed incorporated as the answer to the amended complaint, and any new matters shall be deemed denied. Any answers to new matters contained in an amended complaint may be limited and may incorporate by reference the previous answers of the defendant.

#### 6. Cross-Claims and Third-Party Claims. Cross-Claims and Third-Party Claims

a. Cross-claims and third-party claims for contribution and/or indemnity must be made by service of the pleading upon the party against whom the claim is asserted. The mere service of a letter advising counsel of the filing such cross-claims or third-party claims shall not be sufficient.

b. When a cross-claim for contribution and/or indemnity is served upon a defendant or third-party defendant, said defendant or third-party defendant may, within twenty-eight (28) days from service upon it, respond thereto, or it may refrain from filing a responsive pleading. A failure to respond shall be deemed a denial by that defendant of any and all liability for contribution and/or indemnity.

c. Third-party defendants shall respond to all third-party complaints in the manner described in Section 4 above.

7. Conditions for Default Judgment. Conditions for Default Judgment  
Plaintiffs' counsel, prior to seeking a default judgment against a defendant represented by counsel in any asbestos case, must first notify that counsel and the defendant, in writing, of his or her intentions and reasons for seeking default judgment. The defendant shall have twenty-one (21) days from the date of receipt of the plaintiff's

counsel's letter to answer or otherwise respond to the complaint.

8. Leaves to Plead. Leaves to Plead

In order to eliminate the cost and administrative burden involved in docketing and tracking leaves to plead, the Court hereby suspends the requirement for any counsel to file a request, stipulation, or motion for leave to plead, provided that the response is not more than thirty (30) days late, and provided further that the opponent has not previously requested a default judgment as outlined in paragraph 4 above.

9. Service of Documents. Service of Documents

Except as otherwise herein provided, counsel shall serve all discovery and other non-filed documents electronically to counsel. Counsel are not required to serve documents electronically to other counsel when the documents are filed with the Court. All counsel may access filed documents online through the *File & Serve* system.

10. Dismissals of C

Upon the dismissal by a plaintiff of a defendant who has either asserted a cross-claim or filed a third-party complaint for contribution and/or indemnity, such defendant shall file a written Notice of Intention to Pursue Its Cross-Claims or Third-Party claims within thirty (30) days from the date of dismissal. Such Notice shall identify those defendant(s) against whom its cross-claims or third-party claims are asserted. Failure to file such Notice shall be deemed an automatic dismissal, without prejudice, of any and all cross-claims and third-party claims asserted by that defendant against all other defendants. The dismissal shall be effective on the thirtieth (30th) day following the dismissal of the defendant by the plaintiff.

11. Joinder in Motions. Joinder in Motions

Each defendant shall be deemed to have joined in any other defendant's motion where the granting of the motion would benefit it or all defendants generally. Duplicative motions or motions solely adopting the reasoning of the filing defendant's motion shall not be filed. A defendant may, but is not required to, file a supplemental motion setting forth arguments directly related to that defendant's position. Should the defendant originally filing such motion be dismissed from the case(s) in which such motion was filed prior to ruling, the motion shall remain viable as to all remaining defendants in the case.

12. Multiple Counsel. Multiple Counsel

Where a plaintiff or group of plaintiffs and/or a defendant or group of defendants have by notice of appearance or by the filing of a responsive pleading listed multiple counsel, notice to one attorney for a party shall constitute notice to that party. Counsel attending any court appearances shall have full authority to speak for all other counsel a party may have.

13. Notice of Appearance/Pro Hac Vice. Notice of Appearance/Pro Hac Vice

Upon the granting of a Motion to Appear Pro Hac Vice, counsel shall file with the Clerk of Courts, a Notice of Appearance setting forth the attorney's name, address, phone number and party represented.

14. Liaison Counsel. Liaison Counsel

Within fourteen (14) days of the filing of this Order, defendants' counsel shall designate one Liaison Counsel with respect to each plaintiffs law firm, and each plaintiffs' law firm shall designate one Liaison Counsel with whom the Court may communicate orally for the purpose of the prompt dissemination of information to the parties regarding administrative and scheduling matters only. Liaison counsel shall establish a system for the prompt dissemination of information to all other counsel. The

Court shall electronically serve all orders and other written communications upon all counsel of record for all parties. Defense liaison counsel are not authorized to, nor shall they, accept service of pleadings on behalf of parties other than their own respective clients, nor shall liaison counsel be required to serve any pleadings or other papers on behalf of plaintiffs or other parties. Defense liaison counsel are not authorized to speak for or on behalf of other parties without receiving express written authorization to do so.

15. Attendance at Hearings. Attendance at Hearings

No party shall waive any rights by failing to attend a hearing or a motion unless the attendance of the party has been ordered by the Court. The designation of an attorney to act as spokesperson for a group of plaintiffs or defendants shall not preclude other counsel from participating to the extent necessary to represent the individual interests of their clients, so long as such participation does not involve duplication or unnecessary delay.

16. Cooperation Among counsel Shall Not Constitute a Waiver of Privileges. Cooperation A

No party waives the attorney-client privilege or work-product privilege by virtue of actions taken in cooperation among parties or their counsel pursuant to this or any other Order of this Court in these cases, nor by action taken by the party in pursuit of the just and efficient resolution of these cases. Because cooperation among defendants will expedite the handling of this litigation and aid judicial economy, the defendants' conduct in working jointly for the purpose of coordinating discovery or trial efforts, in the sharing of counsel, and for other purposes designed to minimize expenses shall not constitute evidence of conspiracy, concert of action, or any other wrongful conduct, and shall not be admissible as evidence for any purpose.

## B2. ELECTRONIC FILING PROCEDURES

### 1. DEFINITIONS.

The following terms in this Rule shall be defined as follows:

(a) LexisNexis *File & Serve* ? The service provided LexisNexis and approved by the Court for filing and service of complaints, petitions, pleadings, briefs, motions, discovery and other documents via the Internet. LexisNexis *File & Serve* services are available at [www.lexisnexis.com/fileandserve](http://www.lexisnexis.com/fileandserve).

(b) Electronic Filing (?e-file?) - Electronic transmission of documents to the Clerk, and from the Clerk or Court, via *File & Serve* for the purposes of filing.

(c) Electronic Service (?e-service?) ? Electronic transmission of documents to a party, attorney or representative in a case via *File & Serve*. Parties who register to use the service may also consent to receive electronic service of documents, other than service of subpoenas or summons via *File & Serve*. E-service shall be deemed complete at the time indicated as the Authorized Date and Time by *File & Serve*.

### 2. ELECTRONIC FILING AND SERVICE OF PLEADINGS AND OTHER DOCUMENTS.

As of the commencement date of this Rule, all asbestos documents filed in the selected cases shall be electronically filed. Additionally, counsel shall serve all documents electronically when service is required among counsel.

3. COMMENCEMENT DATE.

The commencement date for the electronic filing and service procedure shall be July 7, 2003.

4. ASSIGNMENT OF PERSONAL LOGIN AND PASSWORD.

Upon receipt by the LexisNexis of a properly executed e-file Subscriber Agreement at their website, LexisNexis shall assign to the party's designated representative(s) a confidential login and password (used to file, serve, receive, review, and retrieve electronically filed pleadings, orders, and other documents filed in the assigned cases.) No attorney or other user shall knowingly authorize or permit their username or password to be utilized by anyone other than authorized attorneys or employees of the attorney's law firm, or designated co-counsel.

5. TIME FOR FILING AND EFFECT OF USE OF EFILING.

Any pleading filed electronically shall be considered as filed with the Clerk when the transmission is completed ("authorized date and time"). Any document e-filed with the Clerk by 11:59 p.m. ET shall be deemed filed with the Clerk on that date. However, for the purpose of computing time for any other party to respond, any document filed on a day or at a time when the Clerk is not open for business shall be deemed filed on the day and at the time of the next opening of the court for business. In the event of service via facsimile, *File & Serve* will record the date and time the fax transmission was completed in the proof of service for that transaction. LexisNexis is hereby appointed the agent of the Clerk as to the electronic filing, receipt, service, and/or retrieval of any pleading or document maintained electronically. Upon filing and receipt of a document, LexisNexis shall issue a confirmation receipt that the document has been received. The confirmation receipt shall serve as proof that the document has been filed. A filer will receive email notification of documents subsequently rejected by the Clerk, and may be required to refile the instruments to meet necessary filing requirements.

7. ELECTRONIC FILING OF PLEADINGS AND OTHER DOCUMENTS.

(a) Original Petition and Original Answers ? For designated cases types, counsel representing plaintiffs shall file their complaints electronically.

(b) Subsequent Pleadings. For asbestos cases, the clerk shall not accept or file any pleadings or instrument in paper form. Parties must e-file a document either:

1. By registering to use the LexisNexis *File & Serve* service, or;

1. In person, by electronically filing through the Public Access Terminal. Parties filing in this manner shall be responsible for furnishing the pleading or instrument on an IBM formatted 3 1/2" computer disk, CD ROM, or any other disk compatible with the clerk's office-system to be uploaded in person

(c) Multi-case filing: Submit a motion or other documents to participants in multiple cases with one simple transaction. There is no need to repeat the filing

process in every case. Create custom group lists to manage multi-case service more quickly and easily. Case groups can be shared with other firms in the litigation, or kept private for your firm's eyes only.

#### 8. SYSTEM OR USER FILING ERRORS.

If the electronic filing is not filed with the Clerk because of (1) an error in the transmission of the document to LexisNexis which was unknown to the sending party, or (2) a failure to process the electronic filing when received by the LexisNexis, or (3) other technical problems experienced by the filer, the Clerk or Court may upon satisfactory proof enter an order permitting the document to be filed nunc pro tunc to the date it was first attempted to be sent electronically.

#### 9. FORM OF DOCUMENTS ELECTRONICALLY FILED.

(a) Format of Electronically Filed Documents. All electronically filed pleadings shall, to the extent practicable, be formatted in accordance with the applicable rules governing formatting of paper pleadings, and in such other and further format as the Clerk may require from time to time.

(b) Representations by Using a Typographical Signature. Every pleading, document, and instrument electronically filed shall be deemed to have been signed by the judge, clerk, attorney or declarant and shall bear a facsimile or typographical signature of such person, along with the typed name, address, telephone number, and Bar number of a signing attorney. Typographical signatures shall be treated as personal signatures for all purposes under these Rules. Documents containing signatures of third-parties (i.e., unopposed motions, affidavits, stipulations, etc.) may also be filed electronically by indicating in the original signatures are maintained by the filing party in paper-format.

(c) Electronic Title of Pleadings and Other Documents. The document title of each electronically filed pleading or other document ("papers"), shall include:

- i. Party or parties filing the paper,
- ii. Nature of the paper,
- iii. Party or parties against whom relief, if any, is sought, and
- iv. Nature of the relief sought (e.g., Defendant ABC Corporation's Motion for Summary Judgment")

#### 10. ELECTRONIC SERVICE OF PLEADINGS AND OTHER DOCUMENTS.

(a) Electronic and Facsimile Service. All parties or their representatives may make service upon other parties electronically through *File & Serve*, except for service of a subpoena or summons. Parties who register with LexisNexis may consent to receive electronic service of documents, other than service of subpoenas or summons, via the Efiling system. Parties, or their designated counsel, shall receive all documents eFiled and e-served upon them via access to *File & Serve* over the Internet or, if a party or party's designee has not subscribed to the Services, via facsimile transmission.

(b) Effect of Electronic Service of Filings. The electronic service of a pleading or other document shall be considered as valid and effective service on all parties

and shall have the same legal effect as an original paper document.

(c) Service on Parties; Time to Respond or Act. e-service shall be deemed complete at the time a document has been received by LexisNexis as reflected by the authorized date and time appearing on the confirmation receipt provided. However, for the purpose of computing time for any other party to respond, any document filed on a day or at a time when the Clerk is not open for business shall be deemed filed at the time of next opening of the Clerk for business.

(d) If electronic service on a party does not occur because of (1) inaccessibility to *File & Serve*; (2) an error in the *File & Serve* transmission of notice to the party being served, (3) LexisNexis' failure to process the electronic filing for service, or (4) the party was erroneously excluded from the service list, the party to be served shall, absent extraordinary circumstances, be entitled to an order extending the date for any response or the period within which any right, duty or other act must be performed.

(e) In the event of service via facsimile, *File & Serve* will record the date and time the fax transmission was completed in the proof of service for that transaction.

#### 11. ELECTRONIC FILING AND SERVICE OF ORDERS AND OTHER NOTICES.

The Clerk and the Court may issue, file, and serve notices, orders, and other documents electronically, subject to the provision of these Rules.

#### 12. SEALED DOCUMENTS.

Documents may be filed under seal with the court via the *File & Serve* system.

#### 13. PUBLIC ACCESS TERMINAL.

The Clerk shall also provide a Public Access Terminal located at the Court to allow electronic filing.

#### 14. OBLIGATION OF REGISTERED EFILE USERS TO MAINTAIN PROPER DELIVERY INFORMATION

Parties or attorneys who register to use *File & Serve* shall notify LexisNexis within 10-days of any change in firm name, delivery address, fax number or email address.

#### C. CASE MANAGEMENT SCHEDULEC. CASE MANAGEMENT SCHEDULE

##### 17. Case Management Schedule . Case Management Schedule

Discovery and trial preparation for each plaintiff shall proceed pursuant to the Case Management Schedule established for the group of plaintiffs in which such plaintiff's case is grouped. A sample Case Management Schedule is attached hereto as Exhibit A.

#### D. WRITTEN DISCOVERYD. WRITTEN DISCOVERY

18. Defendants' Master Consolidated Discovery Requests (?CDRs?) to Plaintiffs. Defendants' Master Consolidated Discovery Requests (?CDRs?) to Plaintiffs

When a case is grouped, plaintiff shall within 7 days file on LexisNexis *File & Serve* and shall electronically serve each defendant with that plaintiff's answers and responses to Defendants' Master Consolidated Discovery Requests (CDRs). Attached hereto and marked Exhibits B and C are sample Defendants' Master Consolidated Discovery Requests for living injured parties and for deceased injured parties, respectively.

The Court has been advised that certain counsel for plaintiffs have heretofore provided CDR responses in formats similar to, but not identical to, Exhibits B and C. Such counsel may continue to provide CDR responses in formats previously used provided that the information requested in the Master CDRs is substantially provided.

19. Records of diagnosis. Records of diagnosis

When a case is grouped, plaintiff within 7 days shall electronically serve on each defendant objective medical substantiation that plaintiff suffers from mesothelioma, asbestos related cancer or an asbestos related functional impairment as well as all medical records in plaintiff's possession.

20. Records Authorizations and Tax Returns. Records Authorizations and Tax Returns

When a case is grouped, each plaintiff shall within 7 days electronically serve on the applicable Liaison Counsel with copies to each defendant:

a. Executed forms authorizing the release of the allegedly exposed plaintiff's Social Security Statement of Earnings showing the names of all employers and the quarters of years worked for each employer;

b. Executed forms authorizing the release of all medical records, all original x-ray films, CT scans, MRI images, and pathology specimens, and all reports for each of the allegedly exposed plaintiff's medical service providers;

c. Executed forms authorizing the release of military records, veterans' affairs records, and employment records for each employer of the allegedly exposed plaintiff;

d. Executed forms authorizing the release of any workers' compensation and/or disability claim records filed by or on behalf of the allegedly exposed plaintiff with any federal, state or private organization; and

e. Copies of any or all of plaintiffs' tax returns for the preceding five (5) years if in the possession of Plaintiff; otherwise, authorizations for the release of such tax returns.

To the extent these authorizations become outdated or obsolete, defendants may request, and plaintiffs shall promptly provide, updated authorizations only if there has been no delay in Defendants' attempts to obtain medical records with the first set of interrogatories..

21. Identification of Product Identification Witnesses and Product Identification. Identification of Product Identification Witnesses and Product Identification

When a case is grouped or set for trial, each plaintiff shall within 7 days file using LexisNexis *File & Serve* the name and address of witnesses upon whose testimony such plaintiff intends to rely to establish product identification. Unless good cause be shown by

motion to the Court, such witnesses shall not number more than six (6). No witness identified after this date shall be permitted to testify at trial or otherwise absent a showing of good cause.

Counsel for such plaintiff shall identify each other plaintiff on whose behalf such product identification witness is expected to testify.

Contemporaneously with that filing, each plaintiff shall provide the identity of the products and manufacturers about which the plaintiff and each product identification witness will testify (?Product List/Work History?).

The Plaintiff's Product List/Work History shall have the same force and effect as the plaintiff's sworn, signed answers to interrogatories, with the provision that it may be used for impeachment purposes against plaintiff. Each Product List/Work History shall include:

- a. The specific product name and manufacturers of products present at each job site. Should a defendant not be implicated in any of the Product List/Work Histories filed in a particular case, then plaintiffs shall set forth the specific information upon which plaintiff bases the naming of that particular defendant, including but not limited to the identity of written documents supporting product identification;
- b. Name of employers;
- c. Specific location of job site where plaintiff or product identification witness worked and where said products were seen or observed, including the name and address of the job site;
- d. The dates the plaintiff or product identification witness worked at said job site; and,
- e. The identity of any written documents supporting product identification.

22. X-Rays, Tissue Specimens, Examination of Same. X-Rays, Tissue Specimens, Examination of Same

When a case is grouped, Plaintiff's counsel shall within 7 days notify each defense counsel of any original radiology or pathology materials, including, but not limited to, slides, tissue blocks or wet tissue currently in plaintiff's counsel's possession, or which has been requested by the plaintiff's counsel. The notice shall include the name and address of the provider of such x-rays or pathology.

23. Discovery to Defendants. Discovery to Defendants

Within thirty (30) days of receipt of the information described in paragraphs 18-22, each defendant shall admit or deny that its product was at the plaintiff's worksite. If defendant denies the presence of its product, then plaintiff's counsel may but are not required to serve upon defendant's counsel master discovery requests, including interrogatories and/or requests for production of documents and/or requests for admissions; upon defendant's responses thereto shall be governed by the dates established under the applicable Case Management Schedule.

24. Additional Written Discovery . Additional Written Discovery

Additional interrogatories and requests for production of documents may be electronically served by any party only upon leave of court. Unless otherwise agreed to in writing among or between the parties, service of and responses to request for admissions shall be governed by the applicable Ohio Rules of Civil Procedure. The parties are

strongly cautioned against the filing of repetitive discovery.

F. DEPOSITIONS F. DEPOSITIONS

25. Defense Lead Counsel. Defense Lead Counsel

Defendants shall select one Lead Counsel for each group of cases to coordinate with counsel for plaintiffs the scheduling of depositions of the plaintiffs and the plaintiffs? product identification witnesses in that group.

26. Depositions of Plaintiffs and of Plaintiffs? Product Identification Witnesses  
Depositions of Plaintiffs and of Plaintiffs? Product Identification Witnesses

a. General

Counsel for the plaintiffs in each group of cases shall coordinate the scheduling of such depositions with Lead Counsel for the defendants for such group.

b. Logistics of Depositions

(i) Plaintiffs? depositions shall be taken in Cuyahoga County, Ohio, or in any other location upon which the parties may agree.

(ii) Product identification witnesses? depositions shall be taken in any location upon which the parties agree.

(iii) No more than two (2) plaintiffs? depositions shall be scheduled to take place on any one day.

(iv) All depositions shall be scheduled with at least ten (10) days notice unless such notice period is otherwise waived by all parties.

Defendants shall take the lead in the discovery depositions of plaintiffs and co-workers.

(v) For each such deposition the defendants shall identify one attorney to act as a lead counsel for the purpose of asking general questions. All defendants shall have the opportunity to examine each deponent. Every effort shall be made to avoid: (1) questions designed merely to elicit a recitation of information already contained in the relevant discovery responses provided by the plaintiff; and (2) the repetition of questions already asked of the deponent.

(vi) If a defendant conducts a deposition of a plaintiff or Product Identification Witness and during said deposition additional exposures or job sites are developed by a defendant, plaintiff may amend the Product List/Work History to ad the additional exposures or job sites developed.

If a defendant is not present at the deposition of the plaintiff or Product Identification Witness because the Product List/Work History did not include notice that said plaintiff or Product Identification Witness would identify said defendant?s products or liability at defendant?s job site, then any information developed during the deposition regarding said defendant cannot be used against said defendant.

A defendant not implicated on the product identification list for that witness need not attend the deposition of that witness, but shall later depose that witness should that defendant be implicated at the initial deposition. If such defendant declines to re-depose the witness, then the evidence adduced at the first deposition will be admissible.

(vii) Whenever a defendant attends the deposition of a plaintiff or Product Identification Witness, because said Product List/Work History indicated that witness would testify that plaintiff was exposed to that defendant's asbestos-containing product(s) or worked at a premises liability defendant's job site, and said witness during the course of the deposition is asked if he/she can identify that defendant's product(s) or job site, and exposure to plaintiff, as identified in his/her Product List/Work History, and said witness states under oath that he/she cannot identify said defendant's product(s) or job site as specified in his/her Product List/Work History and a time when plaintiff reasonably may have been exposed to that product or job site, said defendant may file a motion requesting costs for the time incurred in the preparation, travel to, and attendance at said deposition. Unless plaintiff is able to demonstrate to the court that a reasonable basis existed at the time of the filing of the Product List/Work History upon which to believe said witness would identify said defendant's product(s) or job site and exposure to plaintiff, the court may assess costs in an amount which the court deems to be reasonable and just under the circumstances.

(viii) With each deposition schedule, counsel for plaintiffs shall list all cases in the group in which each deponent is then expected to testify on the issue of product identification. Defendants may conduct a thorough deposition of each product identification witness. Duplicate depositions of product identification witnesses will not be permitted, except for good cause shown. Defendants subsequently named in a case in which a plaintiff or product identification witness has already been deposed shall have the right to redepose those witnesses with regard to that defendant's products. A product identification witness who has been deposed may be redeposed if that witness is subsequently identified as a witness for another plaintiff not identified prior to the initial deposition.

(ix) It is contemplated that depositions of plaintiffs and of product identification witnesses will be completed in four hours, and every effort shall be made by all parties to conclude each such deposition in that time frame. Under exceptional circumstances, depositions may be scheduled for longer durations. If, upon receipt of the deposition schedule, it becomes apparent to defendants that the time allocated for a deposition is insufficient, Lead Counsel for defendants on such deposition shall, at least five (5) days before the scheduled date of the deposition, arrange for additional time to be allocated for such deposition, and shall so notify all parties.

(x) At the commencement of each deposition of a plaintiff or a plaintiff's product identification witness, the deponent will be furnished with a list of all the defendants represented by counsel at the deposition. Defense counsel will not be required to identify his/her client before cross-examining the deponent. Plaintiff's counsel will be allowed to ask direct questions of the deponent after the defendants have completed their cross-examination. Plaintiff's counsel will not lead the witness nor include

the name of a specific product or company in his/her direct examination of the deponent. Plaintiff's counsel will be allowed to refresh the recollection of the witness by presenting a list of products or companies so long as the list was written or dictated by the deponent, not counsel. The deponent will also be allowed to view the photo album compiled by Owens-Corning (or any other collection of photographs depicting products or labels), but there will be no conference between the witness and plaintiff's counsel during or after the photo review. At the conclusion of the direct examination, counsel for any defendant affected by the direct will be permitted to re-cross the deponent. Neither the direct nor the re-cross examinations shall be longer than fifteen (15) minutes except with the agreement of all parties represented at the deposition or with the approval of the court.

27. Plaintiff's De Bene Esse Depositions. Plaintiff's De Bene Esse Depositions

If a discovery deposition of a plaintiff has not already been taken, the defendants shall be permitted to conduct such a deposition at least seven (7) days prior to the scheduled de bene esse deposition. Except as otherwise ordered by the Court, or by stipulation of the parties, a de bene esse deposition shall not be taken unless each of the following conditions has been met at least fourteen (14) days prior to the date of the discovery deposition:

- a. Plaintiff's counsel shall have provided written notice of the taking of the deposition, together with a statement as to the reason for the taking of the deposition;
- b. Plaintiff's counsel shall have served and filed verified answers to the Master CDRs, together with all requested documents;
- c. Plaintiff's counsel shall have provided to defendants:
  - (1) authorizations for the release of medical, Social Security, and workers' compensation records, and
  - (2) copies of all discoverable medical records, reports (including reports of experts), and any pathology and radiology materials in the possession of plaintiff's counsel;
- d. Plaintiff's counsel shall have provided to each defendant all employment records of plaintiff, including, but not limited to, handwritten notes, diaries and pay stubs.

28. Cancellation of Previously Scheduled Depositions

In the event of the cancellation of the deposition of any party, counsel representing the party shall notify each other counsel of the cancellation by *File & Serve*, by telephone, or by teletype, during normal business hours, no less than twenty-four (24) hours prior to the scheduled deposition. In the event the deposition is canceled with less than twenty-four (24) hours' notice without good cause, the party canceling the deposition may, upon motion, be ordered to pay the reasonable fees and expenses incurred by opposing counsel as a result of such late or inadequate notice of cancellation, including, but not limited to, court reporter fees, deposition location fees, reasonable attorney fees, travel costs and expenses.

G. MEDICAL EXAMINATIONS. MEDICAL EXAMINATIONS

29. Physical Examinations. Physical Examinations

The defendants, collectively, may require each plaintiff to undergo one medical

examination relating to plaintiff's claim for injuries. The examination may include, but is not limited to: x-rays, CT scans, MRIs, pulmonary function studies, and blood tests, including arterial blood gases, but only if an expert retained by the plaintiff has done blood gas analysis. No surgical or invasive procedures, such as tissue removal, shall be permitted under any circumstances. More than one physical examination of each plaintiff may be permitted, but only for good cause shown, and then only by order of the Court. The provisions of Rule 35(B) of the Ohio Rules of Civil Procedure shall apply to such examinations. All expenses for the defense medical examination and procedures shall be paid by the requesting defendants. If the examination is conducted outside the Cleveland metropolitan area, defendants shall reimburse the plaintiff for reasonable costs of travel, lodging and food associated with the examination. Reasonable attempts shall be made to accommodate the plaintiff's work schedule. The provisions of Ohio Revised Code Section 2317.02 shall apply with respect to the waiver of the patient-physician privilege.

#### H. WITNESS AND EXHIBIT LISTS AND EXPERT REPORTS. WITNESS AND EXHIBIT LISTS AND EXPERT REPORTS

##### 30. Identification of Expert and Lay Witnesses -- Reports and Prior Testimony. Identification o

On or before the dates established in the applicable Case Management Schedule, the plaintiff and the defendants must list all exhibits expected to be used at trial; identify all expert and lay witnesses expected to be called at trial; provide reports of each medical expert witness who examined the plaintiff or the plaintiff's x-ray material or pathology, or who reviewed the plaintiff's records and is expected to testify regarding the plaintiff's diagnosis (Consulting Medical Witness?); and provide reports or prior testimony of all other expert witnesses. No expert witness will be permitted to testify whose report or prior testimony was not served within the time prescribed by the applicable Case Management Schedule except as provided by Local Rule 21.1. No lay witness will be permitted to testify who was not identified within the time prescribed by the applicable Case Management Schedule.

##### 31. Final Witness and Exhibits. Final Witness and Exhibits

Each party shall file and serve a Final Witness List and a Final Exhibit List on the day prescribed in the applicable Case Management Schedule. The final Witness List shall contain the names of the expert and lay witnesses whom the parties actually intend to call to testify at trial, whether that testimony be live, by videotape, or by written deposition. The final Exhibit List shall include those exhibits actually intended to be used at trial. The final Witness List and the Final Exhibit List may not include witnesses or exhibits not previously identified pursuant to the terms of the Case Management Schedule. The purpose of the Final Witness and Exhibit Lists is to reduce the number of witnesses and exhibits to those which will actually be needed for trial.

##### 32. Use of Prior Testimony. Use of Prior Testimony

If any party intends to use the prior testimony of a witness, such testimony must be identified by case name, case number, court, date, and page(s) and line(s) of transcript. A copy of all such testimony, whether by deposition or trial transcript, must be furnished upon request to any party by the date indicated in the applicable Case Management Schedule.

#### I. PROCEDURE FOR SEEKING DISMISSAL. PROCEDURE FOR SEEKING DISMISSAL

##### 33. Defendant's Request. Defendant's Request

On or before the date established in the applicable Case Management Schedule, any defendant may request any counsel for the plaintiff, in writing, by certified mail, to agree to a consent order dismissing that defendant, without prejudice, and otherwise than upon the merits. The letter shall contain the specific reasons for seeking dismissal, and may include one or more cases in a particular group of cases.

34. Plaintiff's Response. Plaintiff's Response

Within thirty (30) days of receiving such a dismissal letter, the plaintiff's counsel must respond, in writing, by certified mail. Such response letter shall either agree to the defendant's dismissal request, or must set forth the specific reasons for the refusal of the defendant's request for dismissal.

35. Action on Refusal to Consent to Dismissal. Action on Refusal to Consent to Dismissal

Upon the failure of a plaintiff's counsel to respond in writing to a defendant's letter as set forth above, defendant may petition the Court for an order of dismissal without prejudice and otherwise than upon the merits. Refusal by a plaintiff to dismiss without prejudice and otherwise than upon the merits does not preclude a defendant from filing a motion for summary judgment.

J. GROUPING OF PLAINTIFFS. GROUPING OF PLAINTIFFS

36. General. General

All asbestos personal injury cases currently pending or hereafter filed in Cuyahoga County shall be grouped for discovery and trial preparation purposes only, in the following manner:

a. In groups of not to exceed fifty (50) plaintiffs, preferably with common worksite(s);

b. Grouped according to the identity of plaintiff's counsel (e.g.,: Michael Kelley, Robert E. Sweeney, etc.), preferably with commonality of worksite;

c. Except as provided below for exigent cases, grouped in case number order within the group;

d. Groups will rotate among plaintiffs' counsel. Unless consolidation is ordered, each plaintiff's case will be tried individually. The status of a particular group of plaintiffs shall not affect the remaining groups and shall not accelerate or delay subsequent schedules.

37. Subsequent Groups. Subsequent Groups

Subsequent groups will rotate monthly among plaintiffs' counsel. Liaison counsel for the parties shall propose to the Court the groupings and Case Management Schedules for twelve new groups every six months commencing on June 30, 2002 and December 31, 2002 and continuing each six months thereafter until all cases are grouped and scheduled.

38. Exigent Cases. Exigent Cases

In the formulation of all subsequent groups, plaintiffs' counsel may identify no more than three (3) plaintiffs per group who may be moved up out of case number order.

K. SANCTIONS. SANCTIONS

39. General. General

The concept of grouping plaintiffs' claims for pre-trial case management will succeed only if all counsel commit themselves to meeting the deadlines set forth in the individual Case Management Schedules. Failures to comply with these deadlines shall result in the sanctions set forth below.

40. Plaintiff's Failure to Comply. Plaintiff's Failure to Comply

If a plaintiff fails to meet a deadline established in the applicable Case Management Schedule; fails to provide answers to defendants' authorized supplemental discovery requests; fails to provide the witness lists; fails to provide the required report or representative testimony of an expert; fails to provide statements of the testimony of lay witnesses; absent a showing of good cause fails to appear for deposition or for a medical examination at the time schedules; or fails to provide exhibit lists, a Notice of Failure to Comply shall be served upon plaintiff's counsel by any defendant affected by such failure. Service of such notice shall be made upon all counsel of record. A plaintiff shall have ten (10) working days after service of the Notice of Failure to Comply within which to cure the identified failure. Should the plaintiff fail to cure the failure, upon motion that plaintiff's case (including the claim of his or her spouse) may be removed from its presently assigned group. Any case so removed shall be assigned to the next group of cases to be created for counsel for such plaintiff.

42. Defendant's Failure to Comply. Defendant's Failure to Comply

Should any defendant fail to meet the deadlines set forth in any Case Management Schedule, the plaintiffs' counsel shall serve a Notice of Failure to Comply upon such defendant. Such defendant shall have ten (10) working days from receipt of the notification within which to comply. If the defendant fails to cure the failure, upon motion, the Court may compel compliance. If the Court finds that the defendant has thereafter failed to comply as ordered, the Court may entertain the application of the full range of sanctions permitted under Rule 37(B) of the Ohio Rules of Civil Procedure.  
IT IS SO ORDERED.

JUDGE HARRY A. HANNA  
JUDGE LEO M. SPELLACY

E-filed on July 11, 2003

EXHIBIT A

SAMPLE

CASE MANAGEMENT SCHEDULE

(Parenthetical references are to paragraphs of the General  
Personal Injury Asbestos Case Management Order No. 1)

PLAINTIFF

CASE NUMBER

DATE BY WHICH  
ACTIVITY IS TO BE  
COMPLETED

PLAINTIFF

DEFENDANT

Starting Date  
( / /200\_)

[Day 15] Certified mail  
request for  
dismissal without  
prejudice. (I.32)

Response to Certified Mail [Day 30]  
Request for dismissal without  
prejudice.

Depositions of employers may [Day 35] Depositions of  
commence. employers may  
commence.

Depositions of Defendants [Day 50-Day 100] Depositions of  
Plaintiff and  
product identifi-  
cation witnesses.  
[Day 115] Motions for summary  
judgment to be  
filed and served.

File and serve opposition to [Day 130]  
motions for summary judgment  
or consents for dismissal.

[Day 137] Defendants' reply  
to Plaintiff's  
opposition to  
motion for summary  
judgment.

[Day 145]

Pretrial: rulings on  
dispositive motions;  
establishment of

final pretrial pro-  
cedures; settlement  
negotiations.

[Day 150] Medical exam of  
Plaintiff may  
commence. (G.27)

Identify expert and lay  
witnesses. Provide  
reports of consulting  
medical experts and  
reports, or representative  
prior testimony, of all  
other experts. Provide  
statement of testimony for  
each lay witness. Provide  
expected exhibit list.

[Day 180]

[Day 270] Identify expert and  
lay witnesses. Pro-  
vide reports of  
Consulting Medical  
Experts and  
reports, or repre-  
sentative prior  
testimony, of all  
other experts.  
Provide statement  
of testimony for  
each lay witness.  
Provide expected  
exhibit list.

Exchange final witness and  
Exhibit lists (H.30)

[Day 300]

Exchange final wit-  
ness and Exhibit  
lists (H.30)

Identify prior testimony of  
witness intended to be used  
at trial.

Identify prior any  
testimony of any  
witness intended  
to be used at  
trial.

[Day 310]

Pretrial to rule on  
all outstanding mo-  
tions; final settle-  
ment conference.

Serve written designations  
of page and line numbers of  
prior testimony to be used

[Day 315]

Serve written des-  
ignations of page  
and line numbers

at trial. Serve trial brief.

of prior testimony  
to be used at  
trial. Serve at  
Trial.

Serve written Counterdesig-  
nation of page and line  
numbers of prior testimony  
to be used at trial.

[Day 320]

Serve written  
Counterdesignation  
of page and line  
numbers of prior  
testimony to be  
used at trial.

[Day 330]

Trial of each Plain-  
tiff's case in order  
of case number.

EXHIBIT B

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

	)	CASE NO.
	)	
Plaintiff(s),	)	JUDGE HARRY A. HANNA
	)	JUDGE LEO M. SPELLACY
v.	)	DEFENDANTS' MASTER
	)	CONSOLIDATED DISCOVERY
	)	REQUESTS TO PLAINTIFFS
	)	
Defendants	)	

Pursuant to Rules 33, 34 and 36 of the Ohio Rules of Civil Procedure, defendants propound the following Master Consolidated Discovery Requests including Interrogatories, and Requests for Production of Documents to each plaintiff. The interrogatories are to be answered under oath by each plaintiff listed above; and the documents requested are to be produced or objections thereto served on all defendants' attorneys within ninety (90) days of service hereof.

These Consolidated Discovery Requests are continuing in nature and require each plaintiff to file supplemental answers in accordance with Rule 26(e) of the Ohio Rules if further or different information is obtained after the initial answers and before trial, including in such supplemental answers the date upon and manner in which such further or different information came to each plaintiff's attention.

EXPLANATION AND DEFINITIONS

This document includes both interrogatories and a request for production of documents. The documents to be produced are in each instance identified by responses to the interrogatories contained herein.

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

(A) "You", "your", "yourself", "plaintiff" or "plaintiffs" means each plaintiff, each individual allegedly exposed to asbestos, and all other persons acting or purporting to act on each plaintiff's behalf.

(B) "Defendants", unless otherwise specified, means any defendant named as a party to this action, as well as any predecessors in interest to any named defendants, and all other subsidiaries or divisions of any named defendants.

(C) "Document" or "documents" means any writing of any kind, including originals and all non-identical 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, guarantees, summaries, pamphlets, books, prospectuses, inter-office and intra-office communications,

offers, notations of any sort of conversations, telephone calls, meetings or other communications, bulletins, magazines, publications, printer matter, photographs, computer printouts, teletypes, telefax, 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, of which each plaintiff has knowledge or which are now or were formerly in each plaintiff's actual or constructive possession, custody or control.

(D) "Possession, custody or control" includes the joint or several possession, custody or control not only by the person to whom these interrogatories and requests 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.

2

(E) "Relates to" means supports, evidences, describes, mentions, refers to, contradicts or comprises.

(F) "Person" means any natural 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.

(G) "Identify", "identity" and "identification", when used to refer to an entity other than a natural person, means to state its full name, the present or last known address of its principal office or place of doing business, and the type of entity (e.g., corporation, partnership, unincorporated association).

(H) "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.

(I) "Identify", "identity" and "identification", when used to refer to a document, mean to state the following:

(1) the subject of the document;

(2) the title of the document;

3

(3) the type of document (e.g., letter, memorandum, telegraph, 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;

(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.

(J) "His" means his and/or her and "he" means he and/or she.

#### INSTRUCTIONS

(A) With Respect to each interrogatory, in addition to supplying the information asked for and identifying the specific documents referred to, identify all documents which were referred to in preparing your answers thereto.

(B) If any document identified in an answer to an interrogatory was, but is no longer in your possession or subject to your custody or control, or was known to you, but is no longer in existence, state what disposition was made of it or what became of it.

(C) If any document is withheld from production hereunder on the basis of a claim of privilege or otherwise, identify each such document and the grounds upon which its production is being withheld.

(D) Attached to these interrogatories and request for production of documents is a medical authorization to obtain the plaintiff's medical records. This medical authorization should be signed by the plaintiff and returned with the Answers to Interrogatories.

#### INTERROGATORIES

1. Please state the following:

a) Your Full name:

ANSWER:

4

b) All of the names by whom you have been know, including nicknames, maiden names or aliases:

ANSWER:

c) Your present address and the date you first resided at that address:

ANSWER:

d) The addresses at which you have resided for five (5) years prior to this date:

ANSWER:

e) Your Social Security number:

ANSWER:

f) Your date of birth:

ANSWER:

5

1. Are you employed?

ANSWER:

a) If your answer is in the affirmative, please state your current occupation, place of employment, and the date you first became so employed:

ANSWER:

b) If your answer is in the negative, please state your last occupation, your last place of employment, the date you last worked and your reason(s) for not working since that time:

ANSWER:

3. State the following with respect to your parents:

a) The names of your mother and father:

ANSWER:

b) Their dates of birth:

ANSWER:

6

c) Their current health conditions:

ANSWER:

d) If deceased, their date of death:

ANSWER:

e) If deceased, their cause of death:

ANSWER:

4. Do you have any brothers and/or sisters?

ANSWER:

If your answer is in the affirmative, please state the following for each such brother and/or sister:

a) The names and addresses of each such brother and/or sister:

ANSWER:

7

b) The age of each such brother and/or sister:

ANSWER:

- c) The current health condition of each such brother and/or sister:

ANSWER:

- d) If deceased, the age at death for each deceased brother and/or sister:

ANSWER:

- e) If deceased, the cause of death for each deceased brother and/or sister:

ANSWER:

5. Has any member of your family ever filed a suit for an asbestos-related disease?

ANSWER:

8

If your answer is in the affirmative, please state the following:

- a) Identify the name of the family member:

ANSWER:

- b) Their relationship(s) to you:

ANSWER:

- c) The case name(s), court(s) and case number(s) of the lawsuit(s):

ANSWER:

6. If you are currently married, state the following:

a) The date of marriage:

ANSWER:

b) Your spouse's name:

ANSWER:

9

c) Your spouse's date of birth:

ANSWER:

d) Your spouse's Social Security number:

ANSWER:

e) Your spouse's occupation:

ANSWER:

f) The name and address of your spouse's employer:

ANSWER:

10

h) The amount of our spouse's average gross monthly salary:

ANSWER:

- i) Whether your spouse was financially dependent upon you at the commencement of this action.

ANSWER:

- j) Whether your and your spouse were ever voluntarily or legally separated?

ANSWER:

- k) If applicable, state the circumstances, inclusive dates and length of time of any such legal or voluntary separation.

ANSWER:

- 7. Have you ever had any previous marriages?

ANSWER:

11

If the answer is in the affirmative, please state the following:

- a) The name(s) of any former spouse(s):

ANSWER:

- b) The address(es) of any former spouse(s):

ANSWER:

- d) If terminated by court order, the court(s), city or cities, and the circumstances under which the marriage or marriages were dissolved or terminated:

ANSWER:

8. Do you have any children?

ANSWER:

12

If the answer is in the affirmative, please state the following for each child:

- a) The name of each such child:

ANSWER:

- b) The address of each such child:

ANSWER:

- c) The age of each such child:

ANSWER:

- d) The occupation of each such child:

ANSWER:

- e) The current health condition, including specific medical problems, of each such child:

ANSWER:

- f) Whether any such child is financially dependent upon you. If so, state the name of such dependent child.

ANSWER:

- g) If any child is deceased, state his or her date of death, cause of death, and age at death:

ANSWER:

9. Is anyone who is not listed in the preceding interrogatory financially dependent upon you?

ANSWER:

If the answer is in the affirmative, please state the following:

- a) The name of each such dependent:

ANSWER:

- b) The date of birth of each such dependent:

ANSWER:

- c) The relationship of each such dependent to you:

ANSWER:

d) Whether you have legal custody of each such dependent:

ANSWER:

e) If custody was awarded to you by court decree, state the date such custody was obtained for each such dependent:

ANSWER:

If the answer is in the affirmative, please state the following:

a) The date graduated and the name of the school:

ANSWER:

15

11. Have you ever enrolled in or attended any colleges, vocational schools, union sponsored training, or correspondence courses?

ANSWER:

If the answer is in the affirmative, please state the following:

a) The name(s) and address(es) of each such institution:

ANSWER:

b) The date(s) attended:

ANSWER:

c) Courses of study:

ANSWER:

d) Degree(s) or certification received, if any, for each such enrollment or attendance:

ANSWER:

16

12. Have you ever been a member of the Armed Forces?

ANSWER:

If the answer is in the affirmative, please state the following:

a) The branch of service:

ANSWER:

b) Serial number:

ANSWER:

c) Veteran's Administration Number (if applicable):

ANSWER:

d) The dates of service ending with the date of last discharge:

ANSWER:

e) The highest rank or grade held:

ANSWER:

f) The type of discharge:

ANSWER:

g) The type of technical education or training received and the length of such training:

ANSWER:

i) Whether you were ever exposed to asbestos, or asbestos-containing products during your military service.

ANSWER:

j) If answer is affirmative, please describe in detail the manner in which you were exposed, the type of duties being performed, and the product to which you were exposed.

ANSWER:

13. Have you ever been convicted of a crime other than a traffic offense?

ANSWER:

If the answer is in the affirmative, please state fully in detail the following:

- a) The date(s), place(s), court(s) and nature(s) conviction:

ANSWER:

14. Have you filed a suit for damages for any injuries?

ANSWER:

If the answer is in the affirmative, please state the following:

- a) Names and addresses of all the plaintiffs, defendants and their attorneys for each such action:

ANSWER:

19

- b) The case number, court, place and date of filing for each such action:

ANSWER:

- c) The nature and extent of injuries claimed for each such action:

ANSWER:

- d) The present status of each suit, and if concluded, the final result, including the amount of any settlements or judgments for each such action:

ANSWER:

15. Have you ever filed a Workers' Compensation Claim?

ANSWER:

If your answer is in the affirmative, please state the following:

20

a) The claim number for each and every claim:

ANSWER:

b) The employer under which each and every claim was filed:

ANSWER:

c) State the allowed conditions for each and every claim:

ANSWER:

d) State the amount of any compensation received for each and every claim:

ANSWER:

e) The present status of each and every claim:

ANSWER:

21

16. Have you ever used cigarettes, cigars, or pipe or other tobacco products of any kind?

ANSWER:

If the answer is in the affirmative, please state the following:

- a) The dates and time periods during which each type of tobacco product was smoked or used:

ANSWER:

- b) The types of tobacco products you smoked or used and as to each such product whether the smoke was inhaled or was not inhaled:

ANSWER:

- c) The daily frequency with which tobacco products were smoked or used (i.e., 2 packs of cigarettes daily, 3 cigars daily, 2 pipefuls daily, etc.):

ANSWER:

- d) For any time period during which use of tobacco products stopped, state the dates during which your use ceased and the reasons why the use stopped:

ANSWER:

22

- e) For any time period when the use of tobacco products began after a period of having stopped, state the reasons for restarting:

ANSWER:

f) If you ever smoked cigarettes, please state the average number of packs per day and brand so consumed in each of the following periods from 1930 to the present time:

ANSWER

1. 1930 to 1935 \_\_\_\_\_ Brand(s) \_\_\_\_\_
2. 1936 to 1939 \_\_\_\_\_ Brand(s) \_\_\_\_\_
3. 1940 to 1945 \_\_\_\_\_ Brand(s) \_\_\_\_\_
4. 1946 to 1949 \_\_\_\_\_ Brand(s) \_\_\_\_\_
5. 1950 to 1955 \_\_\_\_\_ Brand(s) \_\_\_\_\_
6. 1956 to 1959 \_\_\_\_\_ Brand(s) \_\_\_\_\_
7. 1960 to 1965 \_\_\_\_\_ Brand(s) \_\_\_\_\_
8. 1966 to 1969 \_\_\_\_\_ Brand(s) \_\_\_\_\_
9. 1970 to 1975 \_\_\_\_\_ Brand(s) \_\_\_\_\_
10. 1976 to 1979 \_\_\_\_\_ Brand(s) \_\_\_\_\_
11. 1980 to 1985 \_\_\_\_\_ Brand(s) \_\_\_\_\_
12. 1986 to pres. \_\_\_\_\_ Brand(s) \_\_\_\_\_

g) If advice was ever given to you by any physician to stop smoking or using tobacco products, identify each physician who gave such advice, the dates on which the advice was given and also state whether the advice was followed:

ANSWER:

23

h) Are you aware of the United States Surgeon General's warning placed on all cigarette packages and advertisements:

ANSWER:

i) If the answer to subpart (h) is in affirmative, please

indicate the date on which you first became aware of such warning:

ANSWER:

j) Did you stop smoking at the time you became aware of such warning?

ANSWER:

17. Has any diagnosis and/or prognosis of your medical condition been made as a result of any illness or conditions allegedly sustained as a result of any exposure to asbestos or asbestos-containing products?

ANSWER:

If the answer is in the affirmative, please state the following:

a) Each and every diagnosis which has been made:

ANSWER:

24

b) The date(s) of any such diagnosis:

ANSWER:

c) Identify each person making any such diagnosis:

ANSWER:

d) The prognosis made for each and every diagnosis:

ANSWER:

e) Identify each person making any such prognosis:

ANSWER:

f) The date of last prognosis regarding any diagnosis:

ANSWER:

25

f) The date the condition or conditions diagnosed first manifested symptoms:

ANSWER:

18. For each and every symptom, indication, malaise, or affliction which you contend to be directly or indirectly related to any asbestos-related disease, disability or physical condition, please state the following:

a) The nature and description of such symptom:

ANSWER:

b) The date, time, place and manner in which such symptom first manifested itself or was made known to you, including all pertinent information as to the source of such knowledge:

ANSWER:

c) Whether you contend such symptom is related in any fashion to your exposure to asbestos, and the nature and extent of such relationship:

ANSWER:

- d) All facts and opinions on which you rely in alleging that the symptoms identified are related to exposure to asbestos:

ANSWER:

26

19. Has any diagnosis and/or prognosis of your medical condition been made as a result of any illness or conditions allegedly sustained as a result of any exposure to silica or silica-containing products?

ANSWER:

If the answer is in the affirmative, please state the following:

- a) Each and every diagnosis which has been made:

ANSWER:

- b) The date(s) of any such diagnosis:

ANSWER:

- c) Identify each person making any such diagnosis:

ANSWER:

27

- d) The prognosis made for each and every diagnosis:

ANSWER:

- e) Identify each person making any such prognosis:

ANSWER:

f) The date of last prognosis regarding any diagnosis:

ANSWER:

g) The date the condition or conditions diagnosed first manifested symptoms:

ANSWER:

28

b) The date, time, place and manner in which such symptom first manifested itself or was made known to you, including all pertinent information as to the source of such knowledge:

ANSWER:

c) Whether you contend such symptom is related in any fashion to your exposure to silica, and the nature and extent of such relationship:

ANSWER:

d) All facts and opinions on which you rely in alleging that the symptoms identified are related to exposure to silica.

ANSWER:

21. Have you ever been hospitalized, operated upon, or confined to an institution, including nursing homes or extended care facilities?

ANSWER:

If the answer is in the affirmative, please state the following:

- a) Names and addresses of all hospitals or institutions involved:

ANSWER:

29

- b) The beginning and ending dates of each period of hospitalization or institutionalization;

ANSWER:

- c) The nature of the illness, injury or complaint for which you were admitted;

ANSWER:

- d) The names and addresses and relationship to you of all persons who treated or examined you:

ANSWER:

- 22. With respect to each physician, not listed in the preceding interrogatory, who examined or treated you during your lifetime to date, state the following:

- a) Identify each physician and his address;

ANSWER:

- b) List the complaint you had that caused you to see each particular physician;

ANSWER:

30

- c) The type of examination, the diagnosis and type of treatment that each doctor gave you;

ANSWER:

- d) The date or dates on which you were examined, diagnosed and treated by each particular physician:

ANSWER:

23. Have you ever had x-rays taken of your chest other than at any of the institutions listed previously, including x-rays performed by the Armed Forces, employers or unions?

ANSWER:

If the answer is in the affirmative, please state the following for each set of x-rays taken:

- a) Name and address of the office or hospital where each set of x-rays was taken:

ANSWER:

31

- b) The reason(s) why such x-rays were taken;

ANSWER:

- c) Whether anything was reported to you, and the nature

of any such report(s), as being the ex-ray diagnosis;

ANSWER:

d) Who paid to have the x-rays taken;

ANSWER:

e) The names and addresses of any physicians, hospitals, clinics, or other persons to whom copies of x-ray reports were sent:

ANSWER:

24. Have you ever had a pulmonary function test ("PFT") or breathing test?

ANSWER:

32

If the answer is in the affirmative, please state for each such test:

a) Name and address of the office or hospital where each such PFT or breathing test was taken:

ANSWER:

b) The reason(s) why such PFT or breathing test was taken;

ANSWER:

c) Whether anything was reported to you, and the nature of any such report(s), as being the PFT or breathing test diagnosis:

ANSWER:

25. Have you ever had any of the following conditions? Please place an "X" next to the appropriate answer and state the date of diagnosis for each such condition:

	Yes	No	Date of Diagnosis
a) bronchitis			
b) emphysema			
c) asthma			
d) tuberculosis			
e) Chronic Obstructive Pulmonary Disease			

33

f) pneumonia			
g) high blood pressure			
h) heart trouble			
i) skin cancer			
j) diverticulitis			
k) colitis			
l) ulcers			
m) polyps			
n) jaundice			
o) arthritis			
p) gout			

26. Have you used any drugs or medicines during the past ten (10) years in connection with any injury, complaint or illness?

ANSWER:

If your answer is in the affirmative, please state fully in detail:

a) A description of each item, including its name and dosage:

ANSWER:

34

b) Identify the physician who prescribed each item, if any:

ANSWER:

c) The injury, complaint or illness for which each item was prescribed or used:

ANSWER:

d) The dates during which each item was used:

ANSWER:

27. Have you ever been discharged, or voluntarily left a job, or changed residence due to health reasons?

ANSWER:

If the answer is in the affirmative, please state in detail the dates, places and circumstances:

ANSWER:

35

28. Have you ever received financial benefits (other than wages), either directly or indirectly, from any source at any time in your lifetime (including but not limited to government agencies, illness or disability wages from employers, life or health insurance companies, service providers or others)?

ANSWER:

If the answer is in the affirmative, please indicate the following:

a) The date of each such payment(s):

ANSWER:

b) The source of each such payment(s):

ANSWER:

c) The time period and amount of each such payment(s):

ANSWER:

d) The reason for each such payment(s):

ANSWER:

36

e) The identity of all persons, including but not limited to physicians, insurance carriers, government employees or others who participated in the determination of each such payment(s):

ANSWER:

29. Please identify each of your employers in whose employ you claim you were exposed to asbestos. Include in your answer the following:

a) the name, address and telephone number for each such employer;

ANSWER:

b) For each such employer, indicate the jobsite, address and inclusive dates of claimed exposure:

ANSWER:

c) Your job title and work description for each such

employment of claimed exposure:

ANSWER:

d) The dates of such employment of claimed exposure:

ANSWER:

37

e) The length of time you spent on each jobsite:

ANSWER:

f) The manufacturer, or if the manufacturer is unknown, the trade name and/or the generic type of each and every product which you believe contained asbestos, to which you were exposed during each such employment, and the dates from the first exposure to the last exposure:

ANSWER:

g) Whether the jobs were inside work or outside work:

ANSWER:

30. For each exposure to asbestos and to products you believe contained asbestos that are listed in the answer to Interrogatory 29, please state the name and address of each co-worker who has knowledge that these exposures occurred.

ANSWER:

38

31. Please identify each of your employers in whose employ you claim you were exposed to silica. Include in your answer

the following:

- a) The name, address and telephone number for each such employer;

ANSWER:

- b) For each such employer, indicate the jobsite, address and inclusive dates of claimed exposure:

ANSWER:

- c) Your job title and work description for each such employment of claimed exposure:

ANSWER:

- e) The length of time you spent on each jobsite:

ANSWER:

39

- f) The manufacturer, or if the manufacturer is unknown, the trade name and/or the generic type of each and every product which you believe contained silica, to which you were exposed during each such employment, and the dates from the first exposure to the last exposure:

ANSWER:

- g) Whether the jobs were inside work or outside work:

ANSWER:

- h) For each job, whether it involved new construction, repair, replacement or tear-out (specify which):

ANSWER:

32. For each exposure to silica and to products you believe contained silica that are listed in the answer to Interrogatory 31, please state the name and address of each co-worker who has knowledge that these exposures occurred.

ANSWER:

33. Please state whether safety equipment such as respirators or masks to reduce exposure to asbestos and/or silica material was provided or required by any of your employers (specify which):

ANSWER:

40

If the answer is in the affirmative, please state:

- a) Whether you used the masks or respirators:

ANSWER:

- b) If so, identify the jobsites at which you used such masks or respirators:

ANSWER:

34. State whether showers were provided for each such employment:

ANSWER:

35. State whether separate lockers for work and personal clothing were provided for each such employment:

ANSWER:

36. Have you ever been a member of any trade or labor union?

ANSWER:

For each and every membership please list the following:

a) The union, including the local designation for each such union membership:

ANSWER:

b) The beginning and ending dates of membership(s) and the reasons why such membership(s) was terminated:

ANSWER:

c) The types of work authorized to perform by virtue of each and every membership:

ANSWER:

d) The places, dates and offices held or the committees on which you served in both the local and international union(s) for each such membership:

ANSWER:

e) Whether union meetings are or were regularly attended in reference to each such membership:

ANSWER:

- f) The names of each and every publication(s) received from the unions and the dates and frequency with which they were received:

ANSWER:

- g) The frequency with which such publications are or were read (i.e., regularly, occasionally, rarely):

ANSWER:

37. State whether the you were exposed to asbestos or asbestos-containing products which were manufacturer, sold, produced, prepared or distributed by any entity not named as a defendant in this lawsuit. If so, identify the manufacturer, the product and the dates of exposure.

ANSWER:

38. Have you ever been exposed to asbestos or asbestos-containing products outside the workplace?

ANSWER:

43

If the answer is in the affirmative, please state the following:

- a) The date of each such exposure:

ANSWER:

- b) The place of each such exposure:

ANSWER:

- d) The trade name(s) and/or manufacturer(s) of the asbestos containing product(s) for each such exposure:

ANSWER:

- e) The names and addresses of each individual with knowledge to corroborate each such exposure:

ANSWER:

44

39. State whether you have ever received any instruction, recommendations or warnings of any kind regarding each asbestos-containing product to which you were exposed (i.e., printed on container or package, tag, covering, or instruction sheet accompanying the product, etc.):

ANSWER:

40. State whether you ever received any instructions or recommendations by your employer or superior at any time regarding the safety precautions to be taken when using each asbestos-containing product to which you were exposed, including, but not limited to, the creation, inhalation or ingestion of dust.

ANSWER:

41. Did you at any time receive, have knowledge of, or possess any advice, publication, warning, order, directive, requirement or recommendation, written or oral, which purported to either advise or warn you of the possible harmful effects of exposure to or inhalation of, asbestos, asbestos-containing materials, silica, or silica-containing materials?

ANSWER:

42. Did you at any time receive, have knowledge of, or possess any advice, publication, warning, order, directive,

requirement or recommendation, either written or oral, which purported to advise or recommend techniques, methods or equipment which would serve to reduce or guard against such potentially harmful exposure?

ANSWER:

45

If the answer is in the affirmative, please state the following:

a) The nature and exact working of such advice, warning, recommendation etc.:

ANSWER:

b) The complete identity of each source of such advice, warning or recommendation, etc.:

ANSWER:

c) The date, time, place and manner and circumstances when each such advice, warning, recommendation, etc. was given:

ANSWER:

e) Identify each and every co-worker or similar member of your trade and occupation who also received the same or similar advice, warning, recommendation, etc.:

ANSWER:

46

43. Have you ever provided testimony, or been SPRINT interviewed in a lawsuit?

ANSWER:

If the answer is in the affirmative, please state the following:

- a) The name of the case and case number for which each such testimony or SPRINT interview was given:

ANSWER:

- b) The nature of each such proceeding and/or testimony:

ANSWER:

- c) The approximate date when each such testimony and/or SPRINT interview was given:

ANSWER:

- 44. Have you ever been exposed to radiation medically, incidentally or occupationally?

ANSWER:

47

If the answer is in the affirmative, describe the circumstances of exposure and date or dates of exposure:

ANSWER:

- 45. State the nature, extent and frequency of any physical examinations which any of your employers required or made available to you, and the frequency (with specific dates) with which you submitted to such examinations.

ANSWER:

46. Please state whether you have obtained any judgments, settlements, or compromises, payments from or entered into any agreements with any person or entity arising from exposure to asbestos, asbestos-containing products, silica or silica containing products.

ANSWER:

If the answer is in the affirmative, please state:

- a) The amount of such each and every judgment, settlement, compromise or payment:

ANSWER:

48

- b) The date upon which each such judgment, settlement, compromise or payment was received:

ANSWER:

- c) The person or entity from whom such judgment, settlement, compromise or payment was received:

ANSWER:

47. Please state whether you have entered into any agreement with any party or non-party to this litigation regarding future claims or payments resulting from your alleged exposure to asbestos, asbestos-containing products, silica or silica-containing products.

ANSWER:

If the answer is in the affirmative, please state:

- a) The amount of consideration for each such agreement:

ANSWER:

b) The date upon which each agreement was entered into:  
ANSWER:

49

c) The person or entity with whom each such agreement was reached:

ANSWER:

d) The dates upon which each such payment is to be received:

ANSWER:

#### REQUEST FOR PRODUCTION OF DOCUMENTS

1. Identify and produce all literature or other documents which relate to the product or products, allegedly containing asbestos and/or silica, to which you claim you were exposed which are in your possession or in the possession of your attorney.
2. Identify and produce your complete work history including the location of each and every jobsite at which you worked wherein you claim you were exposed to asbestos and/or silica. for each such jobsite, state the dates you were present, the length of time you spent at each jobsite, the name and manufacturers of each asbestos-containing product to which you were exposed at each jobsite, the name of your employer, the type of work you performed, and the names and addresses of each co-worker with whom you worked.
3. Identify and produce all literature or other documents in your possession or in the possession of your attorney, that constitute or relate to advice, warnings, orders, directives, requirements or recommendations, which purported to advise you of the possible harmful effects of exposure to asbestos or asbestos-containing products, or of techniques, methods, or equipment which would serve to reduce or guard against such exposure.
4. Identify and product all literature or other documents which relate to your claim of conspiracy as to each defendant named in this lawsuit.

5. Identify and produce all medical records and reports in your possession or in the possession of your attorney.

6. Copies of all bills and receipts for medical services, drugs, medication, doctors' fees or other expenses incurred as a result of the injuries you allege you received relevant to this lawsuit.

50

7. All documents regarding any and all x-ray screening and the results thereof.

8. Identify and produce tax returns for the last ten (10) years, a Social Security Statement of Earnings, and any other documents relating to income earned in the last ten (10) years which are in your possession or in the possession of your attorney.

9. Identify and product all non-medical expert reports which are in your possession or in the possession of your attorney.

10. Identify and produce all documents and prior testimonies of which you have knowledge which relate to your allegation that you are entitled to receive punitive or exemplary damages.

11. Identify and produce the names and full addresses of all persons you expect to call as expert witnesses at trial, including a summary of the testimony that each witness is expected to give.

12. Identify and produce the names and full addresses of all non-experts you expect to call as witnesses at trial including a summary of the testimony that each witness is expected to give.

13. Documents in your possession constituting or relating to your employment history including, but not limited to, documents which would indicate the place(s) or department(s) of your employer(s) in which you worked, the dates worked, and the names of co-workers with whom you worked at each job or jobsite.

14. Any lists which have been prepared or which have been prepared by others on your behalf which indicate the types of products to which you claim you were exposed, and the names of the manufacturers, installers, distributors, sellers, suppliers and outside contractors of those products.

15. All documents pertaining to union memberships, meetings or

events relating to the discussions or warnings given concerning hazardous exposures in the workplace and precautions to be taken.

- 16. Any and all documents or photographs you have reviewed or will review in preparation for any testimony you may give in this case or as a co-worker in any other case.
- 17. Identify and product all documents, other than those previously identified in your responses to these requests, that you expect to offer as evidence at trial.
- 18. Copies of all documents supporting the itemization of damages you claim in this suit.

AUTHORIZATION FOR RELEASE OF MEDICAL INFORMATION

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This is authority for you to permit any attorney of record, or his or her agent, or any records service or its agents, to copy, inspect, and examine any and all records, charts, reports, pathology materials, original x-rays, x-ray reports, in your possession pertaining to all examinations and treatments rendered to:

NAME: \_\_\_\_\_ \*  
SS #: \_\_\_\_\_  
DOB: \_\_\_\_\_  
\* \_\_\_\_\_

DATE: \_\_\_\_\_

This authorization shall remain valid for a period of eight months from the date set forth herein and authorize the provider to honor all requests for records and/or other materials made within that period of time.

STATE OF OHIO        )  
                          )    SS:  
COUNTY OF \_\_\_\_\_ )

SWORN AND TO SUBSCRIBED before me, a notary public in and for said county and state on this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

PHOTOCOPIES OF THIS AUTHORIZATION SHALL BE MADE AND SHALL HAVE  
THE SAME AUTHORITY AS THE ORIGINAL

\*Name of party seeking to provide his or her medical release.

52

AUTHORIZATION FOR RELEASE OF WORKERS' COMPENSATION INFORMATION

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This is authority for you to permit any attorney of record,  
or any agent of any attorney of record, to copy, inspect, and  
examine any and all records, correspondence, medical reports, in  
your possession pertaining to any and all Workers' Compensation  
claims involving:

NAME: \_\_\_\_\_

SS#: \_\_\_\_\_

DOB: \_\_\_\_\_

CLAIM NO: \_\_\_\_\_

PHOTOCOPIES OF THIS AUTHORIZATION SHALL BE MADE AND SHALL HAVE  
THE SAME AUTHORITY AS THE ORIGINAL.

DATE: \_\_\_\_\_

STATE OF OHIO        )  
                          )    ss:  
COUNTY OF \_\_\_\_\_ )

SWORN TO AND SUBSCRIBED before me, a notary public in and  
for said county and state on this \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

53

EXHIBIT C

IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

IN RE: :  
 :  
 :  
 ASBESTOS LITIGATION :  
 :  
 : DEFENDANT'S MASTER  
 : CONSOLIDATED DISCOVERY  
 : REQUESTS TO PLAINTIFFS  
 : FOR DEATH CASES

Pursuant to Rules 33, 34 and 36 of the Ohio Rules of Civil Procedure, defendants propound the following Master Consolidated discovery Requests including Interrogatories, Requests for Admissions and Requests for Production of Documents to each plaintiff. The Interrogatories are to be answered under oath by each plaintiff listed above; the Requests for Admissions are to be answered or objected to by the each plaintiff or his attorney; and the documents requested are to be produced or objections thereto served on all defendants' attorneys within twenty-eight (28) days of service hereof.

These Consolidated Discovery Requests are continuing in nature and require each plaintiff to file supplemental answers in accordance with Rule 26(e) of the Ohio Rules if further or different information is obtained after the initial answers and before trial, including in such supplemental answers the date upon and manner in which such further or different information came to each plaintiff's attention.

This document includes both interrogatories and a request for production of documents. The documents to be produced are in each instance identified by responses to the interrogatories contained herein.

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

(A) "You", "your", "yourself", "plaintiff" or "plaintiffs" means each plaintiff, each individual allegedly exposed to asbestos, (the decedent, if applicable), and all other persons acting or purporting to act on each plaintiff's behalf.

(b) "Defendants", unless otherwise specified, means any defendant named as a party to this action, as well as any predecessors in interest to any named defendants, and all other subsidiaries or divisions of any named defendants.

(C) "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, guarantees, summaries, pamphlets, books, prospectuses, interoffice and intraoffice communications, offers, notations of any sort of conversations, telephone calls, meetings or other communications, bulletins, magazines, publications, printed matter, photographs, computer printouts, teletypes, telefax, invoices, worksheets and all drafts, alteration,

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, of which each plaintiff has knowledge or which are

2

now or were formerly in each plaintiff's actual or constructive possession, custody or control.

(D) "Possession, custody or control" includes the joint or several possession, custody or control not only by the person to whom these interrogatories and requests 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.

(E) "Relates to" means supports, evidences, describes, mentions, refers to, contradicts or comprises.

(F) "Person" means any natural 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.

(G) "Identify", "identity" and "identification", when used to refer to an entity other than a natural person, means to state its full name, the present or last known address of its principal office or place of doing business, and the type of entity (e.g., corporation, partnership, unincorporated association).

(H) "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

3

(4) his employer and title at the time of the actions at which each interrogatory is directed.

(I) "Identify", "identity" and "identification", when used to refer to a document, mean 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, telegraph, 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;

(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.

(J) "His" means his and/or her and "he" means he and/or she.

#### INSTRUCTIONS

(A) With respect to each interrogatory, in addition to supplying the information asked for and identifying the specific documents referred to, identify all documents which were referred to in preparing your answers thereto.

(B) If any document identified in an answer to an interrogatory was, but is no longer in your possession or subject to your custody or control, or was known to you, but is no longer in existence, state what disposition was made of it or what became of it.

(C) If any document is withheld from production hereunder on the basis of a claim of privilege or otherwise, identify each such document and the grounds upon which its production is being withheld.

(D) Attached to these interrogatories and request for production of documents is

4

a medical authorization to obtain the decedent's medical records. This medical authorization should be signed by the plaintiff and returned with the Answers to Interrogatories.

#### INTERROGATORIES

1. Please state the following:

A) Your full name:

ANSWER:

- b) All of the names by whom you have been know, including nicknames, maiden names or aliases:

ANSWER:

- c) Your present address and the date you first resided at that address:

ANSWER:

- d) The addresses at which you have resided for five (5) years prior to this date:

ANSWER:

- e) Your Social Security number:

5

ANSWER:

- f) Your date of birth:

ANSWER:

2. If this is a death claim, please state the following:

- a) The decedent's full name:

ANSWER:

- b) All of the names by which the decedent has been known, including nicknames, maiden names or aliases:

ANSWER:

c) The decedent's last address:

ANSWER:

d) The decedent's Social Security number:

ANSWER:

6

e) The decedent's date and place of birth:

ANSWER:

f) The decedent's date and place of death:

ANSWER:

g) Your relationship to the decedent:

ANSWER:

h) The Probate Court and case number for the decedent's estate:

ANSWER:

3. Are you employed?

ANSWER:

a) If your answer is in the affirmative, please state your

current occupation, place of employment, and the date you first became so employed:

ANSWER:

7

- b) If your answer is in the negative, please state your last occupation, your last place of employment, the date you last worked, and your reason(s) for not working since that time:

ANSWER:

4. Please state the following:

- a) The decedent's last occupation:

ANSWER:

- b) Decedent's last place of employment:

ANSWER:

- c) The date decedent last worked:

ANSWER:

- d) The reason(s) decedent stopped working:

ANSWER:

5. State the following with respect to decedent's parents:

8

a) The names of decedent's mother and father:

ANSWER:

b) Their dates of birth:

ANSWER:

c) Their current health conditions:

ANSWER:

d) If deceased, their date of death:

ANSWER:

e) If deceased, their cause of death:

ANSWER:

6. Did decedent have any other brothers and/or sisters?

ANSWER:

9

If your answer is in the affirmative, please state the following for each such brother and/or sister:

a) The names and addresses of each such brother and/or sister:

ANSWER:

b) The age of each such brother and/or sister:

ANSWER:

c) The current health condition of each brother and/or sister:

ANSWER:

d) If deceased, the age at death for each deceased brother and/or sister:

ANSWER:

e) If deceased, the cause of death for each deceased brother and/or sister:

ANSWER:

7. Has any member of decedent's family ever filed a suit for an asbestos-related

10

disease?

ANSWER:

If your answer is in the affirmative, please state the following:

a) Identify the name of the family member:

ANSWER:

b) Their relation(s) to the decedent:

ANSWER:

c) The case name(s), court(s) and case number(s) of the lawsuit(s):

ANSWER:

8. If you are currently married, state the following:

a) The date of marriage:

ANSWER:

b) Your spouse's name:

ANSWER:

11

c) Your spouse's date of birth:

ANSWER:

d) Your spouse's Social Security number:

ANSWER:

e) Your spouse's occupation:

ANSWER:

f) The name and address of your spouse's employer:

ANSWER:

g) Whether your spouse is employed full-time or part-time:

ANSWER:

h) the amount of our spouse's average gross monthly salary:

ANSWER:

i) Whether your spouse was financially dependent upon you at the

12

commencement of this action:

ANSWER:

9. Was decedent married at the time of his death?

ANSWER:

10. If the answer to the immediately preceding interrogatory is affirmative, please state with respect to the spouse to whom

decedent was married at the time of his death:

ANSWER:

a) The date of marriage:

ANSWER:

b) The spouse's name:

ANSWER:

c) The spouse's date of birth:

ANSWER:

d) The spouse's Social Security number:

ANSWER:

13

e) The spouse's present occupation:

ANSWER:

f) The name and address of spouse's current employer:

ANSWER:

g) Whether spouse is currently employed full-time or part-time:

ANSWER:

h) The amount of the spouse's average gross monthly salary:

ANSWER:

i) Whether the spouse was financially dependent upon the decedent at the time of his death:

ANSWER:

- j) Whether decedent and the spouse were ever voluntarily or legally separated?

14

ANSWER:

- k) If applicable, state the circumstances inclusive dates and length of time of any such legal or voluntary separation.

ANSWER:

11. Has the decedent ever had any previous marriages?

ANSWER:

If the answer is in the affirmative, please state the following:

- a) The name(s) of any former spouse(s):

ANSWER:

- b) The address(es) of any former spouse(s):

ANSWER:

- c) The date of termination of any previous marriages:

ANSWER:

15

- d) If terminated by court order, the court(s), city or

cities, and the circumstances under which the marriage or marriages were dissolved or terminated:

ANSWER:

12. Did the decedent have children?

ANSWER:

If the answer is in the affirmative, please state the following for each child:

a) The name of each such child:

ANSWER:

b) The address of each such child:

ANSWER:

c) The age of each such child:

ANSWER:

16

d) The occupation of each such child:

ANSWER:

e) The current health condition, including specific medical problems of each such child:

ANSWER:

f) Whether any such child was financially dependent upon the decedent at the time of death. If so, state the

name of such dependent child.

ANSWER:

g) If any child is deceased, state his or her date of death, cause of death, and age at death:

ANSWER:

13. Was any who is not listed in the preceding interrogatory financially dependent upon decedent at time of his death?

ANSWER:

17

If the answer is in the affirmative, please state the following:

a) The name of each such dependent:

ANSWER:

b) The date of birth of each such dependent:

ANSWER:

c) The relationship to the decedent of each such dependent:

ANSWER:

d) Whether the decedent had legal custody of each such dependent:

ANSWER:

e) If custody was awarded to the decedent by court decree, state the date such custody was obtained for each such dependent:

ANSWER:

14. Did decedent graduate from high school?

18

ANSWER:

If the answer is in the affirmative, please state the following:

a) The date graduated and the name of the school:

ANSWER:

15. Has decedent ever enrolled or attended any colleges, vocational schools, union sponsored training, or correspondence courses?

ANSWER:

If the answer is in the affirmative, please state the following:

a) The name(s) and address(es) of each such institution:

ANSWER:

b) The date(s) attended:

ANSWER:

c) Courses of study:

ANSWER:

19

- d) Degree(s) or certification received, if any, for each such enrollment or attendance:

ANSWER:

16. Has decedent ever been a member of the Armed Forces?

ANSWER:

If the answer is in the affirmative, please state the following:

- a) The branch of service:

ANSWER:

- b) Serial number:

ANSWER:

- c) Veteran's Administration Number (if applicable):

ANSWER:

- d) The dates of service ending with the date of last discharge:

ANSWER:

20

e) The highest rank or grade held:

ANSWER:

f) The type of discharge:

ANSWER:

g) The type of technical education or training received and the length of such training:

ANSWER:

h) Whether any injury occurred while in the service (explain):

ANSWER:

i) Whether decedent was ever exposed to asbestos, or asbestos-containing products during his military service.

ANSWER:

21

j) If the answer is affirmative, please describe in detail the manner in which decedent was exposed, the type of duties being performed, and the product to which decedent was exposed.

ANSWER:

17. Has decedent ever been convicted of a crime other than a traffic offense?

ANSWER:

If the answer is in the affirmative, please state fully in detail the following:

- a) The date(s), place(s), court(s) and nature(s) of each conviction:

ANSWER:

- 18. Has decedent ever filed a suit for damages for any personal injuries?

ANSWER:

If the answer is in the affirmative, please state the following:

- a) Names and addresses of all the plaintiffs, defendants and their attorneys for each such action:

ANSWER:

22

- b) The case number, court, place and date of filing for each such action:

ANSWER:

- c) The nature and extent of injuries claimed for each such action:

ANSWER:

- d) The present status of each suit, and if concluded, the final result, including the amount of any settlements or judgments for each such action:

ANSWER:

19. Have you ever filed a Workers' Compensation Claim?

ANSWER:

If your answer is in the affirmative, please state the following:

a) The claim number for each and every claim:

ANSWER:

b) The employer under which each and every claim was filed:

ANSWER:

23

c) State the allowed conditions for each and every claim:

ANSWER:

d) State the amount of any compensation received for each and every claim:

ANSWER:

e) The present status of each and every claim:

ANSWER:

20. Has the decedent ever filed a Worker's Compensation Claim?

ANSWER:

If the answer is in the affirmative, please state the following:

a) The claim number for each and every claim:

ANSWER:

24

b) The employer under which each and every claim was filed:

ANSWER:

c) State the allowed conditions for each and every claim:

ANSWER:

d) State the amount of any compensation received for each and every claim:

ANSWER:

e) The present status of each and every claim:

ANSWER:

21. Did the decedent ever use cigarettes, cigars, or pipe or other tobacco products of any kind?

ANSWER:

If the answer is in the affirmative, please state the following:

- a) The dates and time periods during which each type of tobacco products was smoked or used:

25

ANSWER:

- b) The types of tobacco products decedent smoked or used and as to each such product whether the smoke was inhaled or was not inhaled:

ANSWER:

- c) The daily frequency with which tobacco products were smoked or used (i.e., 2 packs of cigarettes daily, 3 cigars daily, 2 pipefuls daily, etc.):

ANSWER:

- d) For any time period during which use of tobacco products stopped, state the dates during which decedent's use ceased and the reasons why the use stopped:

ANSWER:

- e) For any time period when the use of tobacco products began after a period of having stopped, state the reasons for restarting:

ANSWER:

- f) If decedent ever smoked cigarettes, please state the average number of packs per day and brand so consumed in each of the following periods from 1930

26

to the present time:

ANSWER:

1. 1930 to 1935 \_\_\_\_\_ Brand(s) \_\_\_\_\_
2. 1936 to 1939 \_\_\_\_\_ Brand(s) \_\_\_\_\_
3. 1940 to 1945 \_\_\_\_\_ Brand(s) \_\_\_\_\_
4. 1946 to 1949 \_\_\_\_\_ Brand(s) \_\_\_\_\_
5. 1950 to 1955 \_\_\_\_\_ Brand(s) \_\_\_\_\_
6. 1956 to 1959 \_\_\_\_\_ Brand(s) \_\_\_\_\_
7. 1960 to 1965 \_\_\_\_\_ Brand(s) \_\_\_\_\_
8. 1966 to 1969 \_\_\_\_\_ Brand(s) \_\_\_\_\_
9. 1970 to 1975 \_\_\_\_\_ Brand(s) \_\_\_\_\_
10. 1976 to 1979 \_\_\_\_\_ Brand(s) \_\_\_\_\_
11. 1980 to 1985 \_\_\_\_\_ Brand(s) \_\_\_\_\_
12. 1986 to pres. \_\_\_\_\_ Brand(s) \_\_\_\_\_

g) If advice was ever given by any physician to decedent to stop smoking or using tobacco products, identify each physician who gave such advice, the dates on which the advice was given, and also state whether the advice was followed:

ANSWER:

h) Was decedent aware of the United States Surgeon General's warning placed on all cigarette packages and advertisements:

ANSWER:

i) If the answer to subpart (h) is in the affirmative,

please indicate the date on which the decedent first became aware of such warning:

ANSWER:

- j) Did the decedent stop smoking at the time he became aware of such warning?

ANSWER:

22. Has any diagnosis and/or prognosis of decedent's medical condition been made as a result of any illness or conditions allegedly sustained as a result of any exposure to asbestos or asbestos-containing products?

ANSWER:

If the answer is in the affirmative, please state the following:

- a) Each and every diagnosis which has been made:

ANSWER:

- b) The date(s) of any such diagnosis:

ANSWER:

- c) Identify each person making any such diagnosis:

28

ANSWER:

- d) The prognosis made for each and every diagnosis:

ANSWER:

e) Identify each person making any such prognosis:

ANSWER:

f) The date of last prognosis regarding any diagnosis:

ANSWER:

g) The date the condition or conditions diagnosed first manifested symptoms:

ANSWER:

23. For each and every symptom, indication, malaise, or affliction which you contend to be directly or indirectly related to any asbestos-related disease, disability or physical condition, please state the following:

a) The nature and description of such symptom:

ANSWER:

29

b) The date, time, place and manner in which such symptom first manifested itself or was made known to you, including all pertinent information as to the source of such knowledge:

ANSWER:

c) Whether you contend such symptom is related in any fashion to decedent's exposure to asbestos, and the nature and extent of such relationship:

ANSWER:

- d) All facts and opinions on which you rely in alleging that the symptoms identified are related to exposure to asbestos:

ANSWER:

24. Has any diagnosis and/or prognosis of decedent's medical condition been made as a result of any illness or conditions allegedly sustained as a result of any exposure to silica or silica-containing products?

ANSWER:

If the answer is in the affirmative, please state the following:

- a) Each and every diagnosis which has been made:

30

ANSWER:

- b) The date(s) of any such diagnosis:

ANSWER:

- c) Identify each person making any such diagnosis:

ANSWER:

- d) The prognosis made for each and every diagnosis:

ANSWER:

e) Identify each person making any such prognosis:

ANSWER:

f) The date of last prognosis regarding any diagnosis:

ANSWER:

31

g) The date the condition or conditions diagnosed first manifested symptoms:

ANSWER:

25. For each and every symptom, indication, malaise, or affliction which you contend to be directly or indirectly related to any alleged silicosis or silica-related disease, disability or physical condition, please state the following:

a) The nature and description of such symptom:

ANSWER:

b) The date, time, place and manner in which such symptom first manifested itself or was made known to you, including all pertinent information as to the source of such knowledge:

ANSWER:

c) Whether you contend such symptom is related in any fashion to decedent's exposure to silica, and the nature and extent of such relationship:

ANSWER:

- d) All facts and opinions on which you rely in alleging that the symptoms identified are related to exposure to silica:

ANSWER:

32

- 26. Has the decedent ever been hospitalized, operated upon, or confined to an institution, including nursing homes or extended care facilities?

ANSWER:

If the answer is in the affirmative, please state the following:

- a) Names and addresses of all hospitals or institutions involved;

ANSWER:

- b) The beginning and ending dates of each period of hospitalization or institutionalization;

ANSWER:

- c) The nature of the illness, injury or complaint for which decedent was admitted;

ANSWER:

- d) The names and addresses and relationship to decedent of all persons who treated or examined decedent:

ANSWER:

33

27. With respect to each physician, not listed in the preceding interrogatory, who examined or treated the decedent during his lifetime to date, state the following:

a) Identify each physician and his address;

ANSWER:

b) List the complaint decedent had that caused him to see each particular physician;

ANSWER:

c) The type of examination, the diagnosis and type of treatment that each doctor gave decedent;

ANSWER:

d) The date or dates on which decedent was examined, diagnosed and treated by each particular physician:

ANSWER:

28. Has the decedent ever had x-rays taken of his chest other than at any of the institutions listed previously, including x-rays performed by the Armed forces, employers or unions?

ANSWER:

34

If the answer is in the affirmative, please state the following for each set of x-rays taken:

- a) name and address of the office or hospital where each set of x-rays was taken;

ANSWER:

- b) the reason(s) why such x-rays were taken;

ANSWER:

- c) whether anything was reported to decedent, and the nature of any such report(s), as being the x-ray diagnosis;

ANSWER:

- d) who paid to have the x-rays taken;

ANSWER:

- e) the names and addresses of any physicians, hospitals, clinics, or other persons to whom copies of x-ray reports were sent:

ANSWER:

29. Has decedent ever had a pulmonary function test ("PFT") or breathing test?

35

ANSWER:

If the answer is in the affirmative, please state for each such test:

- a) name and address of the office or hospital where each such PFT or breathing test was taken;

ANSWER:

b) the reason(s) why such PFT or breathing test was taken;

ANSWER:

c) whether anything was reported to decedent, and the nature of any such report(s), as being the PFT or breathing test diagnosis for such agreement:

ANSWER:

30. Please identify each of decedent's employers in whose employ you claim decedent was exposed to asbestos. Include in your

answer the following:

a) The name, address and telephone number for each such employee;

ANSWER:

b) For each such employer, indicate the jobsite, address and inclusive dates of claimed exposure:

ANSWER:

36

c) Decedent's job title and work description for each such employment of claimed exposure:

ANSWER:

d) The dates of such employment of claimed exposure:

ANSWER:

e) The length of time you spent on each jobsite:

ANSWER:

f) The manufacturer, or if the manufacturer is unknown, the trade name and/or the generic type of each and every product which decedent believed contained asbestos, to which decedent was exposed during each such employment, and the dates from the first exposure to the last exposure:

ANSWER:

g) whether the jobs were inside work or outside work:

ANSWER:

h) For each job, whether it involved new construction, repair, replacement or

37

tear-out (specify which):

ANSWER:

31. For each exposure to asbestos and to products decedent believed contained asbestos that are listed in the answer to Interrogatory 29, please state the name and address of each co-worker who has knowledge that these exposures occurred.

ANSWER:

32. Please identify each of decedent's employers in whose employee decedent claimed exposure to silica. Include in your answer the following:

- a) the name, address and telephone number for each such employer;

ANSWER:

- b) For each such employer, indicate the jobsite, address and inclusive dates of claimed exposure:

ANSWER:

- c) Decedent's job title and work description for each such employment of claimed exposure:

ANSWER:

38

- d) The dates of such employment of claimed exposure:

ANSWER:

- e) The length of time decedent spent on each jobsite:

ANSWER:

- f) The manufacturer, or if the manufacturer is unknown, the trade name and/or the generic type of each and every product which decedent believed contained silica, to which decedent was exposed during each such employment, and the dates from the first exposure to the last exposure:

ANSWER:

- g) Whether the jobs were inside work or outside work:

ANSWER:

- h) For each job, whether it involved new construction, repair, replacement or tear-out (specify which):

ANSWER:

33. For each exposure to silica and to products decedent believed contained silica that are listed in the answer to Interrogatory 31, please state the name and address of

39

each co-worker who has knowledge that these exposures occurred.

ANSWER:

34. Please state whether safety equipment such as respirators or masks to reduce exposure to asbestos and/or silica material was provided or required by any of decedent's employers (specify which):

ANSWER:

If the answer is in the affirmative, please state:

- a) whether decedent used the masks or respirators:

ANSWER:

- b) If so, identify the jobsites at which decedent used such masks or respirators:

ANSWER:

35. State whether showers were provided for each such employment:

ANSWER:

40

36. State whether separate lockers for work and personal clothing were provided for each such employment:

ANSWER:

37. Has decedent ever been a member of any trade or labor union?

ANSWER:

For each and every membership please list the following:

- a) The union, including the local designation for each such union membership:

ANSWER:

- b) The beginning and ending dates of membership(s) and the reasons why such membership(s) was terminated:

ANSWER:

- c) The types of work authorized to perform by virtue of each and every membership:

ANSWER:

41

- d) The places, dates and offices held or the committees on which decedent served in both the local and international union(s) for each such membership:

ANSWER:

- e) Whether union meetings are or were regularly attended in reference to each such membership:

ANSWER:

- f) The names of each and every publication(s) received from the unions and the dates and frequency with which they were received:

ANSWER:

- g) The frequency with which such publications are or were read (i.g., regularly, occasionally, rarely):

ANSWER:

38. State whether the decedent was exposed to asbestos or asbestos-containing products which were manufactured, sold, produced, prepared or distributed by any entity not named as a defendant in this lawsuit. If so, identify the manufacturer, the product and the dates of exposure.

ANSWER:

42

39. Has decedent ever been exposed to asbestos or asbestos-containing products outside the workplace?

ANSWER:

If the answer is in the affirmative, please state the following:

- a) The date of each such exposure:

ANSWER:

b) The place of each such exposure:

ANSWER:

c) The frequency of each such exposure:

ANSWER:

d) The trade name(s) and/or manufacturer(s) of the asbestos containing product(s) for each such exposure:

ANSWER:

43

e) The names and addresses of each individual with knowledge to corroborate each such exposure:

ANSWER:

40. State whether decedent has ever received any instructions, recommendations or warning of any kind regarding each asbestos-containing product to which decedent was exposed (i.e., printed on container or package, tag, covering, or instruction sheet accompanying the product, etc.):

ANSWER:

41. State whether decedent ever received any instructions or recommendations by decedent's employer or superior at any time regarding the safety precautions to be taken when using

each asbestos-containing product to which decedent was exposed, including, but not limited to, the creation, inhalation or ingestion of dust.

ANSWER:

42. Did decedent at any time receive, have knowledge of, or possess any advice, publication, warning, order, directive, requirement or recommendation, written or oral, which purported to either advise or warn decedent of the possible harmful effects of exposure to, or inhalation or, asbestos, asbestos-containing materials, silica, or silica-containing materials?

ANSWER:

43. Did decedent at any time receive, have knowledge of, or possess any advice, publication, warning, order, directive, requirement or recommendation, either written or oral, which purported to advise or recommend techniques, methods or equipment

44

which would serve to reduce or guard against such potentially harmful exposure?

ANSWER:

If the answer is in the affirmative, please state the following:

- a) The nature and exact wording of such advice, warning, recommendation etc.:

ANSWER:

- b) The complete identity of each source of such advice, warning or recommendation, etc.:

ANSWER:

- c) The date, time, place and manner and circumstances when each such advice, warning, recommendation, etc. was

given:

ANSWER:

- d) Identify each and every witness to the receipt of such advice, warning, recommendation, etc.:

ANSWER:

45

- e) Identify each and every co-worker or similar member of decedent's trade and occupation who also received the same or similar advice, warning, recommendation, etc.:

ANSWER:

44. Has decedent ever provided testimony, or been SPRINT interviewed in a lawsuit?

ANSWER:

If the answer is in the affirmative, please state the following:

- a) The name of the case and case number for which each such testimony or SPRINT interview was given:

ANSWER:

- b) The nature of each such proceeding and/or testimony:

ANSWER:

- c) The approximate date when each such testimony and/or SPRINT interview was given:

ANSWER:

46

45. Has decedent ever been exposed to radiation medically, incidentally or occupationally?

ANSWER:

If the answer is in the affirmative, describe the circumstances of exposure and date or dates of exposure:

ANSWER:

46. State the nature, extent and frequency of any physical examinations which any of decedent's employers required or made available to decedent and the frequency (with specific dates) with which decedent submitted to such examinations.

ANSWER:

47. Please state whether decedent had obtained any judgments, settlements, or compromises, payments from or entered into any agreements with any person or entity arising from exposure to asbestos, asbestos-containing products, silica or silica-containing products.

ANSWER:

If the answer is in the affirmative, please state:

- a) The amount of such each and every judgment, settlement, compromise or payment:

ANSWER:

- b) the date upon which each such judgment, settlement, compromise or payment was received:

ANSWER:

- c) The person or entity from whom such judgment, settlement, compromise or payment was received:

ANSWER:

48. Please state whether decedent had entered into any agreement with any party or non-party to this litigation regarding future claims or payments resulting from decedent's alleged exposure to asbestos, asbestos-containing products, silica or silica-containing products.

ANSWER:

If the answer is in the affirmative, please state:

- a) the amount of consideration for each such agreement:

ANSWER:

- b) The date upon which each agreement was entered into:

ANSWER:

- c) The person or entity with whom each such agreement was reached:

ANSWER:

d) The dates upon which each such payment is to be received:

ANSWER:

e) The date upon which each agreement was entered into:

ANSWER:

f) The person or entity with whom such agreement was reached:

ANSWER:

g) The dates upon which payment is to be received:

ANSWER:

REQUEST FOR PRODUCTION OF DOCUMENTS

1. Identify and product all literature or other documents which relate to the product or products, allegedly containing asbestos and/or silica, to which you claim decedent was exposed which are in your possession or in the possession of your attorney.
2. Identify and product a complete work history of the decedent including the location of each and every jobsite at which decedent worked wherein plaintiff claims decedent was exposed to asbestos and/or silica. For each such jobsite, state the dates decedent was present, the name of decedent's employer, the type of work decedent performed and the names and addresses of each co-worker with whom decedent worked.
3. Identify and product all literature or other documents, in your possession or in the possession of your attorney, that constitute or relate to advice, warnings, orders, directives, requirements or recommendations, which purported

to advise the decedent of the possible harmful effects of exposure to asbestos or asbestos-containing products, or of techniques, methods, or equipment which would serve to reduce or guard against such exposure.

4. Identify and produce all literature or other documents which relate to your claim of conspiracy as to each defendant named in this lawsuit.
5. Identify and product all medical records and reports, including autopsy report and death certificate, in your possession or in the possession of your attorney.
6. If this a death claim, identify and produce the appropriate probate papers which designate the appointment of the fiduciary of the decedent's estate in your possession or in the possession of your attorney.
7. Identify and product tax returns for the last ten (10) years, a Social Security Statement of Earnings, and any other documents relating to income earned in the last ten (10) years which are in your possession or in the possession of your attorney.
8. Identify and produce all non-medical experts reports which are in your possession or in the possession of your attorney.
9. Identify and product all documents and prior testimonies of which you have knowledge which relate to your allegation that you are entitled to receive punitive or exemplary damages.
10. Identify and product the names and full addresses of all persons you expect to call as expert witnesses at trial, including a summary of the testimony that each witness is expected to give.

50

11. Identify and produce the names and full addresses of all non-experts you expect to call as witnesses at trial including a summary of the testimony that each witness is expected to give.
12. Identify and produce all documents, other than those previously identified in your responses to these requests, that you expect to offer as evidence at trial.

51

AUTHORIZATION FOR RELEASE OF WORKERS' COMPENSATION INFORMATION

TO: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

This is authority for you to permit any attorney of record, or any agent of any attorney of record, to copy, inspect, and examine any and all records, correspondence, medical reports, in your possession pertaining to any and all Workers' compensation claims involving:

NAME: \_\_\_\_\_

SS#: \_\_\_\_\_

DOB: \_\_\_\_\_

CLAIM NO: \_\_\_\_\_

PHOTOCOPIES OF THIS AUTHORIZATION SHALL BE MADE AND SHALL HAVE THE SAME AUTHORITY AS THE ORIGINAL.

DATE: \_\_\_\_\_

STATE OF OHIO )  
 ) ss:  
COUNTY OF \_\_\_\_\_ )

SWORN TO AND SUBSCRIBED before me, a notary public in and for said county and state on this \_\_\_\_ day of \_\_\_\_\_, 19 \_\_.

\_\_\_\_\_  
NOTARY PUBLIC

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