

FILED
Superior Court of California
County of Los Angeles

JUL 15 2015

Sherri R. Carter, Executive Officer/Clerk
By Alfredo Morales deputy
ALFREDO MORALES

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES – CENTRAL CIVIL WEST**

Coordinated Proceeding
Special Title (Rule 3.550)

JCCP Case No.: 4674

LAOSD ASBESTOS CASES

CORRECTED
**[PROPOSED] CASE MANAGEMENT
ORDER REQUIRING DISCLOSURE OF
BANKRUPTCY TRUST CLAIMS, CLAIMS-
RELATED MATERIALS, AND ASBESTOS
EXPOSURE FACTS**

The Court, Honorable Emilie H. Elias presiding, conducted a hearing on May 12, 2015, following a hearing on June 20, 2014, regarding the Defense Discovery Committee's Motion Proposing Disclosure Requirements For Personal Injury Claims Pursuant to 11 U.S.C.A. §524(G).

After considering the moving and opposing papers and the arguments of counsel for defendants and for plaintiffs, and good cause appearing, the Court hereby makes this ruling, and orders that all plaintiffs and their counsel appearing in LAOSD Asbestos Cases comply with the disclosure requirements set forth herein.

1. **BANKRUPTCY TRUST RELATED INTERROGATORIES.**

The Court hereby incorporates into the August 11, 2014 Case Management Standing Order Re: Discovery In All Coordinated LAOSD Cases the following: (a) the additional interrogatories attached hereto as Exhibit 1, and (b) the LAOSD Standard Interrogatories to Plaintiffs' attached

CASE MANAGEMENT ORDER REQUIRING DISCLOSURE OF BANKRUPTCY TRUST CLAIMS, CLAIMS-RELATED MATERIALS, AND ASBESTOS EXPOSURE FACTS

1 hereto as Exhibit 2 which contains a revision to Interrogatory 68. In addition, the Court hereby
2 orders that plaintiff s supplement and update their response s to Defendant's additional
3 interrogatories (Exhibit 1) and interrogatories 68 to 72 of the LAOSD Standard Interrogatories to
4 Plaintiffs (Exhibit 2), no later than 5 days before trial, if new witnesses or documents have been
5 discovered.

6 The Court finds that facts relating to a plaintiff's and/or decedent's alleged exposures to
7 asbestos are not privileged and are discoverable. Plaintiffs are required to disclose all facts
8 relating to all of their alleged exposures to asbestos, whether to the products or premises
9 attributable to named defendants, or to bankrupt or other entities, and regardless of whether those
10 facts have been , or ever will be, included in a claim to a third party for the purpose of obtaining
11 compensation for an asbestos-related injury. Plaintiffs may not object or refuse to produce
12 information relating to exposure facts in response to appropriate discovery requests from
13 defendants for the reason that no claims have been or will be made based on such facts or
14 because such facts may also appear in otherwise privileged documents such as signed affidavits
15 or unsubmitted bankruptcy trust claim forms. No waiver of attorney-client or work product
16 privileges will result from the disclosures required herein.

17 2. BANKRUPTCY TRUST AUTHORIZATIONS.

18 Plaintiffs shall execute and provide a Bankruptcy Trust Authorization in the form attached
19 hereto as Exhibit 3 at the same time and in the same manner as the other authorizations pursuant to
20 this Court' s Order regarding Plaintiffs' Authorizations.

21 3. PRODUCTION OF BANKRUPTCY TRUST RELATED DOCUMENTS.

22 Plaintiffs shall produce all documents sent to, received from, shown to, exchanged with, or
23 otherwise disclosed to any established or pending asbestos trust funds (including but not limited to
24 their administrators and/or agents, supervising courts arid their agents, claims processing facilities
25 and their agents), for any purpose including, but not limited to, supporting a claim for an asbestos-
26 related injury, or providing notice of, or reserving a place for, a future claim for compensation for
27 an asbestos-related injury. This production shall include, but is not limited to, ballots,

1 questionnaires, submitted or filed forms, summaries, claims, "placeholder" claims, requests for
2 extensions, requests for details, all supporting documentation, all related communications, and all
3 documents filed, lodged and/or submitted on or after January 1, 2015 pursuant to Rule 2019 of the
4 Federal Rules of Bankruptcy Procedure. These communications are not privileged and must be
5 produced pursuant to this order in each case.

6 In addition, declarations and/or affidavits that have been circulated to someone other than
7 Plaintiff and Plaintiffs' counsel (including his/her law firm) and set forth facts regarding a
8 Plaintiff's and/or decedent's exposure to asbestos or an asbestos-related injury, are not privileged
9 and must be produced pursuant to this order in each case.

10 This production shall be made pursuant to this Order in each case at the same time that
11 Plaintiffs serve responses to Defendants' Standard Interrogatories. In addition, the Court hereby
12 orders that Plaintiffs shall supplement this production of bankruptcy claim related documents and
13 declarations no later than 5 days before trial.

14 4. EFFECTIVE DATE OF ORDER.

15 This Order applies to all LAOSD Asbestos Cases where the initial complaint, or any
16 amendment to a complaint to assert wrongful death and/or survival claims, is filed on or after
17 5/27/15, for a six month trial period. This Order shall remain in effect after the
18 conclusion of the six month trial period unless amended, vacated or otherwise superseded by
19 further order of the Court.

20
21 IT IS SO ORDERED.

22
23 DATED: 7/15/15, 2015

Emilie H. Elias
24 Honorable Emilie H. Elias
25 Los Angeles Superior Court Judge
26
27
28

EXHIBIT 1

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

In re Los Angeles Asbestos Litigation – General
Orders Coordinated Proceeding Special Title
(Rule 3.550)

LAOSD ASBESTOS CASES

CASE NO. JCCP 4674

*Assigned for All Purposes to the Honorable
Emilie H. Elias in Department 324*

LAOSD STANDARD BANKRUPTCY
INTERROGATORIES TO PLAINTIFFS

[EXHIBIT 1]

INTRODUCTION

Each plaintiff in the above-captioned asbestos litigation is required to respond to the following Standard Bankruptcy Interrogatories separately and fully in writing, under oath, pursuant to *Code of Civil Procedure* §§2030.010, *et seq.* In responding to these interrogatories, the plaintiff is required to furnish all information that is available to the plaintiff and anyone acting or purporting to act on his/her behalf, including but not limited to, the plaintiff's counsel, agents, representatives, and employees. If the plaintiff cannot answer an interrogatory completely, he/she shall answer to the fullest extent possible and specify the reason(s) for his/her inability to respond fully.

DEFINITIONS

The following definitions apply to the terms used in these interrogatories:

ASBESTOS BANKRUPT ENTITY shall include all entities, trusts, and agents of all PERSONS who filed for bankruptcy due to asbestos liabilities including, but not limited to, those listed on Attachment A hereto.

DOCUMENT(S) shall mean "writing" as defined in *Evidence Code* § 250 including, but not limited to, any and all physical articles of admissible or inadmissible evidence, exemplars, packaging, invoices, contracts, agreements, purchase orders, memoranda, notes, instructions, catalogues, specifications, plans, formulas, bills of lading, receipts, work orders, customer cards, depositions, electronic mail, declarations, affidavits, written discovery DOCUMENTS, photographs, videotapes, audio tapes, scanned DOCUMENTS, microfiche, databases of records, Adobe Acrobat .pdf files, .tif files, .jpg files, .gif files, electronic images, digital images, digital files, hard drives, CD-ROMs, and DVD-ROMs. DOCUMENTS also include DOCUMENTS in the memory of computer systems, on diskettes, CD-ROMs, or on other computer memory storage devices.

IDENTIFY and IDENTITY shall mean to describe in sufficient detail to satisfy the requirements of a request for production of DOCUMENTS under *Code of Civil Procedure* §§ 2031.010 *et seq.*, including but not limited to the title, date, author and publisher of the DOCUMENT, and /or stating the name and address and telephone number of each PERSON indicated.

PLAINTIFF/DECEDENT shall mean the person whose alleged exposure to asbestos gives rise to the current lawsuit.

PERSON(S) shall mean any individual person, business, entity, or organization.

YOU and YOUR or any derivative thereof shall mean PLAINTIFF/DECEDENT, as well as anyone acting or purporting to act on his/her behalf, including, but not limited to, plaintiff's and or decedent's agents, representatives, counsel, and employees. The Court does not intend to create by this Order a ~~new~~ requirement upon counsel to search old case files for facts.

INTERROGATORIES

73. For each claim identified in response to Interrogatory No. 68, state all facts supporting the claim including, but not limited to, the brand name, manufacturer and supplier of each asbestos-containing product, material and/or compound with which PLAINTIFF/DECEDENT worked, worked around, or to which PLAINTIFF/DECEDENT was otherwise exposed, when the exposure occurred, and how the exposure occurred.

74. For each claim identified in response to Interrogatory No. 68, identify all PERSONS who have knowledge of facts about each asbestos-containing product, material and/or compound with which PLAINTIFF/DECEDENT worked, worked around, or to which PLAINTIFF/DECEDENT was otherwise exposed, which support the claim.

75. For each ASBESTOS BANKRUPT ENTITY, state all facts in YOUR care, custody or control that PLAINTIFF/DECEDENT was exposed to any asbestos from an asbestos-containing product, material and/or compound related to that ASBESTOS BANKRUPT ENTITY, including, but not limited to, identification of the brand name, manufacturer and supplier of each asbestos-containing product, material and/or compound, when the exposure occurred, and how the exposure occurred.

76. For each ASBESTOS BANKRUPT ENTITY referenced in response to Interrogatory No. 75, IDENTIFY all PERSONS who have knowledge of facts about the exposure including, but not limited to, identification of the brand name, manufacturer and supplier of each asbestos-containing product, material and/or compound, when the exposure occurred, and how the exposure occurred.

77. For each ASBESTOS BANKRUPT ENTITY referenced in response to Interrogatory No. 75, IDENTIFY all DOCUMENTS that relate to the exposure including, but not limited to, identification of the brand name, manufacturer and supplier of each asbestos-containing product, material and/or compound, when the exposure occurred, how the exposure occurred, and witnesses to the exposure.

78. IDENTIFY all DOCUMENTS not previously identified in response to Interrogatory Nos. 68 and 77 that relate to any existing claim by PLAINTIFF/DECEDENT against every ASBESTOS BANKRUPT ENTITY including, but not limited to, ballots, declarations, claims, all documents filed, lodged and/or submitted on or after January 1, 2015 pursuant to Rule 2019 of the Federal Rules of Bankruptcy Procedure, claims or submissions, proofs of claim, and amendments or supplements thereto.

1 Asbestos Bankruptcy Trusts

2 Trust Name

3
4 A&I Corporation Asbestos Bodily Injury Trust

5 A-Best Asbestos Settlement Trust

6 AC&S Asbestos Settlement Trust

7 Amatex Asbestos Disease Trust Fund

8 APG Asbestos Trust

9 API, Inc. Asbestos Settlement Trust

10 Annstrong World Industries Asbestos Personal Injury Settlement Trust

11 ARTRA 524(g) Asbestos Trust

12 ASARCO LLC Asbestos Personal Injury Settlement Trust

13 Babcock & Wilcox Company Asbestos Personal Injury Settlement Trust

14 Bartells Asbestos Settlement Trust

15 Specialty Products Holding Corp. (Bondex) Asbestos Settlement Trust

16 Brauer 524(g) Asbestos Trust

17 Burns and Roe Asbestos Personal Injury Settlement Trust

18 C. E. Thurston & Sons Asbestos Trust

19 Celotex Asbestos Settlement Trust

20 Christy Refractories Asbestos Personal Injury Trust

21 Combustion Engineering 524(g) Asbestos PI Trust

22 Congoleum Plan Trust

23 DII Industries, LLC Asbestos PI Trust

24 Durabla Manufacturing Company Asbestos Trust

25 Eagle-Picher Industries Personal Injury Settlement Trust

26 Federal Mogul U.S. Asbestos Personal Injury Trust

27 Flintkote Company and Flintkote Mines Limited Asbestos Personal Injury Trust

28 Fuller-Austin Asbestos Settlement Trust G-1 Asbestos Settlement Trust

1 Trust Name – Cont'd.

2

3 H.K. Porter Asbestos Trust

4 Hercules Chemical Company, Inc. Asbestos Trust

5 J.T. Thorpe Settlement Trust

6 JT Thorpe Company Successor Trust

7 Kaiser Asbestos Personal Injury Trust

8 Keene Creditors Trust

9 Leslie Controls, Inc. Asbestos Personal Injury Trust

10 Lummus 524(g) Asbestos PI Trust

11 Manville Personal Injury Settlement Trust

12 Metex Asbestos PI Trust

13 M.H. Detrick Company Asbestos Trust

14 Motors Liquidation Company Asbestos Personal Injury Trust

15 NGC Bodily Injury Trust

16 North American Refractories Company Asbestos Personal Injury Settlement Trust

17 Owens Corning Fibreboard Asbestos Personal Injury Trust

18 Pacor Settlement Trust

19 Pittsburgh Corning Corporation Asbestos PI Trust

20 Plant Insulation Company Asbestos Settlement Trust

21 Plibrico Asbestos Trust

22 Porter Hayden Bodily Injury Trust

23 Quigley Company, Inc. Asbestos PI Trust

24 Raytech Corporation Asbestos Personal Injury Settlement Trust

25 Rock Wool Mfg. Company Asbestos Trust

26 Rutland Fire Clay Company Asbestos Trust

27 Shook & Fletcher Asbestos Settlement Trust

28 Stone and Webster Asbestos Trust

1 Trust Name - Cont'd.

2
3 Swan Asbestos and Silica Settlement Trust

4 T H Agriculture & Nutrition, LLC Industries Asbestos Personal Injury Trust

5 Thorpe Insulation Company Asbestos Personal Injury Settlement Trust

6 United States Gypsum Asbestos Personal Injury Settlement Trust

7 United States Mineral Products Company Asbestos Personal Injury Settlement Trust

8 UNR Asbestos-Disease Claims Trust

9 Utex Industries, Inc. Successor Trust

10 Wallace & Gale Company Asbestos Settlement Trust

11 Western MacArthur-Western Asbestos Trust

12 WR Grace Asbestos PI Trust

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

EXHIBIT 2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

In re Los Angeles Asbestos Litigation –
General Orders Coordinated Proceeding
Special Title (Rule 3.550)

CASE NO. JCCP 4674

LAOSD STANDARD INTERROGATORIES
TO PLAINTIFFS

LAOSD ASBESTOS CASES

[EXHIBIT 2]

INTRODUCTION

Each plaintiff in the above-captioned asbestos litigation is required to respond to the following general order interrogatories separately and fully in writing, under oath, pursuant to *Code of Civil Procedure* §§2030.010, *et seq.* In responding these interrogatories, the plaintiff is required to furnish all information that is available to the plaintiff and anyone acting or purporting to act on his/her behalf, including, but not limited to, the plaintiff's counsel, agents, representatives, and employees. If the plaintiff cannot answer an interrogatory completely, he/she shall answer to the fullest extent possible and specify the reason(s) for his/her inability to respond fully.

DEFINITIONS

As used in these interrogatories, the term "YOU" and "YOUR" or any derivative thereof means plaintiff and/or decedent, as well as anyone acting or purporting to act on his/her behalf, including, but not limited to, plaintiff's agents, representatives, counsel, and employees.

1 As used in these Interrogatories, the term "PERSON(S)" includes a natural PERSON,
2 association, organization, partnership, business, trust, corporation, or public entity.

3 As used in these Interrogatories, the term "DOCUMENT(S)" means a writing as defined
4 in *Evidence Code* § 250, and includes the original or a copy of any handwriting, printing,
5 Photostating, photographing, and every other means of recording upon any tangible thing in form
6 of communication or representation, including letters, words, pictures, sounds, or symbols, or
7 combinations of them. The term "DOCUMENT(S)" specifically includes, but is not limited to, any
8 and all JOB files, contracts, invoices, work orders, JOB logs, specifications, blueprints, maps,
9 purchase orders, and permits.

10 As used in these Interrogatories, the term "DESCRIBE" as it relates to equipment, product
11 or material means provide a complete description of the equipment, product or material including
12 but not limited to the name, manufacturer, supplier, distributor, color, texture, consistency, shape,
13 size and any markings; a description of the container and/or packaging including size, color and all
14 writing on the container and or packaging and a description of how the equipment, product or
15 material was used.

16 As used in these interrogatories, "ASBESTOS-CONTAINING PRODUCT(S)" means
17 any and all products that contain any amount of asbestos dust or fiber.

18 As used in these interrogatories, "RESPIRATORY PROTECTION EQUIPMENT"
19 means any device or item of apparel used to prevent or reduce the inhalation of asbestos, or other
20 dusts or fibers such as, but not limited to, kerchiefs, dust masks, respirators, hoods, and respirator
21 filters, cartridges and canisters.

22 "IDENTIFY" in regards to WORKSITES means to state the name, street address
23 (including city, state and zip code), property owner, building number, floor number, cross-
24 street(s), parcel number, or other identifying characteristics of each WORKSITE alleged to be at
25 issue.

26 "IDENTIFY" in regards to DOCUMENTS means to describe the DOCUMENT(S) with
27 sufficient particularity to issue a subpoena, request for production and/or notice to produce,
28

1 including the title, date, author, addressee or other recipient(s) , and the name, address or other
2 contact information for the custodian(s) of each DOCUMENT.

3 "IDENTIFY" in regards to PERSONS means to state the full name, JOB title, last known
4 address (including city, state and zip code), telephone number and/or other contact information for
5 each PERSON, if known to the Plaintiff answering these Interrogatories and/or his/her attorneys.

6 "IDENTIFY" in regards to ASBESTOS-CONTAINING PRODUCTS means to state the
7 trade name, brand name and/or manufacturer of the product(s) , and any other markings, writings
8 or logos associated with the product.

9 As used in these interrogatories, the term "CONTRACTOR DEFENDANT(S)" means any
10 Defendant who allegedly exposed YOU to asbestos as a result of their work involving the
11 installation, use, handling, abatement, removal or disturbance of ASBESTOS or ASBESTOS-
12 CONTAINING PRODUCTS.

13 As used in these interrogatories, the term "WORKSITE" means each premise, LOCATION
14 or area where YOU contend YOU were exposed to asbestos, including but not limited to
15 commercial buildings, tract housing, refinery facilities, shipyards, and vessels/ships.

16 "LOCATION " or "LOCATIONS" means the city, state, country, street address,
17 intersection or shipyard. For work aboard ship, please IDENTIFY the ship and where it was
18 located during the time YOU worked on board.

19 "OCCASION" refers to a day, any part of a day, or a series of day(s), week(s), month(s) or
20 year(s) during which YOU worked continuously at a WORKSITE.

21 "SAFETY PRECAUTION" means respirators, masks, fans, air blowers, tarps, wet down
22 procedures, isolation and any other equipment and/or methods used to limit or prevent exposure to
23 dust.

24 When the word "AUTOMOBILE" or "AUTOMOTIVE" is used herein, it refers to any
25 motor vehicle or mobile equipment and their systems or parts including, but not limited to, a car,
26 truck, tractor, trailer, bus or heavy motorized equipment, upon which plaintiff claims he performed
27 any repairs or work that resulted in an exposure to asbestos.

28

1 The term "FRICTION MATERIAL DEFENDANTS" means those defendants whom
2 plaintiff(s) has/have named in the complaint and who plaintiff(s) allege(s) are in the business of
3 selling, manufacturing or distributing "BRAKE LININGS" or "ASBESTOS-CONTAINING
4 FRICTION PRODUCTS" and/or any other AUTOMOTIVE parts which plaintiff(s) allege(s)
5 contain asbestos.

6 The term "ASBESTOS-CONTAINING FRICTION PRODUCTS" means "BRAKE
7 LININGS" as defined above and AUTOMOBILE transmission parts such as clutches, clutch
8 plates, clutch discs, clutch facings and linings, or any other AUTOMOBILE parts which contain
9 or have parts made from asbestos, such as gaskets.

10 INTERROGATORIES

11 I. BACKGROUND

12 1. State YOUR full name, present address, date and place of birth, social security
13 number, height, and weight, and, if YOU have a driver's license, the state of issuance and the
14 number of that driver's license.

15 2. State any other name or names by which YOU have been known, including
16 nickname(s), and the inclusive dates of use of that name or names.

17 3. State all YOUR former residence addresses, including street address, city, state,
18 and zip code, that YOU have lived at during YOUR lifetime, giving the dates during which YOU
19 lived at each address and the names of each PERSON and relationship to YOU who lived with
20 YOU at each address.

21 4. If YOU are married, state the name of YOUR spouse, her/his age and present
22 address (if different from YOUR address), and the date and place of YOUR marriage. If YOUR
23 spouse is currently employed, state:

- 24 a. The name and address of his/her employer;
25 b. Whether he/she is employed on full or part time basis; and
26 c. The amount of his/her average weekly or monthly salary.
27

1 5. State the names of any previous spouses, the dates and places of those marriages,
2 and the dates those marriages were dissolved or terminated. If the marriage was terminated by a
3 divorce, state the county and state in which the divorce papers were filed.

4 6. State the names, ages and present addresses of each of YOUR children.

5 7. State the names, ages and present addresses of each of YOUR parents. If they are
6 deceased, indicate their age at death and cause of death.

7 8. State all schools including vocational programs YOU have attended since
8 elementary/grade school up to the highest grade level YOU have completed , together with the
9 date completed, name and LOCATION of the school YOU attended, and any degree or certificate
10 YOU received from each school.

11 9. If YOU have been or are licensed by any agency, governmental or
12 nongovernmental, to perform any profession, trade or occupation, state the following:

- 13 a. The date the license was issued;
- 14 b. The name and address of the agency issuing the license;
- 15 c. The profession, trade or occupation for which the license was issued;
- 16 d. Whether the license was revoked or suspended; and if so, the date and
17 reason for each revocation and suspension; and
- 18 e. The amount of time YOU engage in the profession, trade or occupation, as
19 authorized by the license.

20 10. If YOU have been convicted of a felony, state the date, place (city, county, and
21 state) and nature of each felony conviction and court case number. If YOU served time in prison,
22 state the dates and LOCATION of time served.

23

24 **II. MILITARY SERVICE**

25 11. If YOU have ever been a member of the Armed Forces of the United States, or any
26 other Country, state:

- 27 a. The Country in which YOU served in the Armed Forces;
- 28

- 1 b. The branch of service,
- 2 c. YOUR serial number, and the highest rank or grade YOU held;
- 3 d. The dates YOU began and ended YOUR military service;
- 4 e. The type of discharge YOU received;
- 5 f. At what LOCATIONS YOU served, if any, and the dates of such service;
- 6 g. If YOU served aboard ship, identify the ship by name and/or hull number
- 7 and the dates of such service;
- 8 h. The specific nature of YOUR duties at each of the above LOCATIONS or
- 9 ships;
- 10 i. Any claimed exposure to asbestos products, and the nature and extent of
- 11 any such exposure;
- 12 j. YOUR veteran's administration number; and,
- 13 k. If YOU received technical or vocational training as a member of the Armed
- 14 Forces the type of training YOU received and dates of the training period.

16 **III. EMPLOYMENT HISTORY**

- 17 12. If YOU are presently employed, state:
- 18 a. The name and address of YOUR present employer;
 - 19 b. The name and address of YOUR immediate supervisor
 - 20 c. The nature of the work YOU do and YOUR JOB title;
 - 21 d. The number of hours, per week, YOU normally work;
 - 22 e. The date YOUR employment began and ended;
 - 23 f. All of YOUR JOB positions from the beginning of YOUR employment and
 - 24 dates for each position;
 - 25 g. YOUR present rate of pay or salary; and
- 26 13. If YOU are not presently employed, describe the reason why. If retired, state the
- 27 date and specific reason(s) for YOUR retirement.
- 28

1 14. List all OCCASIONS during the last twenty years of YOUR life on which YOU
2 have lost time from work for over ten consecutive days as a result of any of the following, and for
3 each such loss, indicate the amount of time lost and the reason for the lost time:

- 4 a. Illness;
- 5 b. Injury.

6 15. If YOU have ever been discharged or voluntarily left a position due to health
7 problems, state in detail the dates, names of employers, places of employment and
8 circumstances surrounding each discharge or voluntary termination.

9 16. If YOU are or have ever been a member of any labor union, state for each union
10 membership:

- 11 a. The name, address and telephone number of the union, the union local or
12 chapter number of each union, and YOUR membership number, if any;
- 13 b. The dates and time periods during which YOU maintained membership in
14 each such union.

15 17. List all of YOUR employment or JOBS that YOU have ever had in YOUR
16 lifetime, including self-employment, and for each employment, state:

- 17 a. The employer 's name, address and telephone number, and the dates of
18 YOUR employment;
- 19 b. YOUR JOB title and a description of YOUR duties;
- 20 c. If YOU claim, or have reason to believe, YOU were exposed to asbestos,
21 the manner of exposure, the duration and time period of exposure and the
22 type of product (e.g., insulation, cement, etc.) to which YOU were exposed;
- 23 d. The LOCATION of each JOB site, including the name of each facility,
24 shipyard, or ship, and the state and city where located, along with the
25 beginning and ending dates of each such JOB;
- 26 e. For each such JOB, state the name, approximate age, their JOB title at the
27 place of employment , and last known address and phone number of all
28

1 PERSONS with whom YOU worked , including but not limited to YOUR
2 supervisor, on such JOB;

- 3 f. The reason for each termination; and
4 g. The rate of pay at each place of employment.
5

6 **IV. EXPOSURE TO ASBESTOS- PRODUCTS/EQUIPMENT**

7 18. For each product, material , compound or equipment (collectively referred to as
8 "product") which YOU contend contains ASBESTOS allegedly manufactured , produced ,
9 prepared , distributed or sold by any defendant named in this action or by its predecessors ,
10 subsidiaries, subdivisions or affiliates, and which YOU worked with or around or
11 otherwise claim to have been exposed to at any time:

- 12 a. Describe each product as specifically as possible, including its trade name,
13 product type, ASBESTOS content, color, packaging, and manufacturer ,
14 together with a detailed description of when and how YOU became aware
15 of this information;
- 16 b. If not already identified in response to number 17(c) above, state the
17 date(s) on which and places where YOU were exposed or YOUR best
18 estimate thereof, together with the circumstances surrounding such
19 exposure (i.e., whether YOU worked with it or were simply near an area
20 where it was being used) to the product ;
- 21 c. Describe all instructions, recommendations or warnings of any kind that
22 accompanied the product, together with the LOCATION(s) where this
23 information appeared (e.g., printed on tag, tag covering, instruction sheet
24 accompanying product, etc.);
- 25 d. State the purpose for which YOU used the product;
- 26 e. IDENTIFY all SAFETY PRECAUTIONS in place during YOUR use of the
27 product;
28

- 1 f. IDENTIFY (including name, address and telephone number) of YOUR
2 supervisors and co-workers at the WORKSITE;
- 3 g. IDENTIFY all PERSONS with knowledge of facts supporting YOUR
4 response to this interrogatory and its subparts, not already identified
5 in these responses; and
- 6 h. IDENTIFY all DOCUMENTS which support YOUR response to this
7 interrogatory and its subparts.
- 8

9 **V. USE OF RESPIRATORY PROTECTION EQUIPMENT**

10 19. IDENTIFY all RESPIRATORY PROTECTION EQUIPMENT that YOU
11 contend YOU used at any time. For each item of RESPIRATORY PROTECTION EQUIPMENT
12 identified, provide the following information:

- 13 a. The name of the manufacturer of the RESPIRATORY PROTECTION
14 EQUIPMENT;
- 15 b. The name, model number, and type of the RESPIRATORY PROTECTION
16 EQUIPMENT; and
- 17 c. The name of YOUR employer and the name and address of the jobsite at
18 the time YOU allegedly used the RESPIRATORY PROTECTION
19 EQUIPMENT.
- 20

21 **VI. EXPOSURE TO ASBESTOS - PREMISES**

22 20. For each WORKSITE identified in YOUR Response to Interrogatory No. 18 above
23 for which you are making a claim against a premises defendant for asbestos exposure at that
24 WORKSITE, please state:

- 25 a. IDENTIFY each PERSON who YOU contend owned the WORKSITE
26 during the dates(s) or time period(s) when YOU worked there;
- 27 b. IDENTIFY each PERSON who YOU contend operated the WORKSITE
28 during the dates(s) or time period(s) when YOU worked there;

- 1 c. IDENTIFY each PERSON who YOU contend controlled the WORKSITE
2 during the dates(s) or time period(s) when YOU worked there;
- 3 d. IDENTIFY each PREMISES OWNER who YOU contend exposed YOU to
4 asbestos at the WORKSITE during the date(s) or time period(s) when YOU
5 worked there;
- 6 e. Describe the nature or manner in which YOU contend YOU were exposed
7 to asbestos at the WORKSITE as a result of work performed by each
8 PREMISES OWNER;
- 9 f. the identity (including name, address and telephone number) of YOUR
10 employer(s);
- 11 g. YOUR JOB title(s), if not described above;
- 12 h. YOUR JOB duties, if not described above;
- 13 i. The identity (including name, address and telephone number) of YOUR
14 supervisors and co-workers at the WORKSITE , if not identified above;
- 15 j. The identity of all PERSONS with knowledge of facts supporting YOUR
16 response to this interrogatory and its subparts, not already identified in these
17 responses; and response to this interrogatory and its subparts, not already
18 identified in
- 19 k. IDENTIFY all DOCUMENTS which support YOUR response to this
20 interrogatory and its subparts.

21

22 **VII. EXPOSURE TO ASBESTOS - CONTRACTORS**

23 21. For each WORKSITE identified in YOUR Response to Interrogatory No. 18 above
24 for which you are making a claim against contractor defendant for asbestos exposure at that
25 WORKSITE, please state:

- 26 a. IDENTIFY each PERSON who YOU contend owned the WORKSITE
27 during the dates(s) or time period(s) when YOU worked there;
- 28

- 1 b. IDENTIFY each PERSON who YOU contend operated the WORKSITE
- 2 during the dates(s) or time period(s) when YOU worked there;
- 3 c. IDENTIFY each PERSON who YOU contend controlled the WORKSITE
- 4 during the dates(s) or time period(s) when YOU worked there;
- 5 d. IDENTIFY each CONTRACTOR DEFENDANT who YOU contend
- 6 exposed YOU to asbestos at the WORKSITE during the date(s) or time
- 7 period(s) when YOU worked there;
- 8 e. Describe the nature or manner in which YOU contend YOU were exposed
- 9 to asbestos at the WORKSITE as a result of work performed by each
- 10 CONTRACTOR DEFENDANT.
- 11 f. IDENTIFY (including name, address and telephone number) YOUR
- 12 employer(s);
- 13 g. YOUR JOB title(s), if not described above;
- 14 h. YOUR JOB duties, if not described above;
- 15 i. IDENTIFY (including name, address and telephone number) YOUR
- 16 supervisors and co-workers at the WORKSITE, if not identified above;
- 17 j. IDENTIFY all PERSONS with knowledge of facts supporting YOUR
- 18

19 **VIII. EXPOSURE TO ASBESTOS - FRICTION**

20 22. Do YOU contend that YOU were exposed to asbestos from any ASBESTOS-

21 CONTAINING FRICTION PRODUCTS at any place of employment? If so, please answer the

22 following: .

- 23 a. The names and addresses of all places of employment where YOU
- 24 contend such an exposure took place;
- 25 b. The dates at each place of employment;
- 26 c. YOUR JOB title at each place of employment;
- 27 d. YOUR JOB responsibilities at each place of employment;
- 28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- e. A complete description of any work performed by YOU which YOU contend caused an asbestos exposure to you;
- f. A complete description of any work performed by others which YOU contend caused an asbestos exposure to you;
- g. List the specific parts or components YOU worked with which YOU contend are or were ASBESTOS-CONTAINING FRICTION PRODUCTS;
- h. State the frequency of YOUR exposure to each specific ASBESTOS-CONTAINING FRICTION PRODUCTS;
- i. IDENTIFY YOUR immediate supervisor(s) for each place of employment;
- j. IDENTIFY all of YOUR co-workers at each place of employment;
- k. IDENTIFY any other PERSON with knowledge of YOUR alleged exposure to ASBESTOS-CONTAINING FRICTION PRODUCTS at each place of employment;
- l. Whether any safety equipment or protective devices, including but not limited to engineering controls or respiratory protective equipment, with respect to asbestos were provided to YOU or YOUR co-workers and, if so, a description of the equipment/devices;
- m. Whether any safety equipment or protective devices, including but not limited to engineering controls or respiratory protective equipment, with respect to asbestos were required to be used by YOU or YOUR co-workers and, if so, a description of the equipment/devices and the date on which they were first required; and
- n. Whether any safety equipment or protective devices, including but not limited to engineering controls or respiratory protective equipment, with respect to asbestos were used by YOU or YOUR co-workers and, if so a description of the equipment/devices and when they were first used.

1 23. Do YOU contend that YOU were exposed to asbestos from any ASBESTOS-
2 CONTAINING FRICTION PRODUCTS anywhere other than a place of employment (i.e. during
3 home auto repair)? If so, please answer the following:

- 4 a. The LOCATION(s) where YOU contend that each such exposure took
5 place;
- 6 b. The dates at each exposure;
- 7 c. For each exposure, IDENTIFY the owner of the VEHICLE on which YOU
8 performed work with ASBESTOS-CONTAINING FRICTION
9 PRODUCTS if known to you;
- 10 d. For each such exposure, IDENTIFY any PERSON known to you to have
11 observed YOU working with ASBESTOS-CONTAINING FRICTION
12 PRODUCTS;
- 13 e. For each such exposure, IDENTIFY any other PERSON known to you to
14 have knowledge of YOUR alleged exposure to ASBESTOS-CONTAINING
15 FRICTION PRODUCTS;
- 16 f. A complete description of any work performed by YOU which YOU
17 contend caused an asbestos exposure to you;
- 18 g. A complete description of any work performed by others which YOU
19 contend caused an asbestos exposure to you;
- 20 h. List the specific parts or components YOU worked with which YOU
21 contend are or were ASBESTOS-CONTAINING FRICTION
22 PRODUCTS;
- 23 i. Whether any safety equipment or protective devices, including but not
24 limited to engineering controls or respiratory protective equipment, with
25 respect to asbestos were used by YOU or others during this work and, if so,
26 a description of the equipment/devices;
- 27 j. Whether any safety equipment or protective devices, including but not
28 limited to engineering controls or respiratory protective equipment , with

1 respect to asbestos were used by YOU or others during this work and, if so
2 a description of the equipment/devices and on which projects they were
3 used.

4 24. Have YOU ever received any instruction or training in AUTOMOTIVE
5 inspection, repair, maintenance or mechanics? If so, please state:

- 6 a. Where YOU received such training;
- 7 b. When YOU received such training;
- 8 c. By whom the training was given, noting corporate identity as well as name
9 and address of individuals;
- 10 d. The subject or topics involved;
- 11 e. The systems or parts of the AUTOMOBILE involved;
- 12 f. Whether any safety equipment or protective devices, including but not
13 limited to engineering controls or respiratory protective equipment,
14 with respect to asbestos were discussed and/or advised , and if so, describe
15 the equipment/devices, and
- 16 g. Whether the subject of asbestos (asbestos parts, asbestos health hazards,
17 etc.) was discussed and if so, what was said.

18 25. Were technical or shop manuals ever made available to YOU at any places of
19 employment where YOU performed AUTOMOTIVE repairs? If so, please state:

- 20 a. How the manuals were made available;
- 21 b. Where the manuals were made available;
- 22 c. The time periods during which the manuals were made available;
- 23 d. The identity of the manual (i.e., Chilton, etc.)
- 24 e. What systems or components were covered in the manuals; and
- 25 f. YOUR use of the manual (including frequency of use, reasons for use, etc.).

26 26. Are YOU contending that any defect or defective condition exists with respect
27 to ASBESTOS-CONTAINING FRICTION PRODUCTS other than failure to warn? If so:

28

- 1 a. Set forth YOUR contention with respect to the alleged defect or
2 defective condition;
- 3 b. State all facts upon which YOU base YOUR contention that a defect or
4 defective condition (other than a failure to warn) exists with respect to
5 ASBESTOS-CONTAINING FRICTION PRODUCTS ;
- 6 c. Identify all DOCUMENT and/or writings upon which YOU rely in so
7 contending; and
- 8 d. Identify all witnesses who have knowledge of the facts upon which YOU
9 rely in so contending.

10 27. Are YOU contending that any warnings regarding ASBESTOS- CONTAINING
11 FRICTION PRODUCTS given were inadequate or insufficient? If so, please state:

- 12 a. YOUR contention as to each manufacturer or supplier of ASBESTOS-
13 CONTAINING FRICTION PRODUCTS to which YOU contend were
14 exposed;
- 15 b. YOUR contention as to how each warning was insufficient;
- 16 c. YOUR contention as to what a proper warning should have been; and
- 17 d. Identify the witnesses who have PERSONAL knowledge of the facts YOU
18 rely upon to support any of the contentions set forth above.

19 28. Do YOU contend that any misrepresentations were made to YOU by the
20 manufacturer of supplier of ASBESTOS-CONTAINING FRICTION PRODUCTS? If so, please
21 state:

- 22 a. The nature or substance of the misrepresentation;
- 23 b. By whom it was made;
- 24 c. To whom it was made; and
- 25 d. When it was made.

26 29. Were you/are YOU licensed or certified by any local, state or federal authority
27 to perform work upon AUTOMOBILES? If so, please state:
28

- 1 a. By whom YOU are licensed or certified;
- 2 b. When YOU were licensed or certified;
- 3 c. What the requirements are/were to become licensed or certified;
- 4 d. Whether YOU had to pass any written examinations to become licensed
- 5 or certified;
- 6 e. Whether YOU had to pass any proficiency examinations to become licensed
- 7 or certified;
- 8 f. Whether YOU were ever retested or recertified and, if so, the dates of the
- 9 retesting or recertification; and
- 10 g. Whether YOUR license or certificate was revoked or suspended, and if so,
- 11 when and why.

12 30. Did YOU ever complain to your superiors or coworkers about working conditions,

13 specifically any potential hazards of working with ASBESTOS-CONTAINING FRICTION

14 PRODUCTS? If so, please state:

- 15 a. To whom did YOU complain;
- 16 b. When did YOU complain;
- 17 c. The nature of YOUR specific complaint;
- 18 d. What action, if any, was taken to rectify the situation;
- 19 e. When such action was taken;
- 20 f. Whether YOU repeated the complaints, if no action was taken;
- 21 g. Whether YOUR co-workers joined in YOUR complaints;
- 22 h. Identify anyone who may have heard YOU make YOUR complaints; and
- 23 i. Whether YOUR complaints were made orally or in writing.

24 31. To YOUR knowledge, were any air samplings for asbestos levels taken at any of

25 the LOCATIONS at which YOU worked? If so, please state:

- 26 a. The work LOCATION or place of employment where this occurred ;
- 27 b. When the sampling(s) took place;
- 28 c. By whom the sampling was performed;

1 d. By what method the sampling was performed; and

2 e. The results of the sampling.

3 32. To YOUR knowledge, did any governmental agency, whether federal or state,
4 conduct any inspection of any of YOUR work LOCATIONS/places or employment? If so, please
5 state:

6 a. Name and address of each work place;

7 b. Date(s) of inspection;

8 c. Purpose of inspection;

9 d. Findings of the inspection; and

10 e. Whether any changes (of the facilities, and equipment or in procedures)
11 were instituted in the work environment within three month of the
12 inspection.

13 33. At any time, were YOU aware of or did YOU read an bulletins, newsletters or
14 similar publications regarding ASBESTOS-CONTAINING FRICTION PRODUCTS or asbestos-
15 related health hazards issued by any manufacturer, distributor or seller of ASBESTOS-
16 CONTAINING FRICTION PRODUCTS, governmental agency, dealership association, by any
17 union or by any organization of AUTOMOTIVE mechanics? If so please state:

18 a. The title of the publication;

19 b. The date of the publication;

20 c. The identity of the group publishing the DOCUMENT;

21 d. Where YOU saw the DOCUMENT (at the place of employment or
22 mailed to YOUR home);

23 e. When YOU saw the DOCUMENT (received regularly or on an intermittent
24 basis and the time frame of receipt);

25 f. The specifics or details of the information concerning asbestos health
26 hazards allegedly arising from ASBESTOS-CONTAINING FRICTION
27 PRODUCTS; and
28

1 g. What, if anything, YOU did in response to the information contained in this
2 publication (including complaints to employers).

3 34. Other than the subject action, have YOU made or filed any claim, including a
4 workers' compensation action, wherein YOU asserted a claim for injury and/or disability as a result
5 of exposure to asbestos from BRAKE LININGS or ASBESTOS-CONTAINING FRICTION
6 PRODUCTS? If so, please state the following:

- 7 a. The place where YOUR claim or action was filed;
- 8 b. The date YOUR claim or action was filed;
- 9 c. The parties involved in YOUR claim or action; and
- 10 d. The case or claim number of YOUR action.

11
12 **IX. EXPOSURE TO ASBESTOS - OTHER**

13 35. If YOU have ever worked with or around any product containing ASBESTOS
14 manufactured , produced, prepared, distributed or sold by any other entity not named as a
15 defendant in this lawsuit, identify each such entity and each such product.

16 36. If YOU believe YOU were ever exposed to ASBESTOS other than at the times or
17 LOCATIONS identified in YOUR response s to prior interrogatories in this set, state:

- 18 a. The date(s) and place(s) of such exposure;
- 19 b. The circumstances surrounding such exposure;
- 20 c. The nature of the ASBESTOS, the trade name of the ASBESTOS product;
21 if any, and the name and address of their manufacturer;
- 22 d. Describe what precautions YOU took, if any, to avoid exposure.

23 37. Did YOUR parents or any of YOUR siblings with whom YOU resided ever work
24 with or have an exposure to any asbestos or ASBESTOS-CONTAINING PRODUCTS? If so,
25 please state to the best of your knowledge (if any):

- 26 a. The date(s) and place(s) of such exposure;
- 27 b. The circumstances surrounding such exposure;

- 1 c. Nature of the ASBESTOS, the trade name of the ASBESTOS product; if
- 2 any, and the name and address of their manufacturer;
- 3 d. Describe precautions YOU took, if any, to avoid exposure.
- 4

5 **X. KNOWLEDGE OF THE HAZARDS OF ASBESTOS**

6 38. When did YOU first learn that exposure to asbestos was a potential health hazard?

7 39. Describe how YOU first became aware that exposure to asbestos was a potential

8 health hazard.

9 40. When did YOU first observe anyone use any type of SAFETY PRECAUTION

10 while working with and/or around asbestos or asbestos-containing products?

11 41. When, where and at whose direction did YOU first use any type of SAFETY

12 PRECAUTION, including but not limited to engineering controls or respiratory protective

13 equipment, while working with or around asbestos or asbestos-containing materials?

14 42. If any of YOUR employers have either required and/or made available physical

15 examinations for their employees, state for each of those employers:

- 16 a. The identity of the employer;
- 17 b. The nature and extent of examinations;
- 18 c. The frequency of examinations;
- 19 d. Whether they were required or optional;
- 20 e. Whether an x-ray examination was made;
- 21 f. The frequency and/or dates and times on which YOU submitted to the
- 22 examinations;
- 23 g. Whether YOU received the results of the examinations;
- 24 h. Whether YOU are currently in position of any DOCUMENTS that
- 25 record the results of the examinations;
- 26 i. The identity, including the name, address and telephone number of the
- 27 examining physician, nurse, technician or other medical provider;
- 28

- 1 j. If YOU did not submit to the examination, provide YOUR detailed reasons
2 for choosing or failing to submit to the examinations offered; and
3 k. IDENTIFY all DOCUMENTs evidencing the information requested by this
4 interrogatory and its subparts or otherwise describe with sufficient
5 particularly the DOCUMENTs YOU have in YOUR possession that record
6 the information set forth herein.

7 43. If any of YOUR employers ever suggested or recommended that YOU should use
8 any device to reduce YOUR possible exposure to, or inhalation of, ASBESTOS, state for each and
9 every such employer:

- 10 a. Its name, address and telephone number;
11 b. The date, time and place when the suggestion or recommendation was
12 made, together with the name, and employment position of the PERSON
13 making the suggestion or recommendation;
14 c. Description of the suggestion or recommendation;
15 d. Whether the suggestion or recommendation was written or oral;
16 e. The IDENTITY of each device referred to in each suggestion or
17 recommendation;
18 f. The nature of any action, if any, taken by YOU in response to the
19 suggestions.
20

21 **XI. MEDICAL HISTORY/INFORMATION**

22 44. State whether you have ever been diagnosed as suffering from any of the following
23 illnesses, diseases or abnormal physical conditions:

- 24 a. Infectious disease (e.g., tuberculosis, pneumonia, typhoid fever, hepatitis);
25 b. Cardiac disease;
26 c. Gastrointestinal disease;
27 d. Genitourinary disease or infection;
28 e. Skin disease;

- 1 f. Blood disease;
- 2 g. Neurological disease (including fainting spells, emotional upset, epilepsy,
- 3 etc.);
- 4 h. Kidney disease;
- 5 i. Liver disease or dysfunction;
- 6 J. Cerebrovascular accident;
- 7 k. Personality disturbances or diseases;
- 8 l. Metabolic disease;
- 9 m. Allergy;
- 10 n. Peripheral-vascular disease or circulatory disturbances;
- 11 o. Glandular disease;
- 12 p. An abnormal physical condition symptomatic of diseases such as edema of
- 13 the extremities, chest pains, prolonged subnormal or elevated temperature,
- 14 recurring headaches jaundice , excessive hunger or thirst, etc.;
- 15 q. Pulmonary or other respiratory condition or disease;
- 16 r. Rib injuries;
- 17 s. Obesity;
- 18 t. Parasitic disease;
- 19 u. Cancer.

20 45. State the following for each illness, disease or physical condition identified in
 21 response to the previous interrogatory;

- 22 a. The date on which YOU were diagnosed with or became aware of same;
- 23 b. The names and addresses of all physicians or other health care practitioners
- 24 who treated YOU for same;
- 25 c. The name and addresses of all hospital s or other institutions where YOU
- 26 were confined for same;
- 27 d. As to each illness, disease or physical condition, whether it has resolved or
- 28 continues at the present time.

1 46. If YOU were diagnosed with any pulmonary disease(s) and contend it is related in
2 any way to YOUR alleged exposure to ASBESTOS, state all facts upon which this contention is
3 based.

4 47. If any of the members of YOUR immediate family (i.e., parents, siblings, children
5 and grandchildren) have ever been diagnosed with any respiratory impairment, illness or
6 condition, identify each such PERSON, specifying:

- 7 a. The nature of that respiratory impairment (e.g., bronchitis, asthma,
8 pneumonia);
- 9 b. When that respiratory impairment first developed;
- 10 c. Whether that respiratory impairment is or has been treated by any
11 physician and, if so, the name and address of that physician; and
- 12 d. The determined cause of the respiratory impairment if known.

13 48. If any members of YOUR immediate family (i.e., parents, siblings, children, and
14 grandchildren) have been diagnosed with any form of cancer, identify each such PERSON,
15 specifying:

- 16 a. The nature and site of that cancer;
- 17 b. When that cancer first developed and/or was diagnosed; and
- 18 c. Whether it was determined that asbestos caused or contributed to the cancer.

19 49. If any member of YOUR immediate family (i.e., parents, siblings, children and
20 grandchildren) died because of cancer or a pulmonary condition or has ever been diagnosed with
21 cancer or a pulmonary disease, state the following for each such PERSON:

- 22 a. The nature of his/her illness and/or diagnosis if know to "You.";
- 23 b. His/her name and relationship to you;
- 24 c. His/her age at the time of death and the cause of death, if from said illness.

25 50. If YOU contend that YOU have incurred any injuries as a result of exposure to
26 ASBESTOS, describe separately and in complete detail each and every complaint, symptom,
27 adverse reaction or other injury (hereinafter collectively referred to as "symptom") which YOU
28 contend resulted from exposure. Include in YOUR answer:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- a. The date, or if unknown, YOUR best approximation of the date on which YOU first began exhibiting each symptom;
- b. The progression, if any, of each symptom;
- c. The date each symptom ceased to affect you;
- d. The name, address and telephone number of each physician to whom each symptom was reported, together with the date each symptom was reported;
- e. What each physician told YOU was the cause of each symptom, together with the date YOU were told this;
- f. The names, addresses and telephone numbers of each physician who treated YOU for the symptom;
- g. The names, addresses, and phone numbers of each physician subsequently affirming or contradicting any diagnosis as to the cause of each symptom;
- h. Whether YOU have ever lost any time from work as a result of any such symptom;
- i. Whether any such symptom ever precluded or hindered YOU from performing YOUR regular occupation or JOB duties.

51. If YOU have ever been told by a physician or other health care provider that YOUR complaints, symptoms, adverse reactions or injuries described in the preceding Interrogatory may have been caused by factors other than exposure to ASBESTOS (including, but not limited to, smoking), state:

- a. The names, addresses and telephone numbers of any physicians or health care providers who indicated that other factors or reasons could be involved;
- b. What you were told by that person, and
- c. The dates that person told YOU that he/she believed or suspected that other factors or reasons might be involved.

1 52. If YOU or YOUR attorney have any medical reports from any PERSONS ,
2 hospitals, doctors or medical practitioners or institutions that have ever treated or examined YOU
3 at any time and said records have not been produced to Defendant(s) , please state:

- 4 a. The author of said report and, if applicable, the address of the medical
5 office or institution on behalf of whom the report was prepared;
6 b. The date of said report;
7 c. The subject matter of said report;
8 d. The name, JOB title, address and present whereabouts of the PERSON who
9 has present custody or control thereof.

10
11 **XII. SMOKING HISTORY**

12 53. If YOU have ever used tobacco products of any type, state fully and in detail:

- 13 a. The type of tobacco product YOU have used;
14 b. The daily frequency with which YOU smoke or have smoked;
15 c. The dates and time periods during which YOU have smoked;
16 d. For any time period during which YOU ceased using tobacco
17 products, YOUR reasons for stopping;
18 e. For any time period that YOU commenced using tobacco products after
19 a period of having stopped, YOUR reasons for beginning again;
20 f. If YOU have smoked cigarettes, state the brand name and the average
21 number of packs smoked per day for each year YOU have smoked, whether
22 they were filtered or unfiltered , together with the inclusive dates YOU have
23 smoked cigarettes (e.g., Luck y Strikes; one pack per day between 1930
24 and 1931, two packs per day between 1931 and 1960;
25 19301960);
26 g. If YOU have ever been advised by any physician to stop smoking or to stop
27 using other tobacco products and, if so, the date and the name and address
28

1 of each physician who gave any such advice, and whether YOU followed
2 such advice;

- 3 h. If YOU have ever been advised by any physician that YOU developed
4 any illness, disease or physical condition as a result of smoking or the use of
5 other tobacco products, state the date; the illness, disease or condition ; and
6 the name and address of each physician who gave such advice.

7 54. Are YOU aware of the United States Surgeon General's warning placed on all
8 cigarette packages and advertisements?

- 9 a. If so, please state when YOU became aware of the warning and whether or
10 not YOU have ever read said warning;
- 11 b. Subsequent to becoming aware of, or reading said warning, have YOU ever
12 smoked;
- 13 c. Cigarettes; or
- 14 d. Other tobacco products.

15

16 **XIII. DAMAGES**

17 55. State the total medical expenses, including hospital expenses, which YOU have
18 incurred, or which has been incurred on YOUR behalf, to date, as a result of the injuries,
19 complaints, etc., which YOU attribute to YOUR alleged exposure to ASBESTOS, itemizing each
20 such charge.

21 56. If any PERSON has contributed any money, goods, services or benefits of any
22 kind, during the previous ten years for the support of either yourself or YOUR spouse, identify
23 each such PERSON, and, in addition, state:

- 24 a. Their relationship to you;
- 25 b. The nature and amount of any money, goods, services or benefits
26 contributed to the support of YOU or YOUR spouse, together with dates on
27 which or during which such support was received.
- 28

1 57. If any insurance company, union , or other PERSON, firm or corporation has paid
2 for or reimbursed YOU or anyone on YOUR behalf for, or has become obligated to pay for or
3 reimburse YOU or anyone on YOUR behalf for, any medical or hospital expense incurred by the
4 alleged exposure to ASBESTOS , or any disability or other benefits, loss of earnings, property
5 damage or any other item, list such expenses, itemizing the dates incurred , the nature of such
6 expense, and the name and address of the insurance company, union PERSON , firm or
7 corporation who or which has paid or is obligated for the payment for, or reimbursement for,
8 said expenses.

9 58. If YOU claim YOU have lost wages or earnings as a result of YOUR alleged
10 exposure to ASBESTOS, state:

- 11 a. The amount of time lost from work or employment, together with the
12 date(s) involved and the name and address of the employer;
- 13 b. The gross amount of salary or earnings which YOU received from each
14 payday, stating the intervals of such paydays;
- 15 c. The gross amount of salary or earnings actually lost;
- 16 d. Of the total sum stated in response to subpart c of this interrogatory , the
17 amount that would be YOUR net take-home pay after deduction of taxes
18 and all other authorized deductions;
- 19 e. If self-employed , state the total time lost from business, listing the dates
20 involved and the gross financial loss to you, stating the nature of such loss
21 and how incurred ; and
- 22 f. Of the total sum stated in response to subpart c of this interrogatory,
23 the amount that would be YOUR net loss after deduction of taxes.

24 59. If YOU claim any damages for pain and suffering, state:

- 25 a. The amount of damages so claimed;
- 26 b. The extent, duration, intensity and nature of the pain and suffering;
- 27 c. The specific cause of such pain and suffering;
- 28

- 1 d. The treatment, if any, prescribed for relief of such pain and suffering
2 and the name and address of each PERSON prescribing such treatment;
3 e. All drugs used for the relief of pain or other symptoms of the diseases
4 alleged, specifically identifying the precise name of the drug, precise
5 quantity prescribed for each dose and the number of doses or applications of
6 all such drugs;

7 60. If YOU are receiving any form of disability pension, state from whom it is
8 received, the amount received on a weekly, monthly, or yearly basis, and the length of time during
9 which YOU will continue to receive this pension.

10 61. If YOU claim that injuries YOU have sustained from ASBESTOS exposure have
11 limited or adversely affected YOUR occupation or non-occupational lifestyle and activities, state
12 the nature of the limitation or change, when it began, and how it has progressed.

13 62. If any children, relatives or other PERSONS are financially dependent upon you,
14 and you are claiming emotional damages because of concern for surviving dependents, then state
15 with respect to each such PERSON:

- 16 a. His/her full name and present residence address;
17 b. His/her relationship to YOU and degree of financial dependency upon
18 you;
19 c. The amounts contributed from all sources to his/her support during the
20 five years preceding YOUR responses to these interrogatories; and
21 d. The last year when you provided any type of support to him/her.

22
23 **XIV. PRIOR AND SUBSEQUENT CLAIMS AND LITIGATION**

24 63. If YOU have ever made a claim for personal injury or filed an action or proceeding
25 in any court or other forum related to personal injury, other than in the present matter , please
26 state:

- 27 a. The nature of such injury or injuries;
28 b. The date when such injury or injuries were sustained in each instance, the

1 place of occurrence and the nature of the incident or accident causing the
2 injury;

3 c. The court in which the claim or action was filed and case number;

4 d. The names and addresses of all PERSONS and companies to whom said
5 claims were made;

6 e. The present status of such claims (pending, settled, dismissed, etc.).

7 64. If YOU have ever filed a claim in order to receive benefits from either F.E.L.A.,
8 F.E.C.A., L.H.W.C.A. or the State of California (or any other state) Workers' Compensation Fund
9 for an occupational injury, including, but not limited to, one arising out of exposure to
10 ASBESTOS, for each claim state:

11 a. The date the claim was filed;

12 b. The basis for the claim;

13 c. The county or state in which the claim was filed and claim number;

14 d. The organization to whom the claim was presented;

15 e. The present status of the claim;

16 f. The amount of any benefit received; and

17 g. The date YOU first received such benefits.

18

19 **XV. INSURANCE**

20 65. Identify all of YOUR health, accident and disability insurance policies and any
21 other policies that provided coverage for health related conditions. As to each, state fully and in

22 66. If YOU have ever at any time made a claim for or received any health or accident
23 insurance benefits, worker's compensation payment, disability benefits, pensions, accident
24 compensation payments or veteran's disability compensation awards, state for each claim:

25 a. The circumstances under which YOU made the claim for benefits, awards
26 or payments;

27 b. The illness, injury or injuries for which YOU made the claim for benefits,
28 awards or payments;

- 1 c. The name and address of YOUR employer(s) at the time of the injury or
2 illness for which YOU made the claim;
- 3 d. The name and address of the examining doctor(s) for each injury or illness;
- 4 e. The name and address of the superiors, officers, boards or tribunals
5 before which or to whom the claim as made or filed, and the date the claim
6 as made or filed;
- 7 f. The identity of the agencies or insurance companies from whom YOU
8 received the awards, benefits or payments.
- 9 67. Are YOU now, or have you ever, received Medicare Benefits? If so, please state:
- 10 a. Whether YOU are currently enrolled in Medicare:
- 11 b. If YOU are not currently enrolled in Medicare, whether YOU have
12 previously been enrolled;
- 13 c. The dates on which YOUR current Medicare enrollment began;
- 14 d. The dates on which any prior Medicare enrollment was in place;
- 15 e. YOUR current and/or former Medicare number(s);
- 16

17 **XVI. BANKRUPTCY TRUST CLAIM**

18 68. Have YOU or YOUR representative filed any claim against any trust established or
19 approved in accordance with the asbestos trust and channeling provisions of the *U.S. Bankruptcy*
20 *Code*, 11 U.S.C. § 524(g)-(h) (hereinafter "TRUST")? If so, provide the following
21 information:

- 22 a. IDENTIFY each Trust, by name and address, to which a claim has been
23 filed or submitted by YOU or for YOUR behalf;
- 24 b. The date on which each claim was submitted;
- 25 c. IDENTIFY all DOCUMENTS submitted to any TRUST or TRUSTEE
26 including, but not limited to, proof of claim forms, ballots, all documents
27 filed, lodged and/or submitted on or after January 1, 2015 pursuant to Rule
28 2019 of the Federal Rules of Bankruptcy Procedure , individual review

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

claims, discounted cash payment claims, expedited review claims, diagnosing reports, work history reports/summaries, medical history reports/summaries, chest X-Rays, CT Scans, Pulmonary Function tests/reports, Pathology Reports, Dependent and Beneficiary summaries/forms, land exposure summaries/history, shipboard exposure summaries/history, litigation history forms, amendments and supplements to any such documents and any other forms or documents that list, detail, evidence, reflect, embody, or demonstrate the asbestos-containing products to which you were allegedly exposed or the disease or medical condition for which you submitted a claim;

d. IDENTIFY all documents received from any TRUST, including but not limited to, release letters, deficiency letters, status letters, hold letters, denial letters, claims resolution procedure documents, trust distribution procedure documents, and any other correspondence from the trust, fund, or account ; and

e. IDENTIFY the person who prepared and/or submitted the claim;

69. Describe the status of all claim submitted by YOU or someone on your behalf, the status of all claims submitted to any Trust on YOUR behalf, including but not limited to whether the claim has been accepted, denied, or is currently pending.

70. If you have not received any payments from one or more of the TRUSTs to which YOU have submitted a claim, state whether the TRUST has agreed to pay YOU on some future date, or whether payment is contingent upon some future event.

71. For all payments any TRUST has agreed to make to YOU but that have not yet been made, state when YOU expect to receive each payment, describe the terms and conditions of each payment YOU expect to receive and IDENTIFY all documents constituting or relating to any agreements with the TRUST.

72. Please state whether payment of any settlement amounts to YOU from any TRUST have been deferred for any reason , including but not limited to, pending the outcome of any other

1 litigation, and if so, state the circumstances of the deferral and IDENTIFY all documents relating
2 to the deferred payment.

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

• Ceiling Tiles/Acoustical Applications

Defendants: _____

• Blankets/Cloth

Defendants: _____

• Automobile/Truck Repair (ie: brakes, clutches, mufflers)

Defendants: _____

• Non-automotive Friction Products

Defendants: _____

• Protective Equipment

Defendants: _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

• Paint

Defendants:

• Asbestos Fiber/Fiber Product

Defendants:

• Phenolic Resins

Defendants:

• Drywall/Joint & Taping Compounds

Defendants:

• Fireproofing

Defendants:

1 • Floor Tile/Flooring and Decking Materials

2 Defendants: _____
3
4 _____

6 • Wire/Cable/Electrical Products

7 Defendants: _____
8
9 _____

11 • Insulation/Insulating Materials

12 Defendants: _____
13
14 _____

16 • Construction – Commercial

17 Defendants: _____
18
19 _____

21 • Construction – Industrial

22 Defendants: _____
23
24 _____

25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

• Construction – Residential

Defendants: _____

• Packing/Gaskets/Rope

Defendants: _____

• Mechanical Equipment (i.e.: pumps, valves, compressors, generators, boilers, turbines)

Defendants: _____

• HVAC (i.e.: chillers, heaters, coolers, furnaces)

Defendants: _____

• Refractory Materials

Defendants: _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

• Sheetmetal/Duct Work

Defendants: _____

• Roofing

Defendants: _____

• Stucco/Plaster

Defendants: _____

• Asbestos Cement Products (pipe, board, siding)

Defendants: _____

• Longshoremen/Dock Workers

Defendants: _____

1 • Carpentry/Millwork

2 Defendants: _____
3
4

6 • Grinding and Tooling Machines

7 Defendants: _____
8
9

11 • Mastic/Resin Exposure

12 Defendants: _____
13
14

16 • Aircraft

17 Defendants: _____
18
19

21 • Maritime

22 Defendants: _____
23
24

25
26
27
28

1 • Paper

2 Defendants: _____

3

4

5

6 • Plumbing/Pipefitting

7 Defendants: _____

8

9

10 • Other

11 Defendants: _____

12

13

14

15 • Other

16 Defendants: _____

17

18

19

20 • Other

21 Defendants: _____

22

23

24

25 • Other

26 Defendants: _____

27

28

1 • Other

2 Defendants:

3 _____
4 _____

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 2

[Plaintiff/Decedent Work History and/or other jobsites at issue]

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

EXHIBIT 3

**AUTHORIZATION FOR RELEASE OF RECORDS OF ASBESTOS BANKRUPTCY
TRUSTS¹ AND CLAIMS RESOLUTION FACILITIES**

CALIFORNIA SUPERIOR COURT
CITY AND COUNTY OF LOS ANGELES

To All Asbestos Bankruptcy Trusts and Claims Resolution Facilities (collectively "TRUST"):

Re: Name of Claimant/Holder of Claim: _____
Social Security No.: _____
Date of Birth: _____

I, _____ [Name of Plaintiff], hereby
authorize the TRUST to release to and/or permit inspection and copying by

_____ [Name of Defense Copy
Service Provider] or their representatives, any and all documents or information in the
TRUST's possession, custody or control relating to the foregoing trust claim, including but
not limited to the following:

(1) Any and all documents² or information that have been submitted or communicated
to the TRUST by the holder of the claim or any representative on his or her behalf, via any
method of delivery or communication, whether electronic, facsimile, mail, personal service or
otherwise, including but not limited to: death certificate; certificates of official capacity and
other representative information; expedited, individualized, extraordinary, secondary, foreign
or other proof of claim forms; discounted cash payment claims information; diagnosing
reports and any statement by a physician relating to diagnosis or latency; asbestos exposure
history reports/summaries or any other documents evidencing the claimant's/injured's alleged
exposure to asbestos; work history reports/summaries or any other documents evidencing the
claimant's/injured's work history; smoking history records or any other documents
concerning the claimant's/injured's exposure to direct, secondhand or sidestream smoke;
work or military records; invoices; medical reports/summaries or any other documents

¹ Asbestos Bankruptcy Trust means and includes any entity or agent established for or related
to the purpose of compensating asbestos claimants on behalf of a specific company, including
but not limited to a trust established or approved in accordance with the asbestos trust and
channeling provisions of the U.S. Bankruptcy Code, 11 U.S.C. § 524(g)-(h), a claims handling
facility or agent of such a trust, or any Court supervising the bankruptcy of any company
caused in part by asbestos liabilities.

² "Documents," as used in this Authorization, means and includes "writings" as defined in
California Evidence Code section 250 and is used in its broadest sense. California Evidence
Code section 250 provides: "Writings means handwriting, typewriting, printing, photostating,
photographing, photocopying, transmitting by electronic mail or facsimile, and every other
means of recording upon any tangible thing, any form of communication or representation,
including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record
thereby created, regardless of the manner in which the record has been stored.

evidencing the claimant's/injured's medical condition(s); medical expenditure/billing information; affidavits or any other sworn and unsworn statements of claimed exposure of the injured party, family members, co-workers or others; sworn and unsworn statements, interrogatory answers, sworn and unsworn work history, or deposition transcripts submitted from any other asbestos related litigation; workers' compensation or disability claims or proceedings; economic reports; W-2 or other documentation of claimed economic loss; any information or documentation submitted in response to any TRUST deficiency notice(s); any information submitted in connection with any binding or non-binding arbitration proceeding with the TRUST; and any records or information obtained or provided relating to this TRUST claim by any other Asbestos Bankruptcy TRUST. This authorization shall be interpreted to include any and all claims, proofs of claim, amendments or supplements, and claims or submissions whether they are incomplete, deferred, unsigned, or subsequently withdrawn, or sent individually or as part of an aggregate submission, and all communications related thereto;

(2) Any and all documents, communications or other information conveyed by the TRUST relating to the foregoing claim, including all such documents, communications, or other information conveyed to the holder of the claim or any of his or her attorneys or representatives, including but not limited to, release letters, deficiency letters, status letters, hold letters, denial letters, and any other correspondence from the TRUST; and

(3) Any and all documents or information relating to any and all offers or payments made on the foregoing claim by the TRUST.

This document should be construed by the TRUST as full authorization to release all records concerning the foregoing claim, consistent with the TRUST's "Distribution Procedures," or any other similar procedures concerning the release of records, and the Trustees are hereby fully released from any complaint the undersigned might otherwise have had for failing to maintain the confidentiality of said materials.

A photocopy of this authorization shall be valid as the original.

This authorization is effective immediately and shall remain in effect for five (5) years.

I understand that I have a right to receive a copy of this authorization upon request.

~~The language of this authorization has been authorized by Los Angeles County Superior Court. No alteration of or deletion to this form may be made by plaintiff or plaintiff's attorney without order of the Los Angeles County Superior Court on noticed motion.~~

Date: _____

Plaintiff

Print Name

EXHIBIT B

In the Matter Of:

LAOSD ASBESTOS CASES: DEFENSE DISCOVERY COMMITTEE BRIEF

BANKRUPTCY HEARING

May 12, 2015

Court Reporters, Videography, Trial Preparation

Videoconference Center

Oakland • San Francisco • San Jose • Los Angeles

877.451.1580

www.aikenwelch.com

The logo for Aiken Welch Court Reporters is located in the bottom right corner. It consists of a dark square with a white corner graphic in the top right. The text "Aiken Welch" is written in a large, white, sans-serif font, with "Aiken" on the top line and "Welch" on the bottom line. Below this, the words "COURT REPORTERS" are written in a smaller, white, sans-serif font, stacked on two lines.

**Aiken
Welch**
COURT
REPORTERS

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 FOR THE COUNTY OF LOS ANGELES

3 DEPARTMENT 324

HON. EMILIE H. ELIAS

4 Coordinated Proceeding)

5 Special title (Rule 3.550))

6)
7)
8) No. JCCP4674
9)

10
11 REPORTER'S TRANSCRIPT OF PROCEEDINGS

12
13 TUESDAY, MAY 12, 2015

14
15 APPEARANCES:

16 WATERS KRAUS & PAUL, LLP
17 BY: MICHAEL L. ARMITAGE, ESQ.
18 222 N. Sepulveda Blvd., Suite 1900
19 El Segundo, California 90245
20 Telephone: (310) 414-8146
21 email: armitage@waterskraus.com

22 KAZAN, McCLAIN, SATTERLEY & GREENWOOD
23 BY: TED W. PELLETIER, ESQ.
24 55 Harrison Street, Suite 400
25 Oakland, California 94607
26 Telephone: (510) 302-1000
27 email: tpelletier@kazanlaw.com

28 PERRINS COIE, LLP
BY: BO KIM, ESQ.
1888 Century Park East, Suite 1700
Los Angeles, California 90067
Telephone: (310) 788-3255
email: kimbo@perkinscoie.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

WATERS KRAUS & PAUL, LLP
BY: JOHN S. JANOFFSKY, ESQ.
222 N. Sepulveda Blvd, Suite 1900
El Segundo, California 90245
Telephone: (310) 414-8146
email: jjanoffsky@waterskarus.com

KELLER, FISHBACK & JACKSON LLP
BY: STEPHEN M. FISHBACK, ESQ.
28720 Canwood Street, Suite 200
Agoura Hills, California 91301
Telephone: (818)342-7442
email: sfishback@kfjlegal.com

POLSINELLI
BY: STEPHEN M. NICHOLS, ESQ.
2049 Century Park East, Suite 2300
Los Angeles, California 90067
Telephone: (310)203-5311
email: snichols@polsinelli.com

LKP GLOBAL LAW, LLP
BY: CHRISTOPHER M. STEVENS, ESQ.
1901 Avenue of the Stars, Suite 480
Los Angeles, California 90067
Telephone: (424)239-1890
email: cstevens@lkgpl.com

WALSWORTH WFBM, LLP
BY: TINA VAN DAM, ESQ.
One City Boulevard West, Fifth Floor
Orange, California 92868
Telephone: (714)634-2522
email: tvandam@wfbm.com

REPORTED BY: Nancy Jo Hutch, CSR No. 13732
Official Reporter Pro Tempore

1 (Proceedings commenced at 10:05 a.m.)

2 THE COURT: Here we are back on this. I'll make
3 my record again. And that is that you have liaisons from
4 the plaintiff and defense. You have selected your own
5 liaisons. I have no part of selecting who the liaisons are
6 going to be. No one has told me that the people who are
7 liaisons are no longer the liaisons. I sent out the
8 order. I got a request to set up a conference to have a
9 hearing on it. I got a phone call from the liaison, and
10 all we did with it was set up this hearing.

11 Now, Mr. Fishback, say what you want to say.

12 MR. FISHBACK: Thank you, Your Honor. Steven
13 Fishback; Keller, Fishback and Jackson. The concern I
14 have, I'm actually on the liaison committee, so I don't
15 know where the disconnect was or why notice wasn't sent
16 out or why it wasn't given or how it was given or how it
17 came about that somebody asked for a phone call or a
18 hearing and it ended up being a phone call. I don't know
19 any of that information. So I know nothing about what
20 happened or how -- the genesis of this.

21 THE COURT: Mr. Fishback, I just told you the
22 genesis. If you have an objection or complaint about your
23 liaisons, the way they're doing things, please talk to
24 them because all I can do is rely on them to do what
25 they're supposed to be doing and representing -- being a
26 representative of your groups. So if you have a beef with
27 the plaintiff's liaison, I suggest you talk to them.

28 MR. FISHBACK: Okay. Irrespective of what

1 concerns I may have with that, it doesn't distort or
2 dispel the idea that in fact there was a proceeding held,
3 there was a conversation had, there was something decided.

4 And what my real concern is that we had an order, and
5 I understand the Court issued its order after
6 consideration and briefing, et cetera, and that now we're
7 back here on some additional something that came about as
8 a result of no notice or an ex-parte notice or discussion
9 with the Court informally in some way. That's as much as
10 I can glean from it, and that's all that I know. And so
11 in that regard, that's the genesis of my objection.

12 THE COURT: And there is no -- there was no
13 discussion. The discussion was to have a date. We're
14 here. And again, if you have a problem, if you want to
15 make a new list or your group wants to break up and not
16 have liaisons any more, just tell me. I just rely on when
17 people call and they're liaisons -- I know Mr. Rosen was
18 on the call. Who all was on the call?

19 MR. PELLETIER: I was, Your Honor. Ted
20 Pelletier.

21 MR. STEVENS: Christopher Stevens.

22 THE COURT: More than that. Yes.

23 MS. VAN DAM: Tina Van Dam.

24 MR. KIM: Bo Kim, Your Honor.

25 THE COURT: Okay. So now there was an objection
26 being made, actually by the plaintiffs, originally by the
27 Kazan firm about the wording of the interrogatories. Then
28 there was an objection. There was another comment on

1 that.

2 The problem appears to be, that looking at this, I'm
3 looking at what you all say, is that you don't want to
4 have to go through your files and find all the things that
5 appear to be what your complaint is about. The Kazan firm
6 is the one who did the most about this. That seems to be
7 your problem. Is that correct?

8 MR. PELLETIER: That's correct. That was the
9 concern that I expressed in my letter of March 20th in the
10 comment --

11 THE COURT: Let's see. It's not a letter. It
12 was something filed.

13 MR. PELLETIER: Correct. It was a letter --

14 THE COURT: Let's be clear. You did not write me
15 a letter.

16 MR. PELLETIER: No, Your Honor. I filed a
17 formal -- at the request of this Court, I filed a formal
18 comment within the comment period about what I and my firm
19 and others I spoke to saw as a potential construction of
20 the new bankruptcy CMO and interrogatories and what I
21 saw -- we saw as a potential sort of unfair and
22 unnecessary problem that that created. That was the
23 purpose of the comment, was to ask the Court to perhaps
24 address that.

25 THE COURT: Okay. And the defense's comment is
26 that you and your attorney are -- it's the way all other
27 interrogatories are written.

28 MR. NICHOLS: It's just a little broader than

1 that. We were just concerned that the exception you made
2 there lowers the burden on that instance, completely
3 contrary to all of the discovery, and the burden on I and
4 everybody else.

5 THE COURT: So how would you word it so that
6 it's made clear that they do not have to search all their
7 old files? They do not -- I had no expectation of anybody
8 going back ten years and saying, wow, in this case ten
9 years ago we had that. Having said that, probably
10 everybody else keeps a file that is more coordinated, but
11 how do I make it clear that was not any expectation, that
12 they have to go back and search all their old files?

13 MR. NICHOLS: Your Honor, by maintaining the
14 status quo. That's the law. Biles vs. Exxon case says
15 that, and we know that. We could come up with a million
16 different instances and try to create footnotes and
17 exceptions, but the burden that's imposed on all counsel
18 is one of good faith. It's governed by the Rules of
19 Professional Conduct, and it's embodied in some of the
20 case law that's been cited to you.

21 They don't have that burden. We don't suggest that
22 they do; but if you create a specific exception, and
23 that's the only exception, then we run into problems down
24 the line of other situations that come up that should be
25 excepted. If you maintain the status quo, and they have
26 the obligation, defense counsel, plaintiff's counsel have
27 in responding to everything, we know looking at the case
28 law they don't have that burden. It's a straw man

1 argument.

2 THE COURT: Well, I think it should be
3 consistent with other interrogatories, but you have --
4 especially to me, you have a specialized situation in
5 these asbestos cases because you all do so many of them
6 that it really would be -- it's not like -- I think it has
7 to be made clear that nobody's expected to go search all
8 their old files because you all probably have hundreds of
9 these files. And so it needs to be made clear that that's
10 not what's being expected of them. So I don't know how
11 you thought that could be worded.

12 Thinking it over and looking at all the samples and
13 different interrogatories, it appears "you" and "yours"
14 should be in there, but I understand that. I'm not going
15 to create a burden that goes back twenty years.

16 MR. NICHOLS: Your Honor, if we're trying to
17 carve out that individual issue --

18 THE COURT: That appears to be -- the reason I'm
19 saying that it appears to be the only issue, that appears
20 to be the only issue that's there's no problem changing,
21 and they can and make that clear. But that's not what's
22 expected, unless the defense is expecting that. But I
23 don't think they are.

24 MR. NICHOLS: And you're considering adding
25 language to the effect that this does not require
26 plaintiff's counsel to go through other unrelated files to
27 search for information.

28 THE COURT: That would be okay. I would even be

1 willing to limit it to files older than several years. I
2 don't think -- I don't want to -- I can see this happening
3 now. Somebody gets something in January, and the same
4 issue comes up in April on another case. Somebody's going
5 to remember that that information -- I think that's -- I
6 think we can expect somebody, if they knew about it in
7 January, to remember it in April. But I don't think going
8 back two years, three years on any file -- I can see
9 cutting it off there.

10 New lawyers come in. I mean, that's a giant burden to
11 tell a firm that you have to go back and you get a new
12 lawyer and have -- that lawyer has the obligation to go
13 back through all the old files and search for that
14 information.

15 MR. NICHOLS: And I think that's why trying to
16 carve out an exception becomes a slippery slope because
17 where do we draw the date and so forth. And again, I
18 suggest to the Court that the law is clear, and the
19 responsibilities are defined. If plaintiffs feel that
20 there's too much of a burden, they can object. There can
21 be a motion to compel. They can require a protective
22 order. I mean, we have those kinds of remedies in extreme
23 situations, but we're not going to know what the problem
24 is until we're there. And that's why, at the outset,
25 plaintiff should have the same burden to respond to
26 discovery as we all do.

27 THE COURT: What do the rest of you
28 plaintiffs -- you hear where I am going. What do you

1 think?

2 MR. ARMITAGE: On behalf -- Mike Armitage on
3 behalf of Waters, Kraus and Paul. We think the
4 definition -- there's no dispute. Everyone in the room
5 agrees that Biles does not require plaintiffs or any party
6 to search through other unrelated files in their office,
7 and we think the definition should include that. We think
8 we should work on some language which --

9 THE COURT: Let's work it out right now, and
10 that order will get changed, and it will be done. So I am
11 happy to make a -- you don't have to go back longer than a
12 year. There should be something -- we really shouldn't be
13 able to get something in January and then not find it
14 again in April.

15 MR. ARMITAGE: The problem we have with that,
16 Your Honor, is that in Biles there's no temporal
17 requirement. It simply says you don't have to search
18 other files in your office. I mean, our office is one
19 size. It's a reasonable size. There are other firms that
20 are much bigger. For them to search all of their files
21 for one year, that could be a lot; and also, that would
22 then run afoul of the Biles requirement, which everyone
23 agrees, comes into play here.

24 MR. PELLETIER: If I might --

25 THE COURT: The reason -- just explain why --
26 the reason that I would like to clarify it in the order as
27 opposed to just relying on a published case, I don't
28 remember what year it is, that case -- it just seems

1 easier to just come up with some language and put it in
2 this one and be done with it. I think that's --
3 everybody's okay?

4 MR. ARMITAGE: As far as Waters, Kraus and Paul
5 is concerned, the initial language that Mr. Nichols just
6 mentioned, there's no need to go through unrelated files
7 to search for things. That's language that would be
8 acceptable to us; something along those lines.

9 THE COURT: Then we'd go back. Then it would be
10 back to the original wording with that addition. The
11 order would go back to the original.

12 MR. NICHOLS: Yes.

13 MR. PELLETIER: I'm just adding to that. I also
14 would agree -- and I agree with that language. There is
15 no need to put sort of a time frame on it because what
16 we're talking about is the distinction between things that
17 are known at the time to either the plaintiff or his
18 counsel or his representatives, and that would encompass
19 the situation, as you said, a month or two ago. What
20 we're talking about, things aren't known to them, but
21 rather within the files. That's the distinction. So if
22 we need it, leave it no search through files, that would
23 cover it.

24 THE COURT: Okay. Does anybody else have any
25 comment on that, on that solution? Nobody seems to -- all
26 right. Nobody has one so --

27 MR. FISHBACK: Steve Fishback. I don't want my
28 silence to be -- you said this was the only issue earlier.

1 It seems to be the only issue left, and I don't want that
2 to be construed as I believe that is not the only issue,
3 and I continue my -- preserve my objection to the entirety
4 of the recent CMO regarding bankruptcy claims.

5 THE COURT: Okay.

6 MR. CHEW: Good morning, Your Honor. Andrew
7 Chew on behalf of plaintiffs. I would join in the -- my
8 understanding from you is that the only issue up to today
9 is with regard to the definition of "you" and "your."

10 THE COURT: Yes.

11 MR. CHEW: I don't want to waive -- I don't want
12 the record to appear I'm waiving my rights with regard to
13 the rest of the CMO.

14 THE COURT: You're not waiving any rights. I
15 don't know what rights you have.

16 MR. CHEW: Waiving any objections to the
17 prior --

18 THE COURT: You are not saying you're not happy
19 with it. That's correct. So I don't know. Who has a
20 copy of it? Who wants to submit it with that language in
21 it? I'll certainly post it for everybody, and then I
22 will -- what I am going to do is not do an amendment to
23 the current order, rather it will all be in one document.
24 So I can just say revised, and the whole thing would be
25 put together.

26 MR. NICHOLS: I believe we have that. I will
27 submit it with the proposed language.

28 THE COURT: And send it out to everybody here

1 and give them to -- five days to write in and say they're
2 not happy with it.

3 MR. ARMITAGE: What would be the effective date
4 of the order, or the new definition, if there is a new
5 definition? In other words --

6 THE COURT: Does -- let's put it this way. Has
7 anybody ever done -- we've had this about three weeks.
8 Has this become an issue on any cases that we have now?

9 MR. NICHOLS: I doubt anybody's come back to
10 look at files.

11 THE COURT: I'm just going to make it
12 retroactive back to April 7th. We'll make it effective
13 today. Let's make it effective today. If you can get it
14 to me by tomorrow, that will take away everybody's
15 responsibilities. Nobody's done it yet. Don't do it.

16 MR. ARMITAGE: The definition of "you" and
17 "your" will be effective as of today's date, May 12, 2015?

18 THE COURT: Yes, and the other one will be
19 effective, also, the modification. Put on it revised May
20 12th. I'll just sign it -- I'll sign it on the 13th,
21 revised as of May 12th. Yes.

22 MR. STEVENS: I know you're saying now you're
23 going to sign it tomorrow. You want it circulated to the
24 liaison group so they can take a look at it for a couple
25 of days?

26 THE COURT: Don't put an effective date on it.
27 I'll put it effective the date I sign it.

28 MR. NICHOLS: That's fine.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

THE COURT: Meanwhile, nobody go search your old files now. Anything else? We're all set.

* * *

(Proceedings concluded at 10:15 a.m.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

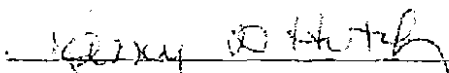
DEPARTMENT 324

HON. EMILIE H. ELIAS

Coordinated Proceeding)
Special title (Rule 3.550)
)
)
) No. JCCP4674
)
)

I, NANCY JO HUTCH, CSR No. 13732, official
reporter of the Superior Court of the State of California,
for the County of Los Angeles, do hereby certify that the
foregoing pages, 1 through 14, comprise a full, true and
correct transcript of the proceedings taken in the
above-entitled cause on May 12, 2015

Dated this 13th day of May, 2015.



Nancy Jo Hutch, CSR No. 13732
Court Reporter

1	B	committee 3:14	days 12:1,25
10:05 3:1	back 3:2 4:7 6:8,12 7:15 8:8,11,13 9:11 10:9,10,11 12:9,12	compel 8:21	decided 4:3
10:15 13:4	bankruptcy 5:20 11:4	complaint 3:22 5:5	defense 3:4 6:26 7:22
12 12:17	beef 3:26	completely 6:2	defense's 5:25
12th 12:20,21	behalf 9:2,3 11:7	concern 3:13 4:4 5:9	defined 8:19
13th 12:20	bigger 9:20	concerned 6:1 10:5	definition 9:4,7 11:9 12:4,5,16
2	Biles 6:14 9:5,16,22	concerns 4:1	disconnect 3:15
2015 12:17	Bo 4:24	concluded 13:4	discovery 6:3 8:26
20th 5:9	break 4:15	Conduct 6:19	discussion 4:8,13
7	briefing 4:6	conference 3:8	dispel 4:2
7th 12:12	broader 5:28	consideration 4:6	dispute 9:4
A	burden 6:2,3,17,21,28 7:15 8:10,20,25	consistent 7:3	distinction 10:16,21
a.m. 3:1 13:4	C	construction 5:19	distort 4:1
acceptable 10:8	call 3:9,17,18 4:17,18	construed 11:2	document 11:23
adding 7:24 10:13	carve 7:17 8:16	continue 11:3	doubt 12:9
addition 10:10	case 5:8,14,20,27 8:4 9:27,28	contrary 6:3	draw 8:17
additional 4:7	cases 7:5 12:8	conversation 4:3	E
address 5:24	cetera 4:6	coordinated 6:10	earlier 10:28
afoul 9:22	changed 9:10	copy 11:20	easier 10:1
agree 10:14	changing 7:20	correct 5:7,8,13 11:19	effect 7:25
agrees 9:5,23	Chew 11:6,7,11,16	counsel 6:17,26 7:26 10:18	effective 12:3,12,13, 17,19,26,27
amendment 11:22	Christopher 4:21	couple 12:24	embodied 6:19
Andrew 11:6	circulated 12:23	Court 3:2,21 4:5,9,12, 22,25 5:11,14,17,23,25 6:5 7:2,18,28 8:18,27 9:9,25 10:9,24 11:5,10, 14,18,28 12:6,11,18,26 13:1	encompass 10:18
anybody's 12:9	cited 6:20	cover 10:23	ended 3:18
appears 5:2 7:13,18,19	claims 11:4	create 6:16,22 7:15	entirety 11:3
April 8:4,7 9:14 12:12	clarify 9:26	created 5:22	everybody's 10:3 12:14
argument 7:1	clear 5:14 6:6,11 7:7,9, 21 8:18	current 11:23	ex-parte 4:8
Armitage 9:2,15 10:4 12:3,18	CMO 5:20 11:4,13	cutting 8:9	excepted 6:25
asbestos 7:5	commenced 3:1	D	exception 6:1,22,23 8:16
attorney 5:26	comment 4:28 5:10,18, 23,25 10:25	Dam 4:23	exceptions 6:17
		date 4:13 8:17 12:3,17, 26,27	expect 8:6
			expectation 6:7,11
			expected 7:7,10,22

expecting 7:22	happening 8:2	knew 8:6	
explain 9:25	happy 9:11 11:18 12:2	Kraus 9:3 10:4	N
expressed 5:9	hear 8:28		Nichols 5:28 6:13 7:16, 24 8:15 10:5,12 11:26 12:9,28
extreme 8:22	hearing 3:9,10,18		nobody's 7:7 12:15
Exxon 6:14	held 4:2		notice 3:15 4:8
F	Honor 3:12 4:19,24 5:16 6:13 7:16 9:16 11:6	L	
fact 4:2	hundreds 7:8	language 7:25 9:8 10:1,5,7,14 11:20,27	O
faith 6:18		law 6:14,20,28 8:18	object 8:20
feel 8:19	I	lawyer 8:12	objection 3:22 4:11,25, 28-11:3
file 6:10 8:8	idea 4:2	lawyers 8:10	objections 11:16
filed 5:12,16,17	imposed 6:17	leave 10:22	obligation 6:26 8:12
files 5:4 6:7,12 7:8,9,26 8:1,13 9:6,18,20 10:6, 21,22 12:10 13:2	Individual 7:17	left 11:1	office 9:6,18
find 5:4 9:13	informally 4:9	letter 5:9,11,13,15	older 8:1
fine 12:28	information 3:19 7:27 8:5,14	liaison 3:9,14,27 12:24	opposed 9:27
firm 4:27 5:5,18 8:11	initial 10:5	liaisons 3:3,5,7,23 4:16,17	order 3:8 4:4,5 8:22 9:10,26 10:11 11:23 12:4
firms 9:19	instance 6:2	limit 8:1	original 10:10,11
Fishback 3:11,12,13, 21,28 10:27	Instances 6:16	lines 10:8	originally 4:26
footnotes 6:16	interrogatories 4:27 5:20,27 7:3,13	list 4:15	outset 8:24
formal 5:17	Irrespective 3:28	longer 3:7 9:11	
frame 10:15	issue 7:17,19,20 8:4 10:28 11:1,2,8 12:8	lot 9:21	P
G	issued 4:5	lowers 6:2	part 3:5
genesis 3:20,22 4:11			party 9:5
giant 8:10	J	M	Paul 9:3 10:4
give 12:1	Jackson 3:13	made 4:26 6:1,6 7:7,9	Pelletier 4:19,20 5:8, 13,16 9:24 10:13
glean 4:10	January 8:3,7 9:13	maintain 8:25	people 3:6 4:17
good 6:18 11:6	Join 11:7	maintaining 8:13	period 5:18
governed 6:18	K	make 3:2 4:15 6:11 7:21 9:11 12:11,12,13	phone 3:9,17,18
group 4:15 12:24	Kazan 4:27 5:5	man 6:28	plaintiff 3:4 8:25 10:17
groups 3:26	Keller 3:13	March 5:9	plaintiff's 3:27 6:26 7:26
H	Kim 4:24	mentioned 10:6	plaintiffs 4:26 8:19,28 9:5 11:7
happened 3:20	kinds 8:22	Mike 9:2	play 9:23
		million 6:15	
		modification 12:19	
		month 10:19	
		morning 11:6	
		motion 8:21	

<p>post 11:21 potential 5:19,21 preserve 11:3 prior 11:17 problem 4:14 5:2,7,22 7:20 8:23 9:15 problems 6:23 proceeding 4:2 proceedings 3:1 13:4 Professional 6:19 proposed 11:27 protective 8:21 published 9:27 purpose 5:23 put 10:1,15 11:25 12:6, 19,26,27</p> <p style="text-align: center;">Q</p> <p>quo 6:14,25</p> <p style="text-align: center;">R</p> <p>real 4:4 reason 7:18 9:25,26 reasonable 9:19 recent 11:4 record 3:3 11:12 regard 4:11 11:9,12 rely 3:24 4:16 refying 9:27 remedies 8:22 remember 8:5,7 9:28 representative 3:26 representatives 10:18 representing 3:25 request 3:8 5:17 require 7:25 8:21 9:5 requirement 9:17,22</p>	<p>respond 8:25 responding 6:27 responsibilities 8:19 12:15 rest 8:27 11:13 result 4:8 retroactive 12:12 revised 11:24 12:19,21 rights 11:12,14,15 room 9:4 Rosen 4:17 Rules 6:18 run 6:23 9:22</p> <p style="text-align: center;">S</p> <p>samples 7:12 search 6:6,12 7:7,27 8:13 9:6,17,20 10:7,22 13:1 selected 3:4 selecting 3:5 send 11:28 set 3:8,10 13:2 sign 12:20,23,27 silence 10:28 simply 9:17 situation 7:4 10:19 situations 6:24 8:23 size 9:19 slippery 8:16 slope 8:16 solution 10:25 Somebody's 8:4 sort 5:21 10:15 specialized 7:4 specific 6:22 spoke 5:19 status 6:14,25</p>	<p>Steve 10:27 Steven 3:12 Stevens 4:21 12:22 straw 6:28 submit 11:20,27 suggest 3:27 6:21 8:18 supposed 3:25</p> <p style="text-align: center;">T</p> <p>talk 3:23,27 talking 10:16,20 Ted 4:19 temporal 9:16 ten 6:8 thing 11:24 things 3:23 5:4 10:7, 16,20 Thinking 7:12 thought 7:11 time 10:15,17 Tina 4:23 today 11:8 12:13 today's 12:17 told 3:6,21 tomorrow 12:14,23 twenty 7:15</p> <p style="text-align: center;">U</p> <p>understand 4:5 7:14 understanding 11:8 unfair 5:21 unnecessary 5:22 unrelated 7:26 9:6 10:6</p> <p style="text-align: center;">V</p> <p>Van 4:23</p>	<p style="text-align: center;">W</p> <p>waive 11:11 waiving 11:12,14,16 Waters 9:3 10:4 weeks 12:7 word 6:5 worded 7:11 wording 4:27 10:10 words 12:5 work 9:8,9 wow 6:8 write 5:14 12:1 written 5:27</p> <p style="text-align: center;">Y</p> <p>year 9:12,21,28 years 6:8,9 7:15 8:1,8</p>
---	---	--	--

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE THROUGH FILE & SERVEXPRESS

- 1. I, Michelle Moya, the undersigned, hereby declare as follows:
- 2. I am over the age of 18 years and am not a party to the within cause. I am employed by Polsinelli LLP in the city of Los Angeles, State of California.
- 3. My business address is 2049 Century Park East, Suite 2300, Los Angeles, California 90067.
- 4. On May 15, 2015, I served a copy of the attached document titled exactly "**PROPOSED ORDER FROM DEFENSE DISCOVERY COMMITTEE REGARDING THE DEFINITION OF "YOU" AND "YOUR" IN THE BANKRUPTCY TRUST FORM INTERROGATORIES**" by:

Posting it directly on the File & ServeXpress website:
<https://secure.fileandservexpress.com>

I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct.
 Executed May 15, 2015, at Los Angeles, California.



 Signature

Michelle Moya

 Print Name