

IN RE: ALL ASBESTOS-RELATED §
PERSONAL INJURY OR DEATH CASES §
FILED BY BARON & BUDD, P.C. OR TO §
BE FILED BY BARON & BUDD, P.C. §
IN EL PASO COUNTY, TEXAS §

IN THE DISTRICT COURTS AND
COUNTY COURTS AT LAW
OF EL PASO COUNTY, TEXAS

JAN 26 8 22 AM '96
EL PASO COUNTY, TEXAS

STANDING ORDER NUMBER ONE

[Handwritten Signature]

Having considered the type and number of asbestos cases pending in El Paso County and after having heard the argument of counsel and reviewing the motions and briefs of the parties, the Court finds that good cause exists for the entry of this Order.

This Order is intended to facilitate the administration of asbestos disease cases in El Paso County by reducing multiple filings and hearings, by creating a central repository for certain filings and by setting out Orders for the orderly disposition of the cases as a whole. This Order shall apply to all cases pending in the District and County Courts of El Paso County in which a claim for money damages is made for any injury, illness, malignancy, fear of malignancy, mental anguish, loss of consortium, survival benefits, wrongful death, or other damages claimed as a result of exposure to products containing, and/or machinery calling for the use of asbestos.

I.

PROCEDURES

1. The District Clerk of El Paso County shall maintain a file entitled "In Re: Asbestos Litigation" which may be referred to as the "Master Asbestos File." Instruments applicable to all asbestos cases and pertaining to common issues shall be filed in the In Re: asbestos litigation file only.

2. The Clerk shall maintain a master service list of all counsel representing parties in any asbestos case filed in El Paso County. It is the sole responsibility of counsel for each party

to insure listing on the master service list. Any party required to serve any notice in an asbestos case governed by this Order shall serve one copy of the document to be served on counsel for each party as appearing on the master service list attached hereto as Exhibit "A" as appropriate. It is the responsibility of counsel to insure that the master service list is updated as the need arises.

3. Within ninety (90) days after appearance date of each asbestos case, all counsel for Defendants in that particular case shall confer and designate a Lead Defense Counsel. Such counsel shall be responsible to act as a coordinator for discovery matters. Counsel for Defendants shall also confer and determine among themselves the order in which they will examine witnesses and participate in trial, depositions, etc. Lead Defense Counsel chosen for each case shall file a notice of such designation in the particular case and advise Plaintiffs' counsel of same. Only one Lead Defense Counsel (also described herein as "Liaison Defense Counsel") may be chosen per cause number.

The responsibilities of Liaison Defense counsel shall include the scheduling and orderly administration of Plaintiff and coworker depositions and Independent Medical Examinations. The Liaison Defense counsel shall also be the custodian for the Plaintiffs' pathology, chest x-rays and related medical materials when they are provided for examination and remain responsible for the prompt and timely return of such items to counsel for Plaintiffs. Pursuant to Texas Rule of Civil Procedure 206, the Liaison Defense counsel shall be responsible for providing the original deposition transcripts of a Plaintiffs' depositions to Plaintiffs' counsel for photocopying as soon as possible, but no later than thirty (30) days after the deposition or fifteen (15) days before trial, whichever is first.

4. After counsel have entered an appearance for any Defendant served with process in a El Paso County asbestos-related personal injury or death case, by order of the Court pursuant to Rule 106(a)(2) of the Texas Rules of Civil Procedure, counsel of record for Defendants in the last pending asbestos case against said Defendant shall be designated that Defendant's agent for service of process in subsequent El Paso County asbestos litigation. It shall be sufficient for Plaintiff to serve Defendant's counsel of record with process by certified mail in subsequent El Paso asbestos cases. Such service on counsel by certified mail shall be deemed good service of process for all purposes under the Texas Rules of Civil Procedure.

5. All motions and other instruments which apply to all asbestos cases shall be filed in the master asbestos file ONLY and will be captioned "In Re: Asbestos Litigation" and bear the name of the motion. Any party who fails to follow this procedure and files repetitive pleadings in each and every asbestos file shall be subject to sanctions by the Court. A motion or other instrument filed in the master asbestos file is deemed filed in each and every asbestos file to which it may be applicable, and is incorporated by reference into such file for all purposes. The resulting Order shall control all such cases. Case specific Motions shall be filed in the applicable case file and should not be filed in the In Re: All Asbestos Litigation file.

Plaintiffs may at their option file a standard petition in the Master Asbestos File. Defendants may file a standard answer in the Master Asbestos File. For the individual case, Plaintiffs may file a short form petition to denote Plaintiffs' name, and Defendants sued. In addition, the parties are required to agree on further measures to reduce paperwork and file an agreed Motion to implement said measures.

6. Service of any and all motions shall be upon all counsel on the master service list as appropriate under the Texas Rules of Civil Procedure. It is the responsibility of each counsel to ensure correct listing on the master service list.

7. The Court authorizes the service of pleadings in these cases by electronic mail ("E-Mail"). Each party shall immediately insure that it has the proper equipment to receive E-Mail service from other parties in the El Paso asbestos cases.

II.

DISCOVERY

8. Motions concerning common issues shall be filed in the Master Asbestos File and served upon opposing counsel seven (7) or more days in advance of the requested hearing date. The Court may entertain emergency motions otherwise.

9. Plaintiffs in each case previously filed in El Paso County shall serve answers to the master set of discovery which are attached hereto as Exhibit "B", within one hundred and eighty (180) days of filing suit or within ninety (90) days of the date of this Order whichever is later, if not previously served. Absent special circumstances, Plaintiffs shall serve their initial responses to the master set of discovery no later than ninety (90) days before trial, notwithstanding any deadlines above set forth. Copies of the answers shall be served upon each party. If Plaintiffs have previously answered interrogatories, they need only supplement their answers to interrogatories pursuant to the Texas Rules of Civil Procedure.

10. Plaintiffs in each case filed in El Paso County shall designate all "product identification witnesses" by disclosing the identity and location of known coworkers having knowledge of relevant facts pursuant to Texas Rule of Civil Procedure 166b(2)(d). Said designation shall be produced in responses to the applicable master interrogatories and requests

for production. Such responses concerning product identification witnesses may be supplemented pursuant to Texas Rule of Civil Procedure 166b(6), up to thirty (30) days prior to trial such witnesses will then be made available for deposition in person in the county of their residence upon the specific request of Lead Defense Counsel.

11. Defendants in each case filed in El Paso County shall designate all rebuttal "product identification witnesses" and the substance of their expected testimony in responses to the applicable master interrogatories and requests for production no later than thirty (30) days after Plaintiffs' work history sheets identifying job sites have been filed. At that time, Lead Defense Counsel will make available the rebuttal product identification witnesses of all the Defendants for deposition by the Plaintiffs. Additionally, thirty (30) days after receipt of Plaintiffs' work history sheets, Defendants shall cause to be produced all relevant documents which tend to substantiate or rebut exposure to the Defendants' products at job sites identified in the Plaintiffs' work history sheets. Plaintiff will be entitled to summary judgement on the issue of product identification as to any Defendant who fails to either identify and produce documents, or identify and produce for deposition witnesses as specified herein, unless such Defendant certifies under oath that no such evidence exists or that Defendant is unaware of the existence of such evidence. All parties have a duty to supplement information requested to be disclosed under this paragraph.

12. Defendants shall serve answers to master discovery requests attached hereto as Exhibit "C." All Defendants shall file answers and/or objections within sixty (60) days of this Order. If Defendants have previously answered interrogatories, they need only supplement their answers not respond again to the original set.

13. Defendant shall not serve master discovery requests on a Plaintiff, or file same with the Clerk. If the Clerk receives such discovery requests, the Clerk is directed not to file such among the papers of the case, but to return such to the party attempting to file such, citing this order.

14. No other interrogatories or requests for admissions shall be served, nor responses required, without leave of Court, after hearing.

15. Simultaneous with the filing and service of answers to master discovery, Plaintiffs will also provide the Defendants with signed authorizations to enable Defendants to obtain medical records, VA records, income tax records, social security records, military records and personnel records. No Defendant shall serve a subpoena duces tecum upon any Plaintiff requesting records made available by the signed authorizations.

16. Plaintiffs agree to provide to Lead Defense Counsel pathology and chest images which Plaintiffs or their counsel have obtained. Defendants shall be entitled to procure medical records and additional medical materials by the use of record authorizations provided by the Plaintiffs as exhibits to their responses and supplemental responses to master interrogatories and requests for production. The cost of medical records shall be split between all parties on a pro rata basis. In the interest of reducing needless waste of paper and duplicative effort, Plaintiffs shall provide said authorizations to the Lead Defense Counsel who will then be responsible for the acquisition of all medical materials requested by any of the Defendants. Parties may make other agreements to share the costs and acquisition of medical records, pathology, chest x-rays and related materials.

17. No party shall attempt to obtain the records of another party's expert witness using depositions upon written questions, subpoenas, or by other means not previously agreed upon by

counsel. Defendants may obtain medical records only through the use of the medical authorizations described above. Said materials are determined by the Court to be authentic and "business records" under the Texas Rules of Civil Evidence, unless specific objection is made thereto at least (10) days prior to trial.

18. Unless the Plaintiff is too ill to travel due to a medical condition, Plaintiff's discovery or trial deposition shall be noticed to take place in El Paso County, Texas, or another location in Texas mutually agreeable to Plaintiffs' counsel and Lead Defense Counsel.

Plaintiff depositions may be noticed at any time pursuant to the Texas Rules of Civil Procedure, but no later than thirty (30) days before trial. No plaintiff deposition shall exceed two (2) hours. Defendants waive the right to depose a Plaintiff offered by his or her counsel for deposition if Lead Defense Counsel fails to notice said deposition.

Each plaintiff is entitled to a videotaped deposition to perpetuate his or her testimony and may notice such deposition at any time.

Discovery or trial depositions of Plaintiffs may not be noticed to take place in a state other than Texas by any party unless the Plaintiff is too ill to travel due to a medical condition.

19. Defendants are, as a group, entitled to arrange for a single medical examination of the Plaintiff, if living, to be conducted by a physician of Defendants' choice and at Defendants' expense. The request for medical examination shall be coordinated and arranged by Lead Defense Counsel at least fourteen (14) days prior to each Plaintiff's scheduled discovery deposition. Absent agreement of Plaintiffs otherwise, the Defendants' medical examination shall take place in the county in which Plaintiffs' deposition is scheduled, or within twenty-five (25) miles of Plaintiffs' residence. Defendants shall reimburse Plaintiffs for reasonable travel

expenses associated with each Plaintiffs' medical examination within thirty (30) days of the examination.

20. The Defendants are ordered to cause a report of the medical examination described in the preceding paragraph to be reduced to writing and served upon Plaintiffs' counsel as soon as practicable after the examination but no later than thirty (30) days prior to trial unless otherwise agreed by counsel for Plaintiffs and Lead Defense Counsel.

III.

PLEADINGS AND MOTIONS

21. Parties may amend their pleadings up to thirty (30) days prior to the scheduled trial date and thereafter only upon leave obtained from the Court. Opposing parties may respond to amended pleadings up to fifteen (15) days prior to the scheduled trial date and thereafter only upon leave obtained from the Court.

22. Each Defendant with an answer on file is deemed to be asserting a cross-action for contribution and indemnity against each of the other Defendants and/or settling Defendants for any claims they may assert in such action. Cross-actions against Defendants who have been dismissed or nonsuited by Plaintiffs will be dismissed thirty (30) days after the dismissal order is signed, unless objection to the dismissal is made in writing. This dismissal will be effective automatically by virtue of this order without the necessity of any written motion or written order by the Court.

23. All discovery responses and supplemental responses which are not specific to an individual asbestos case shall be filed in this Court's master asbestos discovery file. Although discovery responses identifying witnesses with knowledge or documents relevant to a specific case should properly be filed in that individual case, (i.e, product identification witnesses or

documents, treating physicians, examining medical experts, pain and suffering and loss of consortium witnesses, etc.) all discovery responses identifying general liability witnesses and documents, general medical witnesses and documents, and general state of the art witnesses and documents should be filed in the master asbestos discovery file rather than repetitively in each specific case.

24. All motions in limine and other motions commonly filed in each case shall be filed in the master asbestos file, rather than repetitively in each case. This shall be construed to require parties to file all motions relating to general voir dire issues, general liability issues, general medical testimony issues and general state of the art evidence in the master asbestos file.

25. Parties who violate the provisions of this Order may, at the discretion of the asbestos common issues judge, be sanctioned in an amount not to exceed \$200.00 for each violation of this rule.

26. Hereinafter, "short form" pleading may be used in El Paso County asbestos litigation. The parties may file in the master asbestos file one or more versions of their standard petitions, answers, and all supplements or amendments thereto commonly filed in asbestos litigation. The parties using "short form" pleading shall then file in individual cases a short pleading which clearly identifies the parties to the lawsuit and the case in which it is filed. The "short form" pleading shall reference and incorporate a specific pleading filed in the master asbestos file. Any "short form" pleading which specifically references a form pleading filed in the master asbestos file shall be deemed to fully and completely incorporate all statements and allegations contained in the form pleading referenced. It shall not be necessary for the parties to repetitively refile essentially identical pleadings in each case under this procedure.

27. The Court has before it the Motion of Defendant Armstrong World Industries, Inc. for Entry of Agreed Pretrial Order Regarding Authenticity of Medical Records. That Order, if entered, will specify the procedures for establishing the admissibility of Medical Records in El Paso County asbestos cases.

28. It shall not be necessary for the parties to file with the Court case-specific discovery responses and supplemental responses. Rather, the parties shall file with the Court only a copy of the transmittal letter by which such responses or supplemental responses were served on opposing counsel. The party answering the discovery shall be deemed the custodian of the original response to such discovery. This provision shall not apply to Requests for Admission.

V.

PRE-TRIAL PROCEDURE

29. Parties may designate expert witnesses pursuant to Texas Rules of Civil Procedure. Counsel will exchange lists of witnesses they intend to call at least ⁽¹⁰⁾ ~~ten~~ days prior to trial. Witnesses not included on the list will not be allowed to testify unless good cause is shown. If a party files duplicative expert witness lists in each case rather than the In Re: Asbestos file, the sanctions described in Paragraph #5 will be applied. Rather than filing a separate pleading listing potential witnesses, the parties, at their option, may designate potential trial witnesses in their responses to interrogatories seeking the identity of persons with knowledge of such experts.

30. Before presentation at trial, counsel will exchange pages and lines of all depositions they intend to offer at the trial (other than for impeachment purposes) and try to

resolve any objections. Those objections that cannot be resolved will be presented to the Court at the pre-trial conference or during trial.

Video depositions should be edited so that they can be played without interruption. The parties shall each be entitled to present their designations in separate videos. Counsel are instructed to present a copy of the deposition and a list of pages and lines for the court reporter when the deposition is used.

31. Counsel shall confer on care-specific motions in limine not previously ruled upon by the asbestos common issues judge, and at the pre-trial conference just prior to trial, be in a position to let the Court know what is agreed and what the Court needs to rule on.

VI.

TRIAL AND SETTLEMENT

32. All cases are ordered to mediation and counsel for all parties present shall attend the mediations with full authority to settle or shall have present at mediation a representative of the client with full authority to settle. Should counsel for any party fail to attend the court ordered mediation or if Defendants later settle for an amount greater than or equal to Plaintiffs' demand at mediation, the party not attending mediation or refusing to accept such offer or demand at mediation shall be liable for all subsequent reasonable attorneys' fees and expenses in the case. For purposes of this section, expenses shall include all reasonable costs, including witness travel costs, court reporter fees, expert witness charges, expert witness cancellation fees, and any other expenses reasonably associated with the case.

33. To accelerate the final disposition of asbestos cases pending in El Paso County District Courts, all asbestos cases shall be subject to consolidation and shall proceed to trial on disputed issues common to all the cases; i.e., liability for negligence, strict liability, breach of warranty, wantonness and gross negligence.

Each El Paso County Court shall schedule two (2) asbestos special trial settings per year to resolve remaining issues not addressed in the mass consolidation of common issues. The asbestos common issues judge, after consultation with the El Paso County Judiciary, will issue a schedule of asbestos special settings each year. This schedule shall set for trial a minimum of forty (40) Plaintiffs' cases per month on two separate special trial settings a month. This schedule shall not be construed to limit the rights of Plaintiffs to move for additional settings where appropriate if exigent circumstances exist.

34. Settling parties in asbestos cases will be required to disburse settlement monies thirty (30) days after settlement, the announcement of settlement or the trial date whichever is sooner. Failure to pay per this paragraph will subject Defendants to sanctions in the amount of interest at the maximum rate allowed by law plus reasonable attorneys fees and costs of collection at a minimum of (25%) twenty-five percent of the settlement. Defendants shall file agreed notices of dismissal upon full payment of settlements. The parties may agree to modify the scheduling of settlement as long as such agreement is in writing and signed by counsel for both parties.

Immediately after settlement, Defendants shall immediately sign and forward to counsel for Plaintiffs a Rule 11 Agreement promising to pay the agreed settlement amount within thirty (30) days from the date of the settlement agreement. If Plaintiffs' counsel have not tendered releases to Defendants within thirty (30) days of settlement. Defendants shall tender settlement funds to Plaintiffs' counsel to be held "in trust" for Plaintiffs. Failure to tender payment within the designated time period will result in the application of sanctions. The sanctions will be a fine of 40% of the settlement amount. If a Defendant incurs more than one such sanction, the fine will be increased to 100% of the settlement amount owed to the Plaintiff.

35. The Court reserves the right to supplement or modify this Order upon reasonable notice. To the extent that matters are not addressed and/or covered by this Standing Order, the Texas Rules of Civil Procedure, the Texas Rules of Civil Evidence and local rules of court shall govern.

Signed this the 26 day of January, 1996.

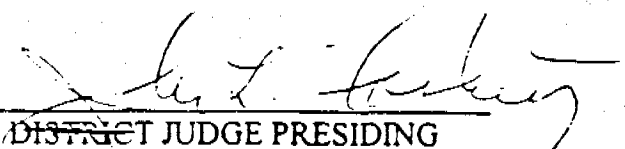

DISTRICT JUDGE PRESIDING
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JUDGE PRESIDING

EXHIBIT A

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dust and fibers by those exposed to the use of your company's products? If so, give the following:

- A. Name of the person or firm conducting such studies;
- B. The date the studies began and the date they were completed;
- C. Any publication or other written dissemination of the results of the studies;
- D. The nature of any action to eliminate or minimize the inhalation of asbestos dust fibers;

ANSWER:

INTERROGATORY NO. 48:

Does your company have, has it ever had, or have your predecessor(s) or subsidiaries ever had, a Research Department? If so, give the year such Research Department was established, and whether or not such Research Department has operated continuously since being established. State also:

- A. The amount of time and money expended each year on research concerning asbestos or asbestos-containing products?
- B. What percentage of gross sales did your company or its predecessor(s) spend on research concerning the health effects of asbestos?
- C. State in detail the purposes, duties, and responsibilities of such Research Department.

ANSWER:

INTERROGATORY NO. 49:

Does your company have, or has it ever had, or have your predecessor(s) or subsidiaries ever had, a Medical Department?

If so, state:

- A. The year such Medical Department was established;
- B. Whether or not such Medical Department has operated continuously since being established;
- C. The name of each director, chief, or head of your Medical Department year by year, beginning with the first year you had a Medical Director or Medical Department, and the last known address and phone number of each;
- D. State the duties and responsibilities of such Medical Department.

ANSWER:

INTERROGATORY NO. 50:

Did your company or its predecessor(s) or subsidiaries ever place any warning directly on any of its asbestos-containing product or on their packaging. If so, identify the product(s) and year said warning was first applied.

ANSWER:

INTERROGATORY NO. 51:

Did your company or its predecessor(s) or subsidiaries ever stamp or place the name of the company, its initials, or any identifying logo on any of its asbestos-containing products? If so, please state the name brand names of such products, a description of such stamp or logo and the dates such were placed on the referred products.

ANSWER:

INTERROGATORY NO. 52:

Has your company, or your predecessor(s) or subsidiaries, ever devised a research plan to develop, or actually developed or had developed, a product which did not contain asbestos and which could be substituted for one or more of your asbestos-containing products? If so, state the date that such research plan was begun and when such asbestos-free product was first placed on the market.

ANSWER:

INTERROGATORY NO. 53:

Did your company or its predecessor(s) or subsidiaries ever recall any products containing asbestos from the market or stream of commerce? If so, state:

A. All details of such recall;

- B. The name of the product recalled, including the reason for the recall and the names and current addresses of those individuals who determined that it should take place;
- C. The dates of recall;
- D. The purpose for the recall.

ANSWER:

INTERROGATORY NO. 54:

Before 1970, did you ever manufacture or sell products which did not contain asbestos and which could be substituted for your asbestos-containing products? If so, state the date such asbestos-free products were first placed on the market.

ANSWER:

INTERROGATORY NO. 55:

Have any products you identified in your response to Interrogatory Nos. 52 and 54 not performed as intended? Please list all such products that have not performed as intended.

ANSWER:

INTERROGATORY NO. 56:

Did your company or its predecessor(s) or subsidiaries ever make, order, or arrange for any industrial hygiene surveys regarding asbestos or asbestos-containing dust? If so, give the

date of such surveys and state who, or what entity, was responsible for completion of such surveys.

ANSWER:

INTERROGATORY NO. 57:

As to either the threshold limit values or maximum allowable concentrations of both asbestos dust and total dust provided by the American Conference of Governmental Industrial Hygienists, state:

- A. The year in which Defendant or any predecessor(s) or subsidiaries were first advised of such limits or concentrations;
- B. The name of the employee or official of the company receiving such advice;
- C. How Defendant received notice of such limits or concentrations.

ANSWER:

INTERROGATORY NO. 58:

Were the threshold limit values or maximum allowable concentrations inquired about in Interrogatory No. 63 for total dust, and not asbestos dust alone?

ANSWER:

INTERROGATORY NO. 59:

State in detail what tests, if any, Defendant ever made with regard to the quantity, quality, or threshold limit values of asbestos dust or particles to which workers were exposed while using, working with or around, or installing your asbestos-containing products.

ANSWER:

INTERROGATORY NO. 60:

Please state the following with respect to each expert witness you that you may call during trial of these cases. Please designate with specificity the expert witnesses that you will call, including:

- (a) The name, address, and job classification of each such expert witness;

ANSWER:

- (b) The subject matter on which the expert is expected to testify;

ANSWER:

- (c) The substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion;

ANSWER:

- (d) Whether any person identified in subparagraph (a) above has provided a report or other documentation to you, and if so, identify each such document or report;

ANSWER:

- (e) Identify all documents that you have provided to each person identified in response to subparagraph (a) above;

ANSWER:

- (f) Describe in detail the education and work history of, and identify any books, treatises, articles, published and unpublished reports, studies or other scholarly works authored by any individual identified in response to subparagraph (a) above. Alternatively, in lieu of said response, attach a copy of a resume or curriculum vitae and a list of publications to your answers.

ANSWER:

INTERROGATORY NO. 61: "

Please state the name, present address and present telephone number, along with the experience and qualifications, if applicable, of each and every person, known to Defendant or to

Defendant's agents, having knowledge of facts relevant to these cases involving, but not limited to:

- (a) identification of asbestos-containing products to which each and every individual Plaintiff, separate and distinct from all other Plaintiffs within the group, allegedly was exposed or facts disputing the identification of asbestos-containing products in this case.

ANSWER:

- (b) Each and every individual Plaintiff's, separate and distinct from all other Plaintiffs within the group, alleged damages, injuries and/or facts disputing each and every Plaintiff's alleged damages and/or injuries;

ANSWER:

- (c) the negligence of any person or entity other than Defendant which Defendant contends was a cause of each and every individual Plaintiff's, separate and distinct from all other Plaintiffs within the group, alleged injuries and/or damages;

ANSWER:

- (d) each of Defendant's defenses enumerated in Defendant's last filed Answer in each of these cases.

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Armstrong World Industries
CertainTeed Corporation
C.E. Thurston & Sons, Inc.
Dana Corporation
Flexitallic Gasket Co., Inc.
GAF Corporation
I.U. North America, Inc. (formerly Unijax)
Maremont Corporation
National Gypsum Company (also known as The Asbestos Claims Management Corp. and the NGC Asbestos Disease and Property Damage Settlement Trust)
National Service, Ind., Inc. (formerly North Brothers)
NOSROC Corporation
Ferodo America, Inc. (formerly Nuturn Corporation)
Pfizer, Inc.
Quigley Company, Inc.
Shook & Fletcher Insulation
T & N, plc (formerly Turner & Newell Inc.)
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& IN THE HERBERT E. ORR CASE ONLY

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909 Fannin, Suite 3600
Houston, TX 77010-1091
(713) 222-9542
FAX NO. (713) 655-7727

NORTH AMERICAN REFRACTORIES COMPANY (NARCO)

Debra S. Fitzgerald
Direct Dial 922-4124
Hubert Crouch, Crouch & Hallet, L.L.P.
1400 Maxus Energy Tower
717 North Harwood
Dallas, Texas 75201
953-0053
FAX NO. 953-3154

OWENS-CORNING FIBERGLAS CORPORATION

Beth McGregor
Bean & Manning
Suite 1500
5847 San Felipe
Houston, Texas 77057
(713) 783-7070
FAX: (713) 974-8173

OWENS-ILLINOIS, INC.

Peter Moir State Bar No. 14254500
Baker & Borts
800 Trammell Crow Center
2001 Ross Avenue
Dallas, Texas 75201
953-6500
FAX NO. 953-6503

PITTSBURGH CORNING CORPORATION

R. Lyn Stevens State Bar No. 19189020
Stevens & Baldo, L.L.P.
550 Fannin Street
Suite 400
Beaumont, Texas 77701
(409) 835-5200
FAX: (409) 838-5638

PNEUMO ABEX CORPORATION

Jamshyd (Jim) M. Zadeh State Bar No. 22239000
Bourland, Kirkman & Seidler, L.L.P.
Fort Worth Club Tower, Penthouse I
777 Taylor Street
Fort Worth, Texas 76102-9990
(817) 336-2800
FAX NO. (817) 877-1863

PROKO INDUSTRIES, INC.

Thomas Dougall
Bowers, Orr & Robertson
1401 Main Street, Suite 1100
Columbia, South Carolina 29201
(803) 252-0494
FAX NO. (803) 252-1068

RAPID AMERICAN

Edward A. Cavazos State Bar No. 00787223
Andrews & Kurth, L.L.P.
4200 Texas Commerce Tower
600 Travis
Houston, Texas 77002
(713) 220-4200
FAX NO. (713) 220-4285

ROCK WOOL MFG. COMPANY

Charles Green State Bar No. 08347380
Cowles & Thompson
901 Main Street
Suite 4000
Dallas, Texas 75202
672-2000
FAX NO. 672-2020

SYNKOLOID

Kathy Hermes State Bar No. 15156500
Patterson, Lamberty, Stanford, Walls & Dwyer, Inc.
2011 Cedar Springs at Harwood
Suite 100
P. O. Box 1078
Dallas, Texas 75221-9990
871-2200
FAX NO. 871-0521

U.S. MINERAL COMPANY

Mel Bailey State Bar No. 01532100
DeHay & Elliston
1500 Maxus Energy Tower
717 North Harwood Street
Suite 1500
Dallas, Texas 75201-6508
953-5454
FAX: 953-5455

WAGNER ELECTRIC

William S. Rhea, IV State Bar No. 16807100
Ford & Ferraro, L.L.P.
2000 San Jacinto Center
98 San Jacinto Boulevard
Austin, Texas 78701
(512) 476-2020
FAX NO: (512) 477-5267

WESTINGHOUSE ELECTRIC

Robert E. Thackston
Jenkins & Gilchrist
Fountain Place
1445 Ross Avenue, Suite 3200
Dallas, TX 75202
855-4500
FAX NO. 855-4300

W.R. GRACE & CO.-CONN.

Sandra F. Clark State Bar No.
Mehaffy, Weber & Gonsoulin
2615 Calder Avenue
Suite 800
Beaumont, Texas 77702
(409) 835-5011
FAX NO. (409) 835-5177 or 835-5729

EXHIBIT "B"

IN RE: ASBESTOS LITIGATION

IN THE DISTRICT COURTS
AND COUNTY COURTS AT LAW OF
EL PASO COUNTY, TEXAS

MASTER SET OF DISCOVERY REQUESTS TO PLAINTIFFS

TO: All Plaintiffs, by and through their attorney of record.

Pursuant to the Texas Rules of Civil Procedure, the answers to these Discovery Requests are due within sixty days of the filing of Plaintiff's Original Petition, or as provided in "Standing Order No. 1" in the ^{El Paso} County Master Asbestos File, whichever is later.

As used in these discovery requests, "you" refers to all Plaintiffs who claim an asbestos-related personal injury, and in a death action, the decedent.

As used in these discovery requests, to "identify" any individual person, company or other business entity means to state the full name and present address, business address and, in the case of a person, his or her business affiliation and job classification. To "identify" a document includes the nature and content thereof, or participant therein, the present location of the person or entity having custody thereof being specific so as to enable it to be identified or described if a Request for Production is served.

INTERROGATORY NO. 1.

- (a) State your full name and all other names by which you have been known (including nicknames);
- (b) State your date and place of birth;
- (c) State your present home address;
- (d) List in chronological order the resident addresses where you have resided in the past twenty years and state the inclusive dates of your residence and each location;

(e) State your present occupation and business address;

(f) State your Social Security number;

(g) State the license number and issuing authority of each automobile operator, chauffeur, or commercial license which you presently possess or which you possessed in the past; and with respect to each license, please state (1) the date of issuance and (2) date of expiration.

INTERROGATORY NO. 2.

If you are currently married, please state your spouse's name, address, and date of marriage and the name and address of your spouse's employer. With respect to any and all prior spouses, if any, state:

(a) name and date of marriage;

(b) whether that marriage was terminated by divorce, separation, annulment, or death, and the date of such termination.

INTERROGATORY NO. 3.

State the present name, age, date of birth, and address of each of your children, and of any person who in any way is financially dependent upon you for support, including, but not limited to, parents, in-laws, relatives, or other people; for each such person, including your children, state the extent to which such person is dependent upon you for financial support or maintenance.

INTERROGATORY NO. 4.

State the names and addresses of all schools that you have attended, the dates you attended those schools, whether they were public, private, military, trade schools, and/or special training institutions, and with respect to each describe the type of training received, the highest grade reached, and the degree or certificate obtained, if any.

INTERROGATORY NO. 5.

If you have ever been arrested, charged, or convicted of a felony or crime involving moral turpitude, state the date, location of the incident, and the result of each such arrest, charge, or conviction.

INTERROGATORY NO. 6.

If you have ever served in any capacity in the military service, please give the dates, rank, service number, and branch of service; type of discharge from each tour of duty or enlistment; and type of disability and pension you have received or are receiving, if any.

INTERROGATORY NO. 7.

If you have ever filed a claim or received payment for disability from the Veterans' Administration, state the basis for your claim, when the claim was filed, the disposition of the claim, the amount of payment you received from the Veterans' Administration, and the basis for any such payment.

INTERROGATORY NO. 8.

If you have ever been self-employed, state the dates of such self-employment, describe the type of work you performed during such self-employment, and any names such as trade, doing-business-as, partnership, or corporate names under which you may have performed such work.

INTERROGATORY NO. 9.

If you have ever been a member of a union, state:

(a) the name of each union to which you have belonged, the number and address of each local of which you have been a member, and the dates you belonged to each union and local;

(b) whether you were an officer, director, and/or business agent of any union, and if so, describe all positions you held in any unions and for what periods of time you held such positions;

(c) whether you were ever a member of the International Association of Heat and Frost Insulators and Asbestos Workers ("the Asbestos Workers' Union"); and

(d) whether you ever received the Asbestos Workers' magazine from the Asbestos Workers' Union; and if so, state whether you ever read the greensheets.

INTERROGATORY NO. 10.

State your income and the source(s) of your income for each year of the last five years. If your spouse is employed or has been employed, state his or her income for each year of the last five years.

INTERROGATORY NO. 11.

(a) If you are presently employed and working, state the name and address of your employer, your job classification, rate of pay, and describe the type of work which you are presently performing. If not presently employed, give the same information as to your last employment with dates of such employment, together with the reasons why you are no longer employed. Give the same information with respect to your spouse.

(b) If you have lost any time from work due to any physical ailment,

(1) state how much time you have been unable to work during the last five years;

(2) describe any illness or disability that has caused you to lose any time from work over the past five years.

INTERROGATORY NO. 12.

(a) If you have ever received any accidental bodily injury, state the nature and extent of injury;

(b) If you have ever been a party to any claim or lawsuit for bodily injuries or personal injuries to yourself, give the style and number of the lawsuit, the date on which the suit was filed, the name and address of your attorney, and the ultimate disposition of the claim or lawsuit.

INTERROGATORY NO. 13.

If you have ever filed a claim for worker's compensation, please give the following information with respect to each such claim:

(a) name of the employer, date of claim, and file number of claim filed with the Industrial Accident Board;

(b) description of injury made the basis of the claim;

(c) the amount of money paid you for the claim;

(d) if any lawsuit has been filed on the worker's compensation claim, the style of the case, cause number, and court in which the lawsuit was filed;

(e) name and address of any physician, chiropractor, or doctor of osteopathy who tested, treated, or examined you in connection with the claim;

(f) if you were hospitalized in connection with the claim, identify the location and address of hospital, the length of hospitalization and your primary doctor during the hospitalization.

INTERROGATORY NO. 14.

Please state the name and address of each person who participated in the preparation of these answers to interrogatories or who furnished any information used in the preparation of these answers to interrogatories.

INTERROGATORY NO. 15.

Describe in detail your employment history, including:

(a) the name and address of each employer for whom you worked;

(b) the dates when you worked for each employer;

(c) the location and description of each job site where you were employed and the dates when you worked at each such job site;

(d) the name and present address (or most recent known address) of your immediate supervisor and your co-workers at each job site where you are claiming exposure to asbestos;

(e) your wage rate and hours worked in an average week for each job site where you claim you were exposed to asbestos;

(f) your job duties, craft, and titles for each job site where you were employed and you claim exposure to asbestos-containing products;

(g) the reason your employment with each employer listed in response to (a) above was terminated;

(h) each job site where you claim to have been exposed to asbestos and the dates when you claim to have been exposed to asbestos;

(i) each asbestos product to which you were exposed, including the name of the manufacturer, the trade name of the asbestos product, and the description of the particular product;

(j) when, where and whether you worked with and/or around each asbestos product identified above;

(k) whether you were exposed to any dusts, fumes or gases, and if so, what were you exposed to and at which jobs.

INTERROGATORY NO. 16.

(a) State the name, business address, home address, relationship to you (e.g., relative, friend, co-worker, supervisor, etc.), and present occupation of each and every witness that has any knowledge of facts relevant to this lawsuit, including, but not limited to, those persons who have knowledge of any time that you may have been exposed to any products that may have contained asbestos.

(b) As to each individual person listed above, describe each jobsite where he/she worked with or around the Plaintiff, his/her occupation at each such job, the asbestos-containing products that he/she can identify at each such job, and whether the person worked with the Plaintiff at each such job.

INTERROGATORY NO. 17.

If you have any direct evidence or invoices from suppliers for any purchases of products containing asbestos from any or all of the Defendants, which products were used on job sites where you worked, identify the document by name of supplier, date of invoice, name of purchaser, and place of delivery.

INTERROGATORY NO. 18.

(a) When, if ever, did you first experience any problems with your respiratory health, lungs, or breathing;

(b) Describe in layman's language what your physical complaints were at the time you first experienced such problems;

(c) If the physical complaints and symptoms of which you now complain are different than those you first experienced, as described above, describe your present physical complaints and symptoms and state when you first had these complaints.

(d) Identify every physician who has advised you that you had any of the following, state when he or she so advised you and describe what he or she said to you:

- (1) Chronic obstructive lung disease;
- (2) Emphysema;
- (3) Pneumoconiosis;
- (4) Asbestosis; or
- (5) Any other lung condition that the physician indicated was related to exposure to asbestos-containing products.

(e) Identify each physician who has attended you for lung or breathing problems and with respect to each such physician, state:

- (1) The complaints made to the physician;
- (2) The type of examination and/or treatment received by you from the physician;
- (3) Whether chest x-rays were taken; and
- (4) The final diagnosis made by the physician.

INTERROGATORY NO. 19.

Excluding the information provided in response to Interrogatory No. 18 relating to injury or illness involving your respiratory health, lungs or breathing, state the name and address of each physician, chiropractor, doctor of osteopathy, or other practitioner of the healing arts who has examined or treated you, or to whom you have gone for any reason during your lifetime, and state the illness or injury for which each such person treated or examined you, the dates of such treatment and the type of treatment you received, if any.

INTERROGATORY NO. 20.

Please state the name and address of any hospital or clinic in which you were examined, were the subject of any tests or x-rays, received outpatient care, or were hospitalized from birth to the present date; the dates of each examination, testing, hospitalization, or treatment; the illness or injury, if any, which was the subject of

each hospitalization, examination, testing, or treatment; and the treatment, if any, you received.

INTERROGATORY NO. 21.

If you have ever smoked, state when you started smoking, what type of tobacco product you smoked, when you smoked it and for how long, how much you have smoked of each type of tobacco product, whether a physician ever advised you to stop smoking, and if so, who and when, and state if applicable, the reasons you stopped smoking.

INTERROGATORY NO. 22.

If you have ever been examined through a company or union screening program for lung or respiratory disease, give the dates, place, and details of your examination, and the name of the company or union sponsoring the program.

INTERROGATORY NO. 23.

(a) How and under what circumstances did you learn that asbestos could be harmful to your health?

(b) When did you first believe that the lung problems or breathing problems of which you complain might have been related to asbestos-containing products?

(c) When were you first told, and by whom, that any lung problems or breathing problems of which you complained might have been related to asbestos-containing products?

INTERROGATORY NO. 24.

(a) Identify all expert witnesses who have been consulted in connection with this action, even if such expert witness may not be called to testify at trial, if the consulting expert's opinion or impressions have been reviewed by a testifying expert.

(b) State the mental impressions and opinions held by and the facts known by any expert identified in response to Interrogatory No. 24(a).

(c) Identify all documents and tangible things, including reports, prepared by or relied on by any expert identified in response to Interrogatory No. 24(a).

INTERROGATORY NO. 25.

(a) Identify each expert witness who may be called as a witness to testify at trial.

(b) State the mental impressions and opinions held by and the facts known by any expert identified in response to Interrogatory No. 25(a).

(c) Identify all documents and tangible things including reports relied on or prepared by any expert identified in response to Interrogatory No. 25(a) in anticipation of the expert's trial or deposition testimony, and identify all documents provided to any such expert.

(d) State whether any of the opinions or mental impressions of any expert who may be called to testify at trial have not been reduced to tangible form.

INTERROGATORY NO. 26.

In all wrongful death or survival actions,

(a) state the date of death;

(b) state whether the deceased had a Last Will and Testament and whether any administration has been had on the deceased's estate;

(c) state whether an autopsy was performed on the decedent and if so, identify the doctor who performed the autopsy and the hospital where the autopsy was performed;

(d) state the cause of death.

INTERROGATORY NO. 27.

If Plaintiff has entered into any settlement agreement, or received any monies from a named Defendant or any third party, please state:

(a) the name of the party or person with whom Plaintiff entered into an agreement;

(b) the date of the agreement;

(c) the amount of money received by Plaintiff from each person or party.

INTERROGATORY NO. 28.

State when (including the month, date and year) you first contacted an attorney for the purpose of obtaining professional legal services regarding your alleged asbestos exposure, and the date of any agreement with a lawyer to provide you with professional legal services regarding the same.

INTERROGATORY NO. 29.

Please list all medical expenses, if any, incurred as a result of your alleged exposure to asbestos-containing products and the approximate date such expenses were incurred. "Medical expenses" includes, but is not limited to, all charges for care, treatment or diagnosis by a physician, nurse, or other health care specialist; all hospital costs, charges, and expenses; and all medication expenses.

INTERROGATORY NO. 30.

Please identify all health insurance policies, medicare supplement insurance policies, cancer insurance policies, or any other entitlement to health care benefits, whether governmental or private, providing coverage to you or through which you are entitled to benefits of any kind (regardless of whether you have made such a claim for benefits) at any time since the date of the filing of your lawsuit. For all identified policies, programs or benefits, identify with particularity the company or entity providing such policies, programs or benefits.

INTERROGATORY NO. 31.

If you are making a claim for lost wages, either past or future, as a result of your alleged exposure to asbestos-containing products, please identify the factual basis for such a claim and the monetary amount claimed by you to have been lost in the past or which you estimate will be lost in the future.

INTERROGATORY NO. 32.

State the names, addresses and telephone numbers of all persons who have knowledge of facts relevant to this lawsuit, including but not limited to, all witnesses to any incident or exposure made the basis of this suit and all persons who have knowledge of the extent and duration of injuries and incapity you claim to have suffered.

REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS

1. The reports of all expert witnesses whom Plaintiff may call at the trial of this case, and all documents reviewed by any such expert in connection with this matter.
2. All photographs, films, movies, or video recordings that depict or purport to depict anything relevant to any of the matters at issue in this case, including any of the matters alleged in your complaint or petition.
3. All documents reflecting any claims or settlements made by you in connection with any asbestos-related injury or disease that you sustained.
4. All documents (including, but not limited to, notes, calendars, diaries, or like materials) prepared or kept by you and all documents in the nature of memoranda, notes, or recordings of statements made by you in connection with (a) any exposure to asbestos or to asbestos-containing materials; (b) any conduct of the Defendants with respect to asbestos or asbestos-containing products; (c) any asbestos-related injury, disease, or treatment (including mesothelioma); or (d) any elements of actual damages resulting from your claimed asbestos-related injury.
5. All documents that Plaintiff may seek to introduce into evidence at trial. This request includes, but is not limited to, (a) documents related to the use of asbestos or asbestos-containing products; (b) documents related to safety precautions in connection with asbestos or asbestos-containing products; and (c) documents related to the medical risks associated with asbestos or asbestos-containing products.
6. In all wrongful death cases, copies of the decedent's death certificate, autopsy report and autopsy protocol.
7. All copies of your medical records, including specifically any medical records relating to any respiratory, breathing, or lung related injury or illness (including, but not limited to, asbestosis, mesothelioma, emphysema, asthma, bronchitis, lung cancer and chronic obstructive pulmonary disease).
8. All x-rays and pathology materials of any kind of the Plaintiff or decedent.
9. All documents, including sales receipts and invoices, that support your claim that you were exposed to asbestos-containing products manufactured, distributed or sold by any Defendants.

10. All materials provided to each consulting expert identified in response to Interrogatory No. 24(a) and copies of all materials prepared by such consulting experts identified in Response to Interrogatory 24(a).

11. Copies of all health insurance policies, medicare supplement insurance policies, cancer insurance policies, or any other document evidencing an agreement or contract for the payment of health care benefits proving coverage to you or through which you are entitled to benefits of any kind at any time since the date of the filing of your lawsuit. This request includes, but is not limited to, all attachments, riders, waivers, declaration pages, or cover sheets to the aforementioned documents.

12. Copies of all claim forms, payment stubs or any other relevant document to any of the policies, agreements, or contracts identified in answer to Interrogatory No. 30 or Request for Production No. 11.

13. All other documents identified in response to any of the attached interrogatories.

14. Please complete and sign all authorization forms attached hereto as Exhibits A through H.

Exhibit A	-	Medical Authorization
Exhibit B	-	Request for Social Security Earnings Information
Exhibit C	-	Authorization for Release of Social Security Records
Exhibit D	-	Payroll and Personnel Records Authorization
Exhibit E	-	VA Authorization
Exhibit F	-	Military Authorization
Exhibit G	-	Authorization for Industrial Accident Board
Exhibit H	-	Two Authorizations to Obtain Income Tax Records

AUTHORIZATION FOR RELEASE OF MEDICAL RECORDS

TO: ALL DOCTORS AND HOSPITALS (INCLUDING VETERANS ADMINISTRATIVE AND GOVERNMENT HOSPITALS) AND CHIROPRACTORS

You are hereby authorized to provide to _____

_____, or their agents _____

_____, or the bearer hereof, or the bearer of any photostatic or xerox copy hereof, a complete copy of all medical and hospital records pertaining to me, including all alcohol and drug abuse records protected under the regulations in Code 42 of Federal Regulations, Part 2, if any; all psychiatric and psychological services records, if any; and all social service records, if any. You are further authorized to provide all original x-ray films, any and all tissue samples, slides, paraffin blocks, or other pathological materials pertaining to me.

My full name is: _____

My date of birth is: _____

My Social Security number is: _____

Former names under which I have been known is/are: _____

Spouse of: _____

SIGNATURE

Date _____

EXHIBIT "A"

REQUEST FOR SOCIAL SECURITY EARNINGS INFORMATION

1. From whose record do you need the earnings information?

Your Reference No.

Print the Name, Social Security number, and date of birth below.

Name _____

Social Security Number _____

Other Name(s) Used
(Include Maiden Name) _____

Date of Birth
(Mo/Day/Yr) _____

2. What kind of information do you need?

Total earnings for each year.
(This information is free.)

For the year(s): _____

Detailed Earnings Information
(If you check this block, tell us below
why you need this information.)

For the period(s): _____

3. Do you owe us a fee for this detailed earnings information?

Yes No

If yes, enter the amount due from the Chart on page 2 A. \$ _____

Do you want us to certify the information?

Yes No

If yes, enter \$15.00 B. \$ _____

ADD the amounts on lines A and B, and
enter the TOTAL amount

C. \$ _____

- Send your check or money order for the amount on line C with the request.
- DO NOT SEND CASH OR STAMPS.
- Make check or money order payable to "Social Security Administration."

4. I am the individual to whom the record pertains (or a person who is authorized to sign on behalf of that individual) understand that any false representation to knowingly and willfully obtain information from Social Security records is liable by a fine of not more than \$5,000 or one year in prison.

SIGN your name here
(Do not print)

_____ Date _____

5. Tell us where you want the information sent. (Please print)

Name _____
Address _____
City _____
State _____
and _____
ZIP Code _____

6. Tear off completed form a

Social Security Administration
Office of Central Records
300 North Greene Street
Baltimore, Maryland 21201

Department of Health and Human Services
(formerly Department of Health, Education & Welfare)
Office of Central Records Administration
6401 Security Blvd.
Baltimore, MD 20201

Attn: Records Custodian

Re: _____
v. _____

Civil Action No. _____

U. S. District Court, _____ District of Texas, _____

Dear Sir:

I am presently a party to the above lawsuit pending before the United States District Co
for the above district and division. I hereby request that you produce a copy of my so
security record of disability claims and benefits to _____

agents _____, or if

_____ for use in the above proceeding. The parties to the proceed
have agreed to pay for the fees assessed in processing this request, and your statement for in
fees should be forwarded with the records to _____

My full name is: _____

My social security number is: _____

My date of birth is: _____

SIGNATURE

Date _____

Invoice # _____

*Please certify these records for court proceedings

EXHIBIT "C"

REQUEST FOR AND CONSENT TO RELEASE OF INFORMATION FROM CLAIMANT'S RECORDS

NOTE: The execution of this form does not authorize the release of information other than that specifically designated below. The information in this form is controlled under Title 38, United States Code, and will authorize release of the information you specify. The information on this form must be VA as permitted by law or subject to disclosure of access to the "Features of Systems of VA Records" published in the Federal Register in accordance with the Privacy Act of 1974. Disclosure is voluntary. However, if the information is not furnished, we may not be able to comply with your request.

Veterans Administration	NAME OF VETERAN (Print or type)	
	VA FILE NO. (Service number)	SOCIAL SECURITY NO.

NAME AND ADDRESS OF ORGANIZATION, AGENCY, OR INDIVIDUAL TO WHOM INFORMATION IS TO BE RELEASED

VETERAN'S REQUEST

I hereby request and authorize the Veterans Administration to release the following information from the records listed above to the person or persons named herein:

(Specify the records requested and the names and addresses of individuals to whom release is requested.)

NAME AND ADDRESS OF ORGANIZATION, AGENCY, OR INDIVIDUAL TO WHOM INFORMATION IS TO BE RELEASED

NOTE: Additional items of information desired may be listed on the reverse hereof.

DATE	SIGNATURE AND ADDRESS OF CLAIMANT, OR REPRESENTATIVE OF CLAIMANT'S ESTATE
------	---

FORM NO. 100-3288

EXISTING FORMS OF VA FORM NO. 100-3288 AND ON THE DATE OF THIS RELEASE WILL BE USED.

U.S. GOVERNMENT PRINTING OFFICE: 1969 O - 348-000

Exhibit "E"

Industrial Accident Board
200 East Riverside Drive
First Floor
Austin, Texas 78704

WAIVER OF CONFIDENTIALITY

I have, and by this instrument, do hereby authorize the Industrial Accident Board of Texas to request of you the release of any and all information concerning any of my workers compensation claims or files which may be protected by any provision of Article 8307, 9a, Texas Revised Civil Statutes.

This Waiver of Confidentiality is given solely to and for the use of _____

Claimant's:

Signature _____

Print or Type Name _____

Social Security Number _____

Date of Injury _____

Print or Type Street Address _____

City/State/Zip _____

_____ Date of Application

STATE OF TEXAS §

COUNTY OF _____ §

Sworn and subscribed to before me this _____ day of _____, 19__

_____ Signature of Notary Public

_____ Printed Name of Notary Public

My Commission expires: _____

EXHIBIT "G"

PAYROLL AND PERSONNEL RECORDS AUTHORIZATION

TO WHOM IT MAY CONCERN:

I hereby authorize you to provide to _____

_____, or their agents _____

_____, or the bearer of a photostatic or xerox copy hereof, a complete copy of all records pertaining to my employment, including but not limited to all personnel, payroll, medical, or hospital records pertaining to me

My full name is: _____

My date of birth is: _____

My Social Security number is: _____

My dates of employment were _____ to _____

I worked in the following departments: _____

I was employed at the following offices:

SIGNATURE _____

Date _____

EXHIBIT "D"

Request for Copy of Tax Form

Please read the instructions before completing this form.

Important: Full payment must accompany your request.

1 Name of taxpayer as shown on tax form (husband's and wife's if joint return)		5 Enter account number as shown on the form (return, stock certificate, etc.)	
2 Current name and address		6a Wife's social security number as shown on tax form	
3 If copy of form is to be provided to someone else, show the third party's name and address		7 Enter name of broker or other person as shown on tax form	
4 Do you or agent have a record of your return. Check here if you want the copy provided to the third party. <input type="checkbox"/>		8 Tax form number (Form 1040, 1040A, etc.)	
9 Tax period(s) (month, year) (the copy will be for)		10 Amount due for copy of tax form:	
11 If name on third party's request differs from name shown above, show name here. (See instructions for items 3, 4a, and 4.)		a Cost for each period \$ 2.2	
		b Number of periods requested in item 9	
		c Total cost (multiply item 10a by item 10b). \$	
12 Check the box to show what you want:			
<input type="checkbox"/> Copy of tax form and all attachments. The charge is \$4.25 for each period requested. Note: If you need this a copy for court or administrative proceedings, it is covered here. <input type="checkbox"/>			
<input type="checkbox"/> Copy of Form W-2 only. There is no charge for this.			

Please Sign Here

Signature _____ Title _____

Telephone number of requester _____

Commercial letter for us to use _____

Use of item 1 photo is a non-certified, non-optional, matter of choice.

Instructions

Privacy Act and Paperwork Reduction Act Notice.—We ask for this information to carry out the Internal Revenue laws of the United States. We need the information to gain access to your return in our files and properly respond to your request. If you do not furnish the information, we may not be able to fill your request.

Purpose of Form.—Use this form to request a copy of a tax return or Form W-2.

Note: If you had your return filed out by a paid preparer, check first to see if you can get a copy from the preparer. This may save you both time and money.

If you are not the taxpayer shown in item 1, you must send a copy of your authorization to receive the copy of the form. This will generally be a power of attorney, tax information authorization, or evidence of endorsement (for Title 11 Bankruptcy or Receivership Proceedings). If the taxpayer is deceased, you must send enough evidence to establish that you are authorized to act for the taxpayer's estate.

Copies of joint returns may be furnished to either the husband or the wife. Only one signature is required. If your name has changed, sign Form 4506 exactly as your name appeared on the return and also sign with your current name.

Please allow at least 45 days for delivery. Be sure to furnish all the information asked for on this form to avoid any delay in our sending your requested copies. (You must allow at least 5 weeks processing time after a return is filed before requesting a copy.)

Corporations, Partnerships, Estates, and Trusts.—For names on who may obtain tax information on the entity, see Internal Revenue Code section 6103.

Items 3, 3a, and 4.—If you have allowed someone else to receive the tax form (such as a CPA, accountant, agent, or mortgage lender), you must include the name of an individual with the address in item 3. Also, be sure to write the name of the client, student, or applicant in item 4 if it is different from the name shown in item 1. For example, item 1 may be the name of a student applying for financial aid. Show the student's name in item 4 so the school has to know what file to search for returns with. If we cannot find a recent year return, we will notify the third party directly that we cannot fill the request. You checked the box in 3a, we will not the payment for the copies to the third party.

Item 5.—If you want a copy of your W-2 only and not a copy of your tax, be sure to check the box for Copy of W-2 only and in item 8 show Form only. In item 10c show "no charge."

If you need only tax account information and not a copy of your tax return or W-2, do not complete this form. See instructions on the back under "Tax Account Information Only."

Items 6 and 6a.—For individuals, a social security number as shown on tax form. For joint returns, show the social security number in item 6 and wife's in item 6a. If you do not have information, there may be a delay in processing your request.

EXHIBIT "C"

IN RE: ALL ASBESTOS-RELATED § IN THE DISTRICT COURTS AND
PERSONAL INJURY OR § COUNTY COURTS AT LAW OF EL PASO
DEATH CASES FILED OR TO § COUNTY, TEXAS
BE FILED IN TRAVIS §
COUNTY, TEXAS §
§

PLAINTIFFS' MASTER INTERROGATORIES AND REQUESTS
FOR PRODUCTION PROPOUNDED TO DEFENDANT

TO: DEFENDANT, by and through its counsel of record,

Pursuant to Rule 168 of the Texas Rules of Civil Procedure, the Plaintiffs request that Defendant, through its officers or agents who have access to the information requested herein, answer, under oath, the following interrogatories within sixty (60) days of the date of service.

DEFINITIONS

As used in this set of Interrogatories and Request for Production, the following terms mean:

1. The words "Defendant," "You," "Your," "Your company," all mean the corporate Defendant separately answering these Interrogatories, and any of its merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries, foreign subsidiaries of predecessors, and/or affiliates known to have mined, manufactured, sold, marketed, utilized or distributed asbestos or asbestos-containing products or that incorporated asbestos or asbestos-containing products into ships or other water-going vessels. This definition includes present and former officers, directors, agents, employees, and all other persons acting or purporting to act on behalf of the corporate Defendant or its predecessors, subsidiaries, and/or affiliates known to have mined, manufactured, sold, marketed or distributed asbestos or asbestos-containing products. "Predecessors" further means any business firm, whether or not incorporated, which had all or some of its assets purchased by you or came to be acquired by you whether by merger, consolidation, or otherwise known to have

mined, manufactured, sold, marketed, utilized, or distributed asbestos or asbestos-containing products. "Subsidiaries" further means any business firm, whether or not incorporated, which is or was in any way owned or controlled, in whole or in part by Defendant or its predecessors and which is known to have mined, manufactured, sold, marketed, utilized or distributed asbestos or asbestos-containing products.

Defendant is required to produce a schematic or diagram detailing its subsidiaries, predecessors and divisions that would be included in the above definition. (See Request for Production No. 2)

2. The words "document", "documents", "written materials", or "printed matter" include any written, printed, recorded or graphic matter, photographic or videographic matter or sound reproductions or computer input or output, including but not limited to: contracts, notes, rough drafts, inter-office memoranda, reports, research materials, logs, diaries, calendars, bank statements, tax invoices, diagrams, studies, manuals, minutes, by-laws, articles of incorporation, resolutions, shareholder endorsements, or partnership documents however produced or reproduced, that (1) are now or were formerly in the possession, custody, or control of the Defendant (including documents at any time in the possession, custody or control of their subsidiaries, whether domestic or international, or merged or acquired predecessors), or (2) are known or are believed to be responsive to these Interrogatories regardless of who now has or formerly had custody, possession or control.
3. The words "person" or "persons" include natural persons, firms, partnerships, associations, joint ventures, corporations, and any other form of business organization or arrangement, and officers, directors, shareholders, employees, agents, and contractors of any business organization or arrangement.
4. The words "meeting" or "meetings" may mean any coincidence or presence of any persons, whether or not such coincidence or presence was pre-arranged, was formal or informal, or was in connection with some other activity.
5. The words "describe" or "description", when referring to a place, thing, or occurrence, mean to identify with sufficient particularity the place, thing, or occurrence so as to enable one to locate, examine and fully comprehend or understand the place, thing, or occurrence described.

6. The words "product containing asbestos fibers," "asbestos-containing products," "asbestos products" all refer to any products or materials prepared in any way for sale and/or distribution that contained any kind of asbestos in any possible form. The words "asbestos materials" refer to any and all materials, substance, or matter used or assembled or fabricated during the manufacture of a product, and that contain at least some asbestos fibers. "Product" includes, but is not limited to, pipecovering, turbines, cement, block, gaskets, packing, plaster, joint compound, floor and ceiling tiles, mastics, boilers, raw fibers, fireproofing, shingles, panels, sheets, boards, millboard, refractory cement, boilers, firebrick, brake and clutch linings, finishing compound, texture, and other construction, building, drywall, lath and insulation materials.
7. The words "design changes," and "modifications" mean alterations in the makeup and/or components of a particular product, including but not limited to, variations in the amount or type of asbestos used in the process of manufacturing the product.
8. The words "releasing products to the public" means selling, distributing, marketing, or otherwise causing the products to be available to the general public and/or resale and wholesale outlets for sale.
9. The words "distribute," "distributed," "distributor," and "distribution" all refer to the sale, marketing, dispersal and/or shipment of asbestos-containing products for purposes of their sale, resale and/or for purposes of filling orders provided by other business concerns. The word "distributor" specifically refers to a company or its sales representatives, whether dependent or independent, responsible for sales or marketing of products.
10. The words "marketed," and "market" mean and include all efforts to assist in the distribution and/or sale of products. More generally, these terms refer to only efforts on your part or the part of manufacturers or distributors to sell or otherwise distribute products.
11. The words "medical advisory capacity" refer to the duties, abilities or capabilities of any member of Defendant's staff, or any individual or organization who has contracted with Defendant, to provide services of a medical nature, including but not limited to providing medical advice.

12. The words "trade organization," or "trade association" mean any organizations or associations of business or industrial entities that are associated and/or meet for the purpose of achieving common goals and/or exchanging information related to common needs or interests, and/or learning information or facts of interest to the various members of the organization or association.
13. The word "plant" means a manufacturing or assembly facility where products are assembled, manufactured, constructed, fabricated, or where component parts, materials, substances, or matter of such products are fabricated, assembled, or manufactured or are prepared for further fabrication and/or assembly.
14. The word "manufacture," or "manufactured" means to fabricate, to construct, to assemble, prepare for fabrication or assembly, or any other action taken prior to completion of the product or material before the time of its shipment.
15. The word "resale" means the sale of a finished product or products previously purchased by your company from another company, either with or without alterations, changes, or modifications to the product prior to the sale by your company.
16. The words "sales materials," or "written sales materials" mean any and all documents or literature of a promotional nature that were created or printed for the purpose of assisting in the marketing or distribution of the products. Such documentation may include, but is not limited to, sales invoices, order slips, and other written indicia of orders received and sales made.
17. The words "rebranding agreement" mean an agreement of any kind whereby one party to the agreement is provided products by the other party to the agreement and the agreement contemplates that the first party will place the brand name of its choice upon the products, either by repackaging or otherwise, and then proceed to sell, market, distribute and/or place the product in the stream of commerce, utilizing its new brand name.
18. The words "research" and "research department" refer to efforts, whether scientific or otherwise, to develop new and/or different types of products, processes or designs of pre-existing products and is meant to incorporate all

efforts that specifically contemplated the possible alteration of products.

19. The words "medical department" refer to an individual or a section or group of individuals working for Defendants, either directly or in a contractual capacity, whose purpose was or is to provide guidance, assistance, or advice concerning any aspects of medical health, including but not limited to, the safety of Defendant's workers and the safety of individuals using products manufactured by the Defendant.
20. The words "industrial hygiene surveys" mean surveys, tests, interviews, or other procedures taken or effectuated for the purpose of determining the possibility or existence of detrimental effects caused by Defendant's products on the health of Defendant's workers and/or potential, anticipated, and/or known end users of Defendant's products.
21. The words "potential health hazards," or "health hazards" refer and relate to any injury, effect, damage, scarring, wound, impairment or disability of any part of the human anatomy, including but not limited to the lungs and lung linings, that is caused by or associated with exposures to asbestos dust and fibers.
22. The terms "test" and "testing" are used in their broadest sense, including but not limited to, studies of atmospheric dust samples, studies of the concentration of asbestos in such airborne test sample, studies of the lung conditions of workers (by x-ray or other means of medical surveillance), pulmonary function studies of workers, animal studies, pathological studies, industrial hygiene studies, risk assessment studies, cost-benefit analyses and any other studies on the product concerning health and safety required by any governmental agency.

INTERROGATORIES

INTERROGATORY NO. 1:

State the name, address, job title, length of time employed by Defendant, and a year-by-year list of all other positions, titles, or jobs held when working for Defendant of each person who has supplied any information used in answering these interrogatories.

ANSWER:

INTERROGATORY NO. 2:

State whether or not you are a corporation. If so, state your correct corporate name, the state of your incorporation, the address of your principal place of business, the name and address of the person or entity authorized to accept service of process on your behalf, and whether or not you have ever held a Certificate of Authority to do business in the State of Texas.

ANSWER:

INTERROGATORY NO. 3:

Has Defendant or any of its predecessor or subsidiary companies at any time engaged in the mining and subsequent sale of material containing asbestos fibers? If so, identify the location of the mine(s), the years of its operation, the type of

2 P 3

(Official Form 11 (9-97))

Voluntary Petition <i>(This page must be completed and filed in every case)</i>		Name of Debtor(s): W. R. Grace & Co.		FORM B1, Page 2
Prior Bankruptcy Case Filed Within Last 6 Year (If more than one, attach additional sheet)				
Location Where Filed:		Case Number:	Date Filed:	
Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor (If more than one, attach additional sheet)				
Name of Debtor: See Exhibit 1		Case Number:	Date Filed:	
District:		Relationship:	Judge:	
Signatures				
Signature(s) of Debtor(s) (Individual/Joins) I declare under penalty of perjury that the information provided in this petition is true and correct. (If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7) I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter _____. I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.		Signature of Debtor (Corporation/Partnership) I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor. The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.		
<input checked="" type="checkbox"/> Signature of Debtor <input checked="" type="checkbox"/> Signature of Joint Debtor Telephone Number (If not represented by attorney) Date		<input checked="" type="checkbox"/> Signature of Authorized Individual David B. Sievel Printed Name of Authorized Individual Senior Vice President and General Counsel Title of Authorized Individual April 2, 2001 Date		
Signature of Attorney <input checked="" type="checkbox"/> James H. M. Sprayregen Signature of Attorney for Debtor(s) James H. M. Sprayregen Printed Name of Attorney for Debtor(s) Kirkland & Ellis Firm Name 200 East Randolph Drive, Chicago, IL 60601 Address Telephone Number 4/2/01 Date <input checked="" type="checkbox"/> Laura Dawidson Signature of Attorney for Debtor(s) Laura Dawidson Printed Name of Attorney for Debtor(s) Pechelsky, Stang, Ziehl, Young & Jones PC Firm Name 919 North Market Street, 10 th Floor, Wilmington, DE 19899-8705 Address Telephone Number 4/2/01 Date		Signature of Non-Attorney Petition Preparer I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document. Printed Name of Non-Attorney Petition Preparer Social Security Number Address Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document: If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person. <input checked="" type="checkbox"/> Signature of Bankruptcy Petition Preparer Date		
Exhibit A (To be completed if debtor is required to file periodic reports (e.g. forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11) <input checked="" type="checkbox"/> Exhibit A is attached and made a part of this petition.		Exhibit B (To be completed if debtor is an individual whose debts are primarily consumer debts) The attorney for the petitioner named in the foregoing petition, declares that I have informed the petitioner that (he or she) may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, and have explained the relief available under each such chapter. <input checked="" type="checkbox"/> Signature of Attorney for Debtor(s) Date		