

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF XXXXXXXXXXXX

IN RE: XXXXX JUDICIAL DISTRICT
ASBESTOS LITIGATION

Name(s) of Plaintiff(s),

Plaintiffs,

v.

Name(s) of Defendant(s),

Defendants.

Index No.:

**PLAINTIFFS' FIRST
STANDARD SET OF
LIABILITY
INTERROGATORIES AND
REQUEST FOR
PRODUCTION OF
DOCUMENTS TO
CONTRACTOR
DEFENDANTS**

All plaintiffs, pursuant to the CPLR and the Case Management Order (CMO), propound the following interrogatories to each and every defendant, to be answered under oath within thirty (30) days of service, and request that each defendant produce in accordance with the CPLR and the CMO such documents within thirty (30) days of service of same. These interrogatories are continuing in character and require you to file supplementary answers if you obtain further or different information after your initial answers and before trial, including in such supplemental answers, the date upon and the name in which such further or different information came to your attention. (For further instructions and definitions *see* Appendix A).

I. Instructions

A. The interrogatories and requests for production hereinafter stated are continuing in character so as to require you to file supplemental answers thereto if further information is obtained subsequent to the date of your response.

B. When the name or identity of an individual is requested, please state the individual's full name, residence address and telephone number, business address and telephone number, and, where applicable, the individual's corporate title or position.

C. The pronoun "you" or "your" refers to defendant.

D. When identification and/or production of a document is indicated, or if you prefer to produce the document itself in lieu of answering, either attach a true copy of the document to your answers, or if the material is too cumbersome to be produced in such a manner, state whether or not you would be willing to produce such document for inspection and copying at a time and place mutually convenient to counsel for the parties herein.

E. Unless otherwise specified, the interrogatories hereunder stated refer to the time, place and circumstances of the occurrence complained of in the complaint filed herein.

II. Definitions

A. Construction Work shall be defined as provided in New York Industrial Code, 12 NYCRR 23-1.4 as, all of the types performed in the construction, erection, alteration, repair, maintenance, painting or moving of buildings or other structures, whether or not such work is performed in proximate relation to a specific building or other structure and includes, by way of illustration but not by way of limitation, the work of hoisting, land clearing, earth moving,

grading, excavating, trenching, pipe and conduit laying, road and bridge construction, concreting, cleaning of the exterior surfaces including windows of any building or other structure under construction, equipment installation and the structural installation of wood, metal, glass, plastic, masonry and other building materials in any form or for any purpose.

B. Demolition work shall be defined as provided in New York Industrial Code, 12 NYCRR 23-1.4 as, the work incidental to or associated with the total or partial dismantling or razing of a building or other structure including the removing or dismantling of machinery or other equipment.

C. Excavation work shall be defined as provided in New York Industrial Code, 12 NYCRR 23-1.4 as, the removal of earth, rock or other material in connection with construction or demolition operations.

D. Job site shall be defined as provided in New York Industrial Code, 12 NYCRR 23-1.4 as, the site of a project involving construction, demolition or excavation operations.

E. Property shall be defined to include all buildings related to the construction, maintenance, repair, demolition, or excavation of the following facilities:

1. **[LIST SITES];**
2. All sites testified to by the Plaintiff.

General Contractor Liability Interrogatories

- Q1. State the full name, address, telephone number and position of the corporate officer answering these interrogatories.
- Q2. Have any documents and records of the defendant been used or referred to, in connection with the preparation of or answers to these interrogatories? If so, for each document referred to, state the following:
- a. The number of the question and its subpart:
 - b. The identity and title of the document;
 - c. The name and location of the file in which the document was found;
 - d. The name and location of the file in which the document is presently located;
 - e. The originator of the document.
- Q3. State the names of each person who was spoken to or who provided information to assist in answering these interrogatories and for each person state the following:
- a. The number of each question and its subpart for which such person provided information;
 - b. For each question identified in a., state the name, title and position description of the person supplying information;
 - c. The present location and address of the person supplying information;
 - d. The contents of the information provided.
- Q4. Please state in which State or States of the United States or which foreign countries your business is incorporated and where its principal place of business is located.

- Q5. State the full and complete legal name under which your company or any predecessor is now doing business.
- Q6. State the names and positions of all corporate officers or officials having the responsibility for creating, directing or setting the policy of any division, subsidiary or agent which oversaw:
- a. Operational safety;
 - b. Construction Safety;
 - c. Compliance with State and Federal safety regulations;
 - d. Compliance with State and Federal environmental regulations;
 - e. Purchasing;
 - f. Repair; and
 - g. Asbestos abatement and containment.
- Q7. Please state whether your company has ever contracted to perform construction, demolition, or excavation work of any type at said property, during which asbestos containing products and/or asbestos containing fixtures and/or asbestos containing equipment were used, installed, repaired, maintained, constructed or demolished, including, but not limited to, the following:
- a. Boilers;
 - b. Compressors;
 - c. Condensers;
 - d. Duct work;
 - e. Electrical control boards;
 - f. Fire-boxes;
 - g. Fire-walls or fire retardant walls;
 - h. Generators;
 - i. Oil-lines or oil-piping;

- j. Pumps;
- k. Spark-boxes;
- l. Steam-lines or steam-pipes;
- m. Turbines;
- n. Precipitators;
- o. Asbestos containing cement mixes;
- p. Asbestos containing pipe covering;
- q. Asbestos containing fire-bricks or blocks;
- r. Asbestos containing sheets, wraps or soft blocks;
- s. Asbestos containing spray;
- t. Asbestos insulation in loose form;
- u. Asbestos containing tape;
- v. Asbestos covered electric wires, cables or wire harnesses;
- w. Asbestos containing valve packing;
- x. Asbestos containing sealants;
- y. Asbestos containing blankets;
- z. Asbestos containing fabrics such as garments, gloves, aprons and/or fire-suits.
- aa. Asbestos containing paper;
- bb. Asbestos containing gaskets;
- cc. Asbestos containing ceiling tiles, plasters or acoustic materials; and/or
- dd. Asbestos containing laminate surfacing;

Q8. If the answer to the question above is “Yes”, please identify for the said property:

- a. The address;
- b. The name of the building and/or property;
- c. The dates of ownership;
- d. The dates of construction, excavation or demolition;

- e. The equipment, fixtures and/or products from the list in question 7 above which were used, installed, repaired, maintained, constructed or demolished;
- f. The dates during which each piece of equipment, fixture and/or product from the list above was used, installed, repaired, maintained, constructed or demolished on your premises;
- g. The identity of the manufacturer and distributor of each piece of equipment, fixture and/or product from the list above;
- h. The architect, engineer or designer who recommended or specified the use of, and/or the installation, repair, maintenance, construction or demolition of the above equipment, fixtures and/or products;
- i. The general contractor and all subcontractors who used, installed, repaired, maintained, constructed or demolished each piece of equipment, fixture and/or product from the list above;
- j. The identity of all those companies and individuals who supervised or controlled the use, installation, repair, maintenance, construction, or demolition of each piece of equipment, fixture and/or product identified in subsection (e) and who was responsible for job safety;
- k. Whether you or anyone at your direction provided any warnings, cautionary statements, directions or instructions, oral or written, as to the potential hazards of asbestos inhalation on said property identified in subsection a above? If so:
 - (i) The identity of all companies and/or individuals who provided such information;
 - (ii) The content of the information;
 - (iii) The trade(s) of the workers to whom such information was given.
- l. Whether you or anyone at your direction provided any of the following on the job site identified in subsection a above:

- (i) Local exhaust;
- (ii) Ventilation;
- (iii) Respirators;
- (iv) Masks

and if so:

- (i) The identity of all companies and/or individuals who provided such protective measures;
- (ii) The trade(s) of the workers who were provided such protective measures;
- (iii) Whether the protective measures were provided in whole or in part to protect against the potential hazards of asbestos inhalation.

m. Whether you or anyone at your direction ever measured for asbestos dust during the construction, demolition and/or excavation at the said property identified in subsection a above and, if so:

- (i) The identity of all companies and/or individuals who conducted such measurements;
- (ii) The results of such measurements, and provide all documents.

n. Identify and provide copies of any and all building permits for the said property identified in subsection a above.

o. The name, address, and trade of any entity that Defendant contracted with or sub-contracted with to perform construction, renovation, or demolition at said property.

- p. For each contractor or subcontractor listed in response to Q.8(n), provide complete copies of all contracts between Defendant and any such contractor or subcontractor.

Q9. Please state whether your company has ever served as an architect, engineer, general contractor or subcontractor for or during the construction, demolition or excavation of the said property, during which asbestos containing products and/or asbestos containing fixtures and/or asbestos containing equipment were used, installed, repaired, maintained constructed or demolished and whether your company was, in any way, involved in specifying, designing, installing, repairing, maintaining, constructing and/or demolishing any of the following asbestos containing equipment, asbestos containing fixtures, and/or asbestos containing products:

- a. Boilers;
- b. Compressors;
- c. Condensers;
- d. Duct work;
- e. Electrical control boards;
- f. Fire-boxes;
- g. Fire-walls or fire retardant walls;
- h. Generators;
- i. Oil-lines or oil-piping;
- j. Pumps;
- k. Spark-boxes;
- l. Steam-lines or steam-pipes;
- m. Turbines;
- n. Precipitators;
- o. Asbestos containing cement mixes;
- p. Asbestos containing pipe covering;

- q. Asbestos containing fire-bricks or blocks;
- r. Asbestos containing sheets, wraps or soft blocks;
- s. Asbestos containing spray;
- t. Asbestos insulation in loose form;
- u. Asbestos containing tape;
- v. Asbestos covered electric wires, cables or wire harnesses;
- w. Asbestos containing valve packing;
- x. Asbestos containing sealants;
- y. Asbestos containing blankets;
- z. Asbestos containing fabrics such as garments, gloves, aprons and/or fire-suits.
- aa. Asbestos containing paper;
- bb. Asbestos containing gaskets;
- cc. Asbestos containing ceiling tiles, plasters or
Acoustic materials; and/or
- dd. Asbestos containing laminate surfacing;

Q10. If the answer to the question above is “Yes”, please identify for the said property:

- a. The address;
- b. The name of the building and/or property;
- c. The owner;
- d. The dates of construction, excavation or demolition;
- e. The equipment, fixtures and/or products from the list in question 9 above which was specified, used, purchased, installed, repaired, maintained, constructed or demolished;
- f. The dates during which each piece of equipment, fixture and/or product from the list in question 9 above was specified, used, purchased, installed, repaired, maintained, constructed or demolished; on your premises;

- g. The identity of the manufacturer and distributor of each piece of equipment, fixture and/or product identified in subsection e above;
- h. The architect, engineer or designer who recommended or specified the use of, and/or the installation, repair, maintenance, construction or demolition of each piece of equipment, fixture and/or product, identified in subsection e above;
- i. The general contractor and all subcontractors who used, purchased, installed, repaired, maintained, constructed or demolished each piece of equipment, fixture and/or product, identified in subsection e above;
- j. The identity of all those companies and individuals who supervised or controlled the use, installation, repair, maintenance, construction or demolition of each piece of equipment, fixture and/or product identified in subsection e above and who was responsible for job safety during the use, installation, repair, maintenance, construction or demolition of each piece of equipment, fixture and/or product identified in subsection e above;
- k. Whether you or anyone at your direction provided any warnings, cautionary statements, directions or instructions, oral or written, as to the potential hazards of asbestos inhalation on the said property identified in subsection (a) above?
If so:
 - (i) The identity of all companies and/or individuals who provided such information;
 - (ii) The content of the information;
 - (iii) The trade(s) of the workers to whom such information was given.
- l. Whether you or anyone at your direction provided any of the following on the job site identified in subsection a above:
 - (i) Local exhaust;
 - (ii) Ventilation;

- (iii) Respirators;
- (iv) Masks

and if so:

- (i) The identity of all companies and/or individuals who provided such protective measures;
 - (ii) The trade(s) of the workers who were provided such protective measures;
 - (iii) Whether the protective measures were provided in whole or in part to protect against the potential hazards of asbestos inhalation.
- m. Whether you or anyone at your direction ever measured for asbestos dust during the use, installation, repair, maintenance, construction or demolition of each piece of equipment, fixture and/or product identified in subsection e above and, if so:
- (i) The identity of all companies and/or individuals who conducted such measurements;
 - (ii) The results of such measurements, and provide all copies.
- n. Identify and provide copies of any and all building permits for said property identified in subsection a above.
- Q11. Have you ever acquired, by way of a consolidation, merger, purchase of assets, or otherwise, any other company which owned property at a time in which construction, excavation or demolition occurred during which asbestos containing products and/or asbestos containing fixtures and/or asbestos containing equipment, as previously listed in questions 7 and 9, were used,

installed, repaired, maintained, constructed or demolished? If so, as to each such acquisition:

- a. State the name and state of incorporation of the company which was acquired;
- b. State the reasons for the acquisition;
- c. State the date of the acquisition;
- d. State the terms of the acquisition, including but not limited to the consideration paid (e.g., amount of stock, cash, etc.);
- e. Identify all of the company's assets which were acquired (e.g., plants, machinery, stock in trade, trademarks, patents, goodwill, etc.);
- f. Identify all of the company's liabilities which were assumed by or in the acquisition;
- g. State the number of employees of the acquired company which were retained by you after the acquisition;
- h. State the names of the directors, officers, and major stockholders of your company and the acquired company at the time of the acquisition and the names of the directors, officers, and major stockholders of your company and, if it continued to exist, of the acquired company, after the acquisition;
- i. State the total number of shares of the acquired company that you held before and after the acquisition;
- j. Identify and produce a copy of the agreement between you and the acquired company, the pertinent minutes of your Board of Directors and all other related documents.
- k. The address and the name of each building and each piece of property previously owned by the company acquired;
- l. The dates of ownership by the company acquired;
- m. The equipment, fixtures and/or products from the list identified in questions 7 and 9 above which were used, installed, repaired, maintained, constructed or demolished;

- n. The dates during which each piece of equipment, fixture and/or product from the list identified in subsection m was used, installed, repaired, maintained, constructed or demolished on your premises;
- o. The identity of the manufacturer and distributor of each piece of equipment, fixture and/or product from the list in question 7;
- p. The architect, engineer or designer who recommended or specified the use of, and/or the installation, repair, maintenance, construction or demolition of the above equipment, fixtures and/or products identified in subsection m;
- q. The general contractor and all subcontractors who used, installed, repaired, maintained, constructed or demolished each piece of equipment, fixture and/or product from the list identified in subsection m;
- r. The identity of all those companies and individuals who supervised or controlled the use, installation, repair, maintenance, construction, or demolition of each piece of equipment, fixture and/or product identified in subsection m and who was responsible for job safety;
- s. Whether you or anyone at your direction provided any warnings, cautionary statements, directions or instructions, oral or written, as to the potential hazards of asbestos inhalation on any property identified in subsection k above? If so:
 - (i) The identity of all companies and/or individuals who provided such information;
 - (ii) The content of the information;
 - (iii) The trade(s) of the workers to whom such information was given.
- t. Whether you or anyone at your direction provided any of the following on the job site identified in subsection k above:
 - (i) Local exhaust;
 - (ii) Ventilation;
 - (iii) Respirators;
 - (iv) Masks

and if so:

- (i) The identity of all companies and/or individuals who provided such protective measures;
 - (ii) The trade(s) of the workers who were provided such protective measures;
 - (iii) Whether the protective measures were provided in whole or in part to protect against the potential hazards of asbestos inhalation.
- u. Whether you or anyone at your direction ever measured for asbestos dust during the construction, demolition and/or excavation at any property identified in subsection k above and, if so:
- (i) The identity of all companies and/or individuals who conducted such measurements;
 - (ii) The results of such measurements, and provide all documents.
- v. Identify and provide copies of any and all building permits for each property identified in subsection k above.

Q12. Identify all parties who had the contractual or other responsibility, for said property listed in response to questions 8, 10 and 11 above, to supervise and control the use, installation, repair, maintenance, construction or demolition of each piece of equipment, fixture and/or product identified in questions 8e and/or 10e and/or 11m above?

Q13. Please list the names and addresses of each company which provided architectural services, engineering services or acted as general contractor or subcontractors or who had employees otherwise lawfully frequenting said property listed in response to questions 8 and/or 10 and/or 11 above, during the construction, excavation or demolition. State for each:

- a. The period of time each company was present on the property;
- b. The name, title and company of each individual with supervisory responsibility.

- Q14. Identify all companies which manufactured, supplied, sold, distributed, provided or used each of the products, equipment and/or fixtures listed in response to questions 8 and/or 10 and/or 11. For each company state:
- a. The name, last known address and company of the person with whom you did business;
 - b. Whether there was written documentation regarding the manufacture, supply, sale, distribution, provision or use of the equipment, fixtures and/or products listed in response to questions 8 and/or 10 and/or 11? If so, identify it (or them) by date, title, signatories and present location and provide copies.

- Q15. With respect to each piece of equipment, fixture and/or product listed by you in response to questions 8 and/or 10 and/or 11, state whether you claim any caution, warning, caveat or other statement concerning the potential health hazards of asbestos inhalation during use, installation or insulation of any equipment, fixtures and/or products were provided to you. If so, state separately for each product:
- a. The precise wording of each caution or set of instructions;
 - b. The person or company who gave the instruction, caution and/or warning.
 - c. Whether the wording of the alleged warning had ever changed or altered over time.
 - d. The name, title and present address of the author of each such warning and/or instructions;

- e. Whether the warning and instructions given to any member of your company was physically displayed on any equipment, fixture and/or product, and if so, how it was displayed;
- f. Whether you have a copy of the warning and/or instructions in your possession at the present time, and if so, where it is located and provide copies;

Q16. Please state whether your company ever provided any caution, warning, caveat or other statement concerning the potential health hazards of asbestos inhalation to your employees or any individual lawfully frequenting the said property listed in response to questions 8 and/or 10 and/or 11? If so, please provide for said property:

- a. The precise wording of each such statement;
- b. When such statement was first provided;
- c. The form of such statement; i.e., written or oral;
- d. The trades to whom such statement was provided;
- e. The name and last known address of the person(s) who provided such statement;
- f. Whether the wording of such statement ever changed or was altered over time, and if so, what were the changes;
- g. Specifically what prompted you to first provide such statement (i.e., where medical reports were relied upon, and if so, identify such reports);
- h. The name, title and last known address of the author of each such statement;
- i. Whether such statement was physically displayed on the premises, and if so, the method of display;
- j. Whether any studies, evaluations or analyses of any potential hazards of asbestos inhalation were conducted by you prior to your use of each such statement? If so, identify the study by date, author, title, state its present location and provide copies.

- Q17. State the first time any officers of your company discussed providing any caution, warning, caveat or other statement concerning the potential health hazards of asbestos inhalation to your employees or any individual lawfully frequenting said property listed in response to questions 8 and/or 10 and/or 11? If so, please state:
- a. The names of the persons who were involved in the discussions and the date and place of the discussions;
 - b. The identity and locations of all documents memorializing the discussion and provide copies;
 - c. The substance of the discussion;
 - d. What action if any, you took as result of the discussion.
- Q18. Do you claim that you ever recommended to your employees or any individual lawfully frequenting the said property listed in response to questions 8 and/or 10 and/or 11, that respirators, masks and/or any other respiratory protection be worn while on the premises or while working with or around any of the asbestos containing equipment, fixtures and/or products used on the premises? If so, state for each property:
- a. The date or dates when each such recommendation was made;
 - b. Who made the recommendation;
 - c. The trades to whom the recommendations were made;
 - d. The form of the recommendation (i.e., written or oral); If written, identify the document by title, date and author of each such recommendation and the location of such recommendation and provide copies; and
 - e. The substance of each recommendation.
- Q19. Have you removed, attempted to remove or encapsulated any of the asbestos containing equipment, fixtures and/or products located on said property listed in response to questions 8 and/or 10 and/or 11? If so, state for said property:

- a. The date that the equipment, fixture and/or product was removed, attempted to be removed or encapsulated and the reason for such action;
- b. Name of the company that removed, attempted to remove or encapsulated the equipment, fixture and/or product including, but not limited to, the general contractor and/or subcontractor;
- c. The names and titles of each person who recommended or authorized or directed the removal, attempt to remove or encapsulation;
- d. Identify all documents relating to the removal, attempt to remove or encapsulation; and
- e. Whether any studies were conducted before you directed the removal, attempt to remove or encapsulation of the equipment, fixture(s) and/or product(s). If so, identify each study by date, author, title and subject matter and provide a copy.

Q20. Have any officers or employees of your company ever discussed whether the asbestos containing equipment, fixtures and/or products on said property listed in response to questions 8 and/or 10 and/or 11, posed any potential asbestos hazard to any employee or individual lawfully frequenting the property during construction, excavation or demolition? If so, state the dates and names of participants of each such meeting, identify all documents relating to such meetings and provide copies.

Q21. List all current or former insurance policies covering said property listed in response to questions 8 and/or 10 and/or 11 and include:

- a. The insurance company;
- b. The policy numbers;
- c. The limits of each policy including, but not limited to, occurrence, aggregate and product liability limits;

- d. The dates such policies were in effect;
- e. The location of all policies, and provide copies; and
- f. Whether a claim was ever made under any policy for any matter which concerned the presence of asbestos on said property listed in response to questions 8 and/or 10 and/or 11, If so, state:
 - (i) The property involved;
 - (ii) When such claim was made;
 - (iii) The basis and outcome of such claim;
 - (iv) Provide copies of all documents relating to such claim.

Q22. At the time of the installation or use of any asbestos containing equipment, fixtures and/or products on said property listed in response to questions 8 and/or 10 and/or 11, did you attempt to determine whether such installation or use complied with any allegedly applicable safety standards, orders or rules, regulations or design requirements promulgated by any professional society, association, or government body including, but not limited to, any existing asbestos threshold limit value?

- a. If you did not, please state the reasons for not conducting such an analysis and identify the name of the person(s) who made such decision;
- b. If you did, identify the safety standards, orders, rules, or regulations, with which you attempted to determine compliance and provide the results of each such attempt to determine compliance and, if in writing, provide copies.

Q23. Had you at any time conducted, participated in, or financed any tests, studies, investigations or analyses to determine the asbestos dust levels on said property listed in response to questions 8 and/or 10 and/or 11?

- Q24. Had you at any time conducted, participated in or financed any tests, studies, investigations or analyses to determine the effects of asbestos dust or fiber inhalation located on said property listed in response to questions 8 and/or 10 and/or 11 on any employees or person lawfully frequenting said property?
- Q25. Had you, at any time conducted, participated in or financed any tests, studies, investigations or analyses designed to prevent, minimize, or eliminate inhalation of asbestos dust or fibers by any employees or person lawfully frequenting said property listed in response to questions 8 and/or 10 and/or 11?
- Q26. Had you at any time conducted, performed, funded or participated in any investigation, study, test or analysis concerning asbestos-related diseases, asbestosis, pulmonary diseases or cancer?
- Q27. Have you ever conducted, participated in or financed any studies to determine whether any type of respirator and/or protective mask would either eliminate or reduce inhalation of asbestos dust or fibers?
- Q28. Have you ever conducted, participated in or financed any tests or studies to determine whether any type of ventilator or ventilating system would eliminate or decrease the number of airborne asbestos fibers on said property listed in response to questions 8 and/or 10 and/or 11?
- Q29. If the answer to question 23, 24, 25, 26, 27 or 28 was “Yes”, state for each affirmative response:
- a. The subject matter, title, date and names of the persons who conducted and/or authored such investigation;
 - b. The reason for such investigation;
 - c. The date such investigation was completed;

- d. If the results were disseminated, where and to whom and, if published, the name and identity of the publication;
- e. The results of such investigation, and the data and assumptions relied on;
- f. If in writing, identify such investigation by date, title, identification number, present location and custodian and provide a copy.

Q30. State whether you took any action as a result of any of such investigation listed in question 29 above?

If so state:

- a. The date and action taken;
- b. The identity of the person(s) who authorized or directed the action;
- c. Why the action was taken;
- d. The identity of all documents discussing the investigation, the action considered and the action taken by date, title, subject, author and present custodian and location and provide copies;

If not, state why not.

Q31. From the year 1920 to date, have you supported by gift, grant, direct cash or property payment, any kind of medical research concerning asbestos or asbestos disease? If so, state for each such occasion:

- a. The date of support;
- b. The dollar amount paid or contributed;
- c. The identity of the person(s) and/or organization(s) carrying out the research;
- d. The title, name or other identification of each such study;

- e. The identity of all documents relating to each such study and provide copies.

Q32. Have you ever had any surveys performed, pursuant to Labor Law Section 241(10), which requires that before commencing demolition work a survey be conducted to determine the presence of asbestos on the premises and that the results of such survey be transmitted to the office issuing demolition permits?

If so, state:

- a. The identity of the person(s) and/or company who performed the survey;
- b. When the survey was performed;
- c. The results of the survey;
- d. Whether the survey results were ever submitted to any local government office or the office of the commissioner for permits;
- e. Whether a permit for construction, excavation or demolition was ever denied as a result of any survey performed;
- f. The identity of all documents concerning the survey and provide copies.

Q33. From the year 1930 to the present, identify:

- a. The name of each physician and industrial hygienist in your employ;
- b. The current and/or last known address for each such individual;
- c. The dates of employment of each such individual;
- d. The job duties and/or responsibilities for each such individual identified;
- e. The duration of each such individual's employment, the office address or duty assignment location held by each such individual, and the dates associated with each such assignment.

Q34. Have you, at any time since 1930, maintained any office or department dealing with medical research? If so, state:

- a. The name and location of such department; and

- b. The name, address and title of each person who has been in charge of the department.

Q35. From the year 1930 to the present, state:

- a. The address of each medical library maintained by you or your subdivisions;
- b. When each such library came into existence;
- c. The custodian of each such library facility records, include the custodian's dates of employment and last known address or current address.

Q36. For each facility identified in response to questions 33, 34 and 35 above, state the name or title of each medical journal or periodical subscribed to and the inclusive dates of each such subscription.

Q37. Other than the medical library facilities referenced above, state the identity of each medical library, from 1930 to date, in which you held a membership, or funded by way of contribution, gift, grant, or any other direct cash or property payments.

Q38. State the names and addresses of all professional, trade, industrial, safety, hygiene, or health associations and research foundations or organizations you have been a member of since 1930 indicating for each association:

- a. The inclusive dates of your membership;
- b. The names of your employees who attended meetings and the dates and designations of such meetings;
- c. The positions held by any of your employees;
- d. The location of all minutes, digests, reports and documents received or concerning such association and provide copies of all such documents.

- Q39. When did you first learn that there were potential health hazards associated with the inhalation of asbestos dust or fibers? State the date, source, nature and extent of such information.
- Q40. Have you knowledge of any deaths or cases of lung disease or lung impairment prior to 1975 among any employees or those lawfully frequenting any property listed in response to questions 8 and/or 10 and/or 11 above? If so, state:
- a. The name and address of each such person;
 - b. The identity of all medical records possessed in relation to the person;
 - c. Whether and state whether reports of occupational disease were furnished to any governmental body of the relevant state, and provide copies;
 - d. The year when you first obtained such knowledge.
- Q41. If any of your employees or officers have testified at trial or by deposition in any litigation or before any Congressional Committee or administrative agency concerning asbestos or exposure to asbestos, state:
- a. The name, address and title of each person who testified;
 - b. The date, location and forum of such testimony;
 - c. Whether the defendant has a copy of such testimony;
 - d. Whether the defendant will voluntarily produce a copy of such testimony.
- Q42. Does your company recognize that:
- a. Asbestos inhalation causes asbestosis;
 - b. Asbestos inhalation may lead to an individual contracting asbestosis;
 - c. There is a correlation between exposure to asbestos and the occurrence of asbestosis;
 - d. Asbestos inhalation causes lung cancer;
 - e. There is a correlation between asbestos exposure and the occurrence of lung cancer;

- f. Asbestos inhalation causes mesothelioma;
- g. Asbestos inhalation may lead to an individual contracting mesothelioma;
- h. There is a correlation between asbestos inhalation and the occurrence of mesothelioma;
- i. Asbestos inhalation contributes to the development of gastrointestinal cancer;
- j. That a portion of inhaled asbestos fibers remain in the lungs after being inhaled into the human body and are not destroyed;
- k. The symptoms of asbestosis and other asbestos-induced lung diseases or cancers may not manifest themselves until many years after the asbestos was inhaled into the body;
- l. Prolonged use of the asbestos material can cause or contribute to various occupational diseases, including asbestosis, mesothelioma, cancer and other lung and respiratory diseases;
- m. The use, installation, repair, maintenance, construction or demolition of each piece of asbestos containing equipment, fixtures and/or products, as listed in questions 7 and/or 9 above, is potentially harmful to human health due to the inhalation of asbestos dust or fibers;

If your answer to any part of this question is “Yes”, explain when you came to this knowledge and what, if anything, you have done to notify any employees or person lawfully frequenting said property listed in response to questions 8 and/or 10 and/or 11 above.

- Q43. Have you as part of your business ever employed any steam plant operators, boiler repair workers, or insulators or had a division or unit which installed insulation materials on a contract by contract basis (e.g., a “contract unit”)? If so, state:
- a. The location where such persons or unit was based;
 - b. The names of the operators or managers of the contract units;

- c. Whether there existed rules, regulations and/or work practices that were to be followed by such employees:
 - d. Were such employees ever required to wear respirators. If so, please state;
 - (1) Whether the requirement was by written regulation or oral direction;
 - (2) The names of the people in your company originating such a requirement or in charge of enforcing it;
 - (3) The date the requirement was first imposed.
- Q44. Have any claims or lawsuits been filed against your company by anyone claiming to be injured as a result of asbestos inhalation? If so, for each such claim, state:
- (a) The date;
 - (b) The jurisdiction and docket number;
 - (c) The identity of all documents relating to the claim and provide copies.
- Q45. State by year the total dollar amount paid out by you, your contract unit and/or your insurance carrier as a result of claims under any Occupational Disease or Workers' Compensation statute for asbestosis, mesothelioma, bronchogenic carcinoma and/or cancer of the stomach, colon or rectum.
- Q46. Identify any action, other than workers' compensation claims, brought against you by individuals claiming injury as a result of exposure to asbestos and asbestos containing equipment, fixtures and products prior to 1972, stating the court in which the action was brought, the date of filing, case style, and case number.
- Q47. Has your company ever been cited or admonished by any government agency (federal, state or local) for asbestos dust levels in excess of any threshold limit

value (TLV) or other predetermined number? If so, please state for each such person:

- a. The date and the government agency
- b. The basis of the citation;
- c. Any action taken by the agency involved;
- d. The identity of all documents related to such citation and provide copies.

Q48. State whether, from 1930 to date, you promulgated any health and/or safety policy or any rules, written or oral, for your employees or those lawfully frequenting any property listed in response to questions 8 and/or 10 and/or 11? If so, state, for each such policy or rule:

- a. The date promulgated;
- b. The substance of the policy and rule;
- c. The name, address and title of the person who disseminated them;
- d. If in writing, the identity of the policy or rule by date, title, identification number, present location and the name and address of the custodian thereof and provide copies;
- e. The trade(s) of the workers to whom such policy or rules applied.

Q49. Do you agree that the possibility of exposure to asbestos dust and fibers extends not only to workers actually handling asbestos containing equipment, fixtures and/or products, as listed in questions 7 and 9 above, but also to:

- a. Other workers in the area where such equipment, fixtures and/or products are being used;
- b. Members of the families of such workers.

Q50. Does your company have a record or document “retention” policy, plan or program? If so, please describe such plan. If the plan is different for separate

categories of records, please describe the plan for each category. Please include:

- a. The name and title of the custodian of the records;
- b. The length of time for which records are retained;
- c. The titles and names of the personnel responsible for determining the policy or plan from 1935 to the present;
- d. The titles and names of the personnel responsible for the removal and destruction of any records, pursuant to any such plans from 1935 to the present.

Q51. Have you destroyed any documents, records or writings pertaining to:

- a. Health hazards of asbestos;
- b. Workers' Compensation claims arising out of exposure to asbestos;
- c. Cautions, caveats or warnings relating to asbestos;
- d. Hazardous conditions in said property listed in questions 8 and/or 10 and/or 11 above;
- e. Funding of studies about health hazards of asbestos;
- f. The decision to install or remove asbestos from any property owned, rented or leased by you;
- g. Lawsuits arising out of injuries alleged to having been caused by asbestos;

If so, list every such document destroyed by author, date and subject matter.

Q52. Have you ever had a division or subsidiary engaged in the business of abating, removing or encapsulating asbestos materials? If so, state:

- a. The name of the unit and all personnel involved;
- b. The location where such persons or units were based;
- c. The dates such person or units functioned;
- d. The sites where such abatement, repair, encapsulation or removal occurred.

- Q53. Identify and produce all Minutes of each meeting of the Board of Directors or of any committee of the Board at which meeting asbestos and/or asbestos disease and/or asbestos containing equipment, fixtures and/or products were discussed.
- Q54. If there is any person whom the defendant expects to call as an expert witness at trial, please provide a copy of the witness' curriculum vitae, or summary of the witness' qualifications if there is no vitae, and please state for each such expert witness:
- a. The person's identity, giving name, profession or occupation and address;
 - b. The subject matter on which each such expert is to testify;
 - c. The substance of all facts and opinions regarding which each such expert is to testify;
 - d. A summary of the grounds for each opinion of each such expert;
 - e. Whether the facts and opinions listed in c. above are contained in a written report, memorandum or transcript and if they are, produce the same pursuant to the Rule 34 Notice of Production of Documents attached hereto;
 - f. If the opinion of any expert listed above is based in whole or in part on any code or regulation, governmental or otherwise, identify said code or regulation and specifically set forth the section relied upon;
 - g. Whether each such expert intends to base his or her testimony on any book, treatise, article, study, or any other document, and, if so, identify all such documents; and
 - h. Whether the witness has testified at trial or by deposition in other asbestos-related personal injury or wrongful death cases, and if so, state for each such case:
 - (1) The name and docket number;
 - (2) The court in which each such case was pending;

- (3) The party for whom the witness testified; and
- (4) Provide copies of all transcripts.

- Q55. Identify the name and address of each fact or non-expert witness whom you intend to call at trial, and specifically set forth the nature and substance of the matters to which each such person will testify and summarize the facts to which such person will testify.
- Q56. Identify and produce each exhibit that you intend to rely upon at trial.
- Q57. Identify all persons, other than your attorneys, who provided you with any information used in answering these interrogatories, and state the particular information each person supplied.
- Q58. At any time prior to 1980, did you learn of any recommended levels of asbestos proposed by The American Conference of Governmental and Industrial Hygienists (ACGIH)? If so, state:
- a. The exact date you first learned of any ACGIH recommended levels;
 - b. How you first learned of it;
 - c. Which of your employees or agents first learned of it;
 - d. The steps or action you took to advise any individual lawfully frequenting any property listed in response to questions 8 and/or 10 and/or 11 of the ACGIH recommendation;
 - e. Any comment you filed or submitted to ACGIH;
 - f. Identify all documents related to ACGIH and provide copies;
- Q59. Do you contend that there is a minimum safe threshold level or exposure to asbestos below which there is no risk of developing mesothelioma, lung cancer or asbestosis?

If so, specify the minimum safe threshold level or exposure for each disease, the date you claim the threshold was arrived at, and the precise basis for your contention.

- Q60. Do you contend that there is any difference between chrysotile fiber, amosite fiber, crocidolite fiber, and/or tremolite fiber in the development of (a) mesothelioma; and (b) lung cancer? If so, explain in detail your contention as to the distinction between or among fiber types in the development of each disease and the medical authority you rely on.
- Q61. Did your company ever belong to the National safety Council? If yes, for what years?
- Q62. Did your company ever introduce or mandate the use of total containment disposal systems for insulation materials or asbestos containing materials? If yes, when?
- Q63. Did your company ever mandate or provide educational programs for employees regarding dust hazards, asbestos hazards, silicosis hazards, synergy between smoking and exposure to asbestos, and/or any other educational safety programs for potential risks as a result of exposure to dust? If so, when and what was discussed and what materials were provided and provide copies.
- Q64. Has your company ever been involved in drafting and/or advising and/or lobbying and/or testifying and/or providing evidence concerning any of the New York Labor Laws? If so state,
- a. When;
 - b. What involvement did your company have;
 - c. Provide any and all documents concerning such involvement.
- Q65. Has your company ever been cited for any violation under Article 10, Sections 240 or 241, of the New York Labor Laws concerning safe working conditions or been warned

about potential violations? If so, state when, state the substance of the citation(s) or warning(s), the section of the Labor Laws involved, the result of the citation(s) or warning(s) and provide copies of all documents relating to such citation(s) or warning(s).

REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to the CPLR and the CMO, plaintiffs' request that each defendant produce for inspection and copying, the documents and things identified below. The documents and things identified herein shall be produced for inspection and copying at such time as the answers to the interrogatories herein are filed.

You are hereby requested to produce the following documents and things:

- (1) All documents identified in your answers to these interrogatories.
- (2) All records of sales and deliveries of asbestos containing products, equipment and/or fixtures listed in questions 7 and 9 to any property listed in answers 8 and/or 10 and/or 11.
- (3) All research reports prepared by or for you or which you received concerning the following aspects of any asbestos containing products, equipment and/or fixtures, listed in questions 7 and 9 above;
 - a) The health hazards of the product;
 - b) The amount of asbestos released by the product when used;
 - c) The capability of the product to comply with industry standards, state or federal regulations or other limits;
 - d) Efforts to reduce or eliminate asbestos from the products;
 - e) The aerodynamic nature of the products;
 - f) The friability or durability of the product;
 - g) The ability of the product to resist deterioration or water damage.
- (4) All minutes of any committee which discussed asbestos on said property listed in response to questions 8 and/or 10 and/or 11.

- (5) Photographs of any of the asbestos containing products, equipment or fixtures or work on, near or with such products, equipment or fixtures on said property listed in response to questions 8 and/or 10 and/or 11.
- (6) All documents in your possession relating in any way to meetings, correspondence, statements or other communications relating to the presence of asbestos on said property listed in response to questions 8 and/or 10 and/or 11.
- (7) All documents in your possession or which you have ever become aware of, relating in any way to meetings, correspondence or other communications of our from any trade association, labor union, employer or governmental agency, of or from any of their agents or representatives, relating to the subjects of occupational health and exposure to asbestos, asbestos containing products, equipment and fixtures.
- (8) All documents relating in any way to the exposure or possible exposure to asbestos, asbestos containing products, equipment and fixtures by workers or persons lawfully frequenting said property listed in response to questions 8 and/or 10 and/or 11.
- (9) All documents relating in any way to the health effects of asbestos, asbestos containing products, equipment and fixtures, manufactured, distributed, sold and/or supplied by any person or entity or by any of the named defendants herein.
- (10) All documents prepared, reviewed, issued or commented on by you relating in any way to warnings, potential health hazards, instructions or precautions regarding the use or handling of, or exposure to, asbestos, asbestos containing products, equipment and fixtures.

- (11) All statements, recorded interviews, films, videotapes, reports, questionnaires, forms or other documents made, submitted, compiled, prepared or filled out by, on behalf of, or under the direction of defendant relating in any way to exposure or alleged exposure to asbestos, asbestos containing products, equipment and fixtures or any other issues relating to these lawsuits, except that information prepared by, for, or at the request of defendant's counsel must be identified (including the date made), but need not be produced without an order by the Court, provided that written or recorded communication between plaintiff and counsel, made after any attorney-client relationship has been established need not be produced or identified.
- (12) All documents relating to defendant's first knowledge, notice or awareness about the alleged adverse effects of exposure to asbestos, asbestos containing products, equipment and fixtures.
- (13) All records relating to comments, complaints, suggestions, or proposals made by your employees, residents, tenants, persons lawfully frequenting said property or by your customers, dealers, distributors or contractors or by yourself regarding the health effects of asbestos exposure.
- (14) All written, recorded, filmed, transcribed or videotaped statements of all parties and non-party declarants pertaining to the subject of these lawsuits, except that information prepared by, for, or at the request of plaintiff's counsel must be identified (including the date made), but need not be produced without an order by the Court, provided that written or recorded communication between plaintiff and counsel, made after an attorney-client relationship has been established, need not be produced or identified.

- (15) All photographs of people working with, handling, using or in the vicinity of any asbestos containing product, equipment and/or fixture listed in questions 7 and 9 on any property listed in response to questions 8 and/or 10 and/or 11.
- (16) Copies of all reports, correspondence and records which relates to the subject matter of these cases from any expert expected to testify at trial, either with respect to issues such as state-of-the art, standards, threshold limits, government or military specifications, industrial hygiene, warnings, friability of the asbestos located on said property listed in response to questions 8 and/or 10 and/or 11, health hazards involving exposure to the asbestos located on said property listed in response to questions 8 and/or 10 and/or 11, general medical issues relating to asbestos disease and their causes or and with regards to any individual plaintiff's case.
- (17) All documents submitted to any federal, state or local government or agency in connection with that body's efforts to establish standards, specifications or levels of ambient or occupational exposure to asbestos or asbestos from the asbestos containing products, equipment and fixtures listed in questions 7 and 9.
- (18) Samples of any of the asbestos containing products, equipment and fixtures located on said property listed in response to questions 8 and/or 10 and/or 11.
- (19) Any complaint relating to the asbestos located on said property listed in response to questions 8 and/or 10 and/or 11 and any incident or accident reports you received relating to the asbestos located in said property listed in response to questions 8 and/or 10 and/or 11.

- (20) Any written statements obtained by the defendant which relate to facts, circumstances, incidents, injuries or damages which form the basis of the complaint of each plaintiff including but not limited to statements made to any police or law officers, insurance company representatives, state or federal agents, or representatives of plaintiff's employers or of other companies.
- (21) All records and documents including tax returns, compensation claims, disability claims, social security claims, hospital and medical records, x-rays, pathology material, photographs, statements, reports and other documents relating to the claim of each plaintiff other than documents provided to you by the particular plaintiff's counsel.
- (22) All communications with or concerning the American Conference of Government and Industrial Hygienist.
- (23) All documents received by you or in your possession relating to or concerning the Quebec Asbestos Mining Association (QAMA).
- (24) All documents marked as exhibits in any insurance coverage litigation between you and any liability insurance carrier relating in any way to asbestos and/or asbestos exposure.
- (25) All documents produced by you in the litigation with your liability insurance carrier.
- (26) Copies of all insurance policies for said property listed in response to questions 8 and/or 10 and/or 11.
- (27) Copies of all leases entered into by you with tenants of said property listed in response to questions 8 and/or 10 and/or 11.

- (28) Copies of all invoices, contracts or agreements with any architects, designers, contractors, subcontractors, employees, agents concerning the specification, installation, use or removal of asbestos, asbestos containing products, equipment or fixtures on said property listed in response to questions 8 and/or 10 and/or 11.

Dated:

By: (signature of Plaintiff or Attorney)
Type Name of Signer

Name of Attorney for Plaintiff
Address and Telephone Number

APPENDIX A

1. The word "document" is used herein in its broadest sense, and includes any original, reproduction or copy of any kind typed, recorded, graphic, printed, written or documentary materials, including without limitation correspondence, memoranda, interoffice communications, notes, diaries, contracts, documents, drawings, plans, specifications, estimates, vouchers, permits, written ordinances, minutes of meetings, invoices, billings, checks, reports, studies, telegrams, notes of telephone conversations, computer tapes and programs and notes of any and all communications and every other means of recording any tangible things, any form of communication or representation, including letters, words, pictures, sounds or symbols or combinations thereof.
2. "Identify" has the following meaning:

When used in reference to a person, it means to state the person's: (1) full name; (2) present business address, or if unavailable, last known business address; (3) present home address, or if unavailable, last known home address; and (4) business or governmental affiliation and Job title, or if unavailable, last known business or governmental affiliation and job title;

- (a) When used in reference to a document, it means to state the type of document (e. g., letter, memorandum, telegram, chart) or some other means of identifying it, its author and originator., its date or dates, all addresses and recipients, its present location or custodian and any identifying marks, numerals, code words or letters distinguishing it from other like documents, and attach the document as an exhibit or indicate whether you will produce the document as an exhibit or indicate whether you will produce the document without a formal request. If any such document was but is no longer in your possession or subject to your control, state what disposition was made of it.
 - (b) When used in reference to an oral communication, it means to identify the speaker, each person spoken to and who otherwise heard the communication, the date and place of communication, whether the communication was in person or by telephone, and the substance of such communication with particularity, and to identify each document in which such communication was recorded or described or referred to.
3. "Oral Communication" means any utterance heard by another person, whether in person, by telephone or otherwise.
4. The response to all interrogatories relating to oral communications shall set forth whether or not the oral communication was by telephone or face-toface, and also the names, present addresses, business positions, and occupations of the parties involved in said communication, and the names and addresses of any other persons present during said communications.

5. The word "representative" shall be liberally construed and shall include all agents, employees, officials, officers, executives, directors, consultants and any others who directly or indirectly represent in any manner the defendants.
6. You are requested to furnish all information in your possession and all information available to you, not merely such information as you know of your own personal knowledge, but also all knowledge that is available to you, your employees, officers and agents, by reason of inquiry including inquiry of their representatives.
7. If you are unable to answer any of the preceding interrogatories completely, answer to the extent possible, and specifically state the reason for your incomplete answer.
8. "Asbestos products" or "asbestos-containing products" are used interchangeably and include any supplies, products, materials, or equipment containing or including asbestos in whole or in mixture with other products or materials.