

Plaintiffs Form A II Interrogatories

- II. 1. Set forth the name and current address of each proposed expert witness whom you expect to call at trial, and as to each:
- (a) state the subject matter on which the expert is expected to testify;
 - (b) state the substance of the facts and opinions to which the expert is expected to testify;
 - (c) state a summary of the grounds for each opinion;
 - (d) attach true and exact copies of the entire report or reports rendered by him;
 - (e) set forth completely the substance of all oral reports.
- II. 2. Set forth each and every fact and identify each and every document upon which you base your contention that each defendant or its predecessor in interest supplied raw asbestos fiber or asbestos-containing products to any location at which plaintiffs (or plaintiffs' decedent) was employed and attach copies of said documents. If you rely on depositions taken in, or testimony given in other cases, set forth the name of the person deposed or testifying, the date of the deposition or testimony, the name of the case, the docket number, the court in which the action is pending and the name and address of the court reporter or, in the alternative, attach copies of the transcript of the deposition(s) or testimony.
- II. 3. Set forth whether you have obtained a statement from any person, firm or corporation, their agents, servants, representatives or employees, relevant to the subject matter of this litigation.
- II. 4. If the answer to the preceding interrogatory II.4 is affirmative, state:
- (a) the name and current address of the person who gave the statement and the date the statement was obtained;
 - (b) if written, whether signed by that person;
 - (c) if oral, the name and current address of the person who obtained the statement, and if recorded, the nature and present location of the recording.

- II. 5. Set forth in detail and with particularity each and every warning which you contend that any party to this lawsuit should have conveyed to you with regard to each and every product referred to in interrogatory I.7 of Part I of these interrogatories.
- II. 6. Set forth in detail and with particularity the means by which any party to this lawsuit should have conveyed to you those warnings referred to in the preceding interrogatory.
- II. 7. Do you contend that the manufacture, sale and/or distribution of the product manufactured by any party in this lawsuit, referred to and complained of in the complaint did not comply with the requirements of any statute, ordinance, regulation or other officially enacted requirement in force at the time said defendant manufactured, sold and/or distributed the product, and if you do, identify specifically what each statute, ordinance, regulation or other officially enacted requirement was, and in what way the actions by that defendant did not comply.
- II. 8. Set forth in detail and with particularity the basis for each and every allegation you make that any party in this lawsuit is liable for the injury or condition and damages complained of, and enumerate each and every fact you contend supports each and every allegation contained in the within complaint.
- II. 9. Do you contend that any party to this lawsuit is liable for the injury or condition and damages complained of by reason of its failure to comply with any applicable standard? If so, state:
- (a) what the standard(s) is;
 - (b) the exact reference thereto by title, author, publisher, edition and date;
 - (c) whether it is contained in statute, ordinance, or administrative regulation, and if so, give the exact citation thereof.
- II. 10. Do you contend that any party to this lawsuit is liable for injury, condition or damages complained of by you because of anything that was written on any labeling, packaging, circular, brochure, or other form of printed material prepared by any party to this lawsuit that accompanied or related to the product or substance manufactured, mined, sold and/or distributed by any party to this lawsuit? If so, set forth in detail and with particularity each and every such writing upon which you base your allegations.

- II. 11. Do you contend that any party to this lawsuit is liable for injury, condition or damages complained of by you because of anything that was written on any labeling, packaging, circular, brochure, or other form of printed material prepared by any party to this lawsuit that accompanied or related to the product or substance manufactured, mined, sold and/or distributed by any party to this lawsuit? If so, set forth in detail and with particularity the information which should have been contained on any such writing.
- II. 12. Do you contend that there was negligence in the manufacture, sale and/or distribution of the product and/or substance manufactured by any party to this lawsuit, as referred to in the complaint, and that said negligence was the proximate cause of the injury, condition or damage complained of? If yes, please respond separately as to each party to this lawsuit.
- II. 13. If the answer to the above interrogatory is in the affirmative, set forth in detail and with particularity each and every fact which constitutes an act or failure to act that you allege to be such negligent conduct. Please respond separately as to each party to this lawsuit against whom you assert said allegations.
- II. 14. If the answer to interrogatory II.13 above is in the affirmative, state in precise terms exactly what device, method, scheme, plan or other means you think should have been employed by any party to this lawsuit to have avoided exposing you to the risk of injury. Please respond separately as to each party to this lawsuit against whom you assert said allegations.
- II. 15. Do you contend that any party to this law suit impliedly warranted any and all of the products and/or substances referred to in the complaint?
- II. 16. If the answer to the above interrogatory is in the affirmative, set forth in detail and with particularity with respect to any party to this lawsuit against whom said allegation is made, each and every fact upon which you will rely to support your allegation that said party impliedly warranted the fitness and/or merchantability of any and all products and/or substances complained of.
- II. 17. Do you contend that any implied warranty relating to the products and/or substances allegedly manufactured, mined, sold and/or distributed by any party to this lawsuit arises by operation of law?

- II. 18. If the answer to the above interrogatory is in the affirmative, set forth in detail and with particularity with respect to any party to this lawsuit against whom said allegation is made, each such law, or if applicable, a citation of the statute, rule or regulation where such law may be found.
- II. 19. Do you contend that any party to this lawsuit made any express warranties with regard to any product and/or substance which it mined, manufactured, sold, distributed and/or applied? If so:
- a. attach each and every copy of any and all such express warranties;
 - b. if such documents are not available, set forth in detail and with particularity the substance of each and every such express warranty;
 - c. state the name and address of each and every person who allegedly made any express warranties referred to in the within complaint;
 - d. state the name and address of the person to whom each such express warranty was made;
 - e. if such document was a newspaper or news magazine, state the name, publisher, frequency of publication and date of publication of such warranty;
 - f. state date and manner in which you first learned of the substance of said warranties;
 - g. state precisely in what manner you altered your behavior as a result of said warranties.
- II. 20. Do you contend that the product and/or substance allegedly mined, manufactured, sold, distributed and/or applied by any party to this lawsuit, was unfit for its intended use? If so, state for each product and/or substance:
- a. the product's and/or substance's intended use;
 - b. the manner in which the product and/or substance was allegedly unfit for its intended use;
 - c. identify each and every document which specifically illustrates or in any other way defines the intended use of each and every such product and/or substance and attach copies of said documents hereto.

- II. 21. If the complaint seeks punitive damages against one or more defendants state in detail as to each said defendant the facts upon which you will rely in asserting said claim.
- II. 22. Do you allege that during the period of time plaintiff (plaintiff's decedent) was exposed to any party's asbestos or asbestos containing product, the risk of using that asbestos or asbestos containing product outweighed the utility of the product? If so, enumerate separately as to each party's asbestos or product:
- a. each and every fact which supports this allegation;
 - b. the names and addresses of all individuals with knowledge of these facts;
 - c. supply the names and reports of all experts who plaintiff expects to testify in support of this allegation.
- II. 23. Do you allege that at the time of exposure there was an available substitute for asbestos or asbestos products which would meet the same needs of the public and would not be harmful? If so:
- a. enumerate specifically each and every product which would be available as a substitute;
 - b. state the date of availability;
 - c. the manufacturer or supplier;
 - d. state specifically the date relied upon that shows the product would be safe.
- II. 24. Is it your contention that defendants conspired to intentionally suppress, deprive or withhold medical or scientific information from the plaintiff regarding the health hazards of exposure to asbestos and/or asbestos containing products?
- II. 25. If your answer to the foregoing interrogatory is in the affirmative, set forth in detail and with particularity as to each defendant the following:
- a. the parties with whom each defendant allegedly conspired;
 - b. the date upon which the defendants so conspired;

- c. each and every fact upon which you base your allegation that the defendants so conspired;
 - d. the specific medical or scientific information which the defendants allegedly suppressed, deprived or withheld from the plaintiff and the dates said information became known to the defendants;
 - e. the names and addresses of any and all persons who participated in the alleged withholding, suppressing or depriving the plaintiff of medical and/or scientific information regarding the potential health hazards to persons exposed to asbestos and/or asbestos containing products.
- II. 26. Set forth in detail and with particularity each and every letter, memoranda, report, publication, deposition transcript and any other document which the plaintiff will offer to prove that any of the defendants conspired to intentionally suppress, deprive or withhold medical information from the plaintiff regarding the health hazards of exposure to asbestos and/or asbestos containing products. Identify each defendant against whom such a claim is made.
- II. 27. Set forth the names and addresses of any and all persons having knowledge of the facts relevant to the plaintiff's allegation that any of the defendants conspired to intentionally suppress, deprive or withhold medical information from the plaintiff regarding the health hazards of exposure to asbestos and/or asbestos containing products.