

IN THE CIRCUIT COURT
STATE OF MISSOURI
TWENTY-SECOND JUDICIAL DISTRICT
(City of St. Louis)

RODNEY LAY,	§	Cause No. 1122-CC-09203
	§	
Plaintiffs,	§	Division No. 1
	§	(Asbestos)
	§	
vs.	§	
	§	
ABBOTT LABORATORIES, INC., et al	§	
	§	
Defendants.	§	

**PLAINTIFF'S FIRST AMENDED NOTICE TO TAKE THE ORAL VIDEOTAPED
DEPOSITION OF THE CORPORATE REPRESENTATIVE OF HENNESSY
INDUSTRIES, INC.**

TO: ALL DEFENDANTS AND THEIR COUNSEL OF RECORD.

PLEASE TAKE NOTICE, that Plaintiffs will take the deposition(s) of the person(s) most knowledgeable for **HENNESSY INDUSTRIES, INC.**, by and through its designee **Craig Mountz**, on **Tuesday, November 13, 2012 at 9:00 a.m. (CST)** at the offices of Vowell & Jennings, 214 2nd Ave N. #207, Nashville, TN 37201. The deposition will take place before a certified court reporter and videographer provided by Henjum Goucher Reporting Services, 2501 Oak Lawn Ave., Suite 600, Dallas, Texas, 75219, (214)521-1188.

The matters on which examination is requested are listed on *Exhibit "A"* and the documents requested for production, 7 days prior to the deposition (November 6, 2012), are listed on *Exhibit "B"*.

PLEASE TAKE FURTHER NOTICE that this deposition will continue from day to day until completed.

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon all counsel of record via facsimile and email on the 5th day of November, 2012.



Darren P. McDowell

EXHIBIT A

- 1) Defendant's knowledge of the hazards of asbestos between its formation and the last date Defendant manufactured, sold or distributed an asbestos-containing product and/or equipment, and specifically when Defendant knew that asbestos could cause asbestosis, lung cancer and/or mesothelioma, how Defendant learned of same, and documents used by Defendant to refresh recollection and/or to prepare to testify to same.
- 2) Defendant's corporate structure, organization and history from formation to the last date Defendant manufactured, sold or distributed an asbestos-containing product.
- 3) Defendant's efforts to ensure the safety of its products from formation to the last date Defendant manufactured, sold or distributed an asbestos-containing product, including providing warnings, cautions, and instruction manuals.
- 4) Any warnings, cautions or instructions concerning the presence of asbestos in Defendant's products.
- 5) Defendant's publication and distribution of instruction manuals for use with its products, including the contents and intended audience of those instruction manuals.
- 6) Defendant's installation, specification, sale, shipment or distribution of asbestos-containing products including replacement products.
- 7) Defendant's efforts to evaluate the amount of asbestos dust released during the installation, operation, repair and maintenance of its products.
- 8) Defendant's efforts to determine the health hazards of asbestos.
- 9) Defendant's efforts to protect its own employees from health hazards associated with exposure to asbestos.
- 10) Defendant's efforts to protect the users of its asbestos containing products from asbestos exposure after those products were designed, manufactured, sold or distributed.
- 11) Defendant's awareness of information indicating the hazards of asbestos in the general media, trade publications, and medical and scientific journals.
- 12) Defendant's violations of rules, regulations, or laws relating to exposure to asbestos, including but not limited to OSHA violations.
- 13) Defendant's membership in industry or trade organizations, including but not limited to National Safety Council, Industrial Hygiene Foundation, Asbestos Textile Institute, the Asbestos Information Association of North America, and/or the Asbestos Information Association, and the Friction Standards Institute.

EXHIBIT A (CONT'D...)

- 14) All facts supporting Defendant's contention that any entity prohibited it from warning personnel about the hazards of asbestos, including the identity of any documents and witnesses supporting this contention.
- 15) Defendant's sale of AMMCO arc grinders.
- 16) Defendant's knowledge that its arc grinders would be used to arc grind asbestos containing brakes.
- 17) Defendant's efforts to communicate the potential hazards of its products, including but not limited to the hazards of exposure to asbestos, to the users of those products.
- 18) Communications between Defendant and Ford, General Motors, Chrysler, Bendix and Abex regarding asbestos brakes.
- 19) The financial worth of Defendant including profits and losses.

EXHIBIT B

- 1) Any and all documents relating to Defendant's knowledge of the hazards of asbestos between its formation and the last date Defendant manufactured, sold or distributed an asbestos-containing product and/or equipment, and specifically when Defendant knew that asbestos could cause asbestosis, lung cancer and/or mesothelioma, how Defendant learned of same, and documents used by Defendant to refresh recollection and/or to prepare to testify to same.
- 2) Any and all documents relating to Defendant's corporate structure, organization and history from formation to the last date Defendant manufactured, sold or distributed an asbestos-containing product.
- 3) Any and all documents relating to Defendant's efforts to ensure the safety of its products from formation to the last date Defendant manufactured, sold or distributed an asbestos-containing product, including providing warnings, cautions, and instruction manuals.
- 4) Any and all documents relating to any warnings, cautions or instructions concerning the presence of asbestos in Defendant's products.
- 5) Any and all documents relating to Defendant's publication and distribution of instruction manuals for use with its products, including the contents and intended audience of those instruction manuals.
- 6) Any and all documents relating to Defendant's installation, specification, sale, shipment or distribution of asbestos-containing products including replacement products.
- 7) Any and all documents relating to Defendant's efforts to evaluate the amount of asbestos dust released during the installation, operation, repair and maintenance of its products.
- 8) Any and all documents relating to Defendant's efforts to determine the health hazards of asbestos.
- 9) Any and all documents relating to Defendant's efforts to protect its own employees from health hazards associated with exposure to asbestos.
- 10) Any and all documents relating to Defendant's efforts to protect the users of its asbestos containing products from asbestos exposure after those products were designed, manufactured, sold or distributed.
- 11) Any and all documents relating to Defendant's awareness of information indicating the hazards of asbestos in the general media, trade publications, and medical and scientific journals.
- 12) Any and all documents relating to Defendant's violations of rules, regulations, or laws relating to exposure to asbestos, including but not limited to OSHA violations.

EXHIBIT B (CONT'D...)

- 13) Any and all documents relating to Defendant's membership in industry or trade organizations, including but not limited to National Safety Council, Industrial Hygiene Foundation, Asbestos Textile Institute, the Asbestos Information Association of North America, and/or the Asbestos Information Association, and the Friction Standards Institute.
- 14) Any and all documents relating to all facts supporting Defendant's contention that any entity prohibited it from warning personnel about the hazards of asbestos, including the identity of any documents and witnesses supporting this contention.
- 15) Any and all documents relating to Defendant's sale of AMMCO arc grinders.
- 16) Any and all documents relating to Defendant's knowledge that its arc grinders would be used to arc grind asbestos containing brakes.
- 17) Any and all documents relating to Defendant's efforts to communicate the potential hazards of its products, including but not limited to the hazards of exposure to asbestos, to the users of those products.
- 18) Any and all documents relating to communications between Defendant and Ford, General Motors, Chrysler, Bendix and Abex regarding asbestos brakes.
- 19) Any and all documents relating to the financial worth of Defendant including profits and losses.