WEST VIRGINIA CONSOLIDATION

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: ASBESTOS CASES (IV) CIVIL ACTION NO. 92-C-8888

SPECIAL INTERROGATORY

Taking into consideration the instructions previously given to you under West Virginia law regarding what is necessary to prove that a product is defective at the time of its manufacture and/or sale, indicate whether Plaintiffs have proven by a preponderance of the evidence that the product(s) being manufactured and/or sold by each defendant listed below were not reasonably safe for their intended use. Answer by placing a yes or no in the space provided as to each product; if your answer is yes as to any product, place the time and period during which you find the product was defective.

			DATE
AIRCO/BOC GROUP, HOBART BROTHERS LINCOLN ELECTRIC COMPANY, TELEDYNE-MCKAY			
Welding Rods	✓ Yes	___ No	ALL

			DATE
ERICSSON INC./ANACONDA			
(Wire and Cable)			
AVA	✓ Yes	___ No	ALL
AIA	___ Yes	✓ No	
AA	✓ Yes	___ No	ALL
A	✓ Yes	___ No	ALL
THE OKONITE COMPANY			
(Wire and Cable)			
AVA	✓ Yes	___ No	ALL
AIA	___ Yes	✓ No	
AA	___ Yes	✓ No	
A	✓ Yes	___ No	ALL

After you have made your determination with respect to each of the defendants and their products which are set forth above, the foreperson as has been chosen by you with respect to this matter must sign and date this interrogatory as set forth below.

Foreperson: David H. Anderson

Date: 9/12/95

ord. 8-30-95

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
AUG 29 1995
DAVID J. MALAND, CLERK
BY DEPUTY

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

GERALD AHEARN, ET AL.	§	
	§	
V.	§	CIVIL ACTION NO 6:93cv526
	§	
FIBREBOARD CORPORATION, ET AL.	§	

SUPPLEMENTAL ORDER ON ATTORNEYS' FEES

Pending before the Court is the motion of class representative Owens-Illinois, Inc. for reconsideration of fees and expenses. Having considered the motion, the Court finds that the motion has merit and should be granted. The Court further finds that the attorneys for Owens-Illinois contributed to and materially benefitted the Third Party Defendant Class in this action.

It is therefore ORDERED that the motion of class representative Owens-Illinois, Inc. for reconsideration is GRANTED. Pursuant to such reconsideration, it is ORDERED that R. Bruce Shaw, counsel for class representative Owens-Illinois, be awarded fees and expenses totaling $108,563.23 to be paid out of the settlement Trust. It is further ORDERED that Richard Josephson and George Shipley, counsel for class representative Owens-Illinois, be awarded $186,022.00 for attorneys' fees plus $16,818.00 for expenses against the settlement trust.

Pursuant to the Magistrate Judge's Report and Recommendation and the Court's Order of August 18, 1995, the Court will enter judgment for class counsel as follows:

Attorneys' fees in the amount of $16,461,391.20, plus expenses in the amount of $456,806.57 in favor of Joseph F. Rice and Joseph B. Cox, Jr., against Continental Casualty Company, CNA Casualty Company of California, Columbia Casualty Company and Pacific Indemnity Company.

Attorneys' fees in the amount of $9,236,515.20, plus expenses in the amount of $217,729.84 in favor of Steven Kazan, against Continental Casualty Company, CNA Casualty Company of California, Columbia Casualty Company and Pacific Indemnity Company.

Attorneys' fees in the amount of $6,855,302.40, plus expenses in the amount of $296,658.07 in favor of Harry F. Wartnick, against Continental Casualty Company, CNA Casualty Company of California, Columbia Casualty Company and Pacific Indemnity Company.

Attorneys' fees in the amount of $11,179,504.80, plus expenses in the amount of $251,547.62 in favor of Elihu Inselbuch, against Continental Casualty Company, CNA Casualty Company of California, Columbia Casualty Company and Pacific Indemnity Company.

The remaining $2,317,286.40 in attorneys' fees is set aside for the appeal of this case to be awarded on completion of the appeal.

It is so ORDERED.

It is further ORDERED that this attorneys' fees order is conditioned upon the settlement agreement in Ahearn v. Fibreboard Corp., civil action number 6:93cv526, receiving final judicial approval, and upon any agreement between class counsel.

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