

FILE NAME: International Harvester (INTH)

DATE: 2006

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Shuman 1
10/20/06 BCO

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September 22, 2006

OUR FILE: 61025.1

Robert J. Hafner, Esq.
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1515 Market Street, 9th Floor
Philadelphia, PA 19102-1909

Re: Hoser v. Honeywell International, Inc., et al.
Docket No. MID-L-9242-05AS

Dear Mr. Hafner:

Enclosed please find in service upon you a Notice of Deposition of Charles Schuman, a corporate representative of International Truck and Engine Corporation, to be held on October 20, 2006 beginning at 9:00 a.m. at the Embassy Suites, 5500 North River Road, Rosemont, Illinois, 60018 (847-678-4000).

Thank you.

Very truly yours,

Szaferman, Lakind, Blumstein,
Blader & Lehmann, P.C.

Arnold C. Lakind, Esq.

ACL/nyk
Enclosures

c: All Counsel on the
attached Service List
Moshe Maimon, Esq.
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BENNETT SCOTT HOSER and
CHRISTINE A. HOSER,

Plaintiffs,

v.

HONEYWELL INTERNATIONAL INC., as
successor to the Bendix Corp.;
BORG-WARNER CORPORATION; DAIMLER
CHRYSLER CORPORATION,
individually and as successor-
in-interest to Chrysler Motors
Corporation, The Dodge
Corporation and Mopar Motor
Parts Corporation; CASE NEW
HOLLAND, as successor-in-
interest to Case Corporation and
International Harvester; DEERE &
COMPANY; FORD MOTOR COMPANY;
GENERAL MOTORS CORPORATION,
individually and as successor-
in-interest to Delco Products
Division of General Motors
Corporation; NATIONAL AUTO PARTS
ASSOCIATION (NAPA) a/k/a Genuine
Parts Company; WESTERN AUTO
SUPPLY COMPANY, a/k/a Advance
Auto Parts, Inc., individually
and as successor to Kar Parts
Auto Stores, Inc.; DANA
CORPORATION, as successor to
Eichlin, Inc.; INTERNATIONAL
TRUCK AND ENGINE CORPORATION
f/k/a Navistar International
Transportation Corporation f/k/a
Navistar International
Corporation f/k/a International

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MIDDLESEX COUNTY

DOCKET NO.: MID-L-9242-05AS

Civil Action - Asbestos
Litigation

NOTICE OF DEPOSITION

Harvester; John Doe Corporations
1 through 50; and John Doe
Corporations 51 through 75,

Defendants.

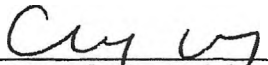
TO: Robert J. Hafner, Esq.
Eckert, Seamans, Cherin & Mellott, LLC
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PLEASE TAKE NOTICE that, pursuant New Jersey Rules of Court, testimony will be taken by deposition upon oral examination of James A. Schuman, a corporate representative of Defendant International Truck and Engine Corporation on October 20, 2006, beginning at 9:00 a.m. at the Embassy Suites Hotel, 5500 North River Road, Rosemont, Illinois 60018.

PLEASE TAKE FURTHER NOTICE that the deponent is requested to be prepared to testify on the subjects contained in Attachment A and bring with him and have in his possession at the time of the deposition the information and any documents listed therein.

PLEASE TAKE FURTHER NOTICE that this deposition will be videotaped.

Szaferman, Lakind, Blumstein,
Blader & Lehmann, P.C.
Attorneys for Plaintiffs


By: Arnold C. Lakind, Esq.

Dated: September 22, 2006

Bennett Scott Hoser and Christine A. Hoser

v.

Honeywell International, Inc., et al.

Docket No. L-9242-05AS

COUNSEL MAILING LIST

LAST UPDATED: 9.6.06

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ATTACHMENT "A"

INSTRUCTIONS

Unless otherwise specified, each of these items is meant to apply to the time period from 1940 until the present.

DEFINITIONS

As used herein, the following words and terms shall mean and include the following:

A. "Defendant" or any synonym thereof means the named Defendant, and any and all insurers, as well as all predecessors-in-interest, affiliated entities, entities controlled by Defendant without regard for the reason for such control (including, but not limited to legislation, physical location, or any other reason) agents, servants, and employees, officers, executives, directors, trustees, or others, who are in privity with or who may have at any time shared responsibility for managing, directing and/or regulating, or who might have otherwise been responsible to Defendant. This should be deemed to apply to all issues including, but not limited to, safety issues, medical issues, environmental hygiene and, specifically, the acquisition, receipt and/or dissemination of information in any form for the education of employees, invitees, and others on your premises regarding asbestos exposure, asbestos hazards, asbestos-related diseases, any and all information or knowledge concerning the foregoing, or any issue inquired about of or on behalf of Defendant. For purposes of responding to this inquiry, predecessors-in-interest shall include any and all entities that include the words INTERNATIONAL TRUCK AND ENGINE CORPORATION, and also encompasses predecessors-in-interest of predecessors-in-interest and is to be seen as recursive back to 1930, and does not stop at the third degree of removal.

B. "You" or "Your," unless otherwise specified, means the named Defendant, as well as the defendant defined in definition "A" above. Present tense shall be construed as also including past tense, and masculine terms encompass the feminine. This should be taken to mean the Defendant named in the lawsuit and any and all of its insurers, as well as all predecessors-in-interest, successors-in interest, as described above, affiliated entities, subsidiaries, agents, servants and employees, officers, executives, directors, boards, trustees or others, who are in privity of or who may have at any time shared responsibility for managing, directing, regulating or who might have otherwise been responsible to or for Defendant. The scope of this discovery should be construed as applying to all issues regarding Defendant and all asbestos-containing products that were manufactured for, fabricated for, purchased by, sold to, used by, maintained by, abated by, distributed to and/or supplied to Defendant, or in any way present on Defendant's premises at the alleged exposure site(s).

C. "Representative" is meant to be liberally construed and shall include, but not be limited to, all agents, employees, officials, officers, executives, directors, attorneys, consultants, contractors, sub-contractors, architects, insurers and/or any others who either directly or indirectly represent the Defendant in any way.

D. "Predecessor" means any entity or asset controlled, acquired or possessed by the Defendant any time through any means.

E. "Document" is an all-inclusive term and means the original or any copy or reproduction of a writing or other form of a record preserving information, whether or not in the possession, custody or control of Defendant and whether or not claimed to be privileged against discovery on any ground, including, but not limited to, reports, records, lists, memoranda, minutes of meetings, diaries, vouchers, correspondence, accounts, telegrams, communications, schedules, photographs, drawings, plans, charts, ledgers, computer printouts, invoices, purchase orders, checks, recordings, films, electronic media, including meta data, or any other form of preserved information.

F. "Identify" or "state the identity of," as the terms are used herein, shall have the following meaning:

- (1) When identifying a person, "identify" or "state the identity of" means to provide such person's:
 - a) Full name;
 - b) Last known address;
 - c) Present or last known employment or business affiliation and position, along with employment affiliation and position at the time relevant to the request to identify;
 - d) Professional degrees held; and,
 - e) Exact or approximate date and place of death, if deceased.
- (2) When identifying a document, "identify" or "state the identity of" means to:
 - a) State the author thereof, any and all parties thereto, and, if it is the case, the name of the person who signed the document;
 - b) State the document's title, number, file designation, code or other identifying date (Litigation System Reference, if applicable);
 - c) State the number of pages, if the document contains more than one page;
 - d) Describe any attachments or supplemental items incorporated within the document;
 - e) State the date on which the document was prepared or, in unknown, the approximate date;
 - f) State the date appearing on the document;
 - g) State the transaction, act or occurrence to which each document relates and the substance of the document;
 - h) State a general description of the document;
 - I) If the document was, but no longer is, in the possession of the Defendant or subject to Defendant's control, state what disposition was made of it;

- j) State the names of each recipient of the original and every copy known to Defendant; and
 - k) Identify the present or last known custodian and location of said document.
- (3) When identifying an oral communication, "identify" or "state the identity of" means to:
- a) Identify the person who made the communication and person(s) to whom the communication was directed;
 - b) Give the date, time and place of the communication;
 - c) Give the contents of the communication in as *verbatim* a form as possible;
 - d) Identify any other persons present when the communication was made; and
 - e) Identify any documents relating to the communication.
- (4) When identifying an organization or business entity, "identify" or "state the identity of" means to:
- a) Give the formal title of the organization or entity;
 - b) State the specific section or organizational unit involved; and,
 - c) State its business address.

G. "Produce" means to provide a summary of the documents and make them available or authorize the obtaining of any materials or documents requested to be produced, said production or making available to be for the purpose of inspection and/or copying.

H. "Asbestos" or "Asbestos-containing product" means any and all materials, products, supplies and/or goods containing or including asbestos in whole or in part, or in any mixture with other products or materials manufactured, marketed and/or used for any and all purposes including, but not limited to brake linings, brake shims, brake insulators, and gaskets.

I. "Product", "your product(s)" or "materials" means any corporeal thing(s) created, sold, distributed, or incorporated into other items for commercial purposes in which INTERNATIONAL TRUCK AND ENGINE CORPORATION and/or any predecessor-in-interest played any part in the sale, distribution, or incorporation of the corporeal thing.

J. "Employee" is to be construed broadly to include but is not limited to, employees, other persons working with your product whether employed by you directly, indirectly or otherwise.

ITEMS FOR IDENTIFICATION AND PRODUCTION

You are hereby called upon to testify for and on behalf of the Defendant regarding:

1. **Corporate History** – You are called upon to testify as a representative for Defendant regarding the corporate history of Defendant as such matters relate to, but shall not be limited to, the Defendant's corporation, principle place of business, name of any predecessors, and other corporate information including but not limited to, mergers, acquisitions, stock purchases, corporate structure, holdings, subsidiaries, wholly owned subsidiaries, divisions, special purpose vehicles (SPV's), and/or direct investments, as these topics relate to but are not limited to, INTERNATIONAL TRUCK AND ENGINE CORPORATION. As to each corporate entity, holding, subsidiary, division, SPV, and/or direct investment, such testimony shall include, but not be limited to, the structure, history, date of purchase, date of stock purchase, date of stock exchange, date of merger, date of acquisition, date of initial holding, date of assumption of subsidiary, date of registration of SPV, date of initiating a direct investment, and/or historical corporate governance along with such information as may be necessary to determine the corporate history of the Defendant. Additionally, any such witness produced should be capable of testifying as to:

- A. What the registered name of the answering defendant corporation is and all prior names by which defendant corporation existed, and all prior names of all merged, purchased, acquired, or otherwise controlled companies were and any names which said merged, purchased, acquired or otherwise controlled companies have held, merged with, controlled, acquired, or otherwise controlled throughout their history prior to, during, or subsequent to the merger, purchase, acquisition, or other control by Defendant corporation.
- B. What the legal relationship was, at any time from 1940 to the present, of Defendant with INTERNATIONAL TRUCK AND ENGINE CORPORATION and/or International Harvester.
- C. With regard to each entity identified, what is:
 - a. its correct present name;
 - b. its date of incorporation;
 - c. the date it ceased to operate as a separate legal entity;
 - d. the identity of the corporation's successor-in-interest;
 - e. the identity of the corporation's predecessor-in-interest;
 - f. whether the corporation was acquired by any other entity and, if so,
 - 1. the manner by which the acquisition occurred,
 - 2. the date the acquisition occurred,
 - 3. the identity of the acquiring entity
 - g. its state of incorporation;
 - h. the name, address and titles of all officers and directors presently serving as such on its behalf;
 - i. the names and present or last known residence addresses and employers of all persons, other than those mentioned in the answer to the foregoing

subparagraph, who have ever served as officers or directors of the defendant corporation or its predecessors;

- j. the state or states in which the identified entity is qualified to do business;
 - k. the state or states in which the identified entity, under its present name or any other name, operates or conducts business in any form whatsoever, or has any agent(s) or employee(s);
 - l. the nature of the business conducted by each entity identified
- D. When any identified entity ever acquired or sold any interest, in whole or in part, in any other identified entity. Describe in detail the transaction, the nature of the interest acquired or sold, and all documents relating to the transaction. State the total consideration given in relation to the transactions described.
- E. Who all officers of each identified entity from the date of incorporation of each entity to the date of these interrogatories. For each, be prepared to identify:
- a. the name and address of each officer and director
 - b. the period during which each officer and or director served
 - c. the title of the office of each officer or director; and
 - d. the nature of services performed by each officer
- F. What the name and address is of the person having present possession of the Defendant's minute books. State the present location of the minute books, the years retained in any form, and the number of pages (or any other indicator of the volume).
- G. Whether any identified entity ever used, conducted business under, or been known under any name other than the identified name, and, if so, as to each name, provide the following information:
- a. the date on which that name was adopted or first employed;
 - b. whether that name was ever abandoned, and, if so, provide the date on which it was abandoned;
 - c. the nature of the business conducted under all such names;
 - d. the state or states in which each name was used or employed; and
 - e. the reason the name is no longer used.
- H. What the name, address, age, and present employer of each and every person known to you to have knowledge of any relevant facts involved in this action, including but not limited to those that you intend to call as a witness at trial, including but not limited to:
- a. the individual's name, address, employment, and position;
 - b. the relevant facts of which each person has knowledge; and

c. the source or basis for the knowledge.

I. What the name and addresses are of the former and present officers, directors, and incorporators of all identified entities, including but not limited to INTERNATIONAL TRUCK AND ENGINE CORPORATION, including:

- a. What each identified person's position or status in relation to the entity; and
- b. What dates the person(s) held the position.

J. What the nature and extent of Defendant's relationship is or was with any identified entity since the year of your inception through the present, including but not limited to:

- a. all ownership interests
- b. all asset purchases
- c. all mergers
- d. all acquisitions, and
- e. all consolidations.

K. With respect to the Defendant corporation, what:

- a. the present legal name of the corporation is;
- b. the prior names of the corporation, its predecessors, successors, or acquired entities;
- c. all trade or other names under which the corporation presently does business and the nature of the business conducted under each name;
- d. all trade or other named under which the corporation did business at any time;
- e. the principal place of business of the defendant corporation and the acquired corporations at the time of acquisition and currently;
- f. The place where the business records of any identified entity are maintained (both presently and prior to the present inquiry);
- g. The name and business address of the present custodian records of Defendant corporation and any prior custodian of records of defendant corporation.

L. Whether there is any liability insurance which covers, or may cover, you for the instant matter and, if so, discuss:

- a. the name and address of the insurance carrier;
- b. the policy number, including years for each policy; and
- c. the applicable limits of liability.

M. What the name and address of your parent corporation is, the name and address of any subsidiary of your parent corporation at any time, and the name

and address of any of your subsidiaries at any time.

- N. What the dates of, all mergers, consolidations, and/or reorganizations in which your corporation has taken part since the date of incorporation that have not been described in response to any other question are along with a description of the mergers, consolidations, and/or reorganizations.

2. **Employee and Product Safety** – You are called upon to testify as a representative for Defendant regarding safety matters as such matters relate to asbestos exposure, including but not limited to, types of asbestos, amount of asbestos, and uses of asbestos in your products, including but not limited to brake linings and gaskets. For purposes of this Notice, such safety matter shall include but shall not be limited to, any safety notices promulgated by the Defendant involving asbestos, any product design plans involving asbestos, any change(s) in design plans that involve asbestos, any design plans that involve asbestos promulgated by the Society of Automotive Engineers Aeronautical Material Specification's (AMS), Friction Materials Safety Institute (FMSI), any OSHA regulation(s) which the Defendant is aware of involving asbestos, any safety program(s) implemented by Defendant to protect users of the Defendant's products from contacting asbestos, any abatement program(s) initiated by the Defendant to abate asbestos from Defendant's products, any processing of asbestos, any sales of products that contain asbestos, any distribution of asbestos containing products, and/or the re-labeling of any asbestos containing product from 1940 to the present.
3. **Product Information** - As to each of your products, you are called upon to testify as a representative for Defendant regarding the manufacturing, processing, sales, distribution, re-labeling and application of any asbestos-related or asbestos-containing products from 1940 to the present. As to each of the product(s) and or material(s), such testimony shall include but shall not be limited to the following:
- A. Specific information for each asbestos-containing product, including but not limited to, brand name, asbestos content, relative dates of manufacture and/or sale, type of asbestos used, type of product, name of product, labeling of product from 1940 forward.
 - B. Information concerning all sales, advertisement brochures and pamphlets and any other related matters regarding sales and/or furnishing of asbestos-containing products from 1940 to the present.
 - C. Information regarding tests concerning health consequences related to exposure to asbestos-containing products from 1940 to the present.
 - D. All general topics related to "C" above
 - E. The year and date all safety equipment measures, if any, were adopted, identifying each revision, with respect to asbestos and asbestos dust.

- F. All general topics related to "E" above.
- G. Matters concerning knowledge of defendant that resulted in the application of warning labels or the provisions of other health information or material to users/consumers to defendant's products as well as knowledge of defendant regarding any adverse health consequences from exposure to asbestos-containing products from 1940 to the present.
- H. All general topics related to "G" above
- I. The intended use of Defendant's asbestos containing products and for what intended application.
- J. All policies concerning asbestos use in products.
- K. Any and all documents evidencing a contractual relationship between International Harvester dealers where Mr. Hoser's father purchased the replacement parts for the tractor brakes identified in this case. See Exhibit A attached hereto. Those documents should include any contractor and/or sub-contractor for the sale, distribution, production, manufacture, etc., of asbestos-containing products, and/or asbestos-containing materials, for the years 1940 to the present.
- L. What the name and type of each product (see Exhibit A) is incorporating asbestos containing fibers that Defendant or any of its predecessor or subsidiary companies at any time manufactured, marketed, installed, manipulated, repaired, maintained, removed and/or sold. Specifically, witness(es) should be prepared to discuss:
 - a. As to each product (See Exhibit A), discuss whether such product was purchased from Ausco Products, Inc.
 - b. What the names of the companies, including Defendant, who conducted mining, manufacturing, marketing, installing, manipulating maintaining, removing, repairing and/or selling each product mined, manufactured, marketed, and/or sold is/was (See Exhibit A).
 - c. What the trade or brand name of each of those products mined, manufactured, marketed and/or sold is/was (See Exhibit A).
 - d. What date any identified products were placed on the market (See Exhibit A).
 - e. What the description of the physical (chemical) composition of each of the named products is/was, including the type of asbestos contained in the product and the percentage of asbestos put in each product (See Exhibit A).
 - f. When each product was removed from the market and no longer sold or distributed and the reason or reasons therefore (See Exhibit A).

- g. When asbestos was removed from such products, if ever, and the reasons therefore (See Exhibit A).
- h. What the description of the physical appearance of each identified product(s) is/was (See Exhibit A).
- i. A detailed description of the intended uses of any named products (See Exhibit A).
- j. What the last year was that you sold each asbestos-containing product (See Exhibit A).
- M. Discuss the following with respect to the sale of asbestos-containing products during the entire period such products were manufactured, distributed, re-labeled, or otherwise sold by your company, any subdivision, any later acquired company, any merged company, or other entity which you have any interest or holding:
 - a. The name and description of the sales region or regions, including all modifications thereto, and the dates thereof;
 - b. The address of each sales office located in said sales region or regions, and the dates thereof;
 - c. The identity of all authorized dealers in New Jersey, and the dates thereof;
 - d. The identity/location of all documents which refer, reflect, or relate to the sale, and distribution within said region or regions, including, but not limited to, all sales records, invoices, computer printouts, bills of lading, freight bills, shipping orders, or other documents of transfer, and the identity of the person or persons who have custody thereof.
 - e. Whether your company manufactured, distributed, re-labeled, sold, supplied, marketed, maintained, repaired, disturbed, used or otherwise sold asbestos-containing products distributed to or used at the facilities and/or premises at which the Plaintiffs in this case allege they worked.
 - f. The identity/location of all documents which refer, reflect, or relate to the sale, and/or distribution of asbestos-containing products manufactured, distributed, re-labeled, or otherwise sold to the facilities and/or premises at which the Plaintiff in this case worked, and the identity of the person or persons who have custody thereof.
- O. What tests were conducted before distributing, selling, or placing any products identified into the streams of commerce, to determine potential health hazards involved in the use of, or exposure to, the materials such as asbestos, contained in those products. If tests were conducted, be prepared to discuss:
 - a. The names of the products tested and the date of each test.
 - b. The name, address, and job title of each person conducting the tests or involved with conducting the tests.
 - c. The results of the tests.

P. Whether Defendant or any of its predecessor or subsidiary companies made any design changes or modifications as a result of tests described in "O." If the answer is affirmative, be prepared to discuss:

- a. The trade names of the products changed.
- b. The nature of the changes made and the date of such changes or modifications.
- c. The name, address, and job title of each person responsible for having caused a change to be made, or having made a change or modification.

Q. Whether, after releasing the products identified in previous questions to the public, were any tests conducted on them to determine potential health hazards resulting from the use of or exposure to the materials, such as asbestos, contained in those products. If the answer is affirmative, discuss:

- a. The names of the products tested and the dates of such tests.
- b. The name, address, and job title of each person who conducted those tests.
- c. The results of those tests.
- d. Whether, as a result of the tests, any products were removed from the market.
- e. The names of all products removed from the market as a result of these tests.

R. Whether any documents, including written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating both to asbestos used and to the potential health hazards of Defendant product(s) now exist. If so, discuss:

- a. The name of each product.
- b. A description of each document and how it relates to each product.
- c. The name, address, and job title of each person who currently has possession of each document, and where it is presently located.

S. Whether Defendant or any of its predecessor or subsidiary companies at any time published or distributed any printed material, including brochures, pamphlets, catalogs, packaging or other written material of any kind or character containing any warnings concerning the possibility of injury resulting from the use of the identified asbestos-containing products (See Exhibit A). If so, discuss:

- a. The names of each relevant product.
- b. The exact wording of each warning statement on each printed material.

- c. A description of the printed material other than the warning statement.
- d. The method used to distribute the warning to persons likely to use the product.
- e. The date each warning was first issued, distributed, or placed on packaging.
- f. The current location of any such printed material and the custodian thereof.
- g. The form in which such literature or printed material can be accessed, i.e., the manner in which such literature is indexed or stored.

T. Whether your asbestos products were distributed, marketed, packaged, labeled and/or sold by companies other than your own. If the answer is affirmative, be prepared to list the names and addresses of each of those companies and the products in question.

U. Whether Defendant has in its possession any books, pamphlets, memoranda, or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings. If so, discuss:

- a. The name of each such publication.
- b. The date of publication and the names of the author and publisher (if any).
- c. The date received by Defendant, if known.
- d. The name, job title, and address of each person who currently has possession of each publication and its present location.

V. Whether Defendant or any of its subsidiary or predecessor companies at any time been a member of, belonged to, or participated in any trade organization or association, including but not limited to, National Safety Counsel, Foundry Men's Association, Foundryman's Magazine, Foundryman's Journal, the Society of Automotive Engineers, Illinois Manufacture's Association, A.T.I., I.H.F., N.I.M.A., A.I.A., S.M.F.A., N.I.C.A., T.I.M.H., Q.A.M.A., P.I.C.A., Q.A.P.A., or S.B.A., Defense Research Institute, F.S.A. American Manufacturers Association, American Boiler Association, or any other associations that published or disseminated any documents or information relating to the hazards of asbestos comprised of other manufacturers, miners, marketers, and/or sellers of asbestos products. If so, be prepared to discuss:

- a. The name and address of each such association or organization.
- b. The dates during which Defendant or any of its subsidiaries or predecessors were members.
- c. The names and dates of any publications, minutes, or reports published, written, or disseminated by any of the named associations or organizations.

d. Whether any of those publications are still in your possession, and if so:

- (i) A description of the publications, including the date.
- (ii) The current location of such publications.
- (iii) The custodian of such publications.
- (iv) The method or manner in which such publications are maintained.

W. Whether Defendant has any written or printed materials or instructions of any kind or character been prepared by Defendant or any of its subsidiary or predecessor companies for purposes of marketing or advertising products containing asbestos or which their agents indicate how asbestos products should be used and maintained. If so, discuss:

- a. The name, address, and job title of each person who prepared such materials or instructions or assisted in their preparation.
- b. The name, address and job title of each person who currently has possession of such materials or instructions and their present location.
- c. The dates of distribution or use and the manner in which such materials or instructions were distributed to purchasers of Defendant's products or those of its subsidiaries or predecessors.
- d. The year each such written material or instruction was prepared and disclosed to potential consumers.

X. Whether Defendant has or had insurance policies that might cover the claims made by Plaintiff in this case. If so, be prepared to discuss the name of each insurance carrier, the amount of initial coverage, amount of coverage remaining at the present time, and the effective dates of each policy.

Y. As to the disease asbestosis, be prepared to discuss:

- a. The date on which Defendant or its subsidiary or predecessor first learned or received information that such disease was caused by inhalation of asbestos fibers by humans.
- b. How Defendant became aware of the existence of the disease.
- c. Who within the company first discovered, recognized or understood the adverse consequences or effects of the disease and/or of asbestos exposure.
- d. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- e. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form.
- f. Who is the custodian of such information.
- g. The date on which you first received knowledge or information that asbestosis was caused by inhalation of asbestos fibers.

- Z. As to the diseases mesothelioma and lung cancer, as to each disease be prepared to discuss:
- a. The date on which Defendant or its subsidiary or predecessor first learned or received information that such disease was caused by inhalation of asbestos fibers by humans.
 - b. How Defendant or its subsidiary or predecessor became aware of the disease and its relationship to asbestos exposure.
 - c. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
 - d. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
 - e. Whether any such information is still maintained by Defendants or its subsidiaries or predecessors in a written form.
 - f. Who is the custodian of such information.
 - g. The date on which you first received knowledge or information that lung cancer was caused by inhalation of asbestos dust and fibers.
 - h. Whether Defendant agrees that there is no known medical cure for mesothelioma.
- AA. Whether the Defendant or any of its subsidiary or predecessor companies at any time entered into a "rebranding" or "relabeling" agreement with any other company, either as buyer or seller, including but not limited to other defendants in this cause, concerning asbestos materials or asbestos products. If so, be prepared to discuss the agreement(s) and discuss, as to each such agreement:
- a. The name of the company manufacturing the asbestos products.
 - b. The trade name affixed to those products.
 - c. The periods of time covered by each such agreement.
 - d. The volume, in dollar amount, of each transaction.
 - e. The initial purchaser of the products.
 - f. The person(s) most knowledgeable regarding such agreements.
- BB. Whether any employee of defendant, past or present, ever made a claim for asbestos-related pleural disease, asbestosis, mesothelioma, lung cancer or any other cancer under the Occupational Disease or Workmen's Compensation with any State. If so, discuss:
- a. The date that defendant first received notice of such claim;
 - b. The total number of such claims per year received to date;
 - c. The total number of such claims received to date;

c. The number of such claims for which disability benefits and/or medical expenses were paid by defendant;

d. All persons to whom disability benefits and/or medical expenses were your defendant and the exact medical diagnosis, disease and/or condition for which such benefits/expenses were paid.

CC. Whether you or any of your predecessors and/or subsidiaries maintain, from 1940 through the present or for any portion thereof, copies of invoices, shipping documents, bills of lading, purchase orders, or other documents of a similar nature relating to the mining, manufacture, marketing, sale or distribution of asbestos products. If so, discuss:

a. The location of such documents.

b. The name and address of the custodian of the documents.

c. The format in which the documents are kept, i.e., hard copy, microfilm, microfiche, etc.

d. In what form the documents can be accessed, i.e., by state, by product, etc., and if by product, whether kept according to asbestos or non-asbestos.

e. Whether there are any documents reflecting that your products were present at the exposure sites identified by Plaintiff.

DD. Any company representatives which you may be calling as witnesses at the trial of any of these cases and be prepared to discuss:

a. The name, address, and job title of each company representative who may be called.

b. The subject matter of the testimony expected to be given by each such witness.

c. List any and all previous times that the named witnesses have either given deposition or trial testimony in an asbestos-related case, including the jurisdiction, style of the case, case number, date of testimony, and the name of the attorney taking the deposition for the plaintiffs in that case. Please provide copies of all prior testimony. Please provide available deposition dates.

EE. Whether you or any of your subsidiaries or predecessors ever acquired through purchase, reorganization, stock purchase, or merger, another corporation, company, or business which manufactured, sold, processed, distributed, or contracted or supplied products containing asbestos. If so, for each such entity, discuss:

a. Full and correct name;

b. Principal place of business;

c. State of incorporation;

d. Date of acquisition by Defendant;

- e. Whether or not the business entity was ever authorized to transact business in the State of New York;
- FF. Whether any of your asbestos products was generally expected to reach, or packaged to reach, the consumer or user, without substantial change in the condition in which it was sold. If not, with respect to any such product, explain in what way you claim your products were altered or substantially changed after sale or distribution and before reaching the user;
- GG. Whether, based upon the material contents of your asbestos-containing products, the method of manufacturing, and the method of application, can such products be generally applied maintained, installed, repaired, and/or removed without liberating asbestos fibers into the air.
 - a. If there is a different answer concerning different products manufactured, sold, distributed, or used by your company, then be prepared to specify the different products by precise manufacturer's name and popular name.
 - b. If there is a difference in your answer depending on the year or years in which a particular product was used, then be prepared to specify in detail what year or years you are referring to and the specific products you are referring to and year involved.
- HH. Whether you performed, directed to be performed, or ever arranged for or by any labor inspectors, insurance company inspectors, industrial hygienists or anyone from your company (or on behalf of your company) to perform or ever received the results of any dust monitoring tests (either area or personal), epidemiological studies or industrial hygiene studies either in a testing setting or at job sites where your asbestos-containing products were present, used, maintained, being applied and/or removed by workers. If so, be prepared to discuss:
 - a. The date and location of each such test or studies;
 - b. When, where and at what intervals subsequent tests and updates were performed;
 - c. Who performed such tests or studies;
 - d. Where the results of such tests or studies are maintained;
 - e. What steps were taken by you to improve results of such tests or studies, and dates when such improvements were made;
 - f. What the stated purpose for each such test or study;
 - g. All documents, videotapes, and photographs produced as a result of such tests or studies;
 - h. Whether any of these tests or studies was conducted to study the health effects of exposure to asbestos fibers;

- i. Whether any of those studies was published or otherwise disseminated.
- II. Whether your company or its predecessor(s) or subsidiaries ever placed any cautionary labels/signs or warning labels/signs directly on any of its asbestos-containing product(s) or on their packaging. If so, be prepared to identify the product(s) and year(s) said warning or caution(s) were first applied, the location of the warning, the content and appearance of the warning and the identity of the person most knowledgeable with the placement of such warnings.
- JJ. Whether, before 1960, you ever manufactured or sold products which did not contain asbestos and which could be substituted for your asbestos-containing products. If so, be prepared to discuss the date such asbestos-free products were first placed on the market.
- KK. The following with respect to each expert witness whom you expect to call during trial of these cases. Please be prepared to discuss with specificity, the expert witnesses that you may call, including:
 - a. The name, address, and job classification of each such expert witness;
 - b. The subject matter on which the expert is expected to testify;
 - 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;
 - d. Whether any person identified in subparagraph (a) above has provided a report or other documentation to you, and if so, be prepared to identify and produce each such document or report, including any and all drafts of such reports;
 - e. All documents that you have provided to each person identified in response to subparagraph (a) above;
 - f. All details of the witness's education and work history, 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, bring a copy of a resume or curriculum vitae and a list of publications to the deposition.
 - g. The date the expert was retained; and
 - h. Available deposition dates.
- LL. All fact witnesses you intend to call at trial, and state the subject matter of their testimony and the substance of the facts to which each is expected to testify. Please be prepared to provide an address for each such witness. Please also be prepared to provide any prior testimony given by such witness in an asbestos related case. Please be prepared to provide available deposition dates.

MM. When, if ever, you or any of your predecessors-in-interest first received a copy of the article entitled "A Health Survey of Pipe Covering Operations in Constructing Naval Vessels", published in January, 1946 in the Journal of Industrial Hygiene & Toxicology, and authored by W. Fleischer and P. Drinker, et al ("the Fleischer-Drinker Report").

- a. Be prepared to identify the name(s) and address(es) of any person(s) who can verify your above response;
- b. Be prepared to identify all documents generated by Defendant which discuss or in any way reference the "Fleischer-Drinker" study prior to 1968;
- c. Whether you ever relied on the Fleischer-Drinker Report in whole or in part as a basis that your asbestos products could be used in the workplace without risk of asbestos-related health impacts to the consumer and/or bystander;
- d. If your answer to MM(c) is yes, be prepared to discuss when was the first date you relied on the Fleischer-Drinker report in whole or in part for the proposition stated in MM(c) above.

NN. When, if ever, did you or any of your predecessors-in-interest first receive a copy of the article entitled "A Study of Asbestos in the Asbestos Textile Industry", published in 1938 in Public Health Bill, No. 241, U.S. Public Health Service and authored by W.(c) Dreessen ("the Dreessen Report").

- a. Please identify the name(s) and address(es) of any person(s) who can verify your above response;
- b. Identify all documents generated by you, which discuss or in any way reference the "Dreessen" study prior to 1968;
- c. Whether you ever relied on the Dreessen Report in whole or in part as a basis that your asbestos products could be used in the workplace without risk of asbestos-related health impacts to the consumer and/or bystander;
- d. If your answer to NN (c) is yes, be prepared to discuss when was the first date that you relied on the Dreessen report in whole or in part for the proposition stated in NN(c) above.

OO. Identifying all documents which exist, in your files that represent communications between any of the defendants to this suit, Ford Motor Company, other manufacturers, suppliers or distributors of asbestos-containing products, the United States government trade organizations including, but not limited to, National Safety Council, Foundryman's Association, Foundryman's Magazine, Foundryman's Journal, Illinois Manufacturer's Association, the Society of Automotive Engineers, A.T.I., I.H.F., N.I.M.A., A.I.A., S.M.F.A., N.I.C.A., T.I.M.A., Q.A.M.A., P.I.C.A., Q.A.P.A., S.B.A., American Manufacturers Association, Defense Research

Institute, or any other scientific or medical foundations, such as Saranac Lake Laboratory or Mt. Sinai School of Medicine:

- a. Discussing the possible relationship between asbestos exposure and asbestosis, lung cancer, mesothelioma, and/or other cancers;
- b. Medical or scientific studies concerning the relationship between asbestos exposure and asbestosis, lung cancer, mesothelioma and/or other diseases;
- c. Discussing the publication or non-publication of any medical or scientific findings concerning such relationship.

4. **Environmental Hygiene** – You are called upon to testify generally as to all environmental hygiene matters which were in place and in effect at the time of sale of an asbestos containing product which Bennett Scott Hoser (hereinafter “Plaintiff”) was allegedly exposed, and to identify and testify specifically, though not limited to, the following topics:

- A. All air hygiene and/or environmental quality policies adopted by Defendant at any time relative to Bennett Scott Hoser’s alleged exposure.
- B. All air hygiene policies and/or environmental quality policies adopted by Defendant regarding product-related dust issues relative to Bennett Scott Hoser’s alleged exposure, including asbestos dust.
- C. All outside consultants retained and studies conducted to evaluate air hygiene and/or environmental quality aspects, including ventilation, engineering controls and dust levels by Defendant as such ventilation, controls, and dust levels relate to asbestos emissions from Defendant’s products.
- D. All containment actions relative to asbestos, asbestos-containing materials, asbestos-contaminated materials, and/or asbestos-containing products ever taken by Defendant, or at Defendant’s request, including the identity of any company(ies) and/or entity(ies) which performed such service(ies), and any report(s) issued by such company and/or entity.
- E. All aspects of abatement, and/or disposal of asbestos, asbestos-containing products and/or contaminated materials ever performed by Defendant, or at Defendant’s request, including the identity of any company(ies) and/or entity(ies) which performed such service(ies), and any report(s) issued by such company(ies) and/or entity(ies).
- F. All air hygiene and environmental safety awareness issues, files, libraries, warnings and/or evaluations of products which Bennet Scott Hoser’s was allegedly exposed to.
- G. All communications within Defendant’s inter-departmental and/or intra-

departmental systems including, but not limited to managerial, administrative, and/or maintenance functions regarding air-hygiene and/or environmental quality issues and/or advisories including, but not limited to containment and/or abatement and disposal of asbestos, asbestos-containing materials and/or contaminated materials from products which Bennett Scott Hoser was allegedly exposed to.

- H. Witness(es) to testify when Defendant first learned that breathing asbestos dust could cause lung disease.
- I. Witness(es) to testify generally when Defendant first learned that breathing asbestos dust could cause lung-related malignancies.
- J. Witness(es) to testify generally as to when Defendant first learned of the 1964 New York Academy of Sciences Conference, at which the hazards of asbestos-containing dust products were discussed.
- K. Witness(es) to testify generally as to whether Defendant or Defendant's employees or person's acting for and/or on behalf of Defendant were members of any air hygiene or environmental safety associations.
- L. Witness(es) to appear, testify, and describe in detail, any actions taken by Defendant at any time to inform its customers, or persons contacting Defendant's products of hazards resulting from exposure to asbestos-containing products.
- M. Witness(es) to appear and testify as to when Defendant first learned of TLVs, the necessity of exhaust ventilation respecting asbestos or asbestos products, and what measures were implemented to comply with these requirements.
- N. Witness(es) to testify generally as to the identity of all employees whose responsibility, in whole or in part, was product safety and implementation and/or maintenance of all environmental hygiene policies regarding Defendant's products that Bennett Scott Hoser was allegedly exposed to.

5. **Identity of Asbestos Fiber Suppliers, Manufacturers, Distributors, etc.** - You are called upon to provide the identity of all of the suppliers, fabricators, manufacturers, distributors, installers, insulators, and/or sellers of asbestos-containing products that you or any person or entity retained by you, such as a contractor, your general contractor, or engineer, purchased, installed, used, repaired and/or maintained, any asbestos or asbestos containing materials and/or products including the identity of the following: Any manufacturer, distributor or seller of asbestos-containing products; the date(s) on which any such product or material was supplied or provided; the types of products that were supplied or provided; and any packages, containers or actual products that were supplied or provided. As to each of the suppliers, manufacturers, and distributors, etc., such testimony will include, but shall not be limited to the

following:

- A. To testify generally regarding whether any asbestos manufacturer, distributor, seller, installer, insulator, or user of asbestos-containing products at Bennet Scott Hoser's exposure site(s) was ever provided by you with any types of warnings and, if so, the exact nature and types of warnings provided.
- B. To testify whether there exist any records, and the method and manner of records retention, concerning any correspondence, documents, or other items or things which may serve to identify asbestos products, suppliers, distributors, users, maintenance persons, installers, and/or manufacturers at Bennett Scott Hoser's exposure site(s), or in connection with Defendant's daily operations.
- C. To testify generally and describe the method by which you have maintained, retained or destroyed records regarding safety policies and/or asbestos-related safety practices for products which Bennett Scott Hoser was allegedly exposed to, and the identity of anyone who would be the manufacturer, seller, supplier, distributor, user, shipper, installer, maintainer, etc., of asbestos-containing products which were incorporated into any product, material, or design which you sold, distributed, manufactured, fabricated or otherwise would have exposed Bennett Scott Hoser to asbestos emissions.

6. **Knowledge of Defendant:**

- A. To testify generally regarding the following publications and to identify when you learned of each of these publications:
 - 1. A. J. Lanza, W. J. McDonald, and J. W. Fehnel, "Effects of the Inhalation of Asbestos Dust on the Lungs of Asbestos Workers," Publ. Health Rep. 50: 1012 (1935).
 - 2. Dreesen, W. C., et al., A Study of Asbestosis in the Asbestos Textile Industry, Public Health Bulletin No. 241, Washington, D.C.: U.S. Public Health Service 1938.
 - 3. Fliescher, W. E., et al. "A Survey of Pipe covering Operations in Constructing Naval Vessels," Journal of Industrial Hygiene and Toxicology, 28: 9-16 (1946).
 - 4. "Asbestosis and Cancer of the Lung," JAMA 140:1219-1220 (1949).
 - 5. Doll, R, "Mortality From Lung Cancer and Asbestos Workers," British Journal of Industrial Medicine, 12:81-86 (1955).
 - 6. Wagner, JC, Casleggs and P. Marchand, "Diffuse Pleural

Mesothelioma and Asbestos Exposure in the Northwestern Cape Province," British Journal of Industrial Medicine, 7:160-271 (1960)

- B. To testify what action, if any, you have taken since 1960 to minimize or eliminate any risk of exposure or of disease to employees and other persons exposed to your products.
- C. To testify generally regarding the maintenance of any library(ies) or collection of materials, for any purpose, in any way relative to, or containing information regarding asbestos hazards, safety, environmental hygiene, or other dust-related engineering controls which may be recommended generally, or for your products specifically.
- D. To testify generally regarding the identity of all journals, periodicals, magazines, and other publications which you have received or to which you have subscribed and which pertain to environmental hygiene, safety, research and development, and/or medical issues with respect to asbestos and/or asbestos dust from 1920 until the present time.
- E. To testify generally regarding any involvement and any litigation in which you have been involved concerning asbestos-related personal injury matters, either as a plaintiff or a defendant, and to testify further regarding the identity of said claims generally and, as to each instance of litigation, the subject matter of the litigation, the caption and date.

6. Witness To:

- A. testify generally regarding the identity of persons who may have been interviewed by Defendant, to whom Defendant has spoken, or from whom Defendant has taken statements regarding the answers of written discovery previously propounded in connection with this matter, or in connection with your or your attorney's investigation of this captioned claim.
- B. testify generally regarding the identification of all asbestos products, witnesses and other information relative to the purchase, supply, use, sales, receipt and installation of asbestos and/ or asbestos-containing products by Defendant and/or Defendant's contractors specific to Bennet Scott Hoser's' alleged exposure.
- C. testify generally regarding the content of all statements taken in connection with, or by others who have purchased, used or otherwise obtained asbestos for Defendant, regarding the sale, supply, distribution, installation, manufacture, maintenance, or fabrication of Defendant's products whereby Bennet Scott Hoser allegedly contacted asbestos emissions.

- D. testify generally regarding the identity of all asbestos manufacturers, suppliers, sellers, distributors and/or users of asbestos-containing products in connection with Defendant's daily operations as they pertain to asbestos-containing products whereby Bennet Scott Hoser allegedly contacted asbestos emissions.
- E. testify generally regarding the identification of all witnesses who will testify either as lay witnesses or experts regarding all environmental hygiene and safety matters, all facts, and all medical matters; if there is more than one witness to be identified in connection with this matter, then please list each witness.
- F. testify regarding the construction and maintenance of your products and any documents relative thereto whether currently in your possession or not.
- G. to discuss any and all insurance policies or related documents.

7. **History:**

- A. Witness to testify regarding the history of Defendant; specifically, its role with regard to responsibility for products, fabrication, manufacture, installation, maintenance, sales, supply, distribution and the general presence of Defendant's product(s) on premises whereby Bennet Scott Hoser allegedly came into contact with asbestos emissions.
- B. Witness to testify regarding the identity of each Defendant employee charged with environmental safety, environmental hygiene, the purchase of asbestos and/or asbestos-containing products and personnel charged with the design, fabrication, addition, or modification of internal and/or external building structures which incorporate the use of asbestos, asbestos materials and/or asbestos-containing products.
- C. Witness to testify regarding the factual basis of all information given and relied upon in support of the return made on the discovery requests attached hereto.

8. **Miscellaneous:**

- A. Witness to testify to all policies of insurance which may cover this case, identifying each by name of Insurer, policy number and policy periods including as to each policy the limits, exclusions, riders or endorsements, all binder agreements and any other documents or records related thereto.
- B. Witness to testify to any and all photographs, diagrams, illustrations, or

technical drawings of any installation, product, fabrication, and/or maintenance specification, from the date of first existence of each installation, product, fabrication, and/or maintenance specification to the present.

- C. Witness to testify to all asbestos product identification witnesses of which you are aware who may give or who have given prior testimony identifying asbestos products in your products and, specifically, regarding Bennett Scott Hoser's alleged exposure in this case or any case which you have previously been made a defendant.
- D. Witness to testify to all corporate structure changes, any investments, re-organizations, naming of executives, naming of directors, succession of officers, contracts, purchases, sales, product line changes, patents, patent purchases, patent sales, assets, consolidations, creditors, encumbrances, liquidations, change of domicile, change of principle place of business, special resolutions, intellectual property rights, throughout the history of the Defendant Corporation and through the history of each company in which stock has been purchased, subsidiary, holding, merged company, division, predecessor company, liquidated company, discontinued operation, and/or any change in corporate structure of a merged, bought, held, controlled, stock interest, or other affiliated company which Defendant Corporation has an interest.