

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: ASBESTOS IV

CIVIL ACTION NO. 95-8888

BEFORE: HON. A. ANDREW MacQUEEN

NOTICE OF AMENDED DEPOSITION

TO: ALL COUNSEL OF RECORD ON BEHALF OF EACH DEFENDANT THEY REPRESENT IN PENDING ASBESTOS/SILICA CASES IN KANAWHA COUNTY, WEST VIRGINIA

PLEASE TAKE NOTICE that counsel for Plaintiffs will take the deposition(s) of representatives of defendant **HOBART BROTHERS COMPANY**, Dave Manning, on Thursday, July 6, 1995, commencing at 10:00 a.m., and continuing from day to day until completed, to take place at the offices of **DAVIES, McFARLAND & CARROLL**, One Gateway Center, 10th Floor, Pittsburgh, PA 15222.

Defendant **HOBART BROTHERS COMPANY** is hereby requested, pursuant to Rule 30(b)(6) of the West Virginia Rules of Civil Procedure, to designate and produce one or more individuals with personal knowledge as to the following areas of concern:

1. One or more company representatives who can testify as to an overview of defendant's and its predecessor's past business activities with respect to asbestos and/or silica-containing materials, including but not limited to defendant's corporate or business history, dates of manufacture and sale of asbestos and/or silica-containing products, insulation activities, nature and composition of products, type of asbestos fiber used, description

of package and any information provided with reference to health hazards, and provide information with respect to the various matters and basic subject matters of interrogatories, requests for production and requests for admission served on the defendant by the undersigned firms in this Kanawha County, West Virginia, litigation;

2. One or more representatives who are knowledgeable about the sales, marketing, use and promotion of defendant's asbestos and/or silica-containing materials and who can identify people or entities responsible for and/or knowledgeable concerning sales and uses of asbestos and/or silica-containing materials produced or sold by this defendant to West Virginia and surrounding areas, and in particular to the jobsites listed on Exhibit A attached herein;

3. One or more representatives who can testify as to existing record-keeping systems concerning asbestos and/or silica and/or products containing asbestos or silica and sales or usage records, such as those discussed in Interrogatory No. 50 (e.g., invoices, orders, purchase records, sales summaries, confirmations, bills of lading, annual or other periodic summaries of sales or orders, accounts payable or accounts receivable records, etc.);

4. One or more representatives who can testify to any and all investigations that defendant had made at, before or during the time period that defendant sold or used asbestos or silica-containing products or fiber, into the safety of asbestos and/or silica generally and also specifically as to defendant's asbestos or silica-containing products;

5. One or more representatives who can testify to any and all steps taken by defendant to protect, by warning or otherwise, the health and safety of persons who were or who may have been exposed to asbestos or silica-containing materials supplied by this defendant or used by this defendant.

6. One or more representatives who can testify as to defendant's past and present insurance coverage, including terms of coverage, policy limits and remaining available insurance. In addition, this representative should be able to testify as to defendant's current economic status, including corporate or business net worth and past, present and projected future earnings.

7. One or more representatives who can identify any and all documents (including statements and trial deposition testimony of current or former employees of this defendant) in possession of this defendant indicating that this defendant relied upon the January 1946 article, "A Health Survey of Pipecovering Operations in Constructing Naval Vessels" by Walter E. Fleischer, Frederick J. Viles, Jr., Robert L. Gade and Philip Drinker, during the time that defendant manufactured, supplied, distributed, sold or used asbestos-containing materials as a reason for not warning or informing users or consumers of asbestos-containing products of any and all actual or potential health hazards associated with such products.

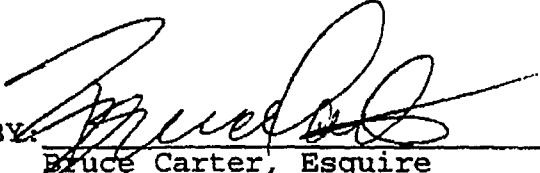
8. One or more representatives who can identify any and all documents (including statements and trial or deposition testimony of current or former employees of this defendant) in possession of this defendant indicating that this defendant relied upon the

Threshold Limit Value of 5 million particles per cubic foot for asbestos-containing dust during the time that defendant manufactured, supplied, distributed, sold or used asbestos-containing materials, as a reason for not warning or informing users or consumers of asbestos-containing products of any and all actual or potential health hazards associated with such products.

Defendant, pursuant to Rule 34 of the West Virginia Rules of Civil Procedure, is requested to produce the originals and, if possible, a photocopy of all documents subject to outstanding discovery requests, so that they can be discussed and marked as exhibits by the court reporter. Defendant is also requested to produce the originals of any and all records of sales of asbestos or silica-containing materials in West Virginia.

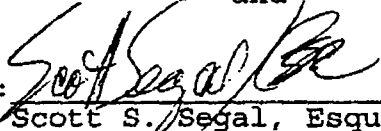
You are invited to attend and participate should you so desire.

GOLDBERG, PERSKY, JENNINGS
& WHITE, P.C.

BY: 

Bruce Carter, Esquire
1030 Fifth Avenue
Pittsburgh, PA 15219
(412) 471-3980

and

BY: 

Scott S. Segal, Esquire
SEGAL AND DAVIS
810 Kanawha Boulevard
Charleston, WV 25301
(304) 340-9100

EXHIBIT "A"

Albright PS
Alcon Rolled Products, Fairmont, WV
Allied Chemical Charleston
Alloy
American Car Foundry, Huntington, WV
Ames Company, Parkersburg, WV
Amos Power House
Analine Chemical Charleston
Armory, National Guard
Atomic Energy Plant, Waverly
Bank, Parkersburg National
Beaver Valley #1 PS
Beverly PS - Muskingum River
BlawKnox Corp., Wheeling, WV
Borg Warner/Marbon, Parkersburg, WV/Washington, WV
Bruce Mansfield PS
Burger PS
C & O Railroad
Carbon Black, Degussa Corp.
Cardinal a/k/a Brilliant PS
Cardinal PS/Brilliant PS/Tidd PS, Brilliant, OH
Celanese Corp.
Centre Foundry, Wheeling, WV
College, Concord
College, Bethany
Consolidated Aluminum, Hannibal, OH
Dillies Bottom PS - R.E. Berger PS, Dillies Bottom, OH
Dupont - Washington/Parkersburg, WV
Dupont - Belle, WV
FMC, Charleston
Fort Martin PS
Fort Martin PS
Gavin PS - Chesire PS
Gavin PS
Glasgow PS - Kanawha PS, Glasgow, WV
Glen Lyn PS
Glen Lyn PS
Goodyear, Charleston
Graham's Station PS - Philip Sporn PS
Harrison PS
Harrison PS
Harrison PS, Masontown, PA
Hatfield's Ferry PS
Hazel Atlas Glass, Hazel, WV

Helmick Foundry, Fairmont, WV
Hospital, St. Mary's
Hospital, Fairmont General
Hospital, St. Joseph's, Parkersburg
Hospital, Wheeling
Hospital, WVU Medical Center
Hospital, Monongalia General
Hospital, Elkins
Inco Steel, Huntington, WV
John Amos PS
John Amos PS
Kaiser Aluminum, Ravenwood, WV
Kammer/Mitchell PS
Kammer PS
Kammer PS - Cressup PS, New Martinsville, WV
Kanawha a/k/a Glasgow PS
Koppers - Bridgeville, PA
Koppers - Follansbee, WV
Mall, Ohio Valley/St. Clairsville
Mine Academy, Beckley
Mitchell PS, New Martinsville, WV
Mobay - Natrium, WV
Mountaineer PS
Mt. Storm PS
Mt. Storm PS
Muskingum River a/k/a Beverly PS
Niles PS
Olin Matheson/Ormet/Conalco - Hannibal/Clarington, OH
Ormet, Hannibal, OH
Philip Sporn PS
Phillip Sporn Power House
Pleasants Power Station
Point Marion PS
PPG - Natrium, WV (New Martinsville & Proctor)
Rivesville PS
Rivesville PS
Sammis a/k/a Stratton PS
Sammis/Stratton PS
School, Woodrow Wilson High
Shell Chemical, Marietta, OH
Solvay Chemical, Moundsville, WV
Steel of WV (Connor Steel, H.K. Porter), Huntington, WV
Sterling Fawcett, Morgantown, WV
Toronto PS
U.S. Steel, Portsmouth, OH
Union Carbide - Washington Bottoms, WV (Parkersburg)
Union Carbide - Anmoore/Clarksburg
Union Carbide - Marietta (Gulf)
Union Carbide - Sistersville/BensRun/LindeAir/LongReach
Union Carbide - South Charleston, WV
University of Athens - Ohio U., Athens, OH
Weirton Steel

Weirton Steel, Weirton, WV
Westinghouse Glass Plant, Fairmont, WV
Wheeling Downs
Wheeling-Pitt Steel, Benwood
Wheeling-Pitt Steel, Yorkville
Wheeling-Pitt Steel, Martins Ferry
Wheeling-Pitt Steel, South Plant (Mingo Junction)
Wheeling-Pitt Steel, East Plant (Follansbee, WV)
Wheeling-Pitt Steel, North Plant (Steubenville)
Wheeling-Pitt Steel, Beechbottom
White Sulfur Springs Hotel
Willow Island PS
Willows Island PS - Pleasants PS, Willow Island
Yorktown PS
Youngstown Sheet & Tube

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the within NOTICE OF AMENDED DEPOSITION was served upon the following counsel of record via United States mail, postage pre-paid at Pittsburgh, Pennsylvania, on this 15th day of June, 1995.

Ralph A. Davies, Esquire
GRIGSBY, GACA & DAVIES
One Gateway Center, 10th Floor
Pittsburgh, PA 15222

BY: 

Bruce Carter, Esquire