

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

Flanery, J.
FILED

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CLERK, U.S. DISTRICT COURT
DISTRICT OF COLUMBIA

Civil Action No.
83-3520

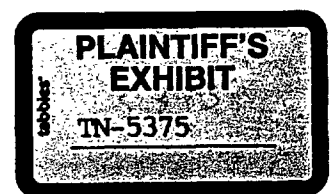
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:
FLETCHEER, ET AL.,
:
Plaintiffs,
:
vs.
:
ARMSTONG WORLD INDUSTRIES, ET AL.
:
Defendants.
:
-----X

NOTICE OF DEPOSITION WITH SUBPOENA DUCE TECUM

PLEASE TAKE NOTICE that the plaintiffs by and through the undersigned counsel of record will take the deposition of a duly appointed representative of Turner & Newall, PLC pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure in the offices of Ashcraft & Gerel, 2000 L Street, Washington, DC 20036 on Friday, September 20, 1985 at 10:00 a.m. for the purposes of obtaining documents and at 10:00 a.m. on Tuesday, September 24, 1985 for the purpose of obtaining testimony relevant to the documents produced and for the purposes of obtaining testimony in areas identified below.

Pursuant to Rule 30(b)(6) of Fed. R. Civ. P., Turner & Newall, PLC is hereby advised of its duty to designate one or more officers, directors, or agents, or other persons who consent to testify on its behalf to provide testimony pursuant to this notice of deposition and to provide documents identified in Annex A as required by the attached subpoena.

Pursuant to Rule 30(b)(6) of the Fed. R. Civ. P., Turner & Newall, PLC. is hereby advised that the matters on which



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examination will be conducted will include:

1. Turner & Newall, PLC's corporate structure.
2. Turner & Newall, PLC's relationship to J.W. Roberts, Ltd. and/or to Keasbey & Mattison and/or to Alexander Norman Marshall.
3. The testimony given by Alexander Norman Marshall in Dana Bond et al., v. Atlas Asbestos Co., et al. CV 78-1345 United States District Court for the Eastern District of Missouri, Eastern Division.
4. All documents utilized by Alexander Norman Marshall in preparation for testimony in Dana Bond et al., v. Atlas Asbestos, Co., et al. CV 78-1345 United States District Court for the Eastern District of Missouri, Eastern Division and/or all documents which were used during that testimony.
5. Turner & Newall, PLC's knowledge of health effects of exposure to asbestos and asbestos-containing products.
6. Turner & Newall, PLC's knowledge of asbestos dust emission and/or control of asbestos dust emission.
7. Claims against Turner & Newall, PLC since 1920 for injuries related to exposure to asbestos and/or asbestos-containing products.
8. Asbestos-related diseases among Turner & Newall, PLC's employees since 1920.
9. Asbestos-related diseases in employees of Turner & Newall, PLC's branches, divisions, and/or subsidiaries.
10. Documents generated by or sent to the following:
 - A. Dr. H. M. Bateman
 - B. Dr. J. F. Knox
 - C. Dr. H. C. Lewinsohn
 - D. Dr. S. Holmes
 - E. Dr. Mereweather
 - F. Dr. Price
 - G. Dr. E. J. King
 - H. Mr. A. N. Marshall
 - I. Mr. R. Spavold
 - J. Mr. Dolbey
 - K. Dr. Richard Doll
11. Turner & Newall, PLC's its branches', divisions', and/or subsidiaries' relationship to the following:
 - A. Dr. H. M. Bateman
 - B. Dr. J. F. Knox
 - C. Dr. H. C. Lewinsohn

D. Dr. S. Holmes
E. Dr. Mereweather
F. Dr. Price
G. Dr. E. J. King
H. Mr. A. N. Marshall
I. Mr. R. Spavold
J. Mr. Dolbey
K. Dr. Richard Doll

12. Turner & Newall, PLC's its branches', divisions', and/or subsidiaries' funding of research concerning asbestos-related diseases.

13. Communications between Turner & Newall, PLC, its branches, divisions, and/or subsidiaries and other manufacturers, miners and distributors of asbestos and asbestos-containing products concerning health effects of exposure to asbestos and asbestos-containing products.

14. Warnings given by Turner & Newall, PLC's to its branches, divisions, and/or subsidiaries concerning the actual or potential health hazards from exposure to asbestos and asbestos-containing products.

15. The placement of precautionary health warnings by Turner & Newall, PLC, its branches, divisions, and/or subsidiaries on asbestos and asbestos-containing products.

16. Turner & Newall, PLC, its branches', divisions', and/or subsidiaries' packaging of Sprayed Limpet Asbestos.

17. The formulation, marketing and sales of Sprayed Limpet Asbestos.

18. Criminal indictments and or civil actions against Turner & Newall, PLC, its branches, divisions, and or subsidiaries for injuries allegedly resulting from exposure to asbestos and asbestos-containing products.

A subpoena duce tecum pursuant to Rule 45(b) has been served with this notice of deposition and commands the person to whom it is directed to produce the following books, papers, documents, or tangible things identified in Annex A.

The deposition will continue from day to day as is necessary. You are invited to attend.

dated:

Respectfully submitted,

ASHCRAFT & GEREL



Peter Enslein
James F. Green
2000 L Street, N.W.
Suite 700
Washington, DC 20036
(202) 783-6400

Attorneys for the Plaintiff

ANNEX "A"

DEFINITIONS

The term "documents" means all correspondence, memoranda, notes, diaries, reports, files, desk calendars, telegrams, cables, lists, minutes, agenda, books, records, tabulations, charts, graphs, work papers, financial statements, financial and statistical information, computer print-outs, x-rays and other photographic diagnostic reports, tissue samples, slides, specimens, analyses, surveys, press releases and all other writings of every kind and description, whether typed, printed, recorded by hand or recorded by any other means, including all computer or electronic memory systems, as well as drafts of such items, and all copies of such items which, by reason of notations thereon or otherwise, are not identical to the original, which are in deponent's possession, custody or control.

The term "person" means individual, partnership, corporation, association, governmental agency, union, and any director, officer, employee, attorney, agent or other representative thereof, and, any combination or group of any of the above.

The term "Turner & Newall, PLC" refers to the defendant as well as all its branch companies and subsidiaries including but not limited to J. W. Roberts, Ltd., TAC Construction Materials, Ltd., and Keasbey and Mattison Company.

INSTRUCTIONS

If deponent claims that any document covered by this subpoena is subject to a conditional or absolute privilege or should not be produced for any other reason, deponent shall at or before the deposition, prepare and submit a list setting forth each such document (a) its date, (b) its description (letter, memorandum, etc.), (c) a description of the file in which the document was originally kept, (d) its author, (e) its distribution, including addresses and persons to whom copies were sent, (f) the subject matter or matters referred to in the document and (g) the ground or reason for non-production. If the document is one which was submitted to deponent, then in addition to items (a) - (g) above, set forth (h) the identity of the person submitting such document, (i) the date of its submission, and (j) whether the person submitting such document designated it as confidential or with any other restrictive legend.

DOCUMENTS TO BE PRODUCED

A. Any and all documents which constitute, refer, relate or pertain to the following specific types or categories of documents:

1. The design formulation and manufacture of asbestos-containing products including but not limited to Sprayed Limpet Asbestos from 1920 to present.

2. The sale, distribution, shipment, licensure for manufacture, licensure for distribution, licensure for use, of asbestos-containing products including but not limited to Sprayed Limpet Asbestos in the Continental United States including but not limited to the District of Columbia, Virginia and Maryland,

3. The medical and scientific publications, texts, treatises, abstracts, studies, proposed studies, unpublished materials, and writings concerning directly or indirectly (a) the health effects of asbestos and asbestos-containing products, and (b) asbestos dust emission and control.

4. Asbestos-related disease workers' compensation claims since 1920.

5. Asbestos-related disease among Turner & Newall, PLC's employees since 1920.

6. Professional, trade, industrial, safety, hygiene, and health associations, research foundations or organizations Turner & Newall, PLC is or has been a member of since 1920, including but not limited to:

- A. Asbestosis Research Council
- B. Asbestos Textile Institute
- C. British Occupational Hygiene Society
- D. Asbestos Association
- E. Asbestos Information Centre

7. All documents relating to:

- A. Dr. H. M. Bateman
- B. Dr. J. F. Knox
- C. Dr. H. C. Lewinsohn
- D. Dr. S. Holmes
- E. Dr. Mereweather
- F. Dr. Price
- G. Dr. E. J. King
- H. Mr. A. N. Marshall
- I. Mr. R. Spavold
- J. Mr. Dolbey
- K. Dr. Richard Doll

8. The funding, directly or indirectly by Turner & Newall, PLC of research concerning asbestos and its relationship to disease.

9. Communications between Turner & Newall, PLC and other manufacturers, miners, and distributors of asbestos and asbestos-containing products concerning the health effects of asbestos and asbestos-containing products.

10. Turner & Newall, PLC's notification of its employees of the hazard or potential hazard of asbestos exposure.

11. The placement of precautionary health warnings by Turner & Newall, PLC on its asbestos and asbestos-containing products.

12. Advertising, sales brochures, literature, product specifications, installation instructions, brochures, warranties, and warnings for asbestos and asbestos-containing products including but not limited to Sprayed Limpet Asbestos.

13. The subject matter of the Limpet Asbestos Spray School.

14. The packaging of Sprayed Limpet Asbestos including but not limited to the design, size, and content of the labeling on the packaging.

15. Examples of each of the different types of packaging used to package Sprayed Limpet Asbestos.

16. Samples of each formulation of Sprayed Limpet Asbestos.

17. The subject matter of J. W. Roberts, Ltd.

18. The subject matter of Keasbey and Mattison Company.

19. The subject matter of Krafft Murphy Company.

20. The subject matter of National Asbestos Company, Inc.

21. The subject matter of Armstrong Construction and Supply Corporation (A.C. & S.).

22. The subject matter of Bell Asbestos Mines, Ltd.

23. The subject matter of Atlas Asbestos Company.

24. The subject matter of Atlas-Turner, Inc.

25. All documents used in preparation for and/or during the deposition given by Alexander Norman Marshall in Dana Bond, et al. v. Atlas Asbestos Co., et al., CV 78-1345, United States District Court for Eastern District of Missouri, Eastern Division.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was mailed,
postage prepaid, this 16th day of September, 1985 to:

Michael P. Chervenak, Esq.
FORD & O'NEIL
17 West Jefferson Street
Rockville, Maryland 20850
Attorney for Armstrong World Industries, Inc.

Kevin J. McCarthy, Esq.
Charles E. Gallagher, Jr., Esq.
O'MALLEY, MILES, FARRINGTON & MCCARTHY
99 Commerce Place
Upper Marlboro, Maryland 20772
Attorneys for A. C. & S.

H. Patrick Donohue, Esq.
DONAHUE, EHRMANTRAT & MONTEDONICO, CHARTERED
51 Monroe Street
Suite 700
Rockville, Maryland 20850
Attorney for Atlas Turner, Inc. and Bell
Asbestos Mines, Ltd.

H. Emslie Parks, Esq.
WRIGHT & PARKS
Suite 1012
409 Washington Avenue
Towson, Maryland 21204
Attorney for Celotex Corporation

John M. Bray, Esq.
Charles B. Wayne, Esq.
SCHWALB, DONNENFELD, BRAY & SILBERT
1025 Thomas Jefferson Street, N.W.
Suite 3
Washington, D.C. 20007
Attorneys for National Gypsum Company

Charles E. Dorkey, III, Esq.
RICHARDS, O'NEIL & ALLEGAERT
15th Floor
660 Madison Avenue
New York, New York 10021
Attorney for Turner & Newall, PLC

LAW OFFICES
ASHCRAFT & GEREL
SUITE 700
2000 L STREET, N. W.
WASHINGTON, D. C. 20036
202-783-6400

SUITE 220
4860 KENMORE AVENUE
ALEXANDRIA, VA. 22304
703-781-7400

SUITE 1002
ONE CENTRAL PLAZA
11300 ROCKVILLE PIKE
ROCKVILLE, MD. 20852
301-770-3737

SUITE 101
METRO 400 BUILDING
LANDOVER, MD. 20785
301-489-8400

SUITE 605
EAST BALTIMORE STREET
BALTIMORE, MD. 21202
301-539-1122

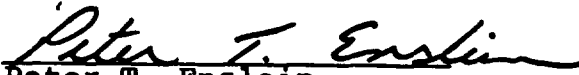
R. G. Guziak, Esq.
BRAULT, GRAHAM, SCOTT & BRAULT
1314 - 19th Street, N.W.
Washington, D.C. 20036
Attorney for Nicolet, Inc.

Hopewell H. Darneille, III, Esq.
BOWMAN, CONNER, TOUHEY & PETRILLO, P.C.
2828 Pennsylvania Avenue, N.W.
Washington, D.C. 20007
Attorney for Turner & Newall, PLC, Turner &
Newall, Ltd, & J. W. Roberts Company

Brock R. Landry, Esq.
KECK, MAHIN & CATE
1730 Pennsylvania Avenue, N.W.
Suite 350
Washington, D.C. 20006
Attorney for United States Gypsum Co.

Patrick J. Attridge
BROMLEY, BROWN AND WALSH
51 Monroe Street
Suite 806
Rockville, Maryland 20850
Attorney for United States Mineral Products
Company

Edward J. Lopata, Esq.
JORDAN, COYNE, SAVITS & LOPATA
Suite 500
Washington, D.C. 20005
Attorney for W. R. Grace Company


Peter T. Enslein
ASHCRAFT & GEREL
Suite 700
2000 L Street, N.W.
Washington, D.C. 20036
(202) 783-6400

5424A

LAW OFFICES
ASHCRAFT & GEREL
SUITE 700
2000 L STREET, N. W.
WASHINGTON, D. C. 20036
202-783-6400

SUITE 220
4660 KENMORE AVENUE
ALEXANDRIA, VA. 22304
703-751-7400

SUITE 1002
ONE CENTRAL PLAZA
11300 ROCKVILLE PIKE
ROCKVILLE, MD. 20852
301-770-3737

SUITE 101
METRO 400 BUILDING
LANDOVER, MD. 20785
301-459-8400

SUITE 805
EAST BALTIMORE STREET
BALTIMORE, MD. 21202
301-559-1122