

IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO

MARY JO ROBINSON, INDIVIDUALLY, and
as Personal Representative of the Heirs and Estate
of ROBERT RUSSELL ROBINSON, Deceased,

CASE NO. CV96 01 0193
(Elliott, J.)

Plaintiff,

VS.

A-BEST PRODUCTS COMPANY, et al.,

Defendants.

IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO

DONALD LEE ABNER, et al.,
IN RE: ALL BARON & BUDD
ASBESTOS CASES

CASE NO. CV96 01 0180
(Elliott, J.)

Plaintiffs,

VS.

A-BEST PRODUCTS COMPANY, et al.,

Defendants.

SECOND AMENDED NOTICE OF INTENTION TO TAKE THE
ORAL DEPOSITION
OF ICF KAISER ENGINEERS, INC. AND SUBPOENA DUCES TECUM

TO: ALL PARTIES, by and through their counsel of record.

PLEASE TAKE NOTICE that Plaintiffs will take the deposition of ICF Kaiser Engineers, Inc. ("Defendant"), pursuant to Rule 30 of the Ohio Rules of Civil Procedure, on April 28, 1998, commencing at 8:00 a.m., at the offices of Bruce Allen, 2101 Webster St., Suite 1000, Oakland, California, and continuing thereafter from day to day until completed. You are invited to attend and examine the witness.

Please take further notice that Defendant must designate the person or persons most knowledgeable and best able to testify about the following matters:

1. Defendant's corporate structure and operations.
2. Defendant's sales, purchase or other involvement, operation and/or ownership of any predecessor, subsidiary or affiliate that sold, manufactured, marketed and/or distributed asbestos-containing products.
3. The successor liability of Defendant or any predecessor, subsidiary or related company for the acts of Defendant or any other subsidiary, predecessor or affiliate that sold, manufactured, marketed, installed, supplied and/or distributed asbestos-containing products resulting from Defendant's purchase of any or all of any entities from Defendant's purchase of the stock of any or all of the above-referenced entities, and/or from Defendant's relationship or affiliation of any type to the above-referenced entities.
4. The identity of any asbestos-containing products sold, manufactured, marketed, installed, supplied and/or distributed by Defendant or any of its subsidiaries or predecessors, including but not limited to, a description of such products and their packaging, the uses of such products, the years such products were sold, manufactured, marketed, installed, supplied and/or distributed, as well as the percentage and type of asbestos in such products.
5. The retention, storage, and/or destruction of any documents requested to be provided in this Notice, and Defendant's or any of its subsidiaries' or predecessors' policies from 1930 to the present with regard to retention, storage, and destruction of documents.
6. Defendant's or any of its subsidiary's or predecessor's manufacture of products containing asbestos or asbestos fibers, including component parts in which asbestos-containing materials were used. The individual or individuals designated should also be able to testify about details related to how, where, when and why asbestos or asbestos-containing substances was or were incorporated into or included in specific products.
7. Defendant's or any of its subsidiary's or predecessor's knowledge of any substitute materials that could have been and/or were substituted for or used in place of asbestos or asbestos-containing substances or products contained or incorporated in Defendant's or any of its subsidiary's or predecessor's products.
8. Defendant's or any of its subsidiary's or predecessor's knowledge from 1930 to the present with respect to asbestos and asbestos fibers and their impact on the health of human beings. The individual or individuals designated must also have knowledge of Defendant's or any of its subsidiary's or predecessor's industrial hygiene program, department or other division or contracting entity related or involved in any way with evaluating or assessing the health and safety of, and/or the potential health hazards posed to, consumers or workers utilizing Defendant's

or any of its subsidiary's or predecessor's products. The individual or individuals designated should also be able to testify about Defendant's or any of its subsidiary's or predecessor's policies with regard to safety and health.

9. Defendant's or any of its subsidiary's or predecessor's research department or other section or program involved with research and development and Defendant's or any of its subsidiary's or predecessor's decisions, determinations, or deliberations related to utilizing asbestos, or substances or products containing asbestos, as component materials in any of its products and any decision to cease using asbestos or substances or products containing asbestos as component materials in any of its products.
10. Defendant's or any of its subsidiary's or predecessor's involvement or membership in any trade associations or similar organizations and the state or status of Defendant's or any of its subsidiary's or predecessor's scientific knowledge concerning asbestos and the hazards of asbestos at any and all times since 1930.
11. All aspects of Defendant's or any of its subsidiary's or predecessor's entitlement, ability, or right to claim the benefits of insurance that may or could indemnify Defendant for any losses sustained or settlements paid as a result of lawsuits against Defendant claiming or alleging that exposure to Defendant's or any of its subsidiary's or predecessor's asbestos-containing products caused injury or illness.
12. Workers' compensation claims, filings or lawsuits against Defendant, Defendant's insurance carrier or any subsidiary or predecessor company or corporation, or their insurers, based upon allegations that inhalation of dust or fibers of any kind, including but not limited to asbestos dusts and fibers, caused illness or injury.
13. The distribution, shipment, sale, installation, transport and marketing by Defendant or any of its subsidiaries or predecessors of products, including component parts, in which asbestos-containing materials were used, including but not limited to the ultimate location of intermediate or final purchasers of any of Defendant's or any of its subsidiary's or predecessor's products containing asbestos, and strategy for sales and marketing of products generally, including but not limited to those which contained asbestos.
14. Defendant's or any of its subsidiary's or predecessor's involvement in asbestos litigation generally, including but not limited to the number of claims, the amounts paid to settle claims, the location of the filing of such claims, the number of lawsuits, the amounts paid to settle lawsuits, the location of the filing of such lawsuits and all other information pertaining to the claims and lawsuits, the basis for such claims and lawsuits, and their resolution, if such has occurred.
15. The extent of Defendant's or any of its subsidiary's or predecessor's sale, manufacture, marketing, installation, supply and/or distribution of asbestos-

containing products in and or to the states of Ohio, Pennsylvania, West Virginia, Kentucky and Illinois.

16. Defendant's or any of its subsidiary's or predecessor's membership in, or participation or involvement with, any organizations or associations, either national or international in scope, including but not limited to organizations or associations formed for the purpose of propagating or recommending safety standards, rules, or requirements and/or enhancing the safety of workers and/or users of products at any time since 1930.
17. Defendant's or any of its subsidiary's or predecessor's testing or test programs or knowledge about testing or test programs concerning the safety hazards or health consequences resulting from inhalation of asbestos or asbestos fibers. The individual or individuals designated must also have knowledge regarding the provision or propagation of written warnings regarding asbestos, the recall of asbestos-containing products or the removal of asbestos from products or components of products manufactured by Defendant, or, by any of subsidiaries or predecessors, and plans, efforts, discussions, and/or meetings related to decreasing any safety risks or hazards associated with, or potentially resulting from, the use of Defendant's or any of its subsidiary's or predecessor's asbestos-containing products, including component parts.
18. Defendant's or any of its subsidiaries or predecessor's provision of safety equipment for worker's protection against the inhalation of asbestos dust or asbestos fibers, including but not limited to masks, respirators, other breathing devices, protective clothing, protective gloves, etc.
19. Defendant's or any of its subsidiaries or predecessor's dissemination, publication or distribution of any printed material, including brochures, warning signs or statements, 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 asbestos-containing products or exposure to asbestos dust or asbestos fibers.
20. Defendant's or any of its subsidiaries or predecessor's tests, studies, dust counts or measurements conducted by Defendant, its subsidiaries or predecessors, its representatives, its insurance carriers and/or its agents, to determine the quantity of asbestos fibers in the air at Defendant's job sites.
21. Defendant's or any of its subsidiaries or predecessor's knowledge of the hazards or asbestos exposure, and how Defendant or any of its subsidiaries or predecessors, or its employees, acquired such knowledge.

Defendant may, if it so desires, designate the matters on which each person it designates will testify. The person or persons so designated shall appear and testify at the time and place set forth in this Notice.

PLEASE TAKE FURTHER NOTICE that, in connection with the taking of this deposition, Defendant is required to produce prior to the deposition noticed herein, at the offices of Bruce Allen, 2101 Webster St., Suite 1000, Oakland, California, the following documents:

1. All documents related or pertaining to acquisition by Defendant or any predecessor or subsidiary or related company of the assets, stock, property, rights, holdings or liabilities of each and all of those entities.
2. All documents related or pertaining to the assignment or lack thereof of any assets and liabilities by Defendant's predecessors or subsidiaries to Defendant or to any predecessor, successor, subsidiary or related company, any and all documents related or pertaining to the potential liability of Defendant for the sale, manufacture, marketing, installation, supply and/or distribution of asbestos products by Defendant and its related entities.
3. All documents related or pertaining to any judicial decision on the issue of Defendant's liability for the acts of any subsidiaries or predecessors.
4. All documents in Defendant's or any subsidiary's or predecessor's possession relating to insurance or insurance coverage proceeds that would or could indemnify Defendant for any losses sustained as a result of any cause of action brought by Plaintiffs.
5. All photographs of any asbestos-containing products manufactured, marketed, sold, installed, supplied and/or distributed by Defendant or any subsidiary, predecessor or affiliated company, including such products that are packaged at the time the photograph was taken and products that were not packaged at the time the photograph was taken.
6. All photographs of any warning labels that were provided or placed on any asbestos-containing product or any packaging for any asbestos-containing product manufactured, sold, installed, supplied and/or distributed by Defendant or any subsidiary, predecessor or affiliated company.
7. All documents reflecting profits made from the manufacture, sale, distribution, supply, installation or marketing of any products manufactured, sold, distributed, installed, supplied or marketed by the Defendant or a predecessor, subsidiary or affiliate company that contained any amount of asbestos or asbestos fibers.

8. All documents relating to the design, preparation or introduction into the market or stream of commerce of any asbestos-containing products manufactured, sold, installed, supplied or distributed by Defendant or any subsidiary, predecessor or affiliated company. These documents include, but are not limited to, written memoranda, specifications, recommendations, blueprints, and other written materials of any kind or character.

9. All documents reflecting or relating to testing, preparation for tests and/or the results of tests conducted to determine potential health hazards resulting from the use of materials, including but not limited to asbestos, contained in asbestos-containing products before such products were first manufactured, marketed, sold, installed, supplied or distributed by Defendant or any subsidiary, predecessor or affiliated company. This specifically includes, but is not limited to, any written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character related to the testing of any of Defendant's or any subsidiary's, predecessor's or affiliated company's asbestos-containing products prior to their initial sale or distribution.

10. All documents related in any way to testing of Defendant's or any predecessor's, subsidiary's or affiliated company's asbestos-containing products *after* the products had first been released, sold, distributed, manufactured, installed or marketed. This includes, but is not limited to, written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character relating to the potential health hazards of Defendant's or any of its predecessor's, subsidiary's or affiliated company's asbestos-containing products or of the asbestos contained in such products.

11. All printed material, including brochures, pamphlets, catalogues, packaging or other written material of any kind or character containing any warnings concerning the possibility of injury resulting from the use of asbestos-containing products manufactured, sold, installed, supplied and/or distributed by the Defendant or any predecessor, subsidiary or affiliated company.

12. All written agreements, or documents reflecting or related to such agreements, for the distribution, marketing, manufacture, installation, supply and/or sale of Defendant's asbestos-containing products by an entity other than Defendant or its subsidiaries, predecessors or related companies.

13. All documents, books, pamphlets, memoranda, articles 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 and that have been maintained in the possession of Defendant, or any subsidiary or affiliated company.

14. All publications, minutes, circulars, magazines or reports, published, written, or disseminated by any trade organization or association comprised of other manufacturers, miners, marketers, installers and/or sellers of products containing asbestos to which Defendant, any subsidiary, predecessor or affiliated company belonged at any time since 1930.

15. All documents reflecting any agreements, or stating any agreements to which Defendant or any subsidiary, predecessor, or affiliated company are a party to purchase asbestos or products containing asbestos from any other company or entity.
16. All printed sales materials prepared by Defendant or any of its subsidiary or predecessor companies or other agents for purposes of marketing, advertising and/or assisting sales of any products containing asbestos that were manufactured, sold, installed, supplied or distributed by Defendant or any of its subsidiary, predecessor or affiliated companies.
17. All written documentation relating to or stating the results of any studies or surveys including, incorporating or stating the proposition that asbestos products or products containing asbestos could be manufactured or designed so as to eliminate potential health hazards to persons working with or using them.
18. All documents reflecting or stating a "re-branding" agreement between Defendant or any of its subsidiaries, predecessors or affiliated companies and any other company at any time since 1930.
19. All documents reflecting workers' compensation claims or workers' compensation lawsuits brought against Defendant or any of its subsidiaries, predecessors or affiliated companies or any of the compensation carriers, that allege that an individual contracted a disease from inhaling asbestos fibers or from inhaling unknown dust fibers.
20. All documents reflecting the minutes of corporate meetings of any kind or nature, whether of boards of directors, departments, or otherwise, which reflect or relate to asbestos, asbestos health hazards or asbestos products.
21. All invoices, shipping documents, bills of lading, purchase orders, or other documents of a similar nature relating to the mining, manufacture, marketing, sale, use, supply, installation or distribution of asbestos or asbestos-containing products.
22. All documents reflecting the acquisition through purchase, reorganization, or merger of another company by Defendant that manufactured, sold, processed, distributed, installed or supplied asbestos or products containing asbestos at any time since 1930.
23. All documents reflecting any studies, or the results of any studies, designed to assist in minimizing or eliminating the inhalation of asbestos dust and fibers by Defendant's or any of its subsidiaries, predecessors or affiliated companies, workers and/or those of any subsidiary, predecessor, or affiliated company and/or those otherwise exposed to Defendant's asbestos-containing products.
24. All documents related in any way to the threshold limit values or maximum allowable concentrations of asbestos dust and total dust provided by the American Conference of Governmental Industrial Hygienists.

25. All documents reflecting or related to any tests, or the results of any tests, that Defendant or any of its subsidiaries, predecessors or affiliated companies ever made or completed, or had made or completed on its behalf, or reviewed, related to the quantity, quality, or threshold limit values, of asbestos dust or particles to which workers were exposed while using, working with or around, manufacturing or fabricating, or installing asbestos-containing products manufactured by Defendant or any of its subsidiaries, predecessors or affiliated companies.
26. All documents reflecting written guidelines or instructions or otherwise indicating in any way the purpose, nature and/or accomplishments of any research department established by Defendant or any of its subsidiaries, predecessors or affiliated companies, or any independent company that contracted with Defendant to provide research services, at any time since 1930.
27. All documents reflecting written guidelines or instructions or otherwise indicating in any way the purpose, nature, advice and/or accomplishments of any medical department established by Defendant or any of its subsidiaries, predecessors or affiliated companies, or any independent company that contracted with Defendant to provide medical services or advice, at any time since 1930.
28. All documents reflecting or relating to the recall of any asbestos-containing products from the market or stream of commerce by Defendant or any of its subsidiaries, predecessors or affiliated companies, or related to a decision by any of those entities to cease manufacturing, fabricating, selling, installing and/or distributing products containing asbestos.
29. All documents reflecting the physical or chemical composition, makeup or breakdown of any and all asbestos-containing products or components of products manufactured, marketed, sold, installed, supplied and/or distributed by the Defendant or any of its subsidiaries, predecessors or affiliated companies.
30. All documents reflecting the disposition or settlement of any claims for workers' compensation benefits against Defendant or any of its subsidiaries, predecessors or affiliated companies, or the workers' compensation carriers of any and all of those entities that alleged an injury from inhalation of asbestos fibers or exposure to asbestos-containing products or dust of an unspecified origin.
31. All documents reflecting the receipt of raw asbestos, or the receipt of products containing asbestos, the date or dates they were received or shipped, the amounts received or shipped, or other information regarding shipment of raw asbestos or asbestos-containing products to or by Defendant or any of its subsidiaries, predecessors or affiliated companies.
32. All documents related in any way to the discovery, initial comprehension, or first learning by Defendant or any of its subsidiaries, predecessors or affiliated companies that asbestos and exposure to asbestos fibers can cause asbestosis.

33. All documents related in any way to the discovery, initial comprehension or first learning by Defendant or any of its subsidiaries, predecessors or affiliated companies that asbestos and exposure to asbestos fibers can cause pleural thickening.

34. All documents related in any way to the discovery, initial comprehension or first learning by Defendant or any of its subsidiaries, predecessors or affiliated companies that asbestos and exposure to asbestos fibers can cause lung cancer.

35. All documents related in any way to the discovery, initial comprehension or first learning, by Defendant or any of its subsidiaries, predecessors or affiliated companies that asbestos and exposure to asbestos fibers can cause types of cancer other than lung cancer.

36. All documents related in any way to the discovery, initial comprehension or first learning, by Defendant or any of its subsidiaries, predecessors or affiliated companies that asbestos and exposure to asbestos fibers can cause mesothelioma.

37. All documents reflecting or related to Defendant's or any of subsidiary's, predecessor's or affiliated company's policies concerning employee safety and the avoidance of accidents, including, but not limited to safety brochures, guidelines, bulletins, publications, safety meeting minutes, and/or safety guidelines.

38. All documents related to work accidents sustained by any of Defendant's or any of its subsidiary's, predecessor's or affiliated company's employees involving the inhalation of fumes, gases or dusts and safety guidelines related to such inhalation, including but not limited to all accident reports or other written materials related in any way to injuries resulting from such inhalations.

39. All documents reflecting or related to Defendant's or any of its subsidiary's, predecessor's or affiliated company's right to contractual indemnity or indemnification from any person, corporation, or business entity for any damages, or potential damages, sustained or that could be sustained, or lawsuits that might or could be filed as the result of the manufacture, sale, supply, installation and distribution of any products containing asbestos by Defendant or any of its subsidiaries, predecessors or affiliated companies.

40. All chart(s) of an organizational nature demonstrating Defendant's relationship with its subsidiaries (both foreign and domestic), predecessors, and any other related companies or entities from 1930 to the present.

41. All documents ever written by the Deponent, or ever in the Deponent's custody, possession or control, reflecting or relating to the testing, preparation for tests and/or the results of tests conducted to determine potential health hazards from the use of asbestos-containing products, or the inhalation of asbestos or asbestos fibers.

42. All printed material distributed, written by the Deponent, or ever in the Deponent's custody, possession or control, 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 asbestos-containing products, or the inhalation of asbestos or asbestos fibers.

43. All written documentation, written by the Deponent or ever in the Deponent's custody, possession or control, relating to or stating the results of any studies or surveys including, incorporating or stating the proposition that asbestos products or products containing asbestos could be manufactured or designed so as to eliminate potential health hazards to persons working with or using them.

44. All documents, written by the Deponent or ever in the Deponent's custody, possession or control, reflecting the minutes of corporate meetings of any kind or nature, whether of boards of directors, departments or otherwise, which reflect or relate to asbestos, asbestos health hazards or asbestos-containing products.

45. All documents not previously produced by Defendant in response to Plaintiff's Request for Production of Documents.

DEFINITIONS

As used in this Notice, the following terms are defined:

1. "Person" shall mean the plural as well as the singular and shall include any natural person, alive or deceased, any firm, corporation, proprietorship, joint venture, trust or estate, business, association, partnership, or other form of legal entity, unless the context indicates otherwise.
2. "Identify" or "identity" when used in reference to documents shall be understood as an instruction to identify the document completely. The identification shall include, but not be limited to, the document's date, title, authors, addresses and other recipients, type (*e.g.* letter, notes, memoranda, diary, etc.), subject matter, present location, present custodian, and the purposes for which the document was created or prepared.
3. "Each" shall mean each and every; "All" shall mean any and all.
4. "Relating to" and "regarding" shall mean embodying, pertaining to, concerning, constituting, comprising, reflecting, discussing, referring to, or having any logical or factual connection whatsoever with the subject matter in question.
5. The words "Defendant," "You," "Your," and "Your company," shall mean the corporate Defendant noticed for this deposition, its merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries, foreign subsidiaries of predecessors, and/or affiliates, including present and former officers, directors, agents, employees, and all other persons acting or purporting to act on behalf of the corporate Defendant or its predecessors, subsidiaries, and/or affiliates. "Predecessors" means any business firm, whether or not incorporated, which had all or some of its assets purchased by you or by another entity that you acquired thereafter or that came to be acquired by you whether by merger, consolidation, or otherwise. "Subsidiaries" means any business firm, whether or not incorporated, which is or was in any way owned or controlled, in whole or in part, by Defendant or its predecessors.
6. The words "document" and "documents" include any written, printed, recorded or graphic matter, photographic or videographic matter or sound reproductions or computer input or output, including but not limited to: Papers, books, pamphlets, guidebooks, handbooks, instruction and/or safety manuals, articles, letters, correspondence, electronic or videotape recordings, contracts, notes, rough drafts, inter-office memoranda, reports, research materials, logs, diaries, calendars, bank statements, tax invoices, diagrams, studies, manuals, minutes, by-laws, articles of incorporation, resolutions, shareholder endorsements, or partnership documents however produced or reproduced, that are now or were formerly in the possession, custody, or control of the Defendant (including documents at any time in the

possession, custody or control of Defendant's subsidiaries, whether domestic or international, or merged or acquired predecessors).

7. The words "meeting" or "meetings" may mean any coincidence or presence of any persons, whether or not such coincidence or presence was pre-arranged, was formal or informal, or was in connection with some other activity.
8. The words "describe" or "description", when referring to a place, thing, or occurrence, mean to identify with sufficient particularity the place, thing, or occurrence so as to enable one to locate, examine and fully comprehend or understand the place, thing, or occurrence described.
9. The words "product containing asbestos fibers," "asbestos-containing products," and "asbestos products" all refer to any products or materials prepared in any way for sale, distribution and/or incorporation into other products, and that contain any kind of asbestos in any form. The words "asbestos materials" and "substances" refer to any and all materials, substances, or matter used or assembled or fabricated during the manufacture of a product which contain asbestos fibers in any form.
10. The words "design changes" and "modifications" mean alterations in the makeup and/or components of a particular product, including but not limited to variations in the amount or type of asbestos used in the process of manufacturing the product modified or changed.
11. The words "releasing products to the public" means selling, distributing, marketing, or otherwise causing the products to be available to the general public and/or retail and wholesale outlets for further distribution or sale.
12. The words "distribute," "distributed," "distributor," and "distribution" all refer to the sale, marketing, dispersal, transportation and/or shipment of asbestos-containing products for purposes of their sale, resale and/or for purposes of filling orders from other business concerns. The word "distributor" specifically refers to sales representatives, whether dependent or independent of Defendant and whether or not employed by Defendant, responsible for or having an interest in sales or marketing of Defendant's products.
13. The words "marketed," and "market" mean and include all efforts to aid or assist in the distribution and/or sale of products, including offers on the part of the manufacturer or distributor to sell products and the advertising of products and sales solicitation efforts.
14. The words "medical advisory capacity" refer to the duties, abilities or capabilities of a member of Defendant's staff, or someone or some person under contract to Defendant, to provide services of a medical nature, including but not limited to providing medical advice.

15. The words "trade organization," or "trade association" mean any groups, organizations or associations whose members are business or industrial entities that are associated and/or meet for the purpose of achieving common goals and/or exchanging information related to common needs or interests, and/or learning information or facts of interest to the various members of the organization or association.
16. The word "plant" means a manufacturing or assembly facility where products are assembled, manufactured, constructed, fabricated, or where component parts, materials, substances, or materials are incorporated into final products, or where products or component parts are prepared for further fabrication and/or assembly.
17. The word "manufacture," or "manufactured" means to fabricate, to construct, to assemble, to prepare for fabrication, construction or assembly, and any other action taken prior to completion of the product or material before the time of its shipment.
18. The word "resale" means the sale of a product or products previously purchased by one company ("A") from another company ("B"), without alterations, changes, or modifications to the product prior to the sale by the first company ("A").
19. The words "sales materials," or "written sales materials" mean and include any and all documents or literature of a promotional nature that were created or printed for the purpose of assisting in the advertising, marketing or distribution of the products. Such documentation may include, but is not limited to, sales invoices, order slips, and other written indicia of orders received and sales made.
20. The words "rebranding agreement" mean an agreement of any kind whereby one party to the agreement is provided products containing asbestos by the other party to the agreement and the agreement contemplates that the first party will place the brand name of its choice upon the products and then proceed to sell, market, distribute and/or place the product in the stream of commerce, utilizing the new brand name.
21. The words "research" and "research department" refer to individuals or groups of individuals involved with efforts, whether scientific or otherwise, to develop new and/or different products or types of products or designs of pre-existing products and incorporates all such efforts that specifically contemplated the possible alteration of products and the development of new products.
22. The words "medical department" refer to an individual or a section or group of individuals working for Defendants, either directly or in a contractual capacity, whose purpose was or is to provide guidance, assistance, or advice concerning any aspects of medical health, including but not limited to the safety of Defendant's

workers and the safety of individuals using products manufactured by the Defendant.

23. The words "industrial hygiene surveys" mean surveys, tests, interviews, or other procedures taken or effectuated for the purpose of determining the possibility or existence of detrimental effects caused by Defendant's products on the health of Defendant's workers and/or potential, anticipated, and/or known individuals who might use or be exposed to Defendant's products.

INSTRUCTIONS

The following instructions apply to the production of documents as required pursuant to this Notice:

1. Documents produced shall be segregated according to the Subpoena Duces Tecum in response to which they are produced.
2. Identify each document or set of documents being produced.
3. Identify each document in the Subpoena Duces Tecum which is withheld based on any claim of privilege and also state (a) the basis of that claim; (b) the name of any and all persons who have seen the document; and (c) the date and subject matter of the document.
4. With respect to any category of documents which you contend is in some way "burdensome" or "oppressive," state the specific reasons for such objection, and produce examples of the documents in question.
5. This Subpoena Duces Tecum, unless otherwise indicated, relate to documents and other things created, written, or produced between 1930 and the present.

Respectfully submitted,



ELLOUISE NIBLO, Esq., TX #14987100
LADD R. GIBKE, Esq., TX #07857400
BARON & BUDD, P.C.
3102 Oak Lawn Avenue, Suite 1100
Dallas, Texas 75219
(214) 521-3605
FAX: (214) 520-1181

AND

ANDREW S. LIPTON, Esq. OH #0009191
MANLEY, BURKE, LIPTON & COOK, P.C.
225 W. Court Street
Cincinnati, OH 45202
(513) 721-5525
FAX: (513) 721-4268
ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of this Amended Notice of Intention to Take the Oral Deposition of ICF Kaiser Engineers, Inc. and Subpoena Duces Tecum has been sent, via certified mail, to Kevin Kadlec, Bonezzi Switzer Murphy and Polito, 1400 Leader Building, 526 Superior Ave., Cleveland, OH 44114, and to all remaining counsel of record via U.S. mail on this the 6 day of April, 1998.



LADD R. GIBKE