

NO. 00-05448-M

CARY J. BURTON; and JAMES BROOKS
HILL,

Plaintiffs,

VS.

U.S. GYPSUM COMPANY; , et al.,

Defendants.

§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT

298TH JUDICIAL DISTRICT

**FIRST AMENDED NOTICE OF INTENTION TO TAKE THE ORAL DEPOSITION
OF HAROLD RITTER AND SUBPOENA DUCES TECUM**

TO: RILEY STOKER, by and through its counsel of record, Gary Elliston, DeHay & Elliston,
3500 Bank of America, 901 Main Street, Dallas, Texas 75202.

Plaintiff will take the oral deposition of Mr. Harold Ritter, the Corporate Representative for D.B. RILEY, INCORPORATED, f/k/a RILEY STOKER CORPORATION, ("Riley Stoker") commencing at 10:00 a.m., on Friday, January 4, 2002 and continuing thereafter from day to day until completed. The deposition will be held at the law offices of Cetrulo & Capone located at Two Seaport Lane, Boston, Massachusetts 02210, telephone 617/217-5500. You are invited to attend and cross-examine the witness.

The Deponent should also produce for inspection and copying, in accordance with TEX.R.CIV.P. 199.2(5) (or at such time and at such location as the parties may agree), the documents requested in the original Subpoena Duces Tecum attached to the original Deposition Notice and listed under the heading "II. Document Requests."



DOCUMENT REQUESTS

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, supply, use, 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, used, 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, supplied, used, sold, installed, supplied and/or distributed by Defendant or any subsidiary, predecessor or affiliated company.
7. All documents reflecting profits made from the manufacture, use, 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, used, 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, used, 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, use, 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, used, 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.
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, used, 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 relating to, referring to, created by or received from the National Safety Council.
46. All documents relating to, referring to, created by or received from the American Society of Mechanical Engineers, including but not limited to Mechanical Engineering, Boiler Codes, safety codes and Transactions of the American Society of Mechanical Engineers.
47. All documents relating to, referring to, created by or received from the American Ceramics Society, including but not limited to The Bulletin and Cermic Abstracts.
48. All documents relating to, referring to Heat Engineering magazine, Combustion magazine, and Combustion Engineering book.
49. Any and all documents between you and any user, customer or purchaser of your asbestos-containing products which refer, relate or pertain to the uses of said products.
50. Any documents memorializing or referring, relating or pertaining to communications or correspondence among and/or between your officers, director, agents, representatives, employees or consultants and any employer, purchaser or user of your asbestos-containing and industrial insulation products, its officers, directors, agents, representatives, employees or consultants which in any way relates, refers or pertains to asbestos, asbestos-containing products, silica, silica products, pneumoconiosis, asbestos-related illness, injury or disease, dust or workplace health or safety.

51. Any Material Safety Data Sheets which identify the product, manufacturer, supplier, chemical composition, special protection information and special precautions to be taken with any asbestos or any asbestos-containing products.
52. Any annual reports of this defendant to employees or stock holders from the year 1930 through the present.
53. Original or copies of any safety or health manuals, pamphlets or brochures issued by this defendant between 1900 and the present and any documents relating to whom said manuals were issued.
54. Any safe workplace practices manuals, pamphlets or brochures issued by this defendant from 1900 through the present.
55. Any documents referring, relating or pertaining to the Air Hygiene Foundation, the Industrial Health Foundation or the Industrial Hygiene Foundation.
56. Any documents referring, relating or pertaining to the Trudeau Institute and Saranac Lake Laboratory.
57. Any documents referring, relating or pertaining to the Quebec Asbestos Mining Association (QAMA).
58. Any documents referring, relating or pertaining to the National Insulation Manufacturers Association (NIMA).
59. Any documents referring, relating or pertaining to the Thermal Insulation Manufacturers Association (TIMA).
60. Any documents relating to any conference(s), symposia, or meetings attended by any of your officers, physicians, agents, servants, employees or consultants which in any way considered, discussed, reviewed or made recommendations concerning: asbestos-related illness, injury or disease; pneumoconiosis; occupational lung disease; dust; industrial hygiene; and/or worker or workplace health or safety.
61. Any documents relating, pertaining or referring to any of the following individuals:
 - (a) Dr. A.J. Lanza;
 - (b) Dr. Leroy U. Gardner;
 - (c) Dr. Arthur Vorwald;
 - (d) Dr. Gerrit W.H. Schepers;
 - (e) Dr. Wilhelm Hueper;
 - (f) Dr. J.C. Wagner;
 - (g) Dr. Harriet Hardy;

- (h) Dr. Irving J. Selikoff;
- (i) W.E. Fleischer;
- (j) W.C.L. Hemeon;
- (k) Warren Cook;
- (l) Sir Richard Doll.

- 62. Any documents referring, relating or pertaining to asbestos-related injury, illness or disease, pneumoconiosis, occupational lung disease or worker or workplace health or safety.
- 63. Any documents to and/or from this defendant and any person, organization, institution, laboratory, foundation, corporation, entity, board or consultants which refer, relate or pertain to air quality studies, dust counts or dust studies, alleged maximum allowable concentrations (MAC), alleged threshold limit values (TLV) or protection of your employees or any other employees or persons from actual or alleged hazards associated with asbestos exposure.
- 64. Any documents and/or articles ever published by any medical, trade, commercial, scientific or other type of journal relative to pneumoconiosis, occupational lung disease, asbestos or asbestos-related injury, illness or disease actually received by this defendant at anytime prior to 1975 and any documents pertaining to the circumstances under which such information was received.
- 65. Any documents referring, relating or pertaining to the consideration, initiation, implementation or establishment of any medical examination program by you or anyone for employees or persons involved in the manufacture, use, handling, or who were otherwise exposed to or potentially exposed to asbestos or your asbestos-containing products.
- 66. Any documents relating, referring or pertaining to the following articles or publications:
 - (A) Engineering
 - (B) The Engineer
 - (C) Mechanical Engineering
 - (D) Boilermaker and Plate Fabricator
- 67. Any documents to, from or involving any physician, industrial hygienist or public health specialist which in any way relates, refers or pertains to asbestos-related injury, illness or disease, pneumoconiosis, occupational lung disease, dust, industrial hygiene or worker or workplace health or safety.
- 68. 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 Pipe Covering Operations in Constructing Naval Vessels," by Walter E. Fleischer, Frederick J. Viles,

Jr., Robert L. Gade and Philip Drinker, 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.

69. 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 alleged Threshold Limit Value of 5 million particles per cubic foot 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.
70. Please produce a true and correct copy of all tests in the field which Defendant conducted or is aware of having been determine the nature and extent of asbestos dust and/or fiber exposure to workers removing and/or tearing out asbestos-containing products.
71. Produce all documents demonstrating this Defendant relied upon Threshold Limit Values for asbestos.
72. Produce all documents regarding the testing to determine if asbestos is "encapsulated" in boilers.
73. Produce all documents referring to encapsulation of asbestos.
74. Produce an index of all boilers and/or pressure vessels manufactured by this Defendant.
75. Produce an index of all boilers and/or pressure vessels installed and/or serviced by this Defendant.
76. Produce all documents referring to the Asbestos Information Association or the Asbestos Information Association/ North America.
77. Produce all documents created by, directed to, received from or referring to Philip Enterline.
78. Produce all documents created by, directed to, received from or referring to Hans Weill. M.D.
79. Produce all documents created by, directed to, received from or referring to Wendell B. Alcorn, Jr.; Cadwalader, Wickersham & Taft or a Legal/Medical Program of the Asbestos Information Association.
80. Produce all documents created by, directed to, received from or referring to any asbestos-health program sponsored by, conducted by or involving Dr. George Wright.

81. Produce all documents created by, directed to, received from or referring to the American Society of Mechanical Engineering's Boiler Code from 1914 through 1975.
82. Produce all documents regarding membership of any and all employees, managers, officers or directors in the following organizations:
American Ceramics Society
The Refractory Institute
American Society of Mechanical Engineers
Industrial Hygiene Foundation/ Air Hygiene Foundation / Temporary Committee Meeting to organize the Air Hygiene Foundation.
Asbestos Information Association
Asbestos Textile Institute
National Insulation Manufacturers Association
Thermal Insulation Manufacturers Association
Quebec Asbestos Mining Association
Iron and Steel Institute
National Safety Counsel
83. Any and all documents relating to the workmen's compensation claims of Louis Munger, Leonard Brokensire and Douglas Nead.
84. Any and all documents referring to or relating to the American Society of Heating and Ventilating Engineers.

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.

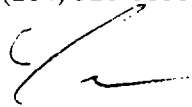
INSTRUCTIONS

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,

BARON & BUDD, P.C.
3102 Oak Lawn, Suite 1100
Dallas, Texas 75219
(214) 521-3605 (telephone)
(214) 520-1181 (facsimile)

By: 

D. LEANNE JACKSON
Texas Bar No. 00794017
CAREN LOCK HANSON
Texas Bar No. 00792948
TAD GROUND
Texas Bar No. 00795394

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was served via facsimile on counsel of record for Riley Stoker on the 13th day of December, 2001.



CAREN LOCK HANSON