

FILE NAME: Foseco (FOS)

DATE: 2013

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DOCUMENT DESCRIPTION: Legal – Notice to take Deposition of Foseco

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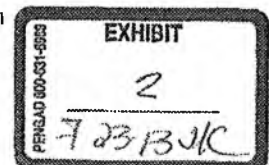
Plaintiffs:	§	PHILADELPHIA COUNTY
BRENDA IHLENFELD, Administrator of	§	COURT OF COMMON PLEAS
the Estate of WILLIAM IHLENFELD	§	CIVIL TRIAL DIVISION
	§	
v.	§	No. 0269
	§	
	§	JUNE TERM 2011
Defendants:	§	
CROWN CORK & SEAL COMPANY, INC.,	§	ASBESTOS LITIGATION
al.	§	

Plaintiffs:	§	PHILADELPHIA COUNTY
NANCY FORD, Administrator Of The	§	COURT OF COMMON PLEAS
Estate of EDWARD FORD	§	CIVIL TRIAL DIVISION
	§	
v.	§	No. 2965
	§	
	§	MARCH TERM 2010
Defendants:	§	
CROWN CORK & SEAL COMPANY,	§	ASBESTOS LITIGATION
INC.	§	

**PLAINTIFFS' NOTICE TO TAKE THE ORAL &
VIDEOTAPED DEPOSITION OF FOSECO, INC.**

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

PLEASE TAKE NOTICE that, pursuant to Pennsylvania Rules of Civil Procedure, Plaintiffs hereby notice the oral and videotaped deposition of the corporate representative of Foseco, Inc. on **Tuesday, July 23, 2013 at 10:00 a.m. CDT** on the topics listed in Exhibit A & B. The deposition will take place at the offices of Hepler Broom, 30 North LaSalle Street, Suite



2900, Chicago, IL, 60602. The dial-in number is 1-877-805-8230 and the code is 830651. The deposition will take place before a certified court reporter and videographer provided by Henjum Goucher Litigation Services, 2501 Oak Lawn, Ave., Suite 600, Dallas, TX 75219, (214) 521-1188.

The deposition will continue from day to day until completed.

Respectfully submitted,
**SIMON GREENSTONE PANATIER
BARTLETT, P.C.**

/s/ Ben Braly

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**BROOKMAN, ROSENBERG, BROWN
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David B. Halpern
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(215) 569-4000
ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent to all counsel of record on the attached service list via facsimile and email on this 19th day of April 2013.

/s/ Ben Braly

Ben Braly

cc: Henjum Goucher Court Reporting Services
Via Email

EXHIBIT A
DEPOSITION TOPICS

The words "Your" or "You" refers to the Defendant Corporate Entity

- 1) Any disagreements by you with the previous sworn testimony of any fact witness taken in these cases;
- 2) Your corporate history;
- 3) The construction history, design history, sales history, asbestos usage information and production facts for your company's products located at Armco Steel in Butler, PA;
- 4) The use of asbestos in products supplied, manufactured, or maintained by you at Armco Steel in Butler, PA;
- 5) The recorded history of Mr. Ford or Mr. Ihlenfeld in your possession, which means any information, record of knowledge you had of either man prior to the filing of their lawsuits;
- 6) Your historical sales of products containing asbestos;
- 7) The historical use of asbestos in your products sold in the marketplace, including which specific products contained asbestos and in what form;
- 8) The foreseeable maintenance and use of asbestos-containing products utilized in your finished product;
- 9) The method of supplying your products;
- 10) Your method of warranting products;
- 11) Your historical safety programs, including when you first began warning users of your products and your employees of the dangers of asbestos fibers;
- 12) The method of acquiring asbestos for use in your products;
- 13) All precautions, warnings, and/or actions taken by you at any time in response to an actual or perceived risk to individuals who worked with or around your products;
- 14) The history of any warnings specific to asbestos that ever appeared in your published product literature, or on the products themselves;
- 15) The first and last dates your products were sold with asbestos as a constituent part of the finished product;

- 16) Your (the company's) historical knowledge of the hazards of asbestos;
- 17) The type of asbestos fiber used in your products;
- 18) The percentages of asbestos used in your products;
- 19) All testing, monitoring, research, or investigation done by you in order to determine if any hazard existed regarding the use of asbestos in your products at any time;
- 20) All industrial hygiene reports regarding the extent, absence, presence, amount, type and/or percentage of asbestos used in your products or released from your products during normal use;
- 21) Your knowledge of the ability of asbestos to cause disease;
- 22) All facts used to support any of your affirmative defenses, including the identities of believed alternative exposures to asbestos of Mr. Ford or Mr. Ihlenfeld;
- 23) The conduct of the defendant, and;
- 24) Your efforts to comply with this request.

EXHIBIT B

PRODUCE THE FOLLOWING:

- 1) Any and all documents relating to any disagreements by you with the previous sworn testimony of fact witnesses taken in these cases;
- 2) All documents related to the subjects contained in Exhibit A;
- 3) Any and all documents (bid documents, contracts, sales information, maintenance documentation, memos, letters, etc) relating to the sales history, production, maintenance, asbestos usage and abatement for your products located at Armco Steel in Butler, PA;
- 4) Any and all documents purporting to show any asbestos material for use at Armco Steel in Butler, PA.
- 5) Any and all documents relating to the method of acquiring asbestos for products you sold to Armco Steel in Butler, PA;
- 6) Any and all documents relating to the discontinuation of using asbestos in your products;
- 7) Any and all documents in your possession discussing asbestos as a possible health hazard;
- 8) Sales records in your possession indicating sales of all products, asbestos containing or not, to Armco Steel in Butler, PA between 1950 and 1990;
- 9) Any and all records of sales or correspondence between you and any employee of Armco Steel in Butler, PA between 1950 and 1990;
- 10) All documents in your possession mentioning Ed Ford or William Ihlenfeld that pre-date the filing of these lawsuits;
- 11) All documents (including sales catalogs) illustrating the asbestos-containing products used by you between 1950 and 1980;
- 12) All documents used to refresh the recollection of the witness, including all documents reviewed in preparation of the deposition;
- 13) All documents showing either exposure to asbestos or lack of exposure to asbestos during the normal handling, use and work with your asbestos-containing products;
- 14) Any and all documents relating to any evidence of your compliance with regulations as they pertain to the use of asbestos; and
- 15) Any and all documents relating to your efforts to comply with this request.