

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA



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FLETCHER M^CDANIEL, ET AL. :

Plaintiff, :

vs. :

ARMSTRONG WORLD INDUSTRIES, INC., :
ET A. :

Defendants. :
----- -X

Civil Action No.
83-3520

FILED

SEP - 9 1985

U.S. DISTRICT COURT
DISTRICT OF COLUMBIA

NOTICE OF DEPOSITION WITH SUBPOENA DUCE TECUM

PLEASE TAKE NOTICE that the plaintiff by and through the undersigned counsel of record will take the deposition of Alexander Norman Marshall, Mansfield, Thornhill, Dumfries-Shire, Scotland pursuant to Rule 30 of the Fed. R. Civ. P. in the offices of Ashcraft & Gerel, 2000 L Street, Washington, DC 20036, on September 30, 1985 at 10:00 a.m. or at such other time and place as is agreed to by counsel for the purposes of obtaining testimony in the captioned action.

Pursuant to Rule 30(a) and Rule 45(a)(b), a subpoena duce tecum is attached hereto commanding the attendance of Alexander Norman Marshall and commanding him to produce at the deposition the books, papers, documents or other tangible things designated in Annex A which is attached to the subpoena and which is incorporated herein by reference.

The notice of deposition and subpoena are being served upon Alexander Norman Marshall and upon counsel to Turner & Newall, PLC, pursuant to Rule 5(b) in that Turner & Newall is a

party to this action and upon information, it is believed that Alexander Norman Marshall is an agent, servant or employee of Turner & Newall, PLC or Turner & Newall exercises sufficient dominion and control over Alexander Norman Marshall so as to justify requiring Turner & Newall to produce him for deposition.

PLEASE BE FURTHER ADVISED that plaintiffs shall seek to conduct the deposition of Alexander Norman Marshall through video tape and stenographic means pursuant to stipulation or upon Court order pursuant to Rule 30(b)(4).

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

Dated:

Respectfully submitted

ASHCRAFT & GEREL


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

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

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.

The term "you" or "your" includes agents, servants, and employees including but not limited to any and all counsel retained by you or who otherwise represent you or your interests.

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:

1. Any and all documents reviewed by you and/or utilized by you in preparation for any and all testimony given by you in the case of Dana Bond, et al., v. Atlas Asbestos Co., et al., Civil Action No. 78-1345, United States District Court Eastern District of Missouri, Eastern Division.

2. Any and all notes made by you before, during and/or after testimony by you in the case of Dana Bond, et al., v. Atlas Asbestos Co., et al., Civil Action No. 78-1345, United States District Court Eastern District of Missouri, Eastern Division.

3. Any and all documents in your possession or control which concern, directly or indirectly, (a) the health effects of asbestos and asbestos-containing products, and (b) asbestos dust emission and control.

4. Any and all documents in your possession or control concerning asbestos related claims of injury since 1920.

5. Any and all documents in your possession or control concerning asbestos related diseases among Turner & Newall, PLC's employees since 1920.

6. Any and all documents in your possession or control concerning asbestos related diseases among J.W. Roberts, Ltd. employees since 1920.

7. Any and all documents in your possession or control concerning:

- 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. Any and all documents in your possession or control concerning the funding, directly or indirectly by Turner & Newall, PLC of research concerning asbestos and its relationship to disease.

9. Any and all documents in your possession or control concerning the funding, directly or indirectly by J.W. Roberts, Ltd. of research concerning asbestos and its relationship to disease.

10. Any and all documents in your possession or control concerning 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.

11. Any and all documents in your possession or control concerning communications between J.W. Roberts, Ltd. and other manufacturers, miners, and distributors of asbestos and asbestos-containing products concerning the health effects of asbestos and asbestos-containing products.

12. Any and all documents in your possession or control concerning Turner & Newall, PLC's notification of its employees of the hazard or potential hazard of asbestos exposure.

13. Any and all documents in your possession or control concerning J.W. Roberts, Ltd. notification of its employees of the hazard or potential hazard of asbestos exposure.

14. Any and all documents in your possession or control concerning the placement of precautionary health warnings by Turner & Newall on its asbestos and asbestos-containing products.

15. Any and all documents in your possession or control concerning the placement of precautionary health warnings by J.W. Roberts, Ltd. on its asbestos and asbestos-containing products.

16. Any and all documents in your possession or control concerning the packaging of Sprayed Limpet Asbestos including but not limited to the design, size, and content of the labeling on the packaging.

17. Any and all documents in your possession or control concerning the subject matter of J. W. Roberts, Ltd.

18. Any and all documents in your possession or control concerning the subject matter of Keasbey and Mattison Company.

19. Any and all documents in your possession or control concerning J. W. Roberts, Ltd.

20. Any and all documents in your possession or control concerning Keasbey and Mattison Company.

21. Any and all documents in your possession or control concerning of Krafft Murphy Company.

22. Any and all documents in your possession or control concerning National Asbestos Company, Inc.

23. Any and all documents in your possession or control concerning Armstrong Constructin and Supply Corporation (A.C. & S.)

24. Any and all documents in your possession or control concerning Bell Asbestos Mines, Ltd.

25. Any and all documents in your possession or control concerning Atlas Asbestos Company

26. Any and all documents in your possession or control concerning Atlas-Turner, Inc.,

27. 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.

B. Please produce samples of each formulation of Sprayed Limpet asbestos.

C. Please produce examples of each of the different types of packaging used to package Sprayed Limpet Asbestos.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was mailed,
postate prepaid, this 6th day of September, 1985 to:

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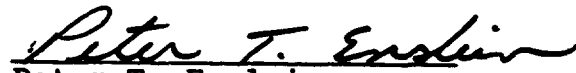
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