



Defendants' Discovery No. 42



STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

**IN RE: ALL ASBESTOS PERSONAL
INJURY CASES**

Asbestos Master File
Hon. Robert J. Colombo, Jr.

**DEFENDANTS' MASTER LIABILITY
INTERROGATORIES AND REQUESTS FOR PRODUCTION TO
PLAINTIFF(S)**

NOW COME Defendants pursuant to MCR 2.309, MCR 2.310 and Case Management Order ___ and propound these Interrogatories and Requests for Production of Documents upon Plaintiff/Decedent to be answered in writing under oath within one hundred eighty-two (182) days after the Complaint is filed.

These Interrogatories and Requests for Production of Documents are of a continuing nature and any information which becomes available or known to counsel subsequent to the service of Plaintiff's Answers which would have been includable in the Answers had it been known or available is to be supplied by Supplemental Answers and/or where appropriate Supplemental Responses to Requests for Production.

Each Interrogatory solicits the personal knowledge of Plaintiff and all information available to Plaintiff from Plaintiff' agents, employees, attorneys, investigators or the agents of same.

These Interrogatories are to be answered in detail. If Plaintiff cannot answer any Interrogatory in full, please answer it to the extent possible and explain Plaintiff's inability to answer the remainder.

DEFINITIONS

A. "Plaintiff/Decedent" means the Plaintiff(s) or the Decedent, as appropriate within the context of the questions. Present tense should be construed as including past tense.

B. The term "of which Plaintiff has knowledge", "of which Plaintiff/Decedent has knowledge", "Plaintiff(s)' knowledge", "Plaintiff(s)/Decedent's knowledge" or any like term includes knowledge of the Plaintiff(s), the Plaintiff's Decedent and knowledge of any person or firm, including Plaintiff(s)' attorneys, acting on Plaintiff(s)' behalf.

C. The term "of which Plaintiff has knowledge" or "Plaintiff(s)' knowledge" or any like term Includes knowledge of the Plaintiff(s) and knowledge of any person or firm, including Plaintiff(s)' attorneys, acting on Plaintiff(s)' behalf.

D. "Produce" means produce, make available or authorize the obtaining of any materials requested to be produced, said production to be for the purpose of inspection and copying.

E. "Document" is an all inclusive term and means the original or any copy of a writing or other form of the record preserving information which is or may be in the possession, custody or control of Plaintiff(s) or of which

Plaintiff(s) has knowledge, whether or not in the possession, custody or control of Plaintiff(s) and whether or not claimed to be privileged against discovery on any ground, including but not limited to, reports, records, lists, memoranda, correspondence, telegrams, communications, schedules, photographs, drawings, charts, recordings, films or any other form of preserved information. Any request pertaining to documents is to be considered a continuing request as Plaintiff(s) becomes aware of such documents.

F. "Identify," "identity" or "identification" when used in reference to an individual person, company or other entity means to state the full name and present address, and in the case of a person, his or her business affiliation. "Identify," "identity" or "identification" when used in reference to a document means to describe said document, including the nature and content thereof, the date thereof, the name and address of the author or the participant therein, and the present location of the person or entity having custody thereof.

INTERROGATORIES

1. State all facts, writings and publications, etc., upon which you base all or part of any of your contentions as to a cause and effect relationship between exposure to asbestos or asbestos-containing products and disease of any type or kind.

- a. Identify all documents related to such contentions.
- b. Produce all such documents.

2. Identify every witness who can testify in support of any or part of any of the above stated contentions.

3. Are there any written statements or oral transcriptions of the statements of any defendant, or agent, servant or employer of any defendant in this action? If so, state the name of such person, where and when the statement or statements were obtained, and the circumstances of obtaining the same.

4. a. Identify any such statements.

b. Produce any such statements.

5. To your knowledge, has any statement been made by any of the defendants, its agents or employees, pertaining to any circumstances of the injuries or illnesses which are the subject of this lawsuit or asbestos personal injury or property damage cases?

a. Identify any such documents relating to such statements.

b. Produce any such documents.

6. Which of the statements identified in the preceding answer do you contend is a statement against interest or an admission by any of the defendants?

7. If any such statement referred to in the preceding two Interrogatory answers was oral, state when and where any such statement was made, in whose presence such statement was made, and the substance of such statement.

8. State separately as to each named defendant all facts, opinions, conclusions and any other information which has made available to you and the source of all such information, which you contend support your allegations that all named defendants produced, manufactured, distributed, sold, prepared or compounded asbestos containing insulation products and other related chemical compounds.

9. State separately as to each named defendant all facts, opinions, conclusions and any other information which was made available to you and the source of such information which you contend support your allegations that one, several or all of the defendants produced, manufactured, distributed and sold insulation materials of fiberglass, and other related chemical compounds.

10. State separately as to each named defendant all facts, opinions, conclusions and any other information which was made available to you and the source of such information which you contend support your allegation that one, several or all of the defendants actively and/or passively engaged in the suppression, misrepresentation and concealment from the general public that such asbestos containing products were dangerous, [contaminative,] deleterious, poisonous or harmful to persons using the same. Include in your response the exact nature of the active suppression, misrepresentation and concealment made reference to.

11. State separately as to each defendant specifically and in detail all facts upon which you rely in support of your contention that such defendant was negligent and/or grossly negligent, setting forth separately such facts.

12. State separately as to each defendant specifically and in detail the facts upon which you base your contention that there was a breach of warranty or warranties.

13. State the names and addresses of all fact witnesses whom you presently intend to call to testify at trial. Supplement this list as you ascertain any additional witnesses.

14. Please state as to each fact witness the substance of all information relating to asbestos or asbestos-containing products, an individual asbestos case, or asbestos personal injury and asbestos property damages cases in general you expect to elicit from that individual at trial, whether that witness has given any statement or account, either oral, in writing, or by way of deposition or trial testimony, of his or her knowledge concerning such matters. In addition, please attach copies of any written statements, depositions, and/or trial transcripts.

15. State the name and address of each person whom you expect to call as an expert witness at trial as to any contention, whether medical, cause and effect, activity of a defendant, or any other matter for which you intend to have expert testimony.

16. State separately as to each expert the subject matter on which the said expert is expected to testify, state the substance of the facts and opinions to



which the expert is expected to testify, and set forth a summary of the grounds of each such opinion. In addition, please attach a current resume or CV for each such expert and supplement this answer as you ascertain any additional expert witnesses that you may call at trial.

17. As to premise liability defendants, please state the following:

- a. whether you claim the Plaintiff/Decedent was an invitee, a licensee, or a trespasser at the time or times of alleged injury;
- b. the nature and extent of any defective condition you may be claiming;
- c. who created and/or contributed to the condition;
- d. what evidence you possess of notice of any such condition; and
- e. how long the condition existed.

Respectfully Submitted,

By: _____

Attorney for Defendant
Address
City State Zip Code
Area Code & Telephone Number

Dated: