

226169 11/9/99

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, MISSISSIPPI

EZELL THOMAS, et al. (AS TO ALL DEFENDANTS

PLAINTIFFS

AND

CAUSE NO. 96-0065

OWENS CORNING (AS TO TOBACCO DEFENDANTS ONLY)

V.

R.J. REYNOLDS TOBACCO COMPANY, et al.

TOBACCO DEFENDANTS

AND

AMCHEM PRODUCTS, INC., et al.

SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS

**TO: All TOBACCO DEFENDANTS including RJ REYNOLDS TOBACCO COMPANY, BRITISH AMERICAN TOBACCO COMPANY LIMITED, BROWN & WILLIAMSON TOBACCO CORPORATION, PHILIP MORRIS INCORPORATED, PHILIP MORRIS COMPANIES, INC.; LIGGETT GROUP, INC., LIGGETT & MYERS, INC., LORILLARD TOBACCO COMPANY; BATUS, INC., BAT INDUSTRIES, PLC, RJR NABISCO, INC., THE BROOKE GROUP, LTD., AMERICAN BRANDS, INC., LOEWS CORP., THE COUNCIL FOR TOBACCO RESEARCH – U.S.A., INC., TOBACCO INSTITUTE RESEARCH COMMITTEE, THE TOBACCO INSTITUTE, INC..**

**PROPOUNDING PARTIES: PLAINTIFF OWENS CORNING**

**NOW INTO COURT**, through undersigned counsel, comes plaintiff Owens Corning, who propounds the following Requests for Production of Documents to be responded to by each individual Tobacco Defendant in accordance with the Mississippi Rules of Civil Procedure:

DEFINITIONS

1.

1. "TOBACCO DEFENDANT" refers to those individual entities identified as Tobacco Defendants in the Amended Complaint which was filed in the Circuit of Jefferson County, Mississippi in Cause No. 96-0065.

2. "YOU" and "YOUR" refer to the responding TOBACCO DEFENDANT, its officers, directors, agents, employees and attorneys, as well as each TOBACCO DEFENDANT'S international and domestic affiliates and subsidiaries and each affiliates or subsidiaries officers, directors, agents, employees and attorneys.

3. "DOCUMENT" or "DOCUMENTS" is intended to have the broadest possible meaning, and includes any kind of written, printed, handwritten, typewritten, graphic, or otherwise recorded material of whatever character, however produced or reproduced, whether signed or unsigned, whether draft or final, and whether inscribed by hand or by mechanical, electronic or photographic means, including but not limited to papers, notes, memoranda, reports, correspondence, letters, telegrams, tape recordings, statements, invoices, agreements, contracts, working papers, drawings, diagrams, schematics, minutes, records of meetings, catalogues, brochures, personal diaries, calendars, appointment books, records, forms, transcriptions, recordings, magnetic tapes, discs, printed cards, microfilm, computer readable material, movies, videotapes, photographs and pictures, and includes, without limitation, all originals (or any copies when originals are not available) and any other non-identical copies (whether different from the original because of notes made on such copies or for any other reason), as well as all drafts of DOCUMENTS, whether used or not. This definition is also intended to include all DOCUMENTS, wherever located in the world, that are in the possession or constructive possession of the responding party or that the responding party has the right to view, access or possess. This definition is also intended to encompass DOCUMENTS in the possession of any subsidiary, affiliate or related entity.

4. "CORRESPONDENCE" means any written communication, including but not limited to, any letter, telex, telegram, memorandum, note or DOCUMENT, as previously defined, that is transmitted or transported, by any means, from one person to another.

2.

5. "CONCERN," "CONCERNED," or "CONCERNING" means consisting of, referring to, relating to, summarizing, about, describing, regarding, reflecting, mentioning, alluding to, containing, including, memorializing, caused or resulted from, sent or received by, addressed to, received by, pertaining to, used in connection with, and/or evidencing. This term should be construed in its broadest possible sense.

6. The terms "AND" and "OR" when used herein shall be construed conjunctively or disjunctively as necessary to make the document demand inclusive rather than exclusive; the singular includes the plural and the plural includes the singular.

### INSTRUCTIONS

1. In responding to these document requests, please furnish to the propounding parties such information as is known or reasonably available to the responding party including, but not limited to, information which is obtained or known by the party's attorneys, agents, employees or representatives or by the attorneys, agents, employees or representatives of the party's international and domestic affiliates or subsidiaries.

2. If a responsive DOCUMENT was placed in the Minnesota Depository prior to May, 1998, the responding party may, in lieu of producing the DOCUMENT, identify to the propounding parties DOCUMENTS by stating in writing the date, title, subject, author, addressee, the name of each person receiving a copy of the DOCUMENT, the number of pages of the DOCUMENTS, the number of the request to which the DOCUMENT is responsive, and all Bates numbers associated with DOCUMENT (including both the Bates number and the proceeding with which case the Bates number is associated).

#### DOCUMENT REQUEST NO. 40:

All DOCUMENTS, CORRESPONDENCE or other writings CONCERNING asbestos or litigation involving asbestos, which CONCERN, mention, refer to or discuss Alfred P. Wehner.

#### DOCUMENT REQUEST NO. 41:

3.

All DOCUMENTS, CORRESPONDENCE or other writings CONCERNING asbestos or litigation involving asbestos, which CONCERN, mention, refer to or discuss Anthony Colucci.

**DOCUMENT REQUEST NO. 42:**

All DOCUMENTS, CORRESPONDENCE or other writings CONCERNING asbestos or litigation involving asbestos, which CONCERN, mention, refer to or discuss Dr. Domingo M. Aviado.

**DOCUMENT REQUEST NO. 43:**

All DOCUMENTS, CORRESPONDENCE or other writings CONCERNING asbestos or litigation involving asbestos, which CONCERN, mention, refer to or discuss Atmospherics Health Sciences, Inc.

**DOCUMENT REQUEST NO. 44:**

All DOCUMENTS, CORRESPONDENCE or other writings CONCERNING asbestos or litigation involving asbestos, which CONCERN, mention, refer to or discuss C.R.E. Coggins.

**DOCUMENT REQUEST NO. 45:**

All DOCUMENTS, CORRESPONDENCE or other writings CONCERNING asbestos or litigation involving asbestos, which CONCERN, mention, refer to or discuss Cathy Ellis.

**DOCUMENT REQUEST NO. 46:**

All DOCUMENTS, CORRESPONDENCE or other writings CONCERNING asbestos or litigation involving asbestos, which CONCERN, mention, refer to or discuss Dr. Arthur Frust.

**DOCUMENT REQUEST NO. 47:**

All DOCUMENTS, CORRESPONDENCE or other writings CONCERNING asbestos or litigation involving asbestos, which CONCERN, mention, refer to or discuss Dr. Charles P. Larson.

**DOCUMENT REQUEST NO. 48:**

All DOCUMENTS, CORRESPONDENCE or other writings CONCERNING asbestos or litigation involving asbestos, which CONCERN, mention, refer to or discuss Dr. Gerald R. Chase.

**DOCUMENT REQUEST NO. 49:**

All DOCUMENTS, CORRESPONDENCE or other writings CONCERNING asbestos or litigation involving asbestos, which CONCERN, mention, refer to or discuss Dr. Parmele.

**DOCUMENT REQUEST NO. 50:**

All DOCUMENTS, CORRESPONDENCE or other writings CONCERNING asbestos or litigation involving asbestos, which CONCERN, mention, refer to or discuss Dr. Peter N. Lee.

**DOCUMENT REQUEST NO. 51:**

All DOCUMENTS, CORRESPONDENCE or other writings CONCERNING asbestos or litigation involving asbestos, which CONCERN, mention, refer to or discuss Dr. Theodore D. Sterling.

**DOCUMENT REQUEST NO. 52:**

All DOCUMENTS, CORRESPONDENCE or other writings CONCERNING asbestos or litigation involving asbestos, which CONCERN, mention, refer to or discuss Dr. Thomas Mancuso.

**DOCUMENT REQUEST NO. 53:**

All DOCUMENTS, CORRESPONDENCE or other writings CONCERNING asbestos or litigation involving asbestos, which CONCERN, mention, refer to or discuss J. J. C. Rose.

**DOCUMENT REQUEST NO. 54:**

All DOCUMENTS, CORRESPONDENCE or other writings CONCERNING asbestos or litigation involving asbestos, which CONCERN, mention, refer to or discuss Professor Robock.

**DOCUMENT REQUEST NO. 55:**

All DOCUMENTS, CORRESPONDENCE or other writings CONCERNING asbestos or litigation involving asbestos, which CONCERN, mention, refer to or discuss Theodore Sanders.

**DOCUMENT REQUEST NO. 56:**

All DOCUMENTS, CORRESPONDENCE or other writings CONCERNING asbestos or litigation involving asbestos, which CONCERN, mention, refer to or discuss W. C. Hueper.

**DOCUMENT REQUEST NO. 57:**

All DOCUMENTS, CORRESPONDENCE or other writings CONCERNING asbestos or litigation involving asbestos, which CONCERN, mention, refer to or discuss Jean Gibbons.

**DOCUMENT REQUEST NO. 58:**

All DOCUMENTS, CORRESPONDENCE or other writings CONCERNING asbestos or litigation involving asbestos, which CONCERN, mention, refer to or discuss Robert Pizali.

**DOCUMENT REQUEST NO. 59:**

All DOCUMENTS, CORRESPONDENCE or other writings CONCERNING asbestos or litigation involving asbestos, which CONCERN, mention, refer to or discuss Marie McCre.

**DOCUMENT REQUEST NO. 60:**

All DOCUMENTS, CORRESPONDENCE or other writings CONCERNING asbestos or litigation involving asbestos, which CONCERN, mention, refer to or discuss Celia Smith.

**DOCUMENT REQUEST NO. 61:**

All DOCUMENTS, CORRESPONDENCE or other writings CONCERNING asbestos or litigation involving asbestos, which CONCERN, mention, refer to or discuss Forde A. McIver.

**DOCUMENT REQUEST NO. 62:**

All DOCUMENTS, CORRESPONDENCE or other writings CONCERNING asbestos or litigation involving asbestos, which CONCERN, mention, refer to or discuss J. E. Lincoln.

**DOCUMENT REQUEST NO. 63:**

All DOCUMENTS, CORRESPONDENCE or other writings CONCERNING asbestos or litigation involving asbestos, which CONCERN, mention, refer to or discuss Dr. Irving J. Selikoff or Mt. Sinai Medical Center in New York City, New York.

**DOCUMENT REQUEST NO. 64:**

All DOCUMENTS, CORRESPONDENCE or other writings CONCERNING asbestos or litigation involving asbestos, which CONCERN, mention, refer to or discuss Dr. Paul Kotin.

**DOCUMENT REQUEST NO. 65:**

All DOCUMENTS, CORRESPONDENCE or other writings CONCERNING asbestos or litigation involving asbestos, which CONCERN, mention, refer to or discuss Dr. Geo Gori or the Tobacco Working Group.

**DOCUMENT REQUEST NO. 66:**

All DOCUMENTS, CORRESPONDENCE or other writings dated prior to January 1, 1997 CONCERNING asbestos or litigation involving asbestos, which CONCERN, mention, refer to or discuss Owens Corning.

**DOCUMENT REQUEST NO. 67:**

All DOCUMENTS by, to or CONCERNING Art Fagan, Anthony Colucci, Fred Panzer, Horace Kornegay, Marvin Kasterbaum, Helmut Wakeham or Alan Rodgman which pertain in any way to asbestos or asbestos litigation.

**DOCUMENT REQUEST NO. 68:**

All DOCUMENTS CONCERNING communications with any labor union that mention or in any way pertain to asbestos or asbestos litigation.

**DOCUMENT REQUEST NO. 69:**

All DOCUMENTS, CORRESPONDENCE or other writings by, from or to any TOBACCO DEFENDANTS, or by, from or to any labor union or labor union counsel CONCERNING efforts by anyone to decrease, control, regulate or ban smoking in any workplace.

**DOCUMENT REQUEST NO. 70:**

All DOCUMENTS that CONCERN or constitute YOUR efforts to observe, monitor, track, or understand the defense or prosecution of any trial, legal proceeding, or litigation involving asbestos other than any trial, legal proceeding or litigation to which YOU were a party.

**DOCUMENT REQUEST NO. 71:**

All DOCUMENTS CONCERNING any legislation or legislative effort which proposed or considered that cigarette manufacturers pay compensation for injuries suffered by asbestos-exposed individuals, including but not limited to the "Fenwick Bill."

**DOCUMENT REQUEST NO. 72:**

All DOCUMENTS CONCERNING any efforts to involve cigarette manufacturers in litigation involving asbestos including, but not limited to, efforts by Commercial Union or other insurance companies or other asbestos defendants to do so.

**DOCUMENT REQUEST NO. 73:**

All DOCUMENTS which in any way CONCERN YOUR strategy to increase costs and delay to those suing tobacco.

**DOCUMENT REQUEST NO. 74:**

All DOCUMENTS constituting or referring to “the asbestos litigation documents” referred to on page 4 of the Report of the Meeting of Committee of Counsel on March 7, 1984.

**DOCUMENT REQUEST NO. 75:**

All DOCUMENTS which in any way constitute reports by any TOBACCO DEFENDANT CONCERNING the status of asbestos litigation including, but not limited to reports or communications to the Board of Directors or other committees of any TOBACCO DEFENDANT, CONCERNING asbestos litigation.

**DOCUMENT REQUEST NO. 76:**

All DOCUMENTS CONCERNING any statements made or actions taken by any TOBACCO DEFENDANT regarding the relationship between tobacco and asbestos and human health at any meeting of any trade association, including any trade association of manufacturing companies.

**DOCUMENT REQUEST NO. 77:**

All versions, including the final version, of the Jones Day memo (starting at Bates No. 681879254), as well as all exhibits or tabs attached to such memoranda.

**DOCUMENT REQUEST NO. 78:**

All DOCUMENTS relied upon when preparing the Jones Day memo, including but not limited to, those identified on page 2 of that memo.

**DOCUMENT REQUEST NO. 79:**

All DOCUMENTS referring to the Jones Day memo.

**DOCUMENT REQUEST NO. 80:**

All DOCUMENTS CONCERNING YOUR participation or association with the tobacco manufacturers association (EMA) that pertain to asbestos.

**DOCUMENT REQUEST NO. 81:**

All DOCUMENTS concerning the “gentlemen’s agreement ” among the EMA, the Cigarette Industry Foundation, the Dutch Association of Smoking Tobacco Industry, the

Netherlands Association of Cigar Manufacturers and the Netherlands Cigar Manufacturers Union, including materials exchanged as part of this agreement.

**DOCUMENT REQUEST NO. 82:**

All DOCUMENTS sent to or received by any TOBACCO DEFENDANT that in any way CONCERN instructions, comment or advice about what they or any of their employees should tell any member of the public not affiliated with a TOBACCO DEFENDANT about asbestos or asbestos litigation.

**DOCUMENT REQUEST NO. 83:**

All DOCUMENTS, CORRESPONDENCE or writings which in any way reflect any advice, comments, instructions, or statements received by the employees of any TOBACCO DEFENDANT CONCERNING the public comments they should or may communicate about the health effects of asbestos and tobacco or the synergy between them.

**DOCUMENT REQUEST NO. 84:**

All DOCUMENTS CONCERNING any research considered or conducted by any TOBACCO DEFENDANT that refer, comment or in any way reference studies done by them or consultants or their agents or paid for by them that CONCERN asbestos or tobacco and asbestos or the synergy between them including, but not limited to, any DOCUMENTS written to or by lawyers on this subject.

**DOCUMENT REQUEST NO. 85:**

All DOCUMENTS or notebooks prepared for Brown & Williamson including, but not limited to, those on the subject of asbestos, or asbestos and tobacco, or the synergy between them.

**DOCUMENT REQUEST NO. 86:**

All DOCUMENTS or notebooks prepared for any TOBACCO DEFENDANT other than Brown & Williamson including, but not limited to, those on the subject of asbestos, or asbestos and tobacco, or the synergy between them.

**DOCUMENT REQUEST NO. 87:**

