

SUPREME COURT OF THE STATE OF NEW YORK
ALL COUNTIES WITHIN NEW YORK CITY

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In Re: NEW YORK CITY
ASBESTOS LITIGATION
-----X

NYCAL
Index No. 190011/2024

This Document Applies to:

DENNIS KILKENNY

DEFENDANTS' FOURTH
AMENDED STANDARD
SET OF INTERROGATORIES
AND REQUEST FOR
PRODUCTION OF
DOCUMENTS

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Defendants, pursuant to CPLR 3130 and in accordance with Section VII(A)(1)(b) of the February 19, 2003 Amended Management Order ("CMO"), propound the following interrogatories to plaintiff's to be answered under oath within the time periods specified by the CMO, and, Pursuant to CPLR 3120 and in accordance with Section VII(B)(2)(b) of the CMO, request that plaintiffs produce (with copies to each defendant) such documents within the time period specified by the CMO.

These interrogatories are continuing in character and require you to file supplementary answers if you obtain further or different information after serving you initial answers and before trial, including in such supplementary answers the date upon and the manner in which such further or different information came to your attention.

EXPLANATION AND DEFINITIONS

This document constitutes both interrogatories and a request for production of documents. The documents to be produced are in each instance identified by response to the interrogatories contained herein. Hence, for the convenience of the plaintiffs, and to prevent the need for duplicative answers, these interrogatories and this request for production of documents are being propounded concurrently.

As sued in these interrogatories and document request, the terms listed below are defined as follows. Under no circumstances should any of the terms defined below (or any instructions set forth below) be read or interpreted as a waiver of any applicable privilege under the CPLR, including but not limited to the attorney-client and work product privilege.

A. "You" "Your" "Yourself" "Plaintiff" or "Plaintiffs" means plaintiff and all other persons acting pr purporting to act on his or her behalf, other than his or her attorney.

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B. "Defendants" unless otherwise specified, means any defendant named as a party to this action as well as any predecessors in interest to any named defendants, and all other subsidiaries or divisions of any named defendants, and any Bankrupt Entity (see Exhibit A attached).

C. "Bankrupt Entity" means any company or other entity (including parent and subsidiary companies, predecessors and successors in interest) who is a party or non-party potential tortfeasor whose Asbestos-Containing Product of Material may have contribute in any manner to plaintiff's or plaintiff's decedent's exposure to asbestos and has filed for protection from creditors under Chapter 11 of the US Bankruptcy Code. Bankrupt Entity shall include all trusts established or currently contemplated pursuant to Chapter 11 of the US Bankruptcy Code, any administrative or claims processing organization established thereto, the unsecured creditors committees, the trustee in any such processing, and any submissions to or declarations of the bankruptcy court. Bankrupt Entity shall include all entities, without limitation, listed on Exhibit A, which list may be supplemented from time-to-time, as necessary.

D. "Claims against Bankrupt Entity" includes, but not limited to, any actual or stayed legal action, any proof of claim, trust claim, claims resolution, arbitration claim, liquidated claim, unliquidated claim, demand for payment, for remedy, of liability; demand reduced to judgment, fixed contingent, matured, disputed, undisputed, equitable, secured or unsecured, toxic personal injury claims, personal injury trust claims, or any kind of claim for payment of which you have filed against Bankrupt Entities or their parent companies, successor companies or subsidiary companies.

E. "Asbestos-Containing Product of Material" shall mean any product or material containing asbestos without regard to whether plaintiff seeks damages or other relief with respect to that product or material. The same definition shall apply to "Asbestos-Containing Product" and to "Asbestos-Containing Material."

F. "Document" of "documents" means any writing of any kind, including originals and all non-identical copies (whether different from the originals by reason of any notation made on such copies otherwise) as well as, without limitation, correspondence, memoranda, notes, desk calendars, diaries, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, invoices, statements, receipt, returns, warranties, guarantees, summaries, pamphlets, books, prospectuses, intraoffice and interoffice communications, offers, notations of any sort of conversations, telephone calls, meetings or other communications, bulletins, magazines, publications, printed matter, photographs, motion pictures, video tapes, computer printouts, teletypes, telefax, invoices, worksheets and all drafts, alteration, modifications, changes and amendments of any of the foregoing, tapes, tape recordings, transcript, graphic or aural records or presentations of any kind of which knowledge or which are now or were formerly in your actual or constructive possession custody or control.

G. "Possession," "custody," or "control," includes the joint or several possession, custody or control not only by the person or persons to whom these interrogatories and requests are addressed, but also the joint or several possession, custody or control by each or any other person acting or purporting to act on behalf of the person, whether as employee, attorney, accountant,

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agent, sponsor, spokesperson, or otherwise. This definition does not include documents in the "possession," "custody," or "control" of plaintiff's attorney unless such documents were provided by plaintiff to his/her attorney and are not privileged.

H. "Relate," "refer," "Pertain," and "Concern" means support evidence describe, comprise, constitute, analyze, discuss, report or comment on, inquiring about, setting forth, explaining, considering, referring to, relating to pertaining to or mentioning in whole or in whole or in part.

I. "Person" means any natural person, firm, corporation partnership proprietorship, joint venture, organization, group of natural persons or other association separately identifiable, whether or not such association has a separate juristic existence in its own right

J. "Identify," "Identity," and "Identification" when used to refer to an entity other than natural person, means to state its full name, the present or last known address of its principal office or place of doing business, and the type pf entity (e.g.; corporation, partnership, unincorporated association).

K. "Identify," "Identity," and "identification," when used to refer to a natural person means to state the following:

(1) the person's full name and present or last known home address, home telephone number, business address and business telephone number;

(2) the person's present title and employer or other business affiliation;

(3) the person's home address, home telephone number, business address and business telephone number at the time of the actions at which each interrogatory is directed; and

(4) the person's employer and title at the time of the actions at which each interrogatory is directed.

L. "Identify," "identity," and "identification," when used to refer to a document, means to state the following:

(1) the subject of the document;

(2) the title of the document;

(3) the type of document (e.g.; letter, memorandum, telegraph, chart);

(4) the date of the document, or, if the specific date thereof is unknown, the month and year or other best approximation of such date;

(5) the identity of the person or persons who wrote, contributed to, prepared or originated such document; and

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(6) the present or last known location and custodian of the document.

M. "His" means him and/or her and "he" means him and/or she.

N. "Physician" includes doctors, nurses, other health care providers or practitioners of healing arts.

O. "Medical condition" means any condition for which you are making a claim including any asbestos-related disease, any pre-existing condition, or any condition allegedly brought about by an asbestos-related disease, including, but not limited to physical or mental illness, disease or injury.

INSTRUCTIONS

A. With respect to each interrogatory, in addition to supplying the information asked for and/or identifying the specific documents referred to, identify all documents which were referred to in preparing your answer thereto

B. If any document identified in an answer to an interrogatory was, but is no longer in your possession or subject to your custody or control, or was known to you but is no longer in existence, state what disposition was made of it or what became of it.

C. If any document is withheld from production hereunder on the basis of a claim of privilege or otherwise, identify each document and the ground upon which its production is being withheld.

D. A release for a record retrieval service to obtain from the Social Security Administration a record of plaintiff's employment and earnings history should be signed by plaintiff (or the proper authority). A separate release for each worker's compensation claim file referred to in these interrogatories should be signed by plaintiff (or the person with proper authority) and returned to the record retrieval service. A separate authorization for a record retrieval service to obtain plaintiff's employment records from each employer identified or referred to in these interrogatories should be signed by the plaintiff (or the person with authority). A separate authorization for a records retrieval to obtain plaintiff's medical records, radiographs and pathology materials from each health care provider and each hospital or medical facility identified or referred to in these interrogatories should be signed by the plaintiff (or the person with proper authority). An authorization for a record retrieval service to obtain plaintiff's income tax returns from the Internal Revenue Service for the past ten years should be signed by the plaintiff (or the person with proper authority).

E. You are requested to furnish all information in your possession and all information available to you, not merely such information as you possess of your own personal knowledge but also all knowledge that is available to you, your representatives, attorneys, physicians and other agents, by reason of inquiry, including inquiry of their representatives. Where a response to the following interrogatories sets forth information

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that is not based upon your own personal knowledge, but rather upon the knowledge of your representatives and other agents, you should so indicate in your response to that interrogatory.

F. Each interrogatory includes, but is not limited to, requests for information that relate to Bankrupt Entities.

G. Documents produced which have been submitted in connection with a claim against a Bankrupt Entity and are not otherwise obtainable independently from a Bankrupt Entity are presumptively confidential and may not be disclosed other than to counsel, a party, the court or an expert in this action without consent of the Court. Nothing in these instructions precludes offering these documents as evidence at trial should the documents be ruled admissible by the Court. To the extent any such documents are submitted to the Court, they should be submitted in a manner that will protect their confidential status.

H. Any portion of any document which indicates an amount demanded, offered or accepted in settlement shall be redacted to prevent disclosure of same.

INTERROGATORIES

1. State the following:
 - (a) your full name, and all other names by which you have been known;
 - (b) age, and date and place of birth;
 - (c) whether you were an adopted child;
 - (d) present marital status, date of current marriage, spouse's maiden name, dates of any prior marriages and the names of any prior spouses, if applicable;
 - (e) present home address; and
 - (f) social security number.

ANSWER

- (a) *Dennis Kilkenny*
- (b) *64, 8/29/59, Newark, NJ*
- (c) *No*
- (d) *Married to Patricia Kilkenny (Maiden name Specchio) on 5/17/86*
- (e) *768 Kaminski Dr., Rahway, NJ*
- (f) *XX-XXX-2589*

INTERROGATORY

2. State the following with regard to your father and mother:
 - (a) names;
 - (b) current address (if deceased, state last known address);
 - (c) the current condition of each one's health, including any specific medical problems.

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