PLAINTIFF'S EXHIBIT AIA-110

RAYMOND D. OGDEN (1878-1972)
RAYMOND D. OGDEN, JR.
JAMES A. MURPHY
RONALD A. MURPHY
JOHN D. WALLACE
DOUGLAS E. ALBRIGHT
LEE CORRUM
WAYNE D. TANAKA
J. GEOFFREY GIBBS
LARRY C. MARTIN

LAW OFFICES OF
OGDEN, OGDEN & MURPHY
SUITE 1015
1411 FOURTH AVENUE BUILDING
SEATTLE, WASHINGTON 98101

(206) 622-2991

ASBESTOS LITIGATION
REPORT AND RECOMMENDATION OF COMMITTEE ON EXPERTS
4/18/80

Committee attendance. The full committee met, which consisted of: A.R. Hart (Armstrong Cork, Liberty Mutual); Ron Gardner (Owens-Corning, Aetna); Chuck Mertel (Fibreboard, Fireman's Fund); Chuck Moren (Amatex, Reliance); John Bergmann (Standard Asbestos, Hartford); and Jim Murphy (Johns-Manville, Travelers).

Co-chairpersons. Co-chairpersons are Jim Murphy and Chuck Mertel. They are to sub-function as follows:

1. Murphy - Medical liaison.

2. Mertel - All other experts than medical.

Non-medical experts. There are no recommendations at this time as to personnel for non-medical experts. However, the committee identified the following areas of expertise that should be pursued:

1. Industrial safety (exposure prevention).

2. Economist.

3. Vocational rehabilitation (after medical establishment of percentage disability).

4. Toxicologist (unless otherwise covered by medical expert).

5. Other technical experts, as they may occur.

Medical experts. The committee was advised that Johns-Manville had previously researched in-depth and retained the below indicated medical defense team. Johns-Manville is willing to share utilization of these experts with all other defendants who are willing to pay their pro rata costs. They were researched for national and local recognition, publications, knowledge of state of the art, demeanor, and their willingness

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and capacity to consult and interrelate among each other. They were personally interviewed by five attorneys representing Johns-Manville and/or The Travelers from Hartford, Connecticut; Denver, Colorado; San Francisco, California; and Jim Murphy, Seattle. All four teach pulmonary medicine or pathology at the University of Washington School of Medicine. They are expected to consult with one another when the need arises. They will be paid their standard hourly rates. They will have made available to them consultation with experts throughout the United States. These four experts will not deal with each plaintiff. They will deal with only the plaintiffs for which there will be substantial dispute as to diagnosis, amount of functional disability, etc. All members of the committee on experts have been supplied with a copy of each of the four doctors' curriculum vitae. The committee on experts recommends that these doctors be used as the state of the art doctors, and for the more difficult cases in diagnosis and functional disability, with the information shared among those defendants willing to pay their pro rata share. The four doctors are as follows:

1. John Butler, University of Washington Hospital, head of respiratory diseases division and director of pulmonary function laboratory. Born November 28, 1923, Grantham, England, medical education of University of Birmingham, England. Has extensively published in pulmonary matters. Is independently interested in pursuing the rating of pulmonary disfunction as it relates to causation from multiple types of exposure, in contradistinction to a general disfunction without subdivision as to separate causation. He personally knows some of the early asbestos writers, such as Meriweather, etc. (Meriweather & Price, study of 1930) In part due to his age and medical training prior to 1964 and the Selikoff report, his English background, and his authoritative position in Northwest pulmonary medicine, Dr. Butler will be given serious consideration as being the primary defendants' "state of the medical knowledge" witness. Many of the younger doctors have as a "given" current medical knowledge, and did not personally experience the changes in epidemiological knowledge of asbestos-related diseases.

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2. David Thorning, pathologist and chief of electron microscopy, Veterans Administration Medical Center Hospital, instructor and assistant professor of pathology at University of Washington. Born 1939, undergraduate (Phi Beta Kappa) University of Kansas, M.D. from University of Kansas, internship Good Samaritan Hospital, Phoenix, residency University of Washington. U.S. Navy Submarine Medical School and medical officer of nuclear submarine U.S.S. JOHN C. CALHOUN. Extensively published, and recent article to be published on "Mesothelioma, a Light and Electron Microscopical Study Concerning Histogenetic Relationships between the Epithelial and Mesenchymal Variants". He will bring to the medical defense efforts his special interest and capacity in electron microscopy as it may be of particular diagnostic aid, particularly but not limited to mesothelioma.

3. Leonard D. Hudson, specialist in pulmonary diseases, associate professor and instructor at University of Washington Medical School. Born 1938, undergraduate Washington State University, M.D. University of Washington, internship Bellevue Hospital Center, New York, chief residency Harborview Medical Center, Seattle. Licensed to practice medicine in Washington, Colorado, and New York. Extensive publications. Board certified in pulmonary diseases and internal medicine. Consultant in pulmonary diseases for editorial board of POSTGRADUATE MEDICINE. Section editor for Annual Review of Pulmonary Disease. Will function along with Dr. Butler as pulmonary and internal medical specialist. Hudson and Dr. Barker (below) both office at Harborview, and are therefore in close proximity for ease of consulting as between a pulmonary specialist and a pathologist.

4. Edward Allan Barker, Attending Pathologist University of Washington Hospital, Pathologist-in-Chief Harborview Medical Center, and Consulting Pathologist V.A. Hospital. Born 1938, B.A. in zoology University of Washington (Phi Beta Kappa), M.D. University of Washington, PhD in experimental pathology University of Washington, internship University of Rochester School of Medicine, residency University of Rochester School of Medicine, and graduate school National Institutes of Health, Bethseda, MD.

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Associate professor and instructor of pathology University of Washington Medical School. Extensively published. Special academic responsibilities in connection with Harborview Medical Center include tissue committee, director of pathology residency training, and director of School of Cytotechnology. As noted above, Barker offices in the same building with pulmonary specialist Hudson for convenience of immediate consultation.

Shared clinician(s). The above four doctors do not have the time to examine each plaintiff, and will examine those only in need of special diagnosis, and as a group the defense efforts on an overview of the state of the medical knowledge as it developed epidemiologically. It is likely that most plaintiffs should be routinely examined, if for no other reason than to assure against over-enthusiastic plaintiff medical diagnosis and prognosis. In the event the asbestos cases in this area multiply to many more dozens of cases, we may have to secure the services of several doctors in this area for routine examination and possible referral to the above four authoritative consultants. All defense attorneys are encouraged to submit suggested names of physicians with pulmonary specialties to Jim Murphy and Chuck Mertel for further committee review. In doing so you are encouraged to secure background information including a Curriculum Vitae for each such nominee. The Committee on Experts will review the materials presented, seek outside advice on those submitted, interview them, and make (or recommend) final selection.

Other non-medical experts. Similarly, all defense attorneys are encouraged to submit names and qualifications of non-medical experts in the fields listed above. They should be submitted to Chuck Mertel and Jim Murphy. Again, the Committee on Experts will review the same, and select and/or recommend those to be utilized.

Shared expenses. The information secured from the above experts to be selected and/or recommended by the Committee on Experts will be shared with all defendants who are willing to pay their pro rata share of the costs. Pro rata expense sharing is a function of the Committee

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on Expenses. The Committee on Experts recommends that anyone not sharing costs should not share the information.

Individual defendant experts. Obviously, any individual defendant is quite free to secure any experts it choses, need not share the information with other defendants, nor will the expenses be shared. However, it will be essentially impossible for each defendant, or any particular defendant, to insist that each plaintiff (or any particular plaintiff) be examined, x-rayed, biopsy tissue taken, etc., as it is extremely unlikely that plaintiffs would accede to such redundant examination.

As to medical examination of the plaintiffs, the Committee on Experts will have to coordinate examination of each plaintiff with counsel for each plaintiff.

Trial preparation and discovery coordination. The Committee on Experts recommends that it take the responsibility for preparation of the defense experts for both trial and discovery on the part of defendants. The medical literature and history on asbestos and asbestos-related diseases is so massive that only a few people will have the time and extend the effort to attempt its assimilation. For example, plaintiffs have requested production of the Johns-Manville medical/technical asbestos-related library. The computer print-out of only the authors and publications, single-spaced, is currently 788 pages long. Further example, one defendant and carrier has authorized an attorney to take a full month off, away from the office, and do nothing but read medical literature. [See asterisk, next page.]

Discovery and cross-examination of plaintiffs' experts. For the same reasons of necessity of in-depth research and assimilation of expert materials, the Committee on Experts recommends that it be the function of that committee to conduct discovery and cross-examination of plaintiffs' experts. [See asterisk, next page.]

Summary of recommendations. In summary, the Committee on Experts recommends as follows:

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1. Defense medical experts. Those identified above should be utilized by defendants on a shared basis with those willing to participate in the costs to share in the information.

2. Retention of defense clinician(s). All defense attorneys are encouraged to submit names and qualifications (include Curriculum Vitae) to Murphy and Mertel.

3. Non-medical experts. All defense attorneys are encouraged to submit names and qualifications of non-medical experts and consultants for shared expense and information to be selected by the Committee on Experts.

4. Basis of shared expenses. To be recommended by Committee on Expenses.

5. Trial preparation and discovery. Trial preparation and discovery of both defendant and plaintiff experts to be undertaken by Committee on Experts. *

6. A copy of this report and recommendation should be submitted to the Coordinating Committee for concurrence and/or modification, and thereafter to counsel for all defendants as a Committee of the Whole, Thursday, May 1, 1:30 PM, main conference room of Lane, Powell, Moss and Miller.

James A. Murphy

* This is not intended to exclude any attorney from participation in depositions, cross-examination, etc. Simply that the Committee on Experts take the laboring oar of preparation and determine who should lead-off the examination. Such attorney may or may not be on the committee.

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