

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS PRODUCTS LIABILITY LITIGATION (No. VI)	: : X	CIVIL ACTION NO. MDL 875
This Document Relates To:	: : X	MISC. ACTION No. 09-MC-103 (Oil Rig Cases)
(See Exhibit A - attached case list)	: X	

**ORDER RE: SUBPOENA SERVED UPON DR. RICHARD TANNEN**

**AND NOW**, this **8th** day of July 2010, it is **HEREBY ORDERED** that Plaintiffs’ “Motion to Quash Subpoenas or, Alternatively, for Protective Order” (“Motion”) (Doc. 12), filed on July 1, 2009, as it pertains to the subpoena issued by this Court in MDL-875 and served upon Dr. Richard Tannen (“Dr. Tannen”) on June 6, 2009, is **DENIED in part** and **GRANTED in part** as follows:

(1) Dr. Tannen shall **PRODUCE** to Defendant Union Carbide Corporation (“Defendant”) all documents and materials called for within Paragraphs 1-5, 7, 9, 12, and 15,<sup>1</sup> but only as to specific activity undertaken by him or his staff with respect to those individuals who are remaining Plaintiffs in 09-MC-103;

(2) With respect to Paragraph 8, the Motion is **GRANTED** subject to Dr. Tannen providing to Defendant any information and/or materials that would identify with reasonable particularity the type or model of the medical equipment used by him or his staff to screen or test any of the remaining Plaintiffs in 09-MC-103 within **twenty-one (21)** calendar days of the entry of this order;

(3) With respect to Paragraphs 14 and 18, the Motion is **GRANTED** subject to Dr. Tannen submitting to Defendant an affirmative representation under oath that he was in fact properly

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<sup>1</sup> All Paragraph references refer to the “Materials to be Produced” section of the subpoena.

certified and/or licensed to have conducted the testing performed on those individuals who are remaining Plaintiffs in 09-MC-103, if any such testing was performed. If he is unable to provide a representation to this effect, he shall produce to Defendant any and all information relating to denials, notices of violations, revocations, rescissions, or suspensions of his certifications and/or licensing at the time when the testing in question was undertaken. The affirmative representation, or alternatively, the production of responsive information shall be provided to Defendant within **twenty-one (21)** calendar days of the entry of this order;

(4) The materials and documents to be produced are to be produced to Defendant within **twenty-one (21)** calendar days of the entry of this order.

BY THE COURT:

/s/ David R. Strawbridge  
DAVID R. STRAWBRIDGE  
UNITED STATES MAGISTRATE JUDGE

### ATTACHED LIST OF CASES

Last Name	First Name	Mississippi State Dist Court Number	EDPA Docket No.
Brady	Clinton L.	2006-407-CV11	5:08-cv-87071
Broom	Harvey E.	2006-519-CV11	5:08-cv-87069
Bullock	Deloice	2006-520-CV11	5:08-cv-87072
Crawford	Joseph	2006-394-CV11	5:08-cv-87080
Curd	Patrick	2006-525-CV11	5:08-cv-87083
Daniels	Willie Lee	2006-409-CV11	5:08-cv-87068
Daughdrill	Dan Mack	2006-526-CV11	5:08-cv-87081
Dearman	Rolland	2006-410-CV11	5:08-cv-87070
Dixon	George D.	2006-374-CV11	5:08-cv-87077
Emler	Louie T.	2006-464-CV11	5:08-cv-87084
Faust	Johnny W.	2006-90-CV3	5:08-cv-85894
Herring (dec'd)	Henry A.	2006-468-CV11	5:08-cv-87079
Livingston	Daniel	2006-94-CV3	5:08-cv-85987
Lord, Sr.	Archie A.	16-0056	5:08-cv-87030
McPhail	Ralph T.	2006-345-CV9	5:08-cv-87048
Mounteer, Sr.	Eliel K.	2006-555-V11	5:08-cv-87073
Newsom	Joseph	16-0018	5:08-cv-87076
Newsom	Lonnie	2006-414-CV11	5:08-cv-87031
Piner	Ted L.	2006-415-CV11	5:08-cv-87078
Polk	Brandon Kaye	2006-206-CV3	5:08-cv-85986
Polk	Dale F.	2006-85-CV3	5:08-cv-85985
Rawls	Ray C.	2006-417-CV11	5:08-cv-87075
Smith (dec'd)	Cleophus	2006-75	5:08-cv-87032
Thomas	Tony N.	2006-573-CV11	5:08-cv-87082
Wallace	Terry	2006-491-CV11	5:08-cv-87074