

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE: WELDING FUME PRODUCTS	)	Case No. 1:03-CV-17000
LIABILITY LITIGATION	)	(MDL Docket No. 1535)
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	)	
_____	)	
THIS DOCUMENT RELATES TO:	)	JUDGE O'MALLEY
ALL ACTIONS	)	
	)	
	)	
	)	
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**DEFENDANTS' MOTION FOR FEES, SANCTIONS AND REMEDIAL RELIEF**

Pursuant to 28 U.S.C. § 1927, Fed. R. Civ. P. 11, Fed. R. Civ. P. 37 and the Court's inherent powers, defendants respectfully move for fees, sanctions and remedial relief.

As set forth in the accompanying memorandum, the decisions of plaintiffs' counsel to proceed with the *Morgan* and *Landry* cases despite early and obvious warning signs about the veracity of those plaintiffs' claims forced both the Court and defendants to waste substantial time and money preparing frivolous or fraudulent cases for trial. Moreover, recent developments in these cases have called into question the diagnoses and claims of the thousands of other welding fume plaintiffs screened by Dr. Nausieda.

WHEREFORE, for the reasons set forth in the accompanying memorandum, defendants respectfully request that: (1) plaintiffs' counsel be ordered to pay the fees and costs incurred by defendants in preparing the *Morgan* and *Landry* cases for trial; (2) the Court compel plaintiffs to fully respond to pending discovery about how plaintiffs' counsel constructed this alleged mass tort, including all requests related to the claims screening process; and (3) the claims of all

plaintiffs who were diagnosed with manganism or parkinsonism at a screening conducted by Dr. Nausieda be dismissed unless they present proof that they have obtained confirmation of their diagnosis from a second, independent physician.

Dated: December 6, 2005

Respectfully submitted,

s/ John H. Beisner  
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SANDVIK, INC., TDY INDUSTRIES,  
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VIACOM, INC. AND VIACOM, INC. AS  
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