

LAYSER & FREIWALD, P.C.

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Attorney for Plaintiffs

Estate of Barry C. Lange, by the	:	
Administratrix, LINDA LANGE, and	:	COURT OF COMMON PLEAS
LINDA LANGE, Individually	:	OF PHILADELPHIA COUNTY
1031 Barley Way	:	
Lansdale, PA 19446	:	
Plaintiffs	:	
	:	
v.	:	
	:	APRIL TERM, 2005
	:	
ROHM AND HAAS CO.	:	NO. 2860
Independence Mall West	:	
5 th and Market Streets	:	
Philadelphia, PA 19106	:	JURY TRIAL DEMANDED
Defendants	:	

**PLAINTIFF'S MOTION FOR LEAVE TO CONDUCT
PRE-COMPLAINT DISCOVERY PURSUANT TO
PA.R.CIV.P. 4001(c)**

Plaintiff, by her attorneys Layser & Freiwald, P.C., move for leave from this Court to conduct pre-Complaint discovery and, in support of this motion, allege as follows:

1. This case involves the death of a young research chemist who worked for more than 20 years for specialty chemicals giant Rohm and Haas.
2. Dr. Lange is one of at least 12 individuals who worked for Rohm and Haas at the company's Spring House, Pennsylvania facility and who contracted brain cancer.

3. Plaintiffs seek recovery in this case from Rohm and Haas for compensatory and punitive damages arising out of the negligent, careless, reckless and fraudulent conduct of Rohm and Haas in connection with the rare brain cancer that claimed the life of Dr. Lange and numerous other Rohm and Haas researchers.

4. This case was begun by the filing of a Writ of Summons on April 22, 2005.

5. Because defendant Rohm and Haas has exclusive control and possession of critical documents and information regarding the company's conduct and an investigation into the deaths of its researcher employees, including Dr. Lange, plaintiff seeks leave from the Court to conduct pre-Complaint discovery pursuant to Pa.R.Civ.P. 4001(c).

6. As set forth in greater detail below, limited pre-Complaint discovery is necessary to aid in the preparing of a Complaint in this case.

A. The Parties

7. Plaintiff is Linda Lange, Individually and as Administratrix of the Estate of Barry C. Lange.

8. Mrs. Lange was married to Dr. Lange and is the mother of his two adult daughters, Jillian and Julianna.

9. Barry C. Lange was born on June 14, 1952 and died on April 29, 2003 at age 50.

10. Dr. Lange worked as a research chemist for Rohm and Haas for more than 20 years, from approximately 1980 to 2001.

11. Dr. Lange was born in Philadelphia and attended Woodrow Wilson High School in Levittown, Pennsylvania.

12. Dr. Lange obtained a bachelor's degree from the Stevens Institute of Technology and a Ph.D from Penn State University. Dr. Lange also did post-doctoral work at the Massachusetts Institute of Technology.

13. Dr. Lange spent most of his career with Rohm and Haas working out of the Spring House facility performing research on various herbicides, biocides and polymers.

14. Dr. Lange's name appears on some 50 different patents for work he performed as an employee at Rohm and Haas.

15. On July 30, 2001, Dr. Lange was rushed to Abington Memorial Hospital after he collapsed at home with a massive seizure.

16. Dr. Lange was diagnosed with a rare form of brain cancer, glioblastoma multiforme level four.

17. Dr. Lange was treated with surgery and radiation, but he died on April 29, 2003.

18. Defendant Rohm & Haas is a multinational specialty chemicals company with 2004 sales revenues of \$7.3 billion and operations in some 27 countries.

19. At all relevant times, Rohm and Haas owned and operated a group of buildings located on former farmland in Montgomery County that houses the company's research and development laboratories.

20. The Spring House facility opened in 1963 and has had approximately 6,000 different employees working there over that time period.

B. Pertinent Facts

21. In September 1996, Rohm and Haas was notified of a probe then underway in Illinois that was looking at a possible cluster of brain cancer incidences among workers at a BP Amoco chemical research facility.

22. One source of the information about the Amoco probe was a retired Rohm and Haas executive, who sent a letter about the Amoco situation to Phil Lewis, M.D., then a vice president and director for safety, health and environmental affairs at Rohm and Haas.

23. In a September 1996 letter to Dr. Lewis, the retired executive, Thomas Haag questioned whether there might be a common chemical exposure when comparing the experience of the Amoco workers who had been diagnosed with brain cancer and a young Rohm and Haas researcher who had died several years before of brain cancer.

24. Mr. Haag, who held various technical and management positions during his 38-year career with Rohm and Haas had himself begun his career as a research chemist working in the Spring House facility.

25. On September 16, 1996, Dr. Lewis responded to Mr. Haag's letter, stating, "I certainly agree with you that the occurrence of brain tumors, malignant or not, is of great concern."

26. Dr. Lewis further indicated in his letter to Mr. Haag that he was interested in the situation Amoco was facing and that would follow up.

27. Specifically, Dr. Lewis stated in his September 16, 1996 letter: “I will ask Dr. Arvind Carpenter, Head of Rohm and Haas Epidemiology, to get in contact with Dr. Wells at Amoco to discuss the information they have currently, and to compare it with the information we have collected in our Cancer Registry to determine if we can be of any help with the concerns you have raised.”

28. A copy of Dr. Lewis’ letter was copied to Dr. Carpenter, the head of Rohm and Haas’ epidemiology department.

29. Rohm and Haas reportedly “studied” the incidence of brain cancer at its Spring House facility in 1996 or 1997, according to a company spokesman quoted in a newspaper article, but no details of that study, including its methodology or findings, have ever been released.

30. Nearly one year after Dr. Lange was diagnosed with glioblastoma multiforme, on May 22, 2002, Rohm and Haas announced to its current and former Spring House facility employees that the company was undertaking an epidemiological study.

31. In a letter to current and former employees who had worked at the Spring House facility, the company reported that there were 10 known cases of brain cancer, which was “approximately twice the number that would be expected compared with the general population of the U.S.”

32. The company’s May 2002 letter stated that a “case-control study” would be undertaken and that the results would be published in a peer-reviewed medical journal upon completion.

33. The May 2002 letter, written by Eileen M. Bonner, M.D., director of corporate medical services for Rohm and Haas further stated, “We believe the Spring House site is a safe workplace.”

34. Dr. Bonner’s letter explained, “The company believes the study is prudent and appropriate based on concerns expressed by several employees about longtime Spring House colleagues and a study of excess brain cancer among employees at an Amoco research facility in Illinois.”

35. August 11, 2003, Charles Hsu, another research chemist who had worked closely with Dr. Lange and in the same area of the Spring House facility as Dr. Lange, was diagnosed with glioblastoma multiforme, the same rare and deadly brain cancer.

36. On October 2003, Rohm and Haas issued a letter to former Spring House employees providing a status update on the epidemiological study.

37. The letter, signed by David E. Greenley, Ph.D, director of technology operations and site manager for the Spring House facility, reported that the study was 80 percent complete and was on track to be completed by the end of the year.

38. One month earlier, in September 2003, Dr. Hsu was in Houston receiving a six-week course of radiation therapy for his brain cancer at the M.D. Anderson Cancer Center.

39. While at the home of his sister in Houston, Dr. Hsu and his wife received a visit from Dr. Greenley, the Spring House site manager and Dr. Carpenter, the Rohm and Haas manager coordinating the epidemiological study.

40. Among other things discussed, Dr. Carpenter advised Dr. Hsu and his wife that Rohm and Haas would not cover the cost of Dr. Hsu's medical treatment because he had gone out of network by going for treatment to Houston and the company's insurer would not cover the expense.

41. Dr. Hsu and his wife asked whether worker's compensation would cover the cost of Mr. Hsu's cancer treatment and Dr. Greenley and Dr. Carpenter responded that this was not a worker's compensation matter.

42. On January 8, 2004, Rohm and Haas announced that its epidemiological study was complete and had found "no risk factor emerging as statistically significant as an association with the occurrence of brain cancer or benign brain tumors."

43. The January 8, 2004 letter, signed by both Dr. Greenley and Dr. Carpenter, revealed that 12 individuals had been identified during the study as having developed primary malignant brain cancers, two more than had been identified at the start of the study.

44. The Greenley/Carpenter letter also revealed that three other individuals had been found to have other types of brain cancer.

45. As part of the process, Dr. Greenley and Dr. Carpenter reported, the company reviewed 2000 documents.

46. At no time did the study team speak with Dr. Lange or with Dr. Hsu.

47. The January 2004 letter announced further steps:

We have not identified a specific cause or causes for the brain cancer cases identified in the study. While the study findings show no significant association with workplace chemicals, we also understand the concern and frustration of some in not clearly being able to link the brain cancer cases with a specific cause or to determine if or why the number of brain cancers is elevated. We will, however, begin a study of all deaths of Spring House employees, called a cohort mortality study. This will provide additional understanding of whether the number of brain cancer cases is actually higher among the approximately 6,000 Spring House employees who ever worked at the site and the general U.S. population as well as what, if any other cancer rates may be prevalent.

48. Having disclosed additional instances of rare brain cancers and conceding that questions remained about the significance of the number of cancer cases, Dr. Greenley and Dr. Carpenter stated, “It is our firm belief that based on the study findings and review of the current health and safety practices, Spring House is a safe place to work.

49. The January 2004 announcement offered no details as to the review of the facility’s safety practices.

50. The January 2004 announcement offered no explanation as to the assumptions underlying the study’s conclusions.

51. In a January 20, 2004 letter to Dr. Carpenter, Mr. Haag, the retired Rohm and Haas executive, questioned an important assumption apparently underlying the company’s study.

52. The rate of glioblastoma in the general population is approximately 1 in every 100,000 individuals per year, or 1 in 100,000 person years.

53. The company assumed that each of the 6,000 employees who ever worked at the Spring House facility worked there on average for 20 years, for a total of 120,000 employee exposure years.

54. Even given this assumption, 12 cases out of 120,000 employee years would be extremely high as compared to the general population.

55. If the assumption of 20 years per employee at Spring House is high, then the rate of dangerous brain cancer at Spring House is even higher.

56. If one separates out from general population statistics the very young and the elderly, two populations that have no relevance to a working-age population at the Spring House facility, then the brain cancer rate at Spring House again would be higher.

57. In a June 2, 2004 letter to Mr. Haag, Dr. Carpenter promised that the second company study, which is expected to be completed at the end of 2006, would address the questions Mr. Haag had raised as to the first Rohm and Haas study.

58. On information and belief, the results of the Rohm and Haas epidemiological study have not been published in any medical or scientific journal.

59. On information and belief, there are other scientific and statistical concerns that cast doubt on the validity of the Rohm and Haas study and its results.

60. For instance, the Rohm and Haas study included both short-term and longer-term employees of the Spring House facility, but apparently excluded one individual who died of glioblastoma because he was formally detailed to the company's corporate headquarters, even though he frequently spent time with the research chemists at the Spring House labs.

C. Pre-Complaint Discovery

61. The Pennsylvania Rules of Civil Procedure permit pre-Complaint discovery "to aid in the preparation of pleadings. Pa.R.Civ.P. 4001(c).

62. Pennsylvania law clearly allows pre-Complaint discovery in order to aid in the drafting of a Complaint. See Lapp v. Titus, 224 Pa.Super. 150 (1973).

63. Plaintiff's claims in this case relate to conduct and representations of defendant Rohm and Haas in connection with its Spring House facility, the employees who worked there, the study undertaken to examine the incidences of brain cancer, and the disclosures made by the company.

64. Specifically, plaintiff will claim that Rohm and Haas is liable for fraud and misrepresentations as to the safety of the Spring House facility and that the company's misrepresentations were relied on by Dr. Lange and others such that they developed deadly brain cancer.

65. Plaintiff must plead claims of fraud and misrepresentation with particularity, according to the Pennsylvania rules. Pa.R.Civ.P. 1019(b).

66. Plaintiff is limited here in pleading her claims because defendant is in sole possession of critical data relating to the facts set forth above.

67. A Complaint pleading fraud, without the benefit of documents and limited deposition discovery, will most certainly be met with preliminary objections as to the specificity of the pleading.

68. Plaintiff would be severely prejudiced here without the benefit of limited discovery to aid in the preparation of a Complaint.

D. Relief Sought

69. For the reasons set forth above, plaintiff respectfully seeks leave of Court to conduct limited discovery in aid of preparing a Complaint in this action.

70. Plaintiff believes that a tailored set of document requests followed by discovery depositions of Dr. Lewis, Dr. Greenley and Dr. Carpenter would provide sufficient facts to aid in the specific pleading of a Complaint.

71. Plaintiff may seek leave of Court to conduct further discovery only if the above limited discovery proves insufficient.

WHEREFORE, plaintiff respectfully requests leave of Court to conduct pre-Complaint discovery and asks that the Court enter an Order in the form attached.

Respectfully submitted,

LAYSER & FREIWALD, P.C.

BY: _____
AARON J. FREIWALD, ESQUIRE
Counsel for Plaintiffs
1500 Walnut Street, 18th Floor
Philadelphia, PA 19102
215-875-8000

DATED:

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1031 Barley Way	:	
Lansdale, PA 19446	:	
Plaintiffs	:	
	:	
v.	:	
	:	APRIL TERM, 2005
	:	
ROHM AND HAAS CO.	:	NO. 2860
Independence Mall West	:	
5 th and Market Streets	:	
Philadelphia, PA 19106	:	JURY TRIAL DEMANDED
Defendants	:	

**PLAINTIFF’S MEMORANDUM OF LAW IN SUPPORT OF
MOTION FOR LEAVE TO CONDUCT PRE-COMPLAINT
DISCOVERY PURSUANT TO PA.R.CIV.P. 4001(c)**

I. Introduction

Plaintiff, by her attorneys Layser & Freiwald, P.C., move for leave from this Court to conduct pre-Complaint discovery. This case involves the death of a young research chemist who worked for more than 20 years for specialty chemicals giant Rohm and Haas. Dr. Lange is one of at least 12 individuals who worked for Rohm and Haas at the company’s Spring House, Pennsylvania facility and who contracted brain cancer. Plaintiffs seek recovery in this case from Rohm and Haas for compensatory and punitive damages arising out of the negligent,

careless, reckless and fraudulent conduct of Rohm and Haas in connection with the rare brain cancer that claimed the life of Dr. Lange and numerous other Rohm and Haas researchers.

This case was begun by the filing of a Writ of Summons on April 22, 2005. Because defendant Rohm and Haas has exclusive control and possession of critical documents and information regarding the company's conduct and an investigation into the deaths of its researcher employees, including Dr. Lange, plaintiff seeks leave from the Court to conduct pre-Complaint discovery pursuant to Pa.R.Civ.P. 4001(c).

II. Factual Background

As set forth in greater detail below, limited pre-Complaint discovery is necessary to aid in the preparing of a Complaint in this case. Plaintiff is Linda Lange, Individually and as Administratrix of the Estate of Barry C. Lange. Mrs. Lange was married to Dr. Lange and is the mother of his two adult daughters, Jillian and Julianna. Barry C. Lange was born on June 14, 1952 and died on April 29, 2003 at age 50. Dr. Lange worked as a research chemist for Rohm and Haas for more than 20 years, from approximately 1980 to 2001. Dr. Lange was born in Philadelphia and attended Woodrow Wilson High School in Levittown, Pennsylvania. Dr. Lange obtained a bachelor's degree from the Stevens Institute of Technology and a Ph.D from Penn State University. Dr. Lange also did post-doctoral work at the Massachusetts Institute of Technology.

Dr. Lange spent most of his career with Rohm and Haas working out of the Spring House facility performing research on various herbicides, biocides and polymers. Dr. Lange's name appears on some 50 different patents for work he performed as an employee at Rohm and Haas.

On July 30, 2001, Dr. Lange was rushed to Abington Memorial Hospital after he

collapsed at home with a massive seizure. Dr. Lange was diagnosed with a rare form of brain cancer, glioblastoma multiforme level four. Dr. Lange was treated with surgery and radiation, but he died on April 29, 2003.

Defendant Rohm & Haas is a multinational specialty chemicals company with 2004 sales revenues of \$7.3 billion and operations in some 27 countries. At all relevant times, Rohm and Haas owned and operated a group of buildings located on former farmland in Montgomery County that houses the company's research and development laboratories. The Spring House facility opened in 1963 and has had approximately 6,000 different employees working there over that time period.

In September 1996, Rohm and Haas was notified of a probe then underway in Illinois that was looking at a possible cluster of brain cancer incidences among workers at a BP Amoco chemical research facility. One source of the information about the Amoco probe was a retired Rohm and Haas executive, who sent a letter about the Amoco situation to Phil Lewis, M.D., then a vice president and director for safety, health and environmental affairs at Rohm and Haas. In a September 1996 letter to Dr. Lewis, the retired executive, Thomas Haag questioned whether there might be a common chemical exposure when comparing the experience of the Amoco workers who had been diagnosed with brain cancer and a young Rohm and Haas researcher who had died several years before of brain cancer.

Mr. Haag, who held various technical and management positions during his 38-year career with Rohm and Haas had himself begun his career as a research chemist working in the Spring House facility. On September 16, 1996, Dr. Lewis responded to Mr. Haag's letter, stating, "I certainly agree with you that the occurrence of brain tumors, malignant or not, is of

great concern.” Dr. Lewis further indicated in his letter to Mr. Haag that he was interested in the situation Amoco was facing and that would follow up. Specifically, Dr. Lewis stated in his September 16, 1996 letter: “I will ask Dr. Arvind Carpenter, Head of Rohm and Haas Epidemiology, to get in contact with Dr. Wells at Amoco to discuss the information they have currently, and to compare it with the information we have collected in our Cancer Registry to determine if we can be of any help with the concerns you have raised.” A copy of Dr. Lewis’ letter was copied to Dr. Carpenter, the head of Rohm and Haas’ epidemiology department. Rohm and Haas reportedly “studied” the incidence of brain cancer at its Spring House facility in 1996 or 1997, according to a company spokesman quoted in a newspaper article, but no details of that study, including its methodology or findings, have ever been released.

Nearly one year after Dr. Lange was diagnosed with glioblastoma multiforme, on May 22, 2002, Rohm and Haas announced to its current and former Spring House facility employees that the company was undertaking an epidemiological study.

In a letter to current and former employees who had worked at the Spring House facility, the company reported that there were 10 known cases of brain cancer, which was “approximately twice the number that would be expected compared with the general population of the U.S.” The company’s May 2002 letter stated that a “case-control study” would be undertaken and that the results would be published in a peer-reviewed medical journal upon completion. The May 2002 letter, written by Eileen M. Bonner, M.D., director of corporate medical services for Rohm and Haas further stated, “We believe the Spring House site is a safe workplace.” Dr. Bonner’s letter explained, “The company believes the study is prudent and appropriate based on concerns expressed by several employees about longtime Spring House colleagues and a study

of excess brain cancer among employees at an Amoco research facility in Illinois.”

On August 11, 2003, Charles Hsu, another research chemist who had worked closely with Dr. Lange and in the same area of the Spring House facility as Dr. Lange, was diagnosed with glioblastoma multiforme, the same rare and deadly brain cancer.

On October 2003, Rohm and Haas issued a letter to former Spring House employees providing a status update on the epidemiological study. The letter, signed by David E. Greenley, Ph.D, director of technology operations and site manager for the Spring House facility, reported that the study was 80 percent complete and was on track to be completed by the end of the year.

One month earlier, in September 2003, Dr. Hsu was in Houston receiving a six-week course of radiation therapy for his brain cancer at the M.D. Anderson Cancer Center. While at the home of his sister in Houston, Dr. Hsu and his wife received a visit from Dr. Greenley, the Spring House site manager and Dr. Carpenter, the Rohm and Haas manager coordinating the epidemiological study. Among other things discussed, Dr. Carpenter advised Dr. Hsu and his wife that Rohm and Haas would not cover the cost of Dr. Hsu’s medical treatment because he had gone out of network by going for treatment to Houston and the company’s insurer would not cover the expense. Dr. Hsu and his wife asked whether worker’s compensation would cover the cost of Mr. Hsu’s cancer treatment and Dr. Greenley and Dr. Carpenter responded that this was not a worker’s compensation matter.

On January 8, 2004, Rohm and Haas announced that its epidemiological study was complete and had found “no risk factor emerging as statistically significant as an association with the occurrence of brain cancer or benign brain tumors.” The January 8, 2004 letter, signed by both Dr. Greenley and Dr. Carpenter, revealed that 12 individuals had been identified during the

study as having developed primary malignant brain cancers, two more than had been identified at the start of the study. The Greenley/Carpenter letter also revealed that three other individuals had been found to have other types of brain cancer. As part of the process, Dr. Greenley and Dr. Carpenter reported, the company reviewed 2000 documents. At no time did the study team speak with Dr. Lange or with Dr. Hsu. The January 2004 letter announced further steps:

We have not identified a specific cause or causes for the brain cancer cases identified in the study. While the study findings show no significant association with workplace chemicals, we also understand the concern and frustration of some in not clearly being able to link the brain cancer cases with a specific cause or to determine if or why the number of brain cancers is elevated. We will, however, begin a study of all deaths of Spring House employees, called a cohort mortality study. This will provide additional understanding of whether the number of brain cancer cases is actually higher among the approximately 6,000 Spring House employees who ever worked at the site and the general U.S. population as well as what, if any other cancer rates may be prevalent.

Having disclosed additional instances of rare brain cancers and conceding that questions remained about the significance of the number of cancer cases, Dr. Greenley and Dr. Carpenter stated, "It is our firm belief that based on the study findings and review of the current health and safety practices, Spring House is a safe place to work. The January 2004 announcement offered no details as to the review of the facility's safety practices. The January 2004 announcement offered no explanation as to the assumptions underlying the study's conclusions.

In a January 20, 2004 letter to Dr. Carpenter, Mr. Haag, the retired Rohm and Haas executive, questioned an important assumption apparently underlying the company's study. The rate of glioblastoma in the general population is approximately 1 in every 100,000 individuals per year, or 1 in 100,000 person years. The company assumed that each of the 6,000 employees who ever worked at the Spring House facility worked there on average for 20 years, for a total of

120,000 employee exposure years. Even given this assumption, 12 cases out of 120,000 employee years would be extremely high as compared to the general population. If the assumption of 20 years per employee at Spring House is high, then the rate of dangerous brain cancer at Spring House is even higher. If one separates out from general population statistics the very young and the elderly, two populations that have no relevance to a working-age population at the Spring House facility, then the brain cancer rate at Spring House again would be higher.

In a June 2, 2004 letter to Mr. Haag, Dr. Carpenter promised that the second company study, which is expected to be completed at the end of 2006, would address the questions Mr. Haag had raised as to the first Rohm and Haas study. On information and belief, the results of the Rohm and Haas epidemiological study have not been published in any medical or scientific journal. On information and belief, there are other scientific and statistical concerns that cast doubt on the validity of the Rohm and Haas study and its results. For instance, the Rohm and Haas study included both short-term and longer-term employees of the Spring House facility, but apparently excluded one individual who died of glioblastoma because he was formally detailed to the company's corporate headquarters, even though he frequently spent time with the research chemists at the Spring House labs.

III. Argument

The Pennsylvania Rules of Civil Procedure permit pre-Complaint discovery "to aid in the preparation of pleadings. Pa.R.Civ.P. 4001(c). Pennsylvania law clearly allows pre-Complaint discovery in order to aid in the drafting of a Complaint. See Lapp v. Titus, 224 Pa.Super. 150 (1973).

Plaintiff's claims in this case relate to conduct and representations of defendant Rohm

and Haas in connection with its Spring House facility, the employees who worked there, the study undertaken to examine the incidences of brain cancer, and the disclosures made by the company. Specifically, plaintiff will claim that Rohm and Haas is liable for fraud and misrepresentations as to the safety of the Spring House facility and that the company's misrepresentations were relied on by Dr. Lange and others such that they developed deadly brain cancer. Plaintiff must plead claims of fraud and misrepresentation with particularity, according to the Pennsylvania rules. Pa.R.Civ.P. 1019(b).

Plaintiff is limited here in pleading her claims because defendant is in sole possession of critical data relating to the facts set forth above. A Complaint pleading fraud, without the benefit of documents and limited deposition discovery, will most certainly be met with preliminary objections as to the specificity of the pleading. Plaintiff would be severely prejudiced here without the benefit of limited discovery to aid in the preparation of a Complaint. For the reasons set forth above, plaintiff respectfully seeks leave of Court to conduct limited discovery in aid of preparing a Complaint in this action.

Plaintiff believes that a tailored set of document requests followed by discovery depositions of Dr. Lewis, Dr. Greenley and Dr. Carpenter would provide sufficient facts to aid in the specific pleading of a Complaint. Plaintiff may seek leave of Court to conduct further discovery only if the above limited discovery proves insufficient.

WHEREFORE, plaintiff respectfully requests leave of Court to conduct pre-Complaint discovery and asks that the Court enter an Order in the form attached.

Respectfully submitted,

LAYSER & FREIWALD, P.C.

BY:

AARON J. FREIWALD, ESQUIRE
Counsel for Plaintiffs
1500 Walnut Street, 18th Floor
Philadelphia, PA 19102
215-875-8000

DATED:

CERTIFICATE OF SERVICE

I, AARON J. FREIWALD, ESQUIRE, hereby certify that service of a true and correct copy of the attached Plaintiff's Motion for Leave to Conduct Pre-Complaint Discovery was served on defendant Rohm and Haas on this date, via hand delivery, as follows:

Rohm and Haas
Independence Mall West
5th and Market Street
Philadelphia, PA 19106
Attn: Legal Department

LAYSER & FREIWALD, P.C.

By: _____
AARON J. FREIWALD, Esquire
Attorney for Plaintiffs

DATED: _____