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PLAINTIFF'S EXHIBIT
ACS-76

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

IN RE: ASBESTOS-RELATED LITIGATION,

KENNETH BELLOWS, et al.,
Plaintiffs,

v. No. 82-1460

FIBREBOARD CORPORATION, et al.,
Defendants.

MELVIN E. DONELSON,
Plaintiff,

v. No. 82-2335

COMBUSTION ENGINEERING, INC., et al.,
Defendants.

VALVA L.J. EVILSIZOR,
Plaintiff,

v. No. 82-1402

FIBREBOARD CORPORATION, et al.,
Defendants.

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SYLVESTER J. GEOLAT,
Plaintiff,

v. No. 83-4069

BRAUER SUPPLY COMPANY, et al.,
Defendants.

DOROTHY SMOLEY,
Plaintiff,

v. No. 83-1384

COMBUSTION ENGINEERING, INC., et al.,
Defendants.

PLAINTIFF'S MASTER INTERROGATORIES TO ALL DEFENDANTS

YOU WILL PLEASE TAKE NOTICE that purusant to Rule 33 of the F.R.Civ.P. you are hereby directed to file answers to the following interrogatories within thirty (30) days of service hereof unless futher extension is granted by the Court. These Interrogatories shall be deemed continuing in the sense of Rule 26 of the F.R.Civ.P. so as to require supplemental answers a reasonable time prior to trial if additional information with respect to these Interrogatories is obtained by you or your counsel.

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INSTRUCTIONS AND/OR DEFINITIONS:

1. Whenever it is requested that a person or persons be identified, the full name and current address of the person should be stated and the relationship with the answering defendant. In any instance where the defendant is unable to identify all persons requested to be identified, the interrogatories should be answered to the fullest extent possible by the defendant.

2. When used in these interrogatories, the term "defendant" or any synonym thereof, whether singular or plural, is intended to and shall embrace and include counsel for the defendant, all agents, servants, employees, representatives, and others who are in possession of or may have obtained information for or on behalf of the defendant, and shall include all subsidiaries, predecessors and/or affiliates presently or in the past which would have information requested by the interrogatory.

3. Reference to the term "you" or "your" means the defendant or any agent, representative, employee, servant, affiliate, subsidiary, or predecessor.

4. Use of the term "document" is to include any form of writing or communication whether it be by paper, film, microfilm, mecrofiche, computer print-out, reports, records, lists, memoranda, correspondence, telegrams, schedules, photographs, drawings, charts, and other form of information preservation. Any request concerning a document is to be considered a continuing request as defendant becomes aware of such document.

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5. Reference to the term "identify" or "identity" when used in reference to an individual person, company, or other entity, means to state the full name, present address, and in the case of a person, his or her business affiliation. When these terms are used in reference to a document, it includes a description of the document, including the nature and content thereof, the date thereof, the name and address of the author and recipients thereof, and the present location of the person or entity having custody thereof.

6. Please note that these Interrogatories when referring to the word "product" are intended to include all asbestos or asbestos-containing products mined, milled, manufactured, or distributed by you whether they were intended for thermal insulation or for other purposes.

7. State the full name, present business address, present residence, and capacity or title of the individual signing these Interrogatories on behalf of the answering defendant and as to each Interrogatory answered provide the name of the person supplying the information to answer that Interrogatory or identify the document referred to in answering that Interrogatory.

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SECTION A

1. Identify the registered name of the answering defendant as well as all prior names or predecessor entities by which the defendant has existed, including companies that have been merged with or purchased in whole or part by the named defendant.

ANSWER:

1. Objection. ACandS objects on the ground that this interrogatory is vague and unintelligible. The phrase "predecessor entities by which the defendant has existed" makes no sense. Without waiving this objection, ACandS answers as follows: Defendant's name is ACandS, Inc. The Company was formerly known as Armstrong Contracting and Supply Corporation.

2. Set forth the full and correct name, the principle place of business, the state, and date of incorporation of the answering defendant.

ANSWER:

Name - ACandS, Inc.; principal place of business - 120 North Lime Street, Lancaster, PA 17603; state of incorporation - Delaware; date of incorporation - November 26, 1957.

3. Identify all divisions, subsidiaries, or affiliated companies to the answering defendant.

ANSWER:

ACandS objects to this interrogatory on the ground that it is vague, overly broad and not reasonably calculated to lead to the discovery of admissable evidence.

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4. For each entity or division listed in response to #3, stae whether or not it ever has or presently engages in any phase of mining, manufacturing, sale, supply, distribution, or design of asbestos or asbestos-containing products.

ANSWER:

See response to interrogatory 3.

5. With respect to each division, subsidiary or company listed in #4, identify the nature and extent of its function during the period of time it was in existence.

ANSWER:

See response to interrogatory 4.

6. Has this answering defendant been sued under its correct name? If not, please state the correct legal name of the defendant and provide the information requested in Interrogatory #1 above concerning the defendant as correctly named.

ANSWER:

The correct name of the company is ACandS, Inc.

7. Please state whether or not you have ever held a certificate of authority to do business in the State of Kansas and the address for your registered agent for service in the State of Kansas.

ANSWER:

Registered agent for service of process in Kansas:
The Corporation Co., Inc., First National Bank Bldg., Topeka, Kansas 66603

PRODUCT IDENTIFICATION

8. Have you ever mined asbestos?

ANSWER:

NO

9. If the answer to the previous Interrogatory is in the affirmative, please state the dates in which you were involved in mining of asbestos, and the locations of your mines.

ANSWER:

Not applicable.

10. Have you ever sold raw asbestos fiber to any of the co-

11. (continued)

of thermal insulation materials. During the period from January 1, 1958, when the Company began operation, until approximately 1973, the company utilized and provided various thermal insulation material containing asbestos when called for by contract requirement/specifications. Those materials were manufactured by others. In connection with its contracting business, ACandS sold some of those products to other entities, but the sales were minor and were not a primary business activity of the Company. ACandS has never patented any products containing asbestos and has not relabeled any such products for others.

defendants? If so, in what years and in what quantities did you make such sales.

ANSWER: NO

11. As to any product containing asbestos in any form or quantity, has this defendant ever:

a) designed such a product;

b) manufactured such a product;

c) processed such a product;

d) sold such a product;

e) distributed such a product;

f) relabeled such a product manufactured or designed by another;

g) held a patent for such a product.

ANSWER:

ACandS objects to this interrogatory on the ground that it is overly broad in that it is not limited to the relevant time period or to asbestos-containing products to which the plaintiff has been exposed. Without waiving its objection, ACandS states that it is not a manufacturer of asbestos products and is not engaged in the business of designing, manufacturing, processing selling or distributing of products containing asbestos. Since it began operations in January, 1958, ACandS has been a contract company primarily engaged in the installation (see attached)

12. If the answer to the previous Interrogatory or any subpart thereof was in the affirmative, please state the following information about each product:

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a) the manufacturer of the product;

b) the designer of the product;

c) the supplier of the raw asbestos fiber used in the product;

d) the dates of its manufacture or sale by the answering defendant;

e) the percentage of asbestos content of the product;

f) the type of asbestos used in the manufacture of the product.

ANSWER:

As a contracting company primarily engaged in the installation of thermal insulation materials, ACandS used a wide variety of asbestos-containing products, including products from virtually every major manufacturer of asbestos-containing thermal insulation products. The particular products used on a given job varied according to the specific requirements and specifications of that contract. Due to its record retention program and the fact that ACandS has operated branches throughout the country since it began operations in 1958, ACandS is not able to identify every asbestos-containing product ever used by it in the course of its contracting operations throughout the United States, and it is impossible for ACandS to respond to this interrogatory with the specificity requested. However, ACandS states that as a contracting company primarily engaged in the installation of thermal insulation materials, it used a variety of insulation materials and products, including such general types of asbestos-containing materials as: 85% magnesia pipe covering and block insulation; calcium silicate pipe covering and block insulation; asbestos insulating and finishing cements; asbestos-containing spray applied insulation products; and a variety of other materials which contained asbestos including mastics, cloth and fire resistant jackets. In the course of its operations throughout the United States, ACandS obtained such materials from virtually every major manufacturer of asbestos-containing insulation products as well as from other companies. Included in the list of manufacturing companies from which ACandS obtained asbestos-containing products were; (1) Atlas Asbestos Co. and its predecessors and successors; (2) Keene Corporation and its predecessors; (3) Philip Carey/Celotex and its subsidiaries; (4) Eagle Picher Company; (5) Flintkote Company; (6) Forty-Eight Insulations' (7) Benjamin Foster Company; (8) Johns-Manville; (9) Armstrong Cork Co.; (10) Rock Wool Industries; (11) GAF/Ruberoid; (12) Turner & Newall and its subsidiary and related companies; (13) Ryder Industries; (14) OCF; (15) Pittsburgh Corning;(16) Raybestos Manhattan; (17) Southern Asbestos; (18) Amatex; (19) UNARCO; (20) Standard Insulation; (21) Fireboard; (22) Keasbey & Mattison; (23) H.K. Porter; (24) Nicolet; (25) Pabco; and (26) U.S. Gypsum. Some products supplied by a few of these manufacturers were utilized as relabeled products.

13. In what year did the answering defendant first begin selling or distributing asbestos-containing products? Please be specific for each asbestos-containing product manufactured, sold, or distributed by you.

ANSWER:

The Company first began to do business on January 1, 1958. By way of further response, see responses to Interrogatories 11 and 12.

14. In what year did the answering defendant last sell, distribute, or manufacture an asbestos-containing product? Please be specific for each asbestos-containing product.

ANSWER:

See response to Interrogatories 11 and 12. By way of further answer, ACandS states as follows:
By 1972, the Company was moving to eliminate the use of asbestos-containing products in its contracting operations and to encourage its customers to evaluate and select asbestos-free products for their specifications to the extent that such products were available. By January, 1974, ACandS eliminated the use of asbestos-containing products except for products in which the asbestos fibers were completely encapsulated or coated such as asbestos tape, mastics, cloths and vinyl asbestos tile.

15. For each asbestos-containing product manufactured and/or distributed by you, state:

a) the brand anme of the product and the inclusive years of its manufacture and/or distribution;

b) the asbestos content by weight of each product for each year;

c) the type of asbestos fiber used in each product;

d) the application for which such product was advertised or sold;

e) the temperature ranges for the products used;

f) whether the product was a cement, a pipe covering, a cloth or other type of thermal insulation product;

g) the name of the supplier of the raw asbestos fiber used for that product.

ANSWER:

Not applicable. See response to Interrogatories 11 and 12.

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16. Describe each product as to its color and physical characteristics and appearances.

ANSWER:

Not applicable

17. As to each product, state how such product was packaged, transported, stored, or supplied.

ANSWER:

Not applicable

18. Does the answering defendant claim that any patent would cover any product listed in response to the Interrogatories above? If so, give the number of each patent, the date same was issued, and the number of each patent application that is pending.

ANSWER:

Not applicable

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19. Identify all labeling and/or relabeling agreements between the answering defendant and any other entities, including but not limited to, other defendants since 1930.

ANSWER:

As a result of ACandS' document retention program, the Company does not have available complete documentation concerning relabeled products. However, based upon the recollection of current management and information provided to ACandS by other companies, ACandS states that during the period 1/1/58 until 8/1/69, the company dealt with products which were relabeled for it under trade names owned by Armstrong Cork Company and utilized by Armstrong Contracting and Supply Corporation. Effectiv August 1, 1969, Armstrong Cork Company transferred to ACandS the trade names associated with products then being relabeled. (see attached page

20. Identify the distribution chain of the answering defendant's asbestos products since 1930 along with any documents evidencing or confirming such chain, including but not limited to distribution from and to other defendants.

ANSWER:

The use of the phrase "defendant's asbestos products" indicates that this interrogatory is directed to entities other than ACandS.

Based upon the information discovered by ACandS to date the following is a list of relabeled products which contained asbestos, the type of product involved, the manufacturer and the approximate years or period of time during which the products contained asbestos:

RELABELED NAME	TYPE OF PRODUCT	MANUFACTURER	YEAR/PERIOD OF TIME PRODUCT CONTAINED ASBES
LK Pipe-covering and block	light weight molded hydrous calcium silicate	Keene Corporation (and its predecessor companies)	to November 19
		Owens-Corning	To approx. 196
		Ruberoid/GAF	to November 19
		Atlas Asbestos	to late 1972
		Fibreboard	1964-1971
Armatemp Cement No. 10	mineral wool insulating & finishing	Keene Corporation	Never
		Eagle-Picher Industries, Inc.	8/1/64 to 1971
		Rockwool Mfg. Co.	Late 1960's to 1970
		Ryder Industries	Approx. mid 196 to 1972
Armatemp Cement No. 166	Mineral Wool Insulating Cement	Keene Corporation	Up to February 1971
		Eagle Picher Industries, Inc.	8/1/64-1971
		Rock Wool Mfg. Co.	Late 1960's thr 1970
		Ryder Industries	Approx. mid 196 to 1972
Armabestos		Atlas Asbestos	Dates currently unavailavle

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21. As to each product which was listed in Interrogatory No. 15 above, identify the following:

a) any pertinent trademark that was applicable to the product during the time of its sale;

b) the label on the packaging of that particular product for each year of its manufacture;

c) all sales prochures, specification sheets, performance data, or other promotional material, as well as any and all installation materials, data, or brochures which would have accompanied or been distributed in connection with the installation, application, or use of each of the products listed above;

d) the advertised use of the product.

(As to this Interrogatory, you may provide a copy of the documents in lieu of describing the same.)

ANSWER:

Not applicable

22. For each document listed, described, or provided above, please indicate the name or names of the individuals having custody of said documents or copies thereof, and where they are

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located.

ANSWER:

Not applicable

23. Have any of the products listed in teh answer to Interrogatories Nos. 12, 13, and 15 above been altered in chemical composition or asbestos type or content since their first being marketed? If so, please state:

a) the trade name of each such product;

b) the date such product was altered;

c) the nature of the alteration;

d) the reason for the alteration;

e) what person has knowledge concerning the alterations.

ANSWER:

Not applicable

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24. Prior to 1960, did you conduct any tests concerning the health consequences of the use of your asbestos-containing products?

ANSWER:

The use of the phrase "your asbestos-containing products" indicates tha this interrogatory is directed to entities other than ACandS.

25. Prior to 1960, did you conduct any tests concerning the health consequences related to the manufacture of your asbestos-containing product?

ANSWER:

The use of the phrase "your asbestos-containing products" indicates tha this interrogatory is directed to entities other than ACandS

26. Do any written memoranda, specifications, recommendations, or other written materials of any kind or character related to the testing of said products exist? If so, please state:

a) identify each such written material or document;

b) who presently has possession of each such document and where it is located.

ANSWER:

Not applicable

27. Have you ever conducted any tests concerning the health consequences of the use of your product between 1960 and 1975, or the date that the asbestos content was removed from the product, whichever is the later? If so, please state:

a) what tests were done;

b) who was responsible for conducting the tests;

c) what the results of the tests were;

d) identify any documents concerning the tests.

ANSWER:

The use of the phrase "your product" indicates that this interrogatory is directed to entities other than ACandS.

28. When did the asbestos-containing product manufactured by you first contain any warning or caution concerning the health consequences of the use of the product or the breathing of asbestos dust?

ANSWER:

The use of the phrase "the asbestos-containing product manufactured by you" indicates that this interrogatory is directed to entities Other than ACandS.

29. For each such product please state:

a) the wording of each warning or caution;

b) the description of each such printed warning or caution;

c) the method used to distribute the warning to persons who were likely to use the products;

d) the date each such warning was issued;

e) the name, address, and job classification of each person who presently has possession of the above described warning or caution;

f) identify the warning or caution by date and content;

g) state whether any industrial psychologist or human factors engineers were consulted prior to utilizing such warnings or cautions;

h) identify any special instructions provided with each product regarding its use or safety procedures to be employed by persons handling such product.

ANSWER:

Not applicable

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30. For any warning ever provided on an asbestos-containing product manufactured or distributed by you, please state:

a) when the warning first appeared;

b) what was the precise wording of the warning when it first appeared;

c) was the warning ever altered, amended, or changed in any manner and, if so, how and when;

d) where was the warning located on the product or packaging;

ANSWER:

ACandS did not manufacture asbestos-containing products; see response to Interrogatories 11 and 12. By way of further response, ACandS states as follows: During the course of its contracting operations, ACandS made use of warning labels and signs in compliance with OSHA requirements. In addition, any directions or warnings which were provided by manufacturers or distributors of asbestos-containing products which were used by ACandS would have been conveyed to the job site or point of delivery. Further, ACandS published manuals for use within the Company relating to various aspects of its contracting operations which contained recommendations for general safety and construction practices, including recommendations with respect to the handling and use of asbestos products. ACandS also provided copies of a panphlet prepared by NIMA relating to the handling of asbestos-containing materials to various branch offices as well as an NICA pamphlet entitled "Safety Reminders". Finally, copies of applicable OSHA regulations pertaining to the use of asbestos materials were distributed within the Company.

31. Did you ever claim your product(s) to be safe, effective, and/or easy to use or handle? If so, identify all such documents, including but not limited to, brochures or advertisements (radio, television, or printed) and revisions thereof by publication(s) and date.

ANSWER:

The use of the phrase "your product(s)" indicates that this interrogatory is directed to entities other than ACandS.

32. With respect to your answer in Interrogatory No. 31, did you ever inform or advise the purchaser or user of your products during the same time period that your products could cause cancer, asbestosis, and other serious diseases? If so, identify the document(s) containing such information by date, location, content, and in whose possession such document(s) now reside.

ANSWER: Not applicable

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33. When did you first become aware that warnings were placed on asbestos products distributed by other defendants?

ANSWER: To the extent that manufacturers or distributors of the products used by ACandS affixed warnings or cautionary labels to their products, such labels would have been affixed to the product or product packaging in question at the time of its delivery to the job (see attached

34. State the manner in which each of your asbestos products or asbestos-containing products was shipped and the type of container it was shipped in to the retailers.

ANSWER:

The use of the phrase "your asbestos products or asbestos-containing products" indicates that this interrogatory is directed to entities other than ACandS.

35. Did you sell any of your products containing asbestos fibers or any raw asbestos fiber to any of the companies named as co-defendants in this suit? If so, please state:

a) the name, address, and job classification of each individual who currently has possession of such knowledge, either by documents or records;

b) please list the names of each co-defendant to whom your products have been sold;

c) please state the dates of each such sale and the amount

33. (continued)

site or to ACandS. ACandS does not have records sufficient to enable it to determine when asbestos-containing products it received from their manufacturers and/or distributors first contained such warnings.

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and kind of materials sold;

ANSWER:

The use of the phrase "your products containing asbestos fibers or any raw asbestos fiber" indicates that this interrogatory is directed to entities other than ACandS.

36. State whether your company manufactured asbestos-containing insulation products for a co-defendant and placed the co-defendant's labels, logos, or insignia on said products and list each such co-defendant.

ANSWER:

No

37. Did you ever stamp or imprint the name of your company, its initials, or any identifying logo on any of your asbestos-containing products? If so, please describe the identifying logo or initials and the dates of its inclusion on the product and the product on which it was included.

ANSWER: The use of the phrase "your asbestos-containing products" indicates that this interrogatory is directed to entities other than ACandS.

38. As of the date of your answers to these Interrogatories, is your company still manufacturing, selling, or distributing any asbestos-containing products? If so, give the brand names of each such product.

ANSWER: ACandS objects to this interrogatory on the ground that the use of the phrase "is your company still manufacturing, etc." implies that ACandS at some time engaged in these activities. See response to interrogatories 11 and 12.

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39. For each product identified as being manufactured, sold, or distributed by you in Interrogatories No. 12, 13, or 16, state whether or not:

a) you have actual containers or photographs of containers in which said products were sold or distributed;

b) who is the custodian or keeper of said containers or photographs incuding their address and telephone number.

ANSWER: Not applicable.

40. From what source or sources did you obtain raw asbestos fiber beginning in 1940 and going to-date, on a yearly basis?

ANSWER: Not applicable.

41. State whether or not any warnings, cautions, caveats, or directions accompanied the raw asbestos fiber referred to in the previous interrogatory and identify the nature and extent of

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said warnings, cautions, caveats, or directions accompanying said fiber.

ANSWER: Not applicable.

42. State what date said warnings, cautions, caveats, or directions first appeared on the mined asbestos fiber.

ANSWER: Not applicable.

43. If you have discontinued manufacturing and/or selling asbestos products, please state the reason or reasons therefore.

ANSWER: ACandS has never manufactured asbestos products; see response to Interrogatoires 11 and 12. To the extent that ACandS made some incidental sales of asbestos products in the course of its contracting business, that practice was discontinued in the early 1970's. See response to Interrogatory 14. The Company discontinued the use of asbestos products in its contracting business because the Company was developing an increasing awareness that there could be potentially seriou health hazards to insulation workers as a result of the inhalation of asbestos fibers contained in asbestos-containing insulation products, although there was (and the Company understands still is) some dispute and lack of understanding about the exact hazards or extent of inhalation

(CONTINUED ON ATTACHED PAGE)

ANSWER: 43. (CONTINUED)

required to create them. In addition, asbestos manufacturers were removing asbestos from their insulation products at this time.

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NOTICE

44. When was the first time that you received notice that any person was claiming an injury as the result of using asbestos-containing products manufactured and/or sold by your company?

ANSWER: ACandS objects to this interrogatory on the ground that it is overly broad in time and scope, is unduly burdensome, is not limited to the type of injury allegedly involved in this action and thus is not reasonably calculated to lead to the discovery (SEE ATTACHED SHEET)

45. For each such injury that you received notice of or a claim for prior to 1970, please list:

a) the name and address of each claimant;

b) the date of the notice of each claim;

c) a description of the claim (i.e. workmen's compensation or a third party liability action);

d) the type of injury allegedly sustained;

e) the name and address of each attorney who represents individuals making such claims;

f) the style and the court number of each claim;

g) the resolution of each claim that has been disposed of;

h) the custodian of the records that relate to the claim.

(in lieu of answering the above question, you may attach copies of any and all claims).

ANSWER: See response to Interrogatory 44.

46. Do you contend that insulation products containing asbestos can be manufactured or treated so as to eliminate all potential health hazards to workers installing the same? If so, please explain in detail what your contentions are and the basis

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ANSWER: 44. (CONTINUED)

of admissible evidence. Furthermore, the interrogatory is not applicable. The use of the phrase "asbestos-containing products manufactured and/or sold by your company" indicates that this interrogatory is directed to entities other than ACandS. See response to Interrogatories 11 and 12. By way of additional answer and without waiving its objections, ACandS responds that its employees have made claims; however, such claims were handled and processed by another corporation before August 1, 1969 and ACandS does not have complete records concerning such claims.

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for each contention.

ANSWER: ACandS objects on the ground that this interrogatory is overly broad and not calculated to lead to the discovery of admissible evidence. It is not limited to allegedly asbestos related hazards and inquiries about recent knowledge. Further, it is a question which, by its terms, appears to be directed to manufacturing defendants and not to ACandS. Without waiving those objections, ACandS responds that, to date, it has made no such contention in these cases.

47. Did you receive any reports or communications from your workmen's compensation insurance carrier or products liability insurance carrier with regard to the hazards incident to the use of asbestos-containing insulation products? If so, please state who has possession of such reports, the location of such reports and the substance of the contents of such reports, listing for each such report the respective insurance company, its address, the agents signing such correspondence, and the date of such notice or report.

ANSWER: ACandS objects on the ground that this interrogatory is overly broad in time and scope and thus is not related to plaintiff's claims nor is it reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, ACandS responds that, at times, it received engineering department reports and construction loss control reports from its insurance carriers. Some of those mention dust control. They do not deal with medical aspects of any health hazards.

48. Have any of the co-defendants named in this litigation

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ever furnished you with any information as to the state of the medical knowledge regardding the connection between asbestos dust exposure and the contracting of pulmonary diseases including asbestosis and cancer? If so, please identify:

a) what information you were furnished;

b) who furnished that information;

c) when that information was furnished.

ANSWER: No, except possibly during the course of litigation. ACandS ojbects to this interrogatory to the extent that it seeks discovery of materials obtained and/or prepared in connection with and in anticipation of litigation.

49. Have you at any time since 1930 interchanged results of research tests, medical studies, or experiments regarding the state of the medical knowledge regarding the connection between

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asbestos exposure and the contracting of pulmonary diseases including lung cancer and asbestosis with any other person, including any co-defendants in this action?

ANSWER: No, except in the context of litigation. ACandS objects to this interrogatory to the extent that it seeks discovery of materials obtained and/or prepared in connection with and in (SEE ATTACHED SHEET)

50. If the answer the the above interrogatory is in the affirmative, please state:

a) when this interchange took place;

b) who participated in these interchanges;

c) summarize the content of these interchanges or studies.

ANSWER: Not applicable.

51. Please state if you or anyone on your behalf ever conducted, sponsored, or contributed financially to any studies or research to determine if the inhalation of asbestos fibers may

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49. ANSWER (CONTINUED)

anticipation of litigaion. Further, ACandS did not exist before November 26, 1957 and has not conducted medical studies, research, testing or experiments.

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be harmful.

ANSWER: No.

52. If the answer to the above interrogatory is in the affirmative, please state:

a) by whom the research was conducted, giving complete names and addresses;

b) the dates that each such research project or test was conducted;

c) the complete results of each test or study;

d) identify all documents that refer, reflect, or relate to the test or study;

e) supply copies of the reports of the research department pertaining to the use by the corporation of asbestos in their manufacture of insulation products.

ANSWER: Not applicable.

53. Please state the names and addresses of your chief medical officers from 1930 until the present time, listing the periods of time each such medical officer was employed by

defendant inthat capacity. If you did not have a medical officer, please indicate what person or persons performed that function.

ANSWER: None.

54. Please state the names and addresses of all physicians who were employed, retained, or otherwise engaged by you at any of your facilities from the years 1930 until the present.

ANSWER: Objection. ACandS objects to this interrogatory to the extent that the term "otherwise engaged by you: is vague and ambiguous. Without waiving that objection, ACandS responds that it has never had a physician as a regular employee nor has it employed a physician on any part-time basis at any of its locations.

55. Please state the names and addresses of all persons employed by you from 1930 until the present time who functioned as industrial hygienists. As used in this interrogatory, and industrial hygienist is one who performs engineering or health studies to identify and evaluate potential occupational health hazards and suggest methods of dealing with the same.

ANSWER: None as such.

56. For each industrial hygienist listed above, please state:

a) the facility or office to which that individual was assigned:

b) the complete and precise duties and responsibilities.

ANSWER: Not applicable.

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57. Did anyone ever make any recommendations and/or suggestions to you pertaining to the risks and hazards associated with the manufacturing or use of insulation products containing asbestos? If so, please state:

a) where such recommendations or suggestions were made;

b) who made such recommendations or suggestions;

c) to whom were these recommendations or suggestions made;

d) the substance of the recommendations or suggestions.

e) what actions did you take as the result of those recommendations and suggestions.

ANSWER: Objection. ACandS objects on the ground that this interrogatory is compound, overly broad, is not related to plaintiff claims, is not limited to alleged health hazards associated with the inhalation or ingention of asbestos fibers and is not reasonably calculated to lead to the discovery of admissible evidence.

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58. Do you agree that there is a causal connection between the asbestos dust exposure and

a) asbestosis?

b) lung cancer?

c) mesothelioma?

d) other cancers?

ANSWER: Objection. ACandS objects on the ground that this interrogatory calls for expert opinion without proper foundation.

59. If your answer to the previous interrogatory is yes as to any or all subparts, please identify the following as to each disease process listed above:

a) when and how you first learned of such connection;

b) if the knowledge was obtained by the attendance at any conference, lecture, convention, symposium, or meeting; identify such event and provide the name of the person attending or the documents obtained from that meeting;

c) if knowlege was obtained from a medical or scientific study or any other published works, identify the same;

d) if the knowledge was otherwise obtained, identify the manner of receipt of the document or communication.

ANSWER: Not applicable.

60. With regard to any knowledge obtained subsequent to that identified in the previous interrogatory, please identify:

a) all documents or other communications, oral or written, concerning the causal connection between exposure to asbestos dust or asbestos products and the disease processes identified in question No. 51 above;

b) identify the person communicating the information.

ANSWER: Not applicable.

61. When and by what manner were you first aware of the hazards of asbestos or asbestos-containing products to the users of those products?

ANSWER: ACandS objects to this interrogatory on the ground that the phrase "hazards of asbestos or asbestos-containing products" is overly broad as well as vague and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving those objections, ACandS states:

(SEE ATTACHED SHEET)

61. ANSWER (CONTINUED)

Since it began operations in 1958, ACandS has been a contrac ing company with braches operating throughout the United States. In light of the size and geographic scope of those contractir operations, it is virtually impossible to identify any one spe ific time at which the Company was "first aware" of the "hazarc of asbestos or asbestos-containing products." However, in the ed to late 1960's and into the 1970's, the Company was develop ng an increasing awareness that there could be potentially serious health hazards to insulation workers as a result of the inhalat on of asbestos fibers contained in asbestos-containing insulat on products, although there was (and the Company understands till is) some dispute and lack of understanding about the hazards or extent of inhalation required to create them. Among the fac ors contributing to the Company's increasing awareness were: word of mouth within the trade, the attendance of Mr. Liddell (then Preside t of ACandS) at a seminar in the late 1960's at which Dr. Seliko spoke, and the actions of manufacturers in removing asbesto from their insulation products.

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62. Identify any medical examination programs offered or sponsored by you or your insurance carrier for employees handling or otherwise exposed to asbestos and asbestos products. With respect to each such program please state:

a) the manner of communicating with employees about such program;

b) whether examination was mandatory or optional;

c) what percentage of workers permitted to undergo such examination actually participated;

d) what percentage of workers were found to have asbestosis or mesothelioma or bronchogenic carcinoma;

e) with respect to (d), what percentage of such workers were paid disability, workmen's compensation benefits, or for whose benefit medical expenses were paid to undergo treatment for such conditions.

ANSWER: Objection. ACandS objects on the ground that this interrogatory is overly broad in time and scope, not related to plaintiff's claims, and not reasonably calculated to lead to the discovery of admissible evidence.

63. Identify all trade organizations, associations, or other entities, including but not limited to ATI, IHF, NAIMA, AIA, NICA, TIMA, QAMA, PICA, QAPA, to which you have belonged or in which you have participated since 1925 and the years of your participation.

ANSWER: Objection. ACandS objects on the ground that this interrogatory is overly broad in time and scope, not related to plaintiff's claims, and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, this interrogatory is vague and unintelligible in that it identifies organizations solely by letters or acronyms which may identify various organizations and which thus are not completely or readily understood by ACandS. Without waiving this objection, ACandS responds that it is a member of National Insulation Contractors Association (NICA). ACandS was a member of NICA's predecessor, Insulation Distributor-Contractors National ASsociation, Inc. (IDCNA) from January 1, 1958 until October 4, 1961, and has been a member of NICA since June 22, 1972. In addition, the Company's various local offices have belonged to local contracting associations.

64. Identify all persons attending on your behalf any meetings held by any trade organization listed in the Interrogatory stated above.

ANSWER: Objection. ACandS objects on the ground that this interrogatory is overly broad in time and scope, is not related to plaintiff's claims, and is not reasonably calculated to lead to the discovery of admissible evidence. It is undly burdensome to require ACandS to identify every person who has ever attended any meeting of any trade organization or other entity, if such identification were even possible.

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65. Identify the names or nature of all notes, reports, studies, or other writings submitted by your or received by you at meetings identified in the Interrogatory stated above.

ANSWER: Objection. See objection to Interrogatory 64.

66. Identify any documents you received from or submitted to those trade organizations, associations, or other entities identified in Interrogatory #64 relating to the relationship between asbestos exposure and disease.

ANSWER: Objection. See objection to Interrogatory 64. Without waiving the foregoing objections, ACandS responds that it has not located any materials received from the organizations which appear to be named in Interrogatory 64, which deal with the medical aspects of asbestos inhalation and disease. The Company has received materials which are related to the "asbestos problem" such as the NIMA publication "Recommended Health Safety Practices For Handling And Applying Thermal Insulation Products Containing Asbestos" and materials from NICA relating to various subjects such as OSHA regulations pertaining to the handling of asbestos-containing products, insurance issues and the like.

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67. Did you direct to be performed, sponsor, finance, or receive the results of any studies or tests performed by the Saranac Lake Laboratory or the Trudeau Foundation relating to asbestos exposure and its effect on human life? If so, identify:

a) all documents summarizing findings or results of those studies or tests which you have in your possession or control;

b) all communications, oral or written, between answering defendant and Saranac personnel, including but not limited to Gerrit W.H. Schepers, M.D.;

c) all documents relating to Saranac studies received or submitted by you, either directly, through associated or predecessor companies, through other companies, or through any trade associations, orgainizations, or entities;

d) all recommendations or findings of such studies in relating to: 1) adequacy or inadequacy of the threshold limit values;

2) the substitution of materials other than asbestos to be used in insulation process;

e) where the documents and/or communications identified in this Interrogatory are presently maintained.

ANSWER: ACandS did not "direct to be perform, sponsor [or] finance" any such studies or tests. ACandS has become aware of those studies in connection with this and other litigation.

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68. Identify all persons who have testified on your behalf and all documents presented to or utilized in preparation of testimony before the Occupational Safety and Health Administration, the National Institute of Occupational Safety and Health, and U.S. Congressional committee or sub-committee or governmental hearing or investigative proceeding on the subjects of biological effects on human life from exposure to asbestos and the setting, modification, feasibility, and acceptance of allegedly safe or proper levels of such exposure to asbestos and asbestos products.

ANSWER: None.

69. For all testimony set forth above, please identify:

a) the dates and descriptions of the proceedings;

b) the relationship between the person who testified or responded and you;

c) all studies, test results, or other scientific or medical documents relied upon by said person as a basis for an

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recommendation made or testimony given;

d) whether at any time prior to or following such testimony you possessed knowledge of documents suggesting that existing or proposed threshold limit values were not safe or proper or that lower threshold limit values were necessary in order to prevent disease; as to this response, please identify the origin of the knowledge and all documents relating thereto;

ANSWER: Not applicable.

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70. What do you understand "threshold value limit" to mean?

ANSWER: Objection. ACandS objects to this interrogatory on the ground that it is overly broad, vague and not reasonably calculated to lead to the discovery of admissible evidence. The phrase "threshhold value limit" is not related to any particular substance, or any specified use or uses of that substance.

71. What do yu understand "dose response relationship" to mean?

ANSWER: Objection. ACandS objects to this interrogatory on the ground that it is overly broad, vague and not reasonably calculated to lead to the discovery of admissible evidence. The phrase "dose response relationship" is not related to any particular substance, or any specified use or uses of that substance. Among other things, the phrase "dose response relationship" can be applied to prescription drugs, a subject matter totally unrelated to the instant litigation.

72. What is being measured when you take the measurement of threshold limit value as you define it?

ANSWER: Objection. See objection to Interrogatory 70.

73. Did you advertise any of your asbestos-containing products for use on ships or navy vessels? If so, please state:

a) the name of the product;

b) in what years you advertised the product;

c) the intended purpose of the product.

ANSWER: Not applicable. The use of the phrase "your asbestos-containing products" indicates that this interrogatory is directed to entities other than ACandS. See response to INterrogatory 11.

74. Did you design any asbestos-containing products for use on ships or navy vessels? If so, please state:

a) the name of the products;

b) the year of their design;

c) the manufacturer;

d) the intended use.

ANSWER. No.

75. Did you sell any asbestos-containing materials to the:

a) United States government?

b) General Services Agency?

c) United States navy?

d) any naval shipyard?

e) any shipyard?

If your answer to any of the above was in the affirmative, please specify which shipyard and the dates.

ANSWER: Objection. ACandS objects to this interrogatory on the ground that it is overly broad in time and geographic scope and, thus, is not reasonably related to the plaintiff's claims and not reasonably calculated to lead to the discovery of admissible evidence.

76. Do you ever conduct any dust studies in any of your asbestos product manufacturing facilities? If so, please state:

a) the date of each such study;

b) the person conducting the study;

c) the result or conclusion;

d) who presently has possession of the report or study.

ANSWER: Not applicable. ACandS has no "asbestos product manufacturing facilities."

77. As to any knowledge possessed by answering defendant at any time referred to in Interrogatory Nos. 58 and 59, did you educate your employees, distributors, or purchasers of the hazards known to you and the safety precautions necessary to guard against cancer and other diseases arising from the use and handling of your products? If so, identify:

a) When and in what manner customers, insulators, factory workers, and the general public were so informed;

b) Documents communicating or otherwise disseminating such information;

c) Programs initiated or sponsored to establish or promote safety procedures, methods or usage of equipment;

d) Published articles or reports by employees (present or prior), including those of medical directors, scientists, engineers, or other professionals;

e) Symposia or lectures sponsored for the benefit of asbestos workers and/or the general public.

ANSWER: Objection. See objection to Interrogatory 58.

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78. When and by what manner were you first aware of the hazards relating to exposure to asbestos or asbestos products for:

a) inside insulators and contractors;

b) outside insulators and contractors;

c) pipe fitters.

ANSWER:

See response to Interrogatory 61.

79. If you have knowledge or information concerning the following, please state whether:

a) early detection of mesothelioma results in any appreciable rate of cure or arrest;

b) a single exposure to asbestos may cause mesothelioma, asbestosis, or other cancers;

c) cumulative or multiple exposures to asbestos result in a greater risk or harm to the exposed person;

d) an outside insulator has a risk of harm from exposure to asbestos or asbestos products;

e) stripping or removing old asbestos creates a greater risk of harm than installation of asbestos or asbestos products;

f) cancer resulting from exposure to asbestos developes generally after:

1. 1 - 5 years
2. 6 - 10 years
3. 11 - 20 years
4. more than 20 years

g) there is any known relationship between smoking and mesothelioma;

h) there is any reported cause of mesothelioma other than exposure to asbestos.

ANSWER:

Objection. ACandS objects to this interrogatory on the ground that it calls for expert opinion without proper foundation.

80. As to each answer to Interrogatory No. 79, identify at least one person or document upon which answering defendant relies.

ANSWER:

Not applicable

81. Is answering defendant familiar with Dr. Irving J. Selikoff and/or the Mt. Sianai School of Medicine? If so, state:

a) approximate date and manner of obtaining such familiarity;

b) whether any employee or representative of defendant attended a lecture or oral presentation at which Dr. Selikoff spoke on the relationship between asbestos and cancer or asbestosis.

ANSWER:

See answer to interrogatory 61, concerning Mr. Liddell's attendance at a seminar in the late 1960's which Dr. Selikoff spoke. Other than that, defendant's familiarity with Dr. Selikoff and/or the Mount Sinai School of Medicine has been obtained during the course of litigation.

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82. Have you ever negotiated with labor unions representing workers handling or working with asbestos or asbestos products concerning working conditions, safety equipment procedures, or other protective measures aimed at eliminating or reducing risks associated with exposure to such products? If so, identify when such negotiations took place, with what unions, and identify all documents reflecting such agreements since 1925.

ANSWER:

Objection. ACandS objects to this interrogatory on the ground that it is overly broad, burdensome, not reasonably calculated to lead to the discovery of admissable evidence, and not related to the claim of plaintiff in this matter.

83. State whether defendant manufactured, sold, supplied, mined, or distributed asbestos, asbestos insulation, or asbestos-containing products in the states of Arizona, California, Hawaii, Illinois, Iowa, Kansas, Missouri, Nebraska, Oklahoma, Oregon, South Carolina, Texas, Utah, Virginia, or Washington; and for each state describe the product and the period of time over which it was supplied, distributed, sold, mined, or manufactured.

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ANSWER:

Objection. ACandS objects to this interrogatory on the ground that it is overly broad in time and geographic scope, not reasonable related to claims of plaintiff in this matter, and not reasonably calculated to lead to the discovery of admissable evidence. ACandS did not manufacture or mine asbestos products, and sold such products only incidentally in the course of its contracting business; see response to Interrogatory 11.

84. For any request for admission propounded to which your response was something other than an unqualified "Admitted", please state all facts and circumstances, including citations to relevant scientific or medical literature or reports, upon which you rely to support any qualified response or denial.

ANSWER:

This interrogatory is inapplicable; plaintiff has not served any request for admission on ACandS.

85. List each expert witness whom you or your attorneys expect to testify at trial, and for each such witness, state:

a) the subject matter upon which the expert is to testify;

b) the facts to which the expert will testify;

c) the substance of the expert's opinion;

d) a summary of the grounds for each such opinion.

ANSWER:

ACandS has not yet decided what expert witnesses, if any, it expects to call at trial in this matter

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86. Identify all persons who have testified and all documents presented or utilized by answering defendant for the purpose of proving or defending against claims concerning the adverse effects upon human life through exposure to asbestos or asbestos products:

a) in any litigation, pending or otherwise, involving answering defendant;

b) before congressional or OSHA hearings or investigative proceedings of any other government agency or unit;

c) at any symposium, course, lecture, or other meeting;

d) with respect to (a) through (c) above, identify the name of the case, court, term and number, or other description of proceedings and/or meeting.

ANSWER:

Objection. ACandS objects to this interrogatory on the ground that it is vague, overbroad, burdensome and not reasonably calculated to lead to the discovery of admissable evidence. If ACandS understands this interrogatory, it apparently requests the identity of all persons (not only those associated in some way with ACandS) who have testified at any time and at any place in the proceedings listed in the interrogatory. ACandS does not have the information to answer this interrogatory, even if it were relevant.

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87. Identify all expert witnesses who have testified in all other cases of the same or similar nature, pending or otherwise, on behalf of answering defendant.

ANSWER:

Objection. ACandS objects to this interrogatory on the ground that it is not relevant to the claims of plaintiff in this matter, and is not reasonably calculated to lead to the discovery of admissable evidence. Further, ACandS does not understand what is meant by "all other cases of the same or similar nature."

88. Identify all present or former employees of answering defendant, other than plaintiffs, who have testified against answering defendant in a litigation matter of the same or similar nature or before a governmental agency or unit.

ANSWER:

Objection. ACandS objects to this interrogatory on the ground that it is not related to the claims of plaintiff in this action and not reasonably calculated to lead to the discovery of admissable evidence. Further, ACandS does not understand what is meant by "a litigation matter of the same or similar nature." ACandS has now way of knowing when and where its present or former employees may have testified, if they were not at the time testifying in their capacity as ACandS employees.

89. With respect to your answers to Interrogatories No. 87 and 88 above, identify all documents, including but not limited to, tanscripts or notes of testimony employed by or resulting from the testimony of such expert witnesses or employees.

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ANSWER:

See objections to Interrogatories 87 and 88.

90. Identify any co-worker or plaintiff whom you have interviewed or intend to call as a witness in this litigation.

ANSWER:

None have been identified at present; see response to Interrogatory 91.

91. If plaintiff was ever employed by answering defendant or worked on a job contracted by answering defendant:

a) identify any work records, employment records, or job records with respect thereto;

b) identify any invoices, purchase orders, or other documents evidencing the use of a product manufactured by defendant or said job(s);

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c) if answering defendant cannot identify documents as to (a) and/or (b) above, confirm or deny the existence and use of defendant's products during the relevant time period;

d) identify any products not manufactured by, but relabeled or otherwise altered by defendant and used on said job(s).

ANSWER:

ACandS has no record of ever having employed plaintiff.

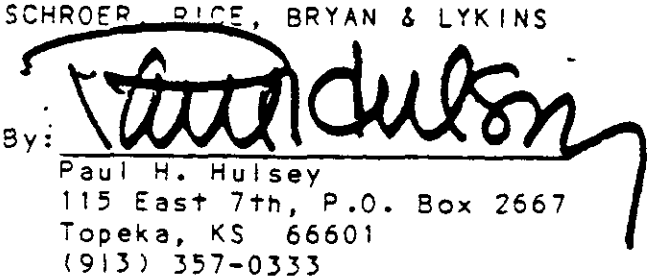
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92. Please state whether you are claiming any affirmative defenses in the instant case. If so, please state any and all factual bases for each affirmative defense you are claiming.

ANSWER:

ACandS is claiming affirmative defenses as pleaded in its answer to plaintiff's complaint in this matter. The factual bases for these defenses depend, at least in part, on responses to discovery which have yet to be provided by plaintiff. This answer will be supplemented when this information is received.

SCHROER, RICE, BRYAN & LYKINS

By: 

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Attorney for Plaintiffs

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VERIFICATION

STATE OF PENNSYLVANIA

ss:

COUNTY OF LANCASTER

R. E. Fink, of lawful age and being first duly sworn, alleges and states:

That he is the Secretary - Treasurer of the corporation ACandS, Inc., and is authorized to make answers to the above and foregoing Interrogatories on its behalf, that he has made answers to said Interrogatories, and that said answers are true and correct to the best of his knowledge and belief.

SUBSCRIBED and sworn to before me this _____ day of _____, 1984.

Notary Public

CHARLOTTE W RUHL, Notary Public
Lancaster, Lancaster County, PA
My Commission Expires October 12, 1985

My appointment expires:

October 12, 1985

CERTIFICATE OF SERVICE

I hereby certify that the original and one copy of the above and foregoing Interrogatories with answers thereto were deposited in the United States mail, postage prepaid, on the _____ day of _____, 1984, addressed to Paul H. Hulsey, P.O. Box 2667, Topeka, KS 66601.

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that the original and two copies of the above and foregoing Plaintiffs' Master Interrogatories to All Defendants were deposited in the United States mail, postage prepaid, on the 26th day of July, 1984, addressed to:

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Barnwell, SC 29812

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