IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

FILED
U. S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
APR 23 1970
JAMES R. COONEY, CLERK
BY DEPUTY

S. R. POTTER :

VS. : CIVIL ACTION NO. 6329

FIBREBOARD PAPER PRODUCTS CORPORATION ET AL :

OBJECTIONS, AND SUBJECT THERETO, ANSWERS OF THE DEFENDANT ARMSTRONG CORK COMPANY TO INTERROGATORIES HERETOFORE SERVED UPON DEFENDANT'S COUNSEL

Armstrong Cork Company, one of the defendants in the above entitled and numbered cause, through its attorneys of record, makes the following answers to the written interrogatories heretofore served on it by counsel for the plaintiff.

INTERROGATORY NO. 1

Please give the names and trade names of all types of insulating materials manufactured by you, giving the dates that you began to manufacture such materials, starting in the year 1940, a description of the materials and what they contain.

ANSWER TO INTERROGATORY NO. 1

(a) Cork board and cork pipe coverings were manufactured by us and distributed under a number of trade designations, from some time prior to 1940 until relatively recently. Generally speaking, they were composed of granulated cork, asphalt coated and uncoated.

(b) We manufactured LT pipe covering for several years until 1957. This consisted of cork board with an aluminum foil and asbestos paper laminate covering.

(c) Under the trade name Temlok we manufactured an asphalt-impregnated insulating fiberboard, beginning prior to 1940.

(d) During World War II we manufactured a product known as "Spray-On Insulation". This was a product containing cork with resinous binders, and was used to line tanks and similar military vehicles.

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(e) Plasticork, a reground baked cork and rubber mixture, was produced during the 1950's.

(f) Beginning in 1954, we manufactured Armaflex insulation, a mixture of foamed elastomers, thermoplastic materials, inert fillers, and minor additives.

(g) Beginning in 1956 we produced foamed polystyrene board under the trade name Armalite.

(h) Beginning some time prior to 1940 and continuing until 1969, we produced insulating firebrick, which was distributed under the trade name Armstrong and others, consisting of fired refractory clay.

(i) Beginning in 1960, we produced a variety of insulating materials collectively known as Expandofoam. This trade name refers to a board consisting of expanded polyurethane products, and also the liquid components which are distributed as liquids to fabricators who mix the liquids to produce the expanded polyurethane in a variety of shapes.

(j) Beginning about October 1966 we manufactured a group of products known as Armaspray. This is a binder coated mineral fiber insulating material, containing about 9% asbestos.

(k) We manufactured Minalok, a mineral wool fiberboard roof insulation, from 1963 until about 1968.

INTERROGATORY NO. 2

Did you ever at any time give warnings to workers of the dangerous nature of your products? If so, describe your warnings and to whom such warnings were given.

ANSWER TO INTERROGATORY NO. 2

This question is objected to as argumentative and this defendant denies that the products manufactured by it were of a dangerous nature and says that each of the products manufactured by it were suitable and reasonably fit for the purpose for which the products were intended.

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INTERROGATORY NO. 3

What studies have you made to determine the effect of your products on the lungs and physical condition of persons employed as insulators and asbestos workers who use your products?

ANSWER TO INTERROGATORY NO. 3

This defendant has no facilities or equipment designed for medical research, and therefore has conducted no studies of the nature specified. Such studies have, this defendant believes, been conducted by various public agencies.

INTERROGATORY NO. 4

Who made such studies, when were they made, and attach copies of the reports of such studies.

ANSWER TO INTERROGATORY NO. 4

Not applicable.

INTERROGATORY NO. 5

Did you package and sell any products containing asbestos from the years 1940 to 1967? If so, how were the products sold, how were the products packaged, and were these products universally used throughout the United States?

ANSWER TO INTERROGATORY NO. 5

During the years 1940 to 1967, we did not repackage and sell any insulating product containing asbestos, although we did distribute throughout the United States certain products of this type in the original packages from which we obtained such products from other manufacturers, all or most of whom are named as defendants in this proceeding.

INTERROGATORY NO. 6

If these products were used primarily in any specific location or area, please explain where such products were primarily used.

ANSWER TO INTERROGATORY NO. 6

Not applicable.

INTERROGATORY NO. 7

Do you recognize that prolonged use of the insulating materials manufactured by you can cause or contribute to cause various occupational diseases, including asbestosis, silicosis and dermatitis?

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ANSWER TO INTERROGATORY NO. 7

This defendant objects to Interrogatory No. 7 for the reason that same is wholly irrelevant and immaterial to any issue in the case at bar. Subject to said objection, and assuming that the interrogatory refers to the usual, customary and expected use of its products, the answer is that certain of our insulating products may cause dermatitis. This defendant knows of no case in which any period of use, commercial, residential or other, of its insulation materials has caused any disease.

INTERROGATORY NO. 8

Has your company done any studies or has your company conducted any studies concerning the effects of inhalation of asbestos dust or fibers by one using or being exposed to any of the asbestos materials manufactured by your company? In answer to this question, please give the date and nature of your studies, if any, the name or names of the persons conducting the studies and their address, what the purpose of the studies were, and attach a copy of any report based upon such studies, showing to whom such report was given and when.

ANSWER TO INTERROGATORY NO. 8

Our Company has not done or conducted any such studies.

INTERROGATORY NO. 9

Have you or any of your employees conducted studies designed to minimize or eliminate the inhalation of asbestos dust and fibers by those exposed to the use of your company's products? If so, give the name or names of such persons conducting such studies, attach copies of such studies, by whom they were made, and to whom they were given, and when, and state what action, if any, was taken based upon such studies in an effort to minimize or eliminate the effects of inhalation of asbestos dust or fibers upon those using or being exposed to the dust and fibers contained in such products as manufactured by your company.

ANSWER TO INTERROGATORY NO. 9

Our Company and our employees have not conducted such studies.

INTERROGATORY NO. 10

Do you or your company have any regular inspection of areas where workers are using products manufactured by your company containing asbestos as to the dust count? If you do not, then please explain why this is not done, and if you do, please explain what action, if any, is taken by your company following the taking of dust counts at any of the locations referred to above. Also please give the dates, if any, that your company first started making this dust count.

ANSWER TO INTERROGATORY NO. 10

Inasmuch as this defendant's products have been sold to insulation contractors, and/or to owners who may and do use their own insulation

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application employees, at various points in the United States, a regular inspection program as suggested in Interrogatory No. 10 is not feasible.

INTERROGATORY NO. 11

Does your company recognize that as early as the year 1900 Dr. H. Montague Murray, a physician in London's Charing Cross Hospital, found spicules of asbestos in the lung tissue? If you agree with this, then state what action, if any, your company has taken since 1900 to reduce or eliminate the dangers to those using your asbestos products from inhaling the dust and fibers.

ANSWER TO INTERROGATORY NO. 11

This defendant objects to Interrogatory No. 11 for the following reasons: (a) the interrogatory is vague and indefinite, especially as to the meaning of the term "recognized" as used therein; (b) such interrogatory inquired as to matters which upon its face reflects that it is within the personal knowledge of this defendant and is therefore outside of the purview and intent of the federal rules of procedure, and particularly Federal Rule 33; (c) such interrogatory does not inquire as to any matter of fact as authorized by Rule 33; (d) such interrogatory inquires as to a medical opinion which is not required to be answered under Rule 33; (e) the interrogatory inquires as to a matter which is immaterial and irrelevant to any issue in this action.

Subject to the above and foregoing objections and exceptions, this defendant states that its corporate records disclose neither recognition nor non-recognition.

INTERROGATORY NO. 12

Does your company recognize that in 1924, Dr. W. E. Cook, also of England, found clear evidence of asbestosis and that such discovery was published in the British Medical Journal of July 26, 1924, and re-published in 1927? If you do, then please state what action, if any, was taken by your company based upon these studies to reduce or eliminate asbestosis in those using your products. If your answer is that you do not recognize the truth of such statement, then please state what your company has done in an effort to keep abreast of medical literature concerning the disease produced from the products which you manufacture, if in truth you have.

ANSWER TO INTERROGATORY NO. 12

This defendant objects to Interrogatory No. 12 for the same reasons specified as to Interrogatory No. 11. Subject to the above and

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foregoing objections and exceptions, this defendant states that it is not familiar with Dr. Cook's findings.

INTERROGATORY NO. 13

Does your company recognize that in 1931, an English Parliament passed legislation making asbestosis a compensable disease and requesting improved methods of exhault ventilation and dust suppression in asbestos-textile factories, and also instituted periodical medical examinations for workers engaged in particularly dusty processes in the asbestos-textile industry? If you do recognize the truth of the statement above, please state what action, if any, your company took in response to such knowledge in an effort to reduce or eliminate the effects of asbestos to those using your products. If you do not recognize the truth of such statement, then please state why your company did not keep in touch with legislation and programs adopted endeavoring to reduce or eliminate the disease of asbestosis in those using asbestos products.

ANSWER TO INTERROGATORY NO. 13

This defendant objects to Interrogatory No. 13 for the following reasons: (a) such interrogatory is vague and indefinite; (b) such interrogatory does not inquire as to any matter of fact as authorized by the applicable federal rules; (c) such interrogatory inquires as to a matter of law which is not required to be answered by the federal rules of procedure; (d) such interrogatory inquires as to matters irrelevant and immaterial to any issue in this action.

Subject to the above and foregoing objections and exceptions, this defendant states that our corporate records do not disclose either recognition or non-recognition. With respect to our own factory employees, this defendant employs health and safety experts through its own individual insurance program, and follows their recommended procedure to reduce all known health and safety hazards.

INTERROGATORY NO. 14

Do you agree that once asbestos fibers or dust are inhaled into the lungs, there is no way to eliminate such dust or fibers from the lungs for the balance of such person's life?

ANSWER TO INTERROGATORY 14

This defendant does not know whether the foregoing statement is correct or not.

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INTERROGATORY NO. 15

What technique, if any, does your company use to make dust samplings, explaining the technique and when it was commenced and what the purpose was and what action has been taken in response to the findings as to the dust samples.

ANSWER TO INTERROGATORY NO. 15

This defendant is familiar with at least three such techniques: the electrostatic precipitator, the midget impinger and personnel monitoring. However, we have no experience of actual use of any of them to make samplings of dust conditions prevailing at sites where materials manufactured by our corporation are being installed except in one instance in which the use of personnel monitors produced dust samples, the analysis of which was not productive of reliable results.

INTERROGATORY NO. 16

Does your company recognize that asbestos causes asbestos-induced lung cancer? If your answer is "Yes", when did you come to such realization and what action did you take in response thereto? If your answer is "No", then please explain why no studies were made by your company to ascertain that this fact was indeed true and thereafter to take action to advise those exposed to your products of their dangerous nature.

ANSWER TO INTERROGATORY NO. 16

This defendant suggests that this interrogatory assumes its own answer, inasmuch as, if there is such a thing as "asbestos-induced lung cancer", ex hypothesi such cancer is caused by asbestos. If any further answer is required, then this defendant objects to the interrogatory on the ground that it assumes facts not proven, and on the further ground that it is vague and indefinite.

INTERROGATORY NO. 17

Does your company recognize there is a direct connection between the inhalation of asbestos dust and fibers and the disease mesothelioma? If your answer is "Yes" to this question, then please advise what notices were given to those exposed to your asbestos products of this fact.

ANSWER TO INTERROGATORY NO. 17

This defendant objects and excepts to Interrogatory No. 17 for the following reasons: (a) such interrogatory is vague and indefinite; this

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defendant does not understand what is meant by the term "recognize" as used therein; (b) such interrogatory does not inquire as to any matter of fact authorized by the federal rules of procedure; (c) such interrogatory inquires as to a medical opinion which is not required to be answered under the federal rules of procedure; (d) such interrogatory inquires as to an ultimate issue in the case at bar which is to be determined by the finder of facts.

Subject to the above objections and exceptions this defendant answers "no".

INTERROGATORY NO. 18

Does your company place any warning signs on its asbestos products? If so, please state exactly what the warning is, where it is used, and when its use was first begun. If your answer to this question is "Yes", then please explain why your company uses such warning notices.

ANSWER TO INTERROGATORY NO. 18

We do not provide warnings regarding dust on asbestos products manufactured by us.

INTERROGATORY NO. 19

Do you agree that asbestos has been directly associated medically with the disease of cor pulmonale?

ANSWER TO INTERROGATORY NO. 19

This defendant objects and excepts to Interrogatory No. 19 for the following reasons: (a) such interrogatory is vague and indefinite; this defendant does not understand the meaning of the term "directly associated" as used therein; (b) such interrogatory does not inquire as to any matter of fact as authorized by Federal Rule 33; (c) such interrogatory inquires as to a medical opinion which is not required to be answered by the applicable rules of procedure; (d) such interrogatory inquires as to an ultimate issue which is to be determined solely by the fact finder on a trial hereof.

Subject to the above objections and exceptions your defendant answers "no".

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INTERROGATORY NO. 20

Does your company recognize that asbestos fiber exists for an infinity of years? In other words, unlike some dangerous products, it does not eventually dissipate or reduce itself in danger to those who might be exposed to it?

ANSWER TO INTERROGATORY NO. 20

This defendant objects and excepts to Interrogatory No. 20 for the following reasons: (a) the interrogatory is vague and indefinite; this defendant does not understand what is meant by the term "recognize" as used therein; (b) such interrogatory does not inquire as to any matter of fact as authorized by Federal Rule 33; (c) such interrogatory inquires as to a scientific opinion not required to be answered by the applicable rules of procedure.

Subject to the above objections and exceptions, this defendant agrees that asbestos is a highly durable material, but this defendant does not agree to the statements implicit in the wording of the interrogatory.

INTERROGATORY NO. 21

Does your company recognize that year-by-year, more asbestos is used in the United States, and therefore the public is thereby exposed to a greater and greater extent to the inhalation of asbestos dust and fiber? If your answer is "Yes", then please state what action your company has taken to reduce or eliminate this danger and what action, if any, you have taken to notify the public at large of this danger.

ANSWER TO INTERROGATORY NO. 21

This defendant objects and excepts to Interrogatory No. 21 for the following reasons: (a) said interrogatory is vague and indefinite; this defendant does not understand what is meant by the term "recognize" as used therein; (b) said interrogatory is irrelevant and immaterial to any issue in this action.

Subject to the above objections and exceptions, this defendant states that it is not familiar with all of the working conditions where asbestos products are used, and therefore cannot give a comprehensive answer to the interrogatory. We are familiar with the increasing usage of asbestos

in the United States, but this defendant does not agree that this necessarily results in greater danger from exposure.

INTERROGATORY NO. 22

Has your company consulted with Dr. Irving J. Selikoff, of New York, New York, concerning asbestosis, and if so, please state when and under what circumstances and what information, if any, was furnished by your company, giving dates, to him.

ANSWER TO INTERROGATORY NO. 22

No.

INTERROGATORY NO. 23

Does your company contribute any funds to research concerning asbestos and its relation to lung and larynx disease? If so, please state the amount of money contributed, when and to whom, attaching any report or reports from such individual or organization to whom your funds were contributed.

ANSWER TO INTERROGATORY NO. 23

This defendant objects and excepts to Interrogatory No. 23 for the reason that the same is irrelevant and immaterial to any issue in this action. Subject to said objection and exception, defendant answers that it has not directly made any such contribution; it is possible that such contributions may have been made by associations to which this defendant has contributed through payment of membership fees, or by governmental agencies to which this defendant may have contributed involuntarily through payment of taxes. This defendant has not received any herein-relevant report or reports from such organizations.

INTERROGATORY NO. 24

Do you have any labor inspectors or anyone from your company whose job it is to go to areas where your products are being used to make a dust level count, and if so, please state when your company started such procedure, the purpose of it, and what action, if any, was taken in response to your findings.

ANSWER TO INTERROGATORY NO. 24

No.

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INTERROGATORY NO. 25

Is your company familiar with the hearing conducted in March, 1967, before the House of Representatives of the United States Congress Sub-Committee on Labor?

ANSWER TO INTERROGATORY NO. 25

This defendant objects and excepts to Interrogatory No. 25 for the following reasons: (a) the interrogatory is vague and indefinite inasmuch as this defendant does not understand the significance of the term "familiar" as used therein; (b) the interrogatory does not inquire as to any matter of fact as authorized by applicable rules of procedure; (c) the interrogatory does not set forth sufficiently and with particularity the specific hearing inquired of; (d) the interrogatory is immaterial and irrelevant to any issue in this action.

Subject to the above objections and exceptions, the answer is "no".

INTERROGATORY NO. 26

Do you agree that the problem of asbestos dust extends further than to those merely using your products but that the exposure is shared with other construction workers as well?

ANSWER TO INTERROGATORY NO. 26

This defendant objects and excepts to Interrogatory No. 26 for the following reasons: (a) said interrogatory does not inquire as to any matter of fact as authorized by applicable rules of procedure; (b) the interrogatory inquires as to a medical or a scientific opinion which is not required to be answered under Federal Rule 33; (c) the interrogatory is immaterial and irrelevant to any issue in this action.

Subject to the above objections and exceptions, this defendant answers "no".

INTERROGATORY NO. 27

If your answer to the preceding Interrogatory No. 26 is "No", then please state whether or not you have familiarized yourself with Dr. William H. Stewart, Surgeon-General of the United States, testifying before the Committee mentioned above that probably three and one-half million construction workers are being exposed to asbestos dust in addition to those workers actually using the materials containing asbestos?

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ANSWER TO INTERROGATORY NO. 27

This defendant objects and excepts to the interrogatory for the following reasons: (a) the interrogatory is vague and indefinite; this defendant does not understand what is meant by the term "familiarized" as used therein; (b) such interrogatory does not inquire as to any matter of fact as authorized by applicable rules of procedure; (c) such interrogatory inquires as to a matter involving a medical opinion, which is not required to be answered under the applicable rules of procedure; (d) such interrogatory is immaterial and irrelevant to any issue in this action. Subject to the above objections and exceptions, this defendant answers that it does not know, and is not familiar with said testimony.

INTERROGATORY NO. 28

Do you recognize or agree that the problems of air laden with asbestos dust is so great that possibly millions of the people in the United States are being exposed to the inhalation of asbestos dust who have nothing to do with its use or application? If your answer is "Yes" then please advise what action your company has taken, if any, to advise the general public of the dangerous nature of asbestos and what steps have been taken to endeavor to protect the general public from the dangerous effects of the inhalation of the asbestos dust and fibers, when such action was taken, and what it consists of.

ANSWER TO INTERROGATORY NO. 28

This defendant objects and excepts to Interrogatory No. 28 for the following reasons: (a) such interrogatory does not inquire as to a matter of fact as authorized by Federal Rule 33; (b) the interrogatory inquires as to a scientific or medical opinion which is not required to be answered under applicable rules of procedure; (c) such interrogatory is immaterial and irrelevant to any issue in this action.

Subject to the above objections and exceptions the answer is "no".

INTERROGATORY NO. 29

Is it possible with all of your products containing asbestos to distinguish your products from those manufactured by a competitor? If your answer is "Yes," please describe how you contend your products in all instances can be distinguished from that of a competitor. If there are products which cannot be, in your opinion, distinguished from products of a similar kind manufactured by a competitor, please state the name of such product, who manufactures it, as well as the product manufactured by your competitor.

ANSWER TO INTERROGATORY NO. 29

Such distinction is possible by reason of the Armstrong name which appears on all the packages of asbestos insulation materials manufactured by this defendant.

INTERROGATORY NO. 30

It is true, is it not, that most of the products manufactured by your company containing asbestos will in most instances have to be cut, sawed, scribed, shaped or mixed by the ultimate user and his employees?

ANSWER TO INTERROGATORY NO. 30

It is true that most of the asbestos insulation products manufactured by this defendant will in most instances have to be cut, sawed, scribed, shaped or mixed by the employees of the contractor installing such products.

INTERROGATORY NO. 31

Please give the state of incorporation of your company, the date it was organized, and the domicile of your company at this time.

ANSWER TO INTERROGATORY NO. 31

Armstrong Cork Company was incorporated in Pennsylvania in 1891 under the name Armstrong Brother and Company, Incorporated, and is still domiciled in Pennsylvania.

INTERROGATORY NO. 32

How many years has your company been engaged in the manufacture of products containing asbestos and which are commonly used by insulators and asbestos workers?

ANSWER TO INTERROGATORY NO. 32

Approximately 40 years, during most of which time our experience was limited to mastics containing asbestos.

INTERROGATORY NO. 33

If you, your company, or your company's attorneys, contend that any respirators or other breathing device is currently on the market that will prevent the inhalation of asbestos dust and fibers, give the detailed description of such respirator or other breathing device, together with how you know this will prevent the inhalation of such dust and fibers, what tests were conducted, by whom and where, with sufficient detail to enable us to obtain the results of such tests.

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ANSWER TO INTERROGATORY NO. 33

Other than an air-line respirator, this defendant knows of no respirator or other breathing device currently on the market which will absolutely prevent the inhalation of all asbestos dust. The United States Bureau of Mines has established safety standards for masks and respirators, and this defendant understands and therefore avers that several respirators are currently marketed which comply fully with such standards.

INTERROGATORY NO. 34

It is true, is it not, that your company has for many years manufactured insulating materials containing asbestos and that such products have been placed upon the open market to be purchased and used by the public?

ANSWER TO INTERROGATORY NO. 34

It is true that our Company has for many years manufactured such materials; they have been sold to contractors who, being actively engaged in the business of installing insulation materials, are as familiar as this defendant with any dangers which may be involved in the use of such materials by said purchasers and their employees.

INTERROGATORY NO. 35

Do you or your company recognize that such asbestos insulating materials are dangerous and harmful to human beings and to the health of man? If your answer to this question is "Yes" then please explain when you came to this conclusion and what, if anything, you have done about it to notify the public. If your answer is that your products are not harmful then explain what tests were made upon which you base such conclusion.

ANSWER TO INTERROGATORY NO. 35

This defendant objects and excepts to Interrogatory No. 35 for the following reasons: (a) by reason of the use of the term "recognize" the interrogatory is vague and indefinite; (b) the interrogatory does not inquire as to any matter of fact as authorized by Federal Rule 33; (c) the interrogatory inquires as to a medical opinion which is not required to be answered by the applicable rules of procedure; (d) said interrogatory inquires as to an ultimate fact issue to be determined solely by the finder of facts upon the trial hereof.

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Subject to the above objections and exceptions, this defendant does not agree to the accuracy of the statement made; on the contrary, if properly used, our products are not injurious to health as long as the threshold limit value does not exceed specified levels.

INTERROGATORY NO. 36

Please state whether or not your company has had knowledge of any deaths or serious lung disease among your employees which has been attributed to the inhalation of asbestos dust or fibers. If so, please give the number, the name where known, and address of such persons, together with the name and address of the doctor who administered treatment to such persons, if known.

ANSWER TO INTERROGATORY NO. 36

This defendant objects and excepts to Interrogatory No. 36 for the following reasons: (a) the interrogatory does not inquire as to any matter of fact authorized by applicable rules of procedure; (b) the interrogatory inquires as to a matter of medical opinion which is not required to be answered under Federal Rule 33; (c) the same is immaterial and irrelevant to any issue in this action.

Subject to the above objections and exceptions, this defendant states that it has no knowledge of death or lung disease among our employees attributed to inhalation of asbestos dust or fibers.

INTERROGATORY NO. 37

Assume for the purpose of this question that it has been known for many years that asbestos dust and fibers have been dangerous to human beings: Assuming the truth of such statement, has your company done anything prior to 1966 to notify any segment of the American population of such danger? If so, please explain what.

ANSWER TO INTERROGATORY NO. 37

This defendant objects and excepts to Interrogatory No. 37 for the following reasons: (a) it does not inquire as to any matter of fact authorized by the applicable rules of procedure; (b) it poses a hypothetical question to this defendant, to which no answer is required under applicable rules of procedure.

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Subject to the above objections and exceptions, this defendant does not accept the truth of the question as stated. For many years prior to 1966, this defendant advised its employees concerning breathing of any kind of dust, and where appropriate has furnished its employees with masks, installed mechanical dust collectors, and taken similar steps to reduce the exposure of its employees and others to dust and deleterious substances.

INTERROGATORY NO. 38

If your company manufactures any insulating products which are commonly used by insulators and which contain asbestos, please describe how the following products are cut, shaped, mixed and applied on the jobs:

(1) Asbestos cement;
(2) Asbestos pipe covering;
(3) Asbestos bricks or blocks;
(4) Asbestos sheeting;
(5) Asbestos insulation used to cover extremes of heat as well as cold;
(6) Asbestos insulation in loose form which may be blown into homes or buildings;
(7) Asbestos in spray form,

giving particular reference as to whether or not the materials have to be sawed or cut on the job, blown into confined areas, or mixed with water into a cement or paste. Then please state if there is any way known to you that the above products can be used and applied without the worker inhaling any of the asbestos dust or fibers.

ANSWER TO INTERROGATORY NO. 38

(1) Asbestos cement is typically delivered to the job site in bags, which must be opened, mixed with water, and troweled onto the surface to be insulated.

(2) Asbestos pipe covering is cut with a knife or saw.

(3) Asbestos blocks are cut with a knife or saw.

(5) Asbestos insulation for extremes of heat or cold may consist of any of the foregoing.

(7) Asbestos in spray form is applied by mechanical spray equipment which, at a nozzle, combines atomized water mist with the mix to form a lightweight mat.

This defendant is not familiar with (4) and (6).

This defendant is not engaged in the business of application of insulation materials, and therefore as to the last sentence of the interrogatory, this defendant answers that it does not know.

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INTERROGATORY NO. 39

Do you have any statistical figures available showing the number of employees employed with your company who are exposed to asbestos dust and fibers and who have worked for your company twenty years or longer who have lung disease? If so, please give such figures.

ANSWER TO INTERROGATORY NO. 39

This defendant objects and excepts to this interrogatory for the reason that such interrogatory is immaterial and irrelevant to the issues in this case. Subject to this objection and exception, this defendant answers that, although we have figures on the number of our employees who have been hospitalized or died with lung ailments generally (including tuberculosis, asthma, etc.), we have no statistics on the number of employees who have lung disease.

INTERROGATORY NO. 40

If you have available, do you have any medical information or information of your own knowledge, concerning the most common cause of death of one having asbestosis, then please describe what the most frequent cause of death from one suffering from such disease is.

ANSWER TO INTERROGATORY NO. 40

This defendant objects and excepts to this interrogatory for the following reasons: (a) it does not inquire as to any matter of fact authorized by Federal Rule 33; (b) it inquires as to a matter of medical opinion which is not required to be answered; (c) it is immaterial and irrelevant to any issue in this case.

Subject to the above exceptions and objections, this defendant answers "no".

INTERROGATORY NO. 41

Please state the net profit made by your company for each of the years since and including the year 1960.

ANSWER TO INTERROGATORY NO. 41

1969 - $58,072,000	1964 - $39,029,000
1968 - $34,956,000	1963 - $30,616,000
1967 - $32,639,000	1962 - $21,121,000
1966 - $38,741,000	1961 - $18,506,000
1965 - $42,474,000	1960 - $16,225,000

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INTERROGATORY NO. 42

Please give the net worth of your company as of the end of your annual accounting period for each of the years since 1960.

ANSWER TO INTERROGATORY NO. 42

1969 - $375,800,000	1964 - $262,789,000
1968 - $340,368,000	1963 - $237,365,000
1967 - $322,480,000	1962 - $190,093,000
1966 - $308,132,000	1961 - $178,565,000
1965 - $287,255,000	1960 - $168,191,000

INTERROGATORY NO. 43

Please give the total volume of sales of products manufactured by your company and include, if possible, the total amount of sales of products of your company containing asbestos for each of the years since 1960.

ANSWER TO INTERROGATORY NO. 43

1969 - $552,349,000	1964 - $483,873,000
1968 - $576,424,000	1963 - $444,431,000
1967 - $539,571,000	1962 - $322,749,000
1966 - $535,133,000	1961 - $302,740,000
1965 - $512,213,000	1960 - $291,539,000

Segregated figures relating to sales of products containing asbestos would be extremely difficult if not impossible to develop.

INTERROGATORY NO. 44

Please give the name and address of the president of your company; and also the name and address of the Chairman of the Board of Directors.

ANSWER TO INTERROGATORY NO. 44

President: James H. Binns. Chairman: Maurice J. Warnock.

Address for both is c/o Armstrong Cork Company, Liberty and Charlotte Streets, Lancaster, Pennsylvania.

INTERROGATORY NO. 45

If your company has been unable to answer any of the foregoing interrogatories herein propounded, or any of the interrogatories hereinafter propounded, please state the name and address of the person in your company having knowledge of the matters inquired about in these interrogatories.

ANSWER TO INTERROGATORY NO. 45

Not applicable.

INTERROGATORY NO. 46

Does your company recognize that Dr. Irving J. Selikoff, of New York, is an outstanding authority in the field of asbestosis, particularly among insulation workers?

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ANSWER TO INTERROGATORY NO. 46

This defendant objects and excepts to this interrogatory for the following reasons: (a) use of the term "recognize" in the interrogatory renders it vague and indefinite; (b) the interrogatory does not inquire as to any matter of fact as authorized by Federal Rule 33; (c) it inquires as to a matter of medical opinion for which an answer is not required by Federal Rule 33; (d) it is irrelevant and immaterial to any issue in this action.

Subject to the above objections and exceptions, this defendant states that it can neither affirm nor deny the statement.

INTERROGATORY NO. 47

Do you agree that the State of Iowa had a Workmen's Compensation Law covering the occupational disease of asbestosis beginning in the year 1913?

ANSWER TO INTERROGATORY NO. 47

This interrogatory, and those following it numbered 48 through 84, are objected to as calling for conclusions and opinions on questions of law.

INTERROGATORY NO. 85

Does your company recognize that asbestos causes asbestosis? If your answer is "Yes," when did you come to such realization, and what action did you take in response thereto? If your answer is "No," then please explain why no studies were made by your company to ascertain that this fact was indeed true and thereafter to take action to advise those exposed to your products of their dangerous nature.

ANSWER TO INTERROGATORY NO. 85

This defendant objects and excepts to Interrogatory No. 85 for the following reasons: (a) by reason of the use of the term "recognize" the interrogatory is vague and indefinite; (b) the interrogatory does not inquire as to any matter of fact as authorized by Federal Rule 33; (c) the interrogatory inquires as to a medical opinion which is not required to be answered by applicable rules of procedure; (d) the interrogatory inquires as to an ultimate fact issued to be determined solely by the finders of facts upon the trial hereof.

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Subject to the above objections and exceptions, this defendant states that it does not know.

DATED this the 23rd day of April, 1970.

ARMSTRONG CORK COMPANY

By R. S. Trigg
R. S. Trigg
Assistant Secretary

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF LANCASTER :

BEFORE ME, the undersigned authority, on this day personally appeared R. S. TRIGG, Assistant Secretary of Armstrong Cork Company, a corporation, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity therein stated, and as the act and deed of said corporation.

Given under my hand and seal of office, this 23rd day of April, 1970.

W. Layton Crist
NOTARY PUBLIC IN AND FOR
LANCASTER COUNTY, PENNSYLVANIA

W. LAYTON CRIST, Notary Public
Lancaster, Lancaster County, Pa.
My Commission Expires June 10, 1970

I certify that the above and foregoing Answers of Defendant, Armstrong Cork Company, to Written Interrogatories was served upon plaintiff, Samuel R. Potter, by mailing a copy thereof to his attorney Mr. Ward Stephenson, Stephenson, Thompson and Morris, P. O. Box 68, Orange, Texas 77630, by certified mail, return receipt requested, on the 27 day of April, 1970.

W. N. Arnold, Jr.

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