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| IN RE: ASBESTOS LITIGATION | § | IN THE DISTRICT COURTS OF |
| | § | |
| | § | CAMERON COUNTY, TEXAS |

**RESPONSES OF UNION CARBIDE CORPORATION TO PLAINTIFFS' MASTER INTERROGATORIES**

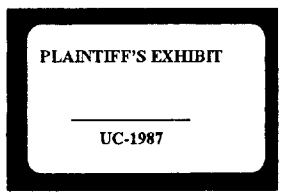
Pursuant to the Texas Rules of Civil Procedure, defendant Union Carbide Corporation ("Union Carbide"), hereby responds to Plaintiffs' Master Interrogatories as follows:

**GENERAL OBJECTIONS**

A. Union Carbide objects to any interrogatory or request that purports to impose upon Union Carbide any obligations not expressly set forth in the Texas Rules of Civil Procedure.

B. Union Carbide objects to plaintiffs' interrogatories and requests to the extent that they request information and identification of documents which are protected by any privilege, including but not limited to the attorney-client privilege, the joint-defense privilege, and the work product doctrine, and Union Carbide and its counsel hereby assert such privilege with respect to such documents.

C. Union Carbide objects to plaintiffs' interrogatories and requests on the grounds that they have been propounded indiscriminately to every defendant without any attempt to tailor them to any individual defendant and, as such, are vague, ambiguous, overbroad and unduly burdensome.






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D. Union Carbide objects to plaintiffs' interrogatories and requests on the grounds that many of these interrogatories are repetitive, redundant or overlapping as to subject matter. The repeated requests for substantially identical information serves no useful purpose and causes Union Carbide unnecessary burden and expense.

E. Union Carbide objects to plaintiffs' interrogatories and requests on the grounds that plaintiffs have failed to identify any Union Carbide products to which plaintiffs were exposed. Without any identification by plaintiffs of specific products, Union Carbide cannot adequately determine what interrogatories and requests are proper and relevant to these actions. In addition, Union Carbide objects that plaintiffs' interrogatories and requests are overly broad and irrelevant as the information sought is not in any way limited in time or to activities which transpired in Texas or to the exposure of these plaintiffs to any product of Union Carbide.

F. Union Carbide objects to plaintiffs' interrogatories and requests on the grounds that many of the interrogatories and requests are so broad, vague, ambiguous or uncertain that Union Carbide cannot determine the precise nature of the information sought and, therefore, is required to respond or cannot respond without an unreasonable risk of inadvertently providing a misleading, confusing, inaccurate, or incomplete response.



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G. Union Carbide does not concede that any of its answers to plaintiffs' interrogatories or responses to plaintiffs' requests are or will be admissible evidence at a trial of this action, and Union Carbide does not waive any objection, on any ground, whether or not asserted herein, to the use of any such answer or response at trial.

H. Union Carbide states that these responses are accurate as of the date made. However, Union Carbide's investigation of information that may be responsive to plaintiffs' interrogatories and requests is continuing and Union Carbide reserves the right to supplement these responses when its investigation is complete.

I. The foregoing General Objections are hereby explicitly incorporated into each and all of the responses hereinafter provided.

**OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS**

A. Union Carbide objects to the instructions and definitions supplied by plaintiffs with regard to these interrogatories and requests on the grounds that the definitions are overly broad, vague, and often inconsistent with the normal usage and meaning of such words. These definitions constitute an unreasonable expansion of the interrogatories and requests themselves. Union Carbide has therefore responded to the interrogatories in the manner consistent with a normal understanding of the language used in the response and to the



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extent necessary to fairly and fully respond to the interrogatories and requests.

B. Union Carbide objects to plaintiffs' definitions and instructions to the extent those definitions and instructions request Union Carbide to make any inquiry beyond that which is required by the Texas Rules of Civil Procedure or to the extent they seek to include documents not within Union Carbide's custody or control.

## INTERROGATORIES

**INTERROGATORY NO. 1:**

State the name, address, job title, length of time employed by Defendant, and a year-by-year list of all other positions, titles, or jobs held when working for Defendant of each person who has supplied any information used in answering these interrogatories.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 2:**

State whether or not you are a corporation. If so, state your correct corporate name, the state of your incorporation, the address of your principal place of business, the name and address of the person or entity authorized to accept service of process on your behalf, and whether or not you have ever held a Certificate of Authority to do business in the State of Texas.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 3:**



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Has Defendant or any of its predecessor or subsidiary companies at any time engaged in the mining and subsequent sale of material containing asbestos fibers? If so, identify the location of the mine(s), the years of its operation, the type of asbestos mined and whether you sold any asbestos to any Defendants in the Dallas County asbestos litigation.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 4:**

Identify by name each product containing asbestos fibers that Defendant or any of its predecessor or subsidiary companies at any time manufactured or sold.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 5:**

Identify by name each product containing asbestos fibers that Defendant or any of its predecessor or subsidiary companies at any time marketed or sold.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 6:**

If the answer to one or more of the last three interrogatories is in the affirmative or lists any products, state as to each named product the following:

(a) As to each product, state whether such product was mined, manufactured, marketed, and/or sold.

(b) The names of the companies mining, manufacturing, marketing, and/or selling each product mined, manufactured, marketed, and/or sold.

(c) The trade or brand name of each of those products mined, manufactured, marketed and/or sold.



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(d) The date each of the named products was placed on the market.

(e) A description of the physical (chemical) composition of each of the named products, including the type of asbestos contained in the product and the percentage of asbestos put in each product.

(f) The date each of the products was removed from the market and no longer sold or distributed and the reason or reasons therefor.

(g) The date asbestos was removed from such products, if ever, and the reasons therefor.

(h) A description of the physical appearance of each of the named products.

(i) A detailed description of the intended uses of the named products.

(j) Identify the last year that you sold each asbestos-containing product.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 7:**

Do any documents, including but not limited to written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the design, preparation, or introduction into the market of the products listed in Interrogatory No. 6 still exist? If so, state:

(a) A description of each such document.

(b) The name, address, and job title of each person who currently has possession of each document, and where the documents are currently located.

**ANSWER:**

This answer will be provided.



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**INTERROGATORY NO. 8:**

Before distributing, selling, or placing the products listed in your responses to Interrogatory Nos. 3-6 into the streams of commerce, were any tests conducted to determine potential health hazards involved in the use of, or exposure to, the materials such as asbestos, contained in those products? If the answer is affirmative, state:

(a) The names of the products tested and the date of each test.

(b) The name, address, and job title of each person conducting the tests or involved with conducting the tests.

(c) The results of the tests.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 9:**

Do any documents, including but not limited to written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the testing of the products referred to in Interrogatory No. 6 now exist? If so, state:

(a) A description of each such document.

(b) The name, address, and job title of each person who currently has possession of each document, and where it is presently located.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 10:**

Did Defendant or any of its predecessor or subsidiary companies make any design changes or modifications as a result of



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those tests described in responses to Interrogatory No. 8? If the answer is affirmative, state:

(a) The trade names of the products changed.

(b) The nature of the changes made and the date of such changes or modifications.

(c) The name, address, and job title of each person responsible for having caused a change to be made, or having made a change or modification.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 11:**

After releasing the products listed in Interrogatory No. 6 to the public, were any tests conducted on them to determine potential health hazards resulting from the use of or exposure to the materials, such as asbestos, contained in those products? If the answer is affirmative, state:

(a) The names of the products tested and the dates of such tests.

(b) The name, address, and job title of each person who conducted those tests.

(c) The results of those tests.

(d) Whether, as a result of the tests, any products were removed from the market.

(e) The names of all products removed from the market as a result of these tests.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 12:**

Do any documents, including written memoranda, specifications, recommendations, blueprints, or other written



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materials of any kind or character, relating to the potential health hazards of the products listed in Interrogatory No. 6 now exist? If so, state:

(a) The name of each product.

(b) A description of each document and how it relates to each product.

(c) The name, address, and job title of each person who currently has possession of each document, and where it is presently located.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 13:**

Did Defendant or any of its subsidiary companies make any design changes as a result of the tests discussed in your response to Interrogatories No. 10 or 13? If the answer is affirmative, state:

(a) The names of the products changed or modified.

(b) The name, address, and job title of each responsible for having made a change or modification.

(c) The nature of the hazard or defect which resulted in such change or modification.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 14:**

Has Defendant or any of its predecessor or subsidiary companies at any time published or distributed any printed material, including brochures, pamphlets, catalogs, packaging or other written material or any kind or character containing any warnings concerning the possibility of injury resulting from the use of the asbestos-containing products listed in Interrogatory No. 6? If so, state:

(a) The names of each relevant product.

(b) The exact wording of each warning statement on each printed material.

(c) A description of the printed material other than the warning statement.

(d) The method used to distribute the warning to persons likely to use the product.

(e) The date each warning was issued, distributed, or placed on packaging.

(f) The name, address, and job title of each person responsible for having drafted or issued the warning.

(g) The current location of any such printed material and the custodian thereof.

(h) The form in which such literature or printed material can be accessed, i.e., the manner in which such literature is indexed or stored.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 15:**

Before 1970, had you received notice that any individual or individuals, other than those Plaintiffs who have filed personal injury actions in Texas State Courts is or are claiming or has or have claimed an injury as a result of using asbestos products manufactured and/or sold by your company or any of its predecessors or subsidiaries before 1970? If so, state:

(a) The name and address of each claimant.

(b) The date of notice of each claim.

(c) A description of the claim.

(d) The type of injuries allegedly sustained.

(e) The name and address of each attorney who represents each individual making a claim.

(f) The style and court number of each claim.



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(g) The disposition of each claim that has been settled or taken to judgment.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 16:**

Were your asbestos products distributed, marketed, packaged, labeled and/or sold by companies other than your own? If the answer is affirmative, list the names and addresses of each of those companies, and the products in question.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 17:**

Did you or any of your predecessors, successors, or subsidiaries have any distributors or sales representatives of asbestos products in the States of Alabama, Florida, Mississippi, Oregon, Washington, Georgia, Tennessee, Arkansas, Texas and Virginia? if so, state:

(a) The name and address of each such distributor or sales representatives.

(b) The years in which such company or person distributed, marketed, or sold your products.

(c) What products were distributed, marketed, or sold in what years.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 18:**

List each employee (including any physicians and/or hygienists) who has acted in a medical advisory capacity to your company at any time during the past 40 years, including, but not



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limited to, physicians and industrial hygienists, and the current address, telephone number and job title of each of those individuals and who has, had or may have had any knowledge regarding the hazards of asbestos.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 19:**

Does Defendant have in its possession any books, pamphlets, memoranda, or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings? If so, state:

(a) The name of each such publication.

(b) The date of publication and the names of the author and publisher (if any).

(c) The date received by Defendant, if known.

(d) The name, job title, and address of each person who currently has possession of each publication and its present location.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 20:**

Has Defendant or any of its subsidiary or predecessor companies at any time been a member of any trade organization or association that published or disseminated any documents or information relating to the hazards of asbestos comprised of other manufacturers, miners, marketers, and/or sellers or asbestos products? If so, state:

(a) The name and address of each such association or organization.

(b) The dates during which Defendant or any of its subsidiaries or predecessors were members.



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(c) The names and dates of any publications, minutes, or reports published, written, or disseminated by any of the named associations or organizations.

(d) Whether any of those publications are still in your possession, and if so:

(i) A description of the publication, including the date.

(ii) The current location of such publications.

(iii) The custodian of such publications.

(iv) The method or manner in which such publications are maintained.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 21:**

Identify by name and location each plant or manufacturing facility in which the products listed in your answers to Interrogatory Nos. 3-6 were manufactured, assembled, or prepared for sale or marketing, specifying which plants produced each item, the dates each plant is or was in operation, and the time span during which each named item was produced or manufactured.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 22:**

Have printed sales materials been prepared by Defendant or any of its subsidiary or predecessor companies or their agents for purposes of marketing or advertising products containing asbestos? If so, state:

(a) The name, address, and job title of each person or entity who prepared such materials.

(b) The name, address, and job title of each person who currently has possession of such materials and their present location.



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(c) The date the materials were prepared.

(d) The media used to disseminate the sales materials.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 23:**

Have any written or printed materials or instructions of any kind or character been prepared by Defendant or any of its subsidiary or predecessor companies or their agents indicating how asbestos products should be used and maintained? If so, state:

(a) The name, address, and job title of each person who prepared such materials or instructions or assisted in their preparation.

(b) The name, address, and job title of each person who currently has possession of such materials or instructions and their present location.

(c) The dates of distribution or use and the manner in which such materials or instructions were distributed to purchasers of Defendant's products or those of its subsidiaries or predecessors.

(d) The year each such written material or instruction was prepared and disclosed to potential consumers.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 24:**

Does Defendant have insurance policies that might cover the claims made by Plaintiffs in these cases? If so, list the name of each insurance carrier, the amount of initial coverage, amount of coverage remaining at the present time, and the effective dates of each policy. (If properly answered, this Interrogatory need not be supplemented as to the remaining amount of coverage).

**ANSWER:**



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This answer will be provided.

**INTERROGATORY NO. 25:**

As to the disease asbestosis, state:

(a) The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.

(b) How Defendant became aware of the existence of the disease.

(c) Who within the company first discovered, recognized or understood the adverse consequences or effects of the disease and/or asbestos exposure.

(d) What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.

(e) Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form.

(f) Who is the custodian of such information.

(g) The date on which you first received knowledge or information that asbestosis was caused by inhalation of asbestos fibers.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 26:**

As to the disease lung cancer, state:

(a) The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.

(b) How Defendant or its subsidiary or predecessor became aware of the disease and its relationship to asbestos exposure.



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(c) Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.

(d) What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.

(e) Whether any such information is still maintained by Defendants or its subsidiary or predecessor in a written form.

(f) Who is the custodian of such information.

(g) The date on which you first received knowledge or information that lung cancer was caused by inhalation of asbestos dust and fibers.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 27:**

As to pleural disease, pleural thickening or pleural plaques, state:

(a) The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.

(b) How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos.

(c) Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects asbestos exposure.

(d) What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.

(e) Whether any such information is still maintained by Defendant or its subsidiary or predecessor in a written form.



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(f) Who is the custodian of such information.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 28:**

As to the disease mesothelioma, state:

(a) The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.

(b) The date on which Defendant first suspected that mesothelioma was caused by inhalation of asbestos dust and fibers.

(c) How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos.

(d) Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.

(e) What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.

(f) Whether any such information is still maintained by Defendants or its subsidiary or predecessor in a written form.

(g) Who is the custodian of such information.

(h) Whether Defendant agrees that there is no known medical cure for mesothelioma.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 29:**

As to gastro-intestinal cancer, laryngeal cancer, pharyngeal caner or lymphatic cancer, state:



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(a) The type of cancer and the date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.

(b) What cancers has the Defendant or its subsidiary or predecessor became aware can be caused by exposure to asbestos fibers?

(c) The date on which Defendant first suspected other cancers were caused by asbestos inhalation.

(d) Who within the company or its subsidiary or predecessor first discovered the adverse consequences or effects asbestos exposure.

(e) What information was disseminated with Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.

(f) Whether any such information is still maintained by Defendant or its subsidiary or predecessor in a written form.

(g) Who is the custodian of such information.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 30:**

Does Defendant contend that asbestos products can be manufactured or designed so as to eliminate all potential health hazards to persons working with or exposed to them? If the answer is affirmative, explain in detail, and attach any studies or surveys on which this answer is based.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 31:**

Describe in detail the types of packages or packaging which Defendant or any of its subsidiary or predecessor companies used for asbestos material or products, listing the dates each type of



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package was used, a physical description of each type of package, and providing a description of any printed material or trademarks that appeared thereon.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 32:**

Has Defendant or any of its subsidiary or predecessor companies at any time entered into a "rebranding" agreement with any other company, either as buyer or seller, concerning asbestos materials or asbestos products? If so, state, as to each such agreement:

(a) The name of the company manufacturing the asbestos products.

(b) The trade name affixed to those products.

(c) The periods of time covered by each such agreement.

(d) The volume, in dollar amount, of each transaction.

(e) The initial purchaser of the products.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 33:**

List the name and address of each company from which Defendant or its subsidiary or predecessor purchased materials or asbestos products which Defendant sold or distributed in any form, stating the form of the materials, the dates of such purchases, and the ultimate disposal of such materials.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 34:**

Does Defendant or any of its subsidiaries or predecessor currently have possession of any writings or contracts on those



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rebranding agreements set forth in the answer to Interrogatory No. 32? If the answer is affirmative, state:

(a) The name, address, and job title of each person having custody of each of those documents and their current location.

(b) A brief description of each such document, including the dates and the parties signatory.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 35:**

Prior to 1968, did any person file a claim against a Worker's Compensation carrier covering Defendant or any of its subsidiaries or predecessors alleging that he/she contracted a disease from inhaling asbestos fibers? If so, provide:

(a) A list of the claims, including each claimant's name, address and the date each claim was filed, and including the caption and jurisdiction of the claim.

(b) The disease alleged in each such claim.

(c) A brief summary of the disposition of each such claim.

(d) The name, address and title of the person having custody of the records pertaining to each such claim.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 36:**

Did Defendant or any of its subsidiaries or predecessors maintain written minutes of corporate meetings, either board of directors, departmental, or otherwise, which reflect discussions pertaining to any subject matter related to asbestos, asbestos health hazards of asbestos products? If so, for each such set of minutes, state:



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(a) The dates of each such meeting.

(b) The general subject matter discussed at each meeting.

(c) Who was in attendance at each meeting.

(d) Where and by whom the written minutes are presently maintained.

(e) By whom the minutes were taken and put into final format.

(f) Whether the minutes were abstracted and reports disseminated to other individuals, and if so, the names and job titles of those individuals.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 37:**

Do you or any of your subsidiaries, including foreign business entities, currently manufacture any products containing asbestos? If so, state:

(a) As to each product, whether such product is mined, manufactured, and/or marketed or sold.

(b) The names and addresses of the companies mining, manufacturing, marketing, and/or selling each of those products.

(c) The trade or brand name of each of those products minded, manufactured, marketed, and/or sold.

(d) The date each of the named products was placed on the market.

(e) A description of the physical (chemical) composition of each of the named products, including the type of asbestos contained in the product.

(f) A description of the physical appearance of each product and its packaging.



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(g) A detailed description of the intended uses of each of the named products.

(h) Whether there are any warning labels on said products or containers regarding potential asbestos-related health hazards.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 38:**

State whether you or any of your predecessors and/or subsidiaries maintain, from 1940 through the present or for any portion thereof, copies of invoices, shipping documents, bills of lading, purchase orders, or other documents of a similar nature relating to the mining, manufacture, marketing, sale or distribution of asbestos products. If so, state:

(a) The location of such documents.

(b) The name and address of the custodian of the documents.

(c) The format in which the documents are kept, i.e., hard copy, microfilm, microfiche, etc.

(d) In what form the documents can be accessed, i.e., by state, by product, etc., and if by product, whether kept according to asbestos or non-asbestos.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 39:**

Will you call company representatives as witnesses at the trial of any of these cases? If so, list:

(a) The name, address, and job title of each company representative who may be called.

(b) A summary of the testimony expected to be given by each such witness.



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(c) List any and all previous times that the named witnesses have either given deposition or trial testimony in an asbestos-related case, including the jurisdiction, style of the case, case number, date of testimony, and the name of the attorney taking the deposition for the Plaintiffs in that case.

**ANSWER:**

Union Carbide objects to this interrogatory on the grounds that it improperly and prematurely seeks discovery of trial witnesses in contravention of the attorney-client privilege and the attorney work product doctrine and statutory procedures for the discovery of the identity of trial witnesses. Subject to and without waiving these objections, Union Carbide responds as follows:

John L. Myers:

Former Production Manager of Asbestos (Calidria). Can testify about Calidria information and products, to whom and how Calidria was marketed and sold, including information concerning warning labels, cautions, and other health and safety information and assistance provided by Union Carbide Corporation to its Calidria Customers.

Hilton Cecil Lewinsohn, M.D.:

Former Assistant Corporate Medical Director. Can testify on medical issues in relation to asbestos generally and Calidria asbestos in particular.

Dr. Thomas J. Hall:

Is knowledgeable about the early years of the Calidria business including both the mining process and sales policies as well as general considerations about the product.

**INTERROGATORY NO. 40:**

Have Defendant or its subsidiaries or predecessors ever acquired through purchase, reorganization, or merger another corporation, company, or business which manufactured, sold,



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processed, distributed, or contracted or supplied products containing asbestos? If so, for each such entity, state:

(a) Full and correct name;

(b) Principal place of business;

(c) State of incorporation;

(d) Date of acquisition by Defendant;

(e) Whether or not the business entity was ever authorized to transact business in the State of Texas;

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 41:**

Was each of your asbestos products generally expected to reach, or packaged to reach, the consumer or user, without substantial change in the condition in which it was sold? If not, with respect to any such product, explain in what way the Defendant claims its products were altered or substantially changed after sale or distribution and before reaching the user.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 42:**

For each asbestos-containing product identified in response to Interrogatory No. 6, identify all foreseeable users such as insulators, helpers, pipefitters, welders, machinists, plasterers, drywall finishers, carpenters, boilermakers, shipwrights and riggers, etc. of any of Defendant's asbestos-containing products.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 43:**



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Based upon the material contents of your asbestos-containing products, the method of manufacturing, and the method of application, can such products be generally applied without liberating asbestos fibers into the air?

(a) If there is a different answer concerning different products manufactured, sold, distributed, or used by your company, then specify the different products by precise manufacturer's name and popular name.

(b) If there is a difference in your answer depending on the year or years in which a particular product was used, then specify in detail what year or years you are referring to and the specific products you are referring to any year involved.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 44:**

Was it a foreseeable use of your asbestos-containing products that they may have been removed, stripped, or replaced at some time after installation?

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 45:**

Before 1970, did you or your subsidiaries or predecessor(s) ever arrange for any labor inspectors, insurance company inspectors or anyone from your company to go to job sites where your products were being used or installed to make or take dust level counts? If so, state when this procedure started, the purpose of such procedures, and all results of such procedures.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 46:**



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If Defendant performed or had performed any dust level counts, what action, based on the results, did your company take?

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 47:**

Has your company or its subsidiaries or predecessor(s) ever conducted or caused to be conducted any studies designed to assist in minimizing or eliminating the inhalation of asbestos dust and fibers by those exposed to the use of your company's products? If so, give the following:

(a) Name of the person or firm conducting such studies;

(b) The date the studies began and the date they were completed;

(c) The nature of any action to eliminate or minimize the inhalation of asbestos dust fibers;

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 48:**

Does your company have, has it ever had, or have your predecessor(s) or subsidiaries ever had, a Research Department? If so, give the year such Research Department was established, and whether or not such Research Department has operated continuously since being established. State also:

(a) The amount of time and money expended each year on research concerning asbestos or asbestos-containing products?

(b) What percentage of gross sales did your company or its predecessor(s) spend on research concerning the health effects of asbestos?

(c) State in detail the purposes, duties, and responsibilities or such Research Department.

**ANSWER:**



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This answer will be provided.

**INTERROGATORY NO. 49:**

Does your company have, has it ever had, or have your predecessor(s) or subsidiaries ever had, a Medical Department? If so, state:

(a) The year such Medical Department was established;

(b) Whether or not such Medical Department has operated continuously since being established;

(c) The name of each director, chief, or head of your Medical Department year by year, beginning with the first year you had a Medical Director or Medical Department, and the las known address and phone number of each;

(d) State the duties and responsibilities of such Medical Department.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 50:**

Did your company or its predecessor(s) or subsidiaries ever place any warning directly on any of its asbestos-containing product or on their packaging. If so, identify the product(s) and year said warning was first applied.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 51:**

Did your company or its predecessor(s) or subsidiaries ever stamp or place the name of the company, its initials, or any identifying logo on any of its asbestos-containing products? If so, please state the name brand names of such products, a description of such stamp or logo and the dates such were placed on the referred products.



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**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 52:**

Has your company, or your predecessor(s) or subsidiaries, ever devised a research plan to develop, or actually developed or had developed, a product which did not contain asbestos and which could be substituted for one or more of your asbestos-containing products? If so, state the date that such research plan was began and when such asbestos-free product was first placed on the market.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 53:**

Did your company or its predecessor(s) or subsidiaries ever recall any products containing asbestos from the market or stream of commerce? If so, state:

(a) All details of such recall;

(b) The name of the product recalled, including the reason for the recall and the names and current addresses of those individuals who determined that it should take place;

(c) The dates of recall;

(d) The purpose for the recall.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 54:**

Before 1970, did you ever manufacture or sell products which did not contain asbestos and which could be substituted for your asbestos-containing products? If so, state the date such asbestos-free products were first placed on the market.

**ANSWER:**



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This answer will be provided.

**INTERROGATORY NO. 55:**

Have any products you identified in your response to Interrogatory Nos. 52 and 54 not performed as intended? Please list all such products that have not performed as intended.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 56:**

Did your company or its predecessor(s) or subsidiaries ever make, order, or arrange for any industrial hygiene surveys regarding asbestos or asbestos-containing dust? If so, give the date of such surveys and state who, or what entity , was responsible for completion of such surveys.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 57:**

As to either the threshold limit values or maximum allowable concentrations of both asbestos dust and total dust provided by the American Conference of Governmental Industrial Hygienists, state:

(a) The year in which Defendant or any predecessor(s) or subsidiaries were first advised of such limits or concentrations;

(b) The name of the employee or official of the company receiving such advice;

(c) How Defendant received notice of such limits or concentrations.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 58:**



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Were the threshold limit values or maximum allowable concentrations inquired about in Interrogatory No. 63 for total dust, and not asbestos dust alone?

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 59:**

State in detail what tests, if any, Defendant ever made with regard to the quantity, quality, or threshold limit values of asbestos dust or particles to which workers were exposed while using, working with or around, or installing your asbestos-containing products.

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 60:**

Please state the following with respect to each expert witness you that you may call during trial of these cases. Please designate with specificity the expert witnesses that you may call, including:

(a) The name, address, and job classification of each such expert witness;

(b) The subject matter on which the expert is expected to testify;

(c) The substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion;

(d) Whether any person identified in subparagraph (a) above has provided a report or other documentation to you, and if so, identify and produce each such document or report;

(e) Identify all documents that you have provided to each person identified in response to subparagraph (a) above;

(f) Describe in detail the education and work history of, and identify any books, treatises, articles, published



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and unpublished reports, studies or other scholarly works authored by any individual identified in response to subparagraph (a) above. Alternatively, in lieu of said response, attach a copy of a resume or curriculum vitae and a list of publications to your answers.

**ANSWER:**

Defendant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome and is an improper request in a master set of interrogatories as each individual case is different and will require different and unique witnesses. Defendant further objects on the grounds that it purports to call for disclosure of information protected by the attorney-client privilege and work product doctrine, and that it improperly and permaturely seeks the disclosure of experts in contravention of the statutory procedures of discovery. Subject to and without waiver of these objections:

**(a)**

1. Dr. Hans Weill, a Board Certified Pulmonary Specialist at Tulane Medical School, 1700 Perdido Street, New Orleans, Louisiana.

2. Dr. Harry B. Demopoulos, Pathologist, Health Maintenance Programs, Inc., P.O. Box 252, Valhalla, New York 10595.

3. Dr. H. Corwin Hinshaw (by deposition), retired Emeritus Professor of Medicine at the University of California School of Medicine, P.O. Box 546, Belvedere, California 94920.

4. Dr. Edward A. Gaensler, Boston University Medical Center, 80 East Concord Street, Boston, Massachusetts 02118.

Drs. Weill, Demopoulos, Hinshaw, and Gaensler, if called to testify, are expected to provide testimony in the following areas:

a. Anatomy and function of the respiratory and circulatory system;

b. The nature of asbestos;

c. The symptomatology, disease process and diagnosis of asbestos and cancer associated with



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the respiratory system, peritoneum and peritoneal cavity;

d. The nature and extent of medical and scientific knowledge regarding any association of obstructive pulmonary disease with asbestos fiber exposure;

e. The effect of exposure to substances other than asbestos on the development and manifestation of obstructive and restrictive conditions and diseases of the respiratory system;

f. Methods of diagnosis of various diseases particularly means of establishing the differential diagnosis of alleged asbestos-related diseases with other non-asbestos-related diseases;

g. Incidence of lung cancer among individuals with asbestosis, compared with non-asbestotic asbestos workers and with the general population;

h. Cigarette smoking and its effect on the lung;

i. The relationship of cigarette smoking to cancer of the lung and cancers of other sites with reference to epidemiological studies and physiologic effect;

j. Difference between impairment and disability;

k. Effect of asbestosis on disability and life expectancy;

l. The lack of a relationship between presence of pleural plaques and a later development of any form of cancer; and

m. The history of evolution and knowledge of asbestos related diseases.

It is also expected that Drs. Weill, Demopoulos, Hinshaw, and Gaensler will testify that the medical community became aware that insulators with prolonged intense exposure might be at risk



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for asbestos related diseases in the late 1960's or early 1970's. Drs. Hinshaw, Weill, Demopoulos, and Gaensler will not testify concerning the diagnosis or physical condition of these particular Plaintiffs.

5. Dr. R. Keith Wilson, Respiratory Consultants of Houston, 6535 Fannin, Fondren Building, Houston, Texas 77030.

6. Dr. Peter Heidbrink, a Board Certified Pulmonary Specialist at Southwest Pulmonary Associates, St. Paul Professional Building #2, 5959 Harry Hines Boulevard, Suite 711, Dallas, Texas 75235.

7. Dr. George Delclos, Pulmonary Section F907, Methodist Hospital, 6565 Fannin, Houston, Texas.

8. Dr. Gregory Foster, North Texas Pulmonary Associates, 375 Municipal Drive, Suite 140, Richardson, Texas 75080.

9. Dr. Scott R. Donaldson, North Texas Pulmonary Associates, 375 Municipal Drive, Suite 140, Richardson, Texas 75080.

10. Dr. Paul M. Stevens, a Board Certified Pulmonary Disease Specialist and Professor of Medicine at the Baylor College of Medicine in Methodist Hospital in Houston, Texas.

11. Drs. Stevens, Wilson, Heidbrink, Delclos, Foster, and Donaldson will testify concerning their examination and diagnosis of the physical condition of the particular Plaintiffs. It is expected that Drs. Wilson, Heidbrink, Stevens, Delclos and Foster will testify that the Plaintiffs do not have asbestosis and will further testify concerning the overall condition and the relationship of that condition, if any, to Plaintiff's exposure to asbestos. Each doctor will also testify concerning the following areas:

    a. Anatomy and function of the respiratory and circulatory systems;

    b. The nature of asbestos;

    c. The symptomatology, disease process and diagnosis of asbestos and cancer associated with the respiratory system, peritoneum and peritoneal cavity;



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d. The nature and extent of medical and scientific knowledge regarding any association of obstructive pulmonary disease with asbestos fiber exposure;

e. The effect of exposure to substances other than asbestos on the development and manifestation of obstructive and restrictive conditions and diseases of the respiratory system;

f. Methods of diagnosis of various diseases particularly means of establishing the differential diagnosis of alleged asbestos-related diseases with other government warnings, smoking, and some areas of state-of-the-art.

g. Incidence of lung cancer among individuals with asbestos, compared with non-asbestotic asbestos workers and with the general population;

h. Cigarette smoking and its effect on the lung;

i. The relationship of cigarette smoking to cancer of the lung and cancers of other sites with reference to epidemiological studies and physiologic effect;

j. Difference between impairment and disability;

k. Effect of asbestosis on disability and life expectancy;

l. The lack of a relationship between presence of pleural plaques and a later development of any form of cancer.

12. Dr. Elliott Hinkes, a Board Certified Oncologist and Hematologist at 301 North Prairie Avenue, suite 311, Inglewood, California 90301. Dr. Hinkes will testify concerning the relationship of asbestos and smoking to the development of cancer. Dr. Hinkes will also testify concerning the incidence of lung cancer among individuals with asbestosis or exposure to asbestos-containing insulation products.

13. Dr. Keith Morgan, who will testify on state-of-the-art and the Saranac papers, to the effect that the Defendants could



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not have known and users were at risk until approximately the late 1960's.

14. Dr. Forde A. McIver, Pathology Associates, P.A., 135 Rutledge Avenue, Charleston, South Carolina 29401. Dr. McIver will testify on state-of-the-art and the Saranac papers, to the effect that the Defendants could not have known end users were at risk until approximately the late 1960's.

15. Dr. Joseph M. Miller, Box 365, New Hampton, New Hampshire. Dr. Miller will testify on state-of-the-art and the Saranac papers, to the effect that the Defendants could not have known end users were at risk until approximately the late 1960's.

16. Dr. Jesse Steinfield, who will testify concerning government warnings, smoking, and some areas of state-of-the art.

17. Dr. Stephen Ayres, Sanger Hall Room 1-014, Box 565, MCV Station, Richmond, Virginia 23298. Dr. Ayres will testify on state-of-the-art and the Saranac papers, to the effect that the Defendants could not have known end users were at risk until approximately the late 1960's.

18. Dr. Elvin Adams, General Conference of SDA's, 6840 Eastern Avenue, N.W., Washington, D.C. 20012. Dr. Adams will testify on asbestos-related diseases' effects, and in particular on smoking's effects.

19. Dr. Thomas Wheeler, The Methodist Hospital, Department of Pathology, 6565 Fannin Street, Mail Station 205, Houston, Texas 77030. Dr. Wheeler will testify regarding general pathology and the pathology of the Plaintiff and/or Plaintiff's decedent.

20. Dr. Robert O'Neal, Route 1, Box 168, Perkinston, Mississippi 39573. Dr. O'Neal will testify regarding general pathology and the pathology of the Plaintiff and/or Plaintiff's decedent.

21. Dr. Andrew Churg, The University of British Columbia, 2211 Wesbrook Mall, Vancouver, B. C. Canada V6T1W5, phone number 604-228-7111. Dr. Churg will testify regarding general pathology and the pathology of the Plaintiff and/or Plaintiff's decedent.



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22. Dr. James Robert Shepherd, III, University of Texas Health Center at Tyler, Department of Radiology, P.O. Box 2003, Tyler, Texas 75710. Dr. Shepherd is a B reader and will testify regarding the radiographs of the Plaintiff and/or Plaintiff's decedent.

23. Dr. Sam H. Cade, Jr., Radiology Department, Baylor University Medical Center, 3500 Gaston Avenue, Dallas, Texas 75242. Dr. Cade is a B reader and will testify regarding the radiographs of the Plaintiff and/or Plaintiff's decedent.

24. Dr. Allan Shulkin, Medical City Dallas Hospital, 7777 Forest Lane, Suite 202, Dallas, Texas 75230.

25. Dr. Bobby F. Craft, Industrial Health, Inc., 640 East Wilmington Avenue, Salt Lake City, Utah 84106. Dr. Craft will testify that the medical community became aware that insulators with prolonged intense exposure might be at risk for asbestos related diseases in the late 1960's or early 1970's.

26. Dr. Jeffrey S. Lee, Building 512, University of Utah, Salt Lake City, Utah 84112. Dr. Lee will testify that the medical community became aware that insulators with prolonged intense exposure might be at risk for asbestos related diseases in the late 1960's or early 1970's.

27. Dr. Oscar Auerbach, 158 Long Hill Drive, Short Hills, New Jersey 07078. Dr. Auerbach will testify regarding the pathology of the Plaintiff and/or Plaintiff's decedent.

28. Dr. Donald Greenberg, The Methodist Hospital, Department of Pathology, 6565 Fanning, 2nd Floor, Houston, Texas 77030. Dr. Greenberg will testify regarding the pathology of the Plaintiff and/or Plaintiff's decedent.

29. Dr. Michael D. Henderson, 330 Rittiman Road, San Antonio, Texas 78209. Dr. Henderson will testify concerning the relationship of asbestos and smoking to the development of cancer. Dr. Henderson will also testify concerning the incidence of lung cancer among individuals with asbestosis or exposure to asbestos-containing insulation products.

30. All physicians who have seen, examined, and/or treated Plaintiff and/or Plaintiff's decedent.



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31. Dr. John E. Craighead
Chairman, Department of Pathology
A249 Given Medical Building
University of Vermont College of Medicine
Burlington, Vermont 05401

32. A. Mitchell Polinsky, Ph.D.
Stanford University
Stanford, California 94305

33. Dr. Robert Jones
Tulane Medical School
1700 Perdido Street
New Orleans, Louisiana

34. Louis Calvin Solmon
University of California in Los Angeles
Los Angeles, California

35. Mr. Phillip Bettoli, GAF Corporation, 1361 Alps Road, Wayne, New Jersey 07470. Mr. Bettoli will testify concerning the utility of asbestos-containing products.

36. Charles Henry Drummond, III
Ceramic Engineering
Ohio State University
2041 College Road
Columbus, Ohio 43210

37. Defendants reserve the right to call as expert witnesses all physicians who have seen, examined, or treated plaintiff; reviewed plaintiff's medical records; and/or been designated as a witness by any other party to this action.

38. Defendants reserve the right to use any affidavit, deposition, answer to interrogatories, and/or answers to requests for admissions made by any party to this action.

39. Defendants incorporate by reference, the depositions listed in Defendants' Designation of Deposition Testimony.

40. Defendants reserve the right to call any witness who may be necessary for rebuttal testimony.

41. James E. Lockey, M.D., M.S., 3848 Chimney Hill Drive, Cincinnati, Ohio 45241.



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42. Lyle Haack who will testify as to products manufactured by CertainTeed Corporation.

43. Dr. Phillip Cagle, Pathologist, Baylor College of Medicine, One Baylor Plaza, Houston, Texas 77030, who will testify regarding general pathology and pathology of Plaintiff and/or Plaintiff's decedent.

44. All other expert and factual witnesses listed by plaintiffs and defendants in this lawsuit.

45. William C. Schwingen, GAF Building Materials Corporation, 1361 Alps Road, Wayne, New Jersey, 07470. Mr. Schwingen is an employee of GAF Building Materials Corporation. He will be testifying regarding products manufactured by GAF or The Ruberoid Co., including the manufacturing process. His testimony may also include the topics referred to in connection with Mr. Bettoli.

46. Dr. H. Corwin Hinshaw, by deposition testimony in "William L. Nicar v. Johns-Manville Sales Corp., et al", No. W-81-CA-8.

47. Dr. H. Corwin Hinshaw, be deposition testimony in "In Re: Related Asbestos Cases", No. C-83-6251-RFP, in the United States District Court for the Northern District of California; "In Re" Related Shipyard and Applicator Cases: Alameda County Asbestos Litigation", in the Superior Court of the State of California, in and for the County of Alameda; Misc. No. 959, "In Re: Shipyard and Applicator Cases" (Clapper & Brayton) Consolidated for Discovery, in the Superior Court of the State of California, in and for the County of Solano; and "In Re" San Francisco Asbestos Complex Litigation", in the Superior Court of the State of California, in and for the City and County of San Francisco.

48. Dr. H. Corwin Hinshaw, by deposition testimony in "Jimmie L. Vaughan v. Johns-Manville, et al", No. CA3-81-0070-F; "William L. Nicar v. Johns-Manville Sales Corp., et al", No. W-81-CA-008."Donald C. Lanier v. Johns-Manville Sales Corp., et al", No. CA-80-1083; Jesse Cupit v. Johns-Manville Sales Corp, et al", No. CA-81-0082; "Jerry Lynn Coon v. Johns-Manville Sales Corp., et al", No. CA-81-0077; "James L. Bush v. Johns-Manville Corp., et al", No. Ca-81-0088; "Charles T. Burrow v. Johns-Manville Corp., et al", No. CA-80-1984; Ernest E. Adams v. Johns-Manville Sales Corp., et al", No. CA-80-1982; "A. E. Jacks v. Johns-



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Manville Sales Corp., et al", No. CA-80-1981; "Clinton Wayne Barlow v. Johns-Manville Sales Corp., et al", No. CA-80-1985; and "Willard Scott, Jr. v. Johns-Manville Sales Corp., et al", No. CA-81-0081.

49. Dr. Hans Weill, by deposition testimony in "Ernest Howell v. Armstrong World Industries, Inc., et al", No. M-80-169-CA.

50. John B. Sartain, Sartain & Co., Inc., 3811 Turtle Creek Centre, Suite 520, Dallas, Texas 75219. John Sartain is an economist consultant and may testify regarding any economic loss incurred.

51. William Lee Eschenbacher, M.D., F988, Pulmonary Function Laboratory, The Methodist Hospital, 6565 Fannin, Street, Houston, Texas 77030.

52. Dr. Joseph H. Bates
5 Glenridge Road
Little Rock, Arkansas 72207

53. Dr. Russell D. Sherwin
2011 Zonal Avenue, HMR-201
Los Angeles, California 90033-1054

54. Dr. Dala R. Jarolim
12305 S. 14th Street
Jenks, Oklahoma 74037-4903

55. Thomas Howard, M.D.
Osler Medical Center
Suite 300
930 South Harbor City Blvd.
Melbourne, FL 32901

56. Any prior deposition or trial testimony of any witness called by any other party either live or by deposition.

57. Any prior deposition or trial testimony of any physician who has treated, examined, or been consulted regarding the Plaintiff.

58. Any deposition or custodian of records concerning the Plaintiff.

59. Any prior deposition or trial testimony of any Plaintiff represented by Plaintiff's attorney herein.



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60. Any deposition taken by any party in this case.

61. John L. Myers, Hilton Cecil Lewinsohn, M.D. and Dr. Thomas J. Hall, as referenced above in Defendant's Answer to Interrogatory No. 39, are fact witnesses. However, certain areas of their testimony may be considered to include expert opinions. To that extent, they are designated as expert witnesses.

Defendant may call expert witnesses regarding its Calidria product. These experts will be able to testify about either the unique physical properties of the Calidria asbestos, such as its short fiber length and lack of tremolite or other contamination, or the lack of health hazards from exposure to Calidria, or both. Such experts are the following:

62.

Dr. Hilton Lewinsohn, (MD)
Hartford, CT

Dr. Ed Ilgren, (Mineralogist)
Bryn Mawyr, PA

Dr. Mark Van Baalen (Mineralogist)
Harvard University
Cambridge, MA

Dr. Allen Gibbs (Pathologist)
Pathology Department
Landough Hospital
Penarth, Glamorgan
UK CFC I XX

Professor Fred Pooley (Mineralogist)
School of Engineering
Dept. of Mining & Minerals
University of Wales
P.O. Box 917
Cardiff, Wales CF21XH

Fred A. Mumpton (Geologist)
Rockport, New York

(b) See answer to Interrogatory No. 60(a).



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(c) See answer to Interrogatory No. 60(a).

(d) None, unless previously provided to plaintiff's counsel.

(e) The medical records of individual plaintiffs, as well as any and all documents listed in Defendant's Answer to Interrogatory No. 62.

(f) Curriculum vitae to be supplemented as Exhibit "A".

**INTERROGATORY NO. 61:**

Please state the name, present address and present telephone number, along with the experience and qualifications, if applicable, of each and every person, known to Defendant or to Defendant's agents, having knowledge of facts relevant to these cases involving, but not limited to:

(a) Identification of asbestos-containing products to which each and every individual Plaintiff, separate and distinct from all other Plaintiffs within the group, allegedly was exposed or facts disputing the identification of asbestos-containing products in this case.

(b) Each and every individual Plaintiff's, separate and distinct from all other Plaintiffs within the group, alleged damages, injuries and/or facts disputing each and every Plaintiff's alleged damages and/or injuries;

(c) The negligence of any person or entity other than Defendant which Defendant contends was a cause of each and every individual Plaintiff's, separate and distinct from all other Plaintiffs within the group, alleged injuries and/or damages;

(d) Each of Defendant's defenses enumerated in Defendant's last filed Answer in each of these cases.

**ANSWER:**

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Objection the interrogatory is overly broad, vague, ambiguous, unnecessarily expensive, harassing, and annoying. Objection the question seeks



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irrelevant information and information protected by the work product exemption. Objection the Interrogatory exceeds the scope of permissible discovery pursuant to T.R.C.P. 166b. Subject to the foregoing objections, Defendant reserves the right to supplement this answer, subject to all objections now raised or that can be raised if information later becomes available. Defendant incorporates herein by reference Defendant's List of Potential Witnesses, Designation of Deposition Testimony, and Designation of Expert Witnesses (which includes all supplements designations), all filed or to be filed in this case.

(a) Defendant may call as a witness the Plaintiff and any persons listed by the Plaintiff as his co-workers regarding their knowledge of the facts relevant to the Plaintiff's case.

(b) See Answers to Interrogatories No. 39 and No. 60(a).

(c) See Answers to Interrogatories No. 60(a) and 61(a). In addition, Defendant may call the Plaintiff regarding his own actions, including his history of smoking.

(d) See Answers to Interrogatories No. 60(a), 61(a) and 61(c).

**INTERROGATORY NO. 62:**

Please identify documents which will be used at time of trial, (Exhibit List, Deposition List), which are relevant to each of Defendant's enumerated defenses in Defendant's last filed Answer.

**ANSWER:**

See Preliminary Statement and General Objections, which are incorporated herein as if fully rewritten. Objection this interrogatory is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying. Objection the question seeks information protected by the work product, witness statements, party communications, and expert exemptions of T.R.C.P. 166b and the attorney-client privilege of T.R.C.E. 503. Subject to and without waiving the foregoing objections, Defendant incorporates herein by reference Defendant's Designation of Exhibits, Deposition Testimony, Potential Fact Witnesses and Expert Witnesses (including all supplemental designations) filed or to be filed in this case. Defendant incorporates herein by reference all responses to discovery served by all Plaintiffs in this case. Defendant



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expressly reserves the right to use all documents covered by all authorizations and releases Defendant(s) has/have requested Plaintiff(s) to provide to Defendant(s). Defendant expressly reserves the right to use all documents filed, designated or relied upon by other Defendants or by Plaintiffs in this case.

1. Invoices for sales made to facilities.

2. Sample Warning Labels used on Calidria packages.

3. Various brochures and other literature relating to health and safety disseminated to Union Carbide Calidria customers.

4. See exhibit list attached hereto as Exhibit "B".

Defendant will supplement this answer with further exhibits as they become known to Defendant.

**INTERROGATORY NO. 63:**

When, if ever, did Defendant or any of its predecessors-in-interest first receive a copy of the article entitled "A Health Survey of Pipe Covering Operations in Constructing Naval Vessels", published in January, 1946 in the Journal of Industrial Hygiene & Toxicology, and authored by W. Fleischer and P. Drinker, et al ("the Fleischer-Drinker Report")?

(a) Identify the name and position of the employee or officer who received same;

(b) Please produce all documents generated by Defendant which discuss or in any way reference the "Fleischer-Drinker" study prior to 1968;

(c) Please produce all documents upon which your responses above are based;

(d) Please identify the name(s) and address(es) of any person(s) who can verify your above response;

(e) Did Defendant ever rely on the Fleischer-Drinker Report in whole or in part as a basis that Defendant's asbestos products could be used in the workplace without risk of asbestos-related health impacts to the consumer and/or bystander;

(f) If so, please produce every document which evidences in any way that Defendant relied on the Fleischer-Drinker Report in whole or in part for the proposition stated in Interrogatory No. 63(a) above;

(g) If your answer to 63(e) is yes, when was the first date Defendant relied on the Fleischer-Drinker report in whole or in part for the proposition stated in 63(e) above?

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 64:**

When, if ever, did Defendant or any of its predecessors-in-interest first receive a copy of the article entitled "A Study of Asbestos in the Asbestos Textile Industry", published in 1938 in Public Health Bill, No. 241, U.S. Public Health Service and authored by W. (c) Dreessen ("the Dreessen Report")?

(a) Identify the name and position of the employee or officer who received same;

(b) Please produce all documents generated by Defendant which discuss or in any way reference the "Dreessen" study prior to 1968;

(c) Please produce all documents upon which your responses above are based;

(d) Please identify the name(s) and address(es) of any person(s) who can verify your above response;

(e) Did Defendant ever rely on the Dreessen Report in whole or in part as a basis that Defendant's asbestos products could be used in the workplace without risk of asbestos-related health impacts to the consumer and/or bystander;

(f) If so, please produce every document which evidences in any way that Defendant relied on the Dreessen Report in whole or in part for the proposition stated in Interrogatory No. 63(a) above;



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(g) If your answer to 63(e) is yes, when was the first date Defendant relied on the Dreessen report in whole or in part for the proposition stated in 63(e) above?

**ANSWER:**

This answer will be provided.

**INTERROGATORY NO. 65:**

Please identify documents or things, including x-rays, MRIs, CT-scans or other materials which will be used at time of trial (Exhibit List, Deposition List), which are relevant to each of Defendant's enumerated defenses in Defendant's last filed Answer.

**ANSWER:**

See General Objections and Preliminary Statement, if any, which are incorporated herein as if fully rewritten. Objection to the extent the request seeks information protected by the (a) attorney-client privilege, (b) the attorney work product doctrine, (c) any applicable privilege relating to communications between counsel for defendant and counsel for other defendants in this or other cases regarding defense of this case, (d) any applicable privilege relating to communication's between defendant's employees or counsel and defendant's insurers regarding the defense of this claim or claims of this type, (e) any privilege relating to confidential trade secrets, proprietary information or confidential communications with any government agency, (f) the expert witness exemption, (g) the witness statements exemption, (h) the party communications exemption, (i) the right of privacy, or (j) any other privilege. Objection to the extent the request seeks information not reasonably calculated to lead to the discovery of admissible evidence. Objection to the extent the request is overly broad, vague, ambiguous, unduly burdensome, unnecessarily expensive, harassing, and annoying.



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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been forwarded to Plaintiffs' counsel of record, by hand delivery, on the 29th day of November, 1995.

Kelly C. Caperton
KELLY C. CAPERTON



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