PLAINTIFF'S EXHIBIT

UC-5323

GIBSON, DUNN & CRUTCHER
CHARLES C. IVIE
WILLIAM D. CONNELL
One Almaden Boulevard, Suite 1000
San Jose, California 95113

Telephone (408) 998-2000

Attorneys for Defendant,
UNION CARBIDE CORPORATION

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF

DELMAR KNOX, Plaintiff, v. ABEX CORPORATION, et al. Defendants	No. 590147-2 UNION CARBIDE CORPORATION'S RESPONSES TO SET OF INTERROGATORIES PROPOUNDED BY PLAINTIFFS (No. 28)

PROPOUNDING PARTY: PLAINTIFFS

RESPONDING PARTY: UNION CARBIDE CORPORATION, Defendant

SET NUMBER: Twenty-eight

Defendant UNION CARBIDE CORPORATION ("Union Carbide") Responds To Plaintiffs' Interrogatories to Defendants (Set No. 28) as follows:

GENERAL STATEMENTS AND OBJECTIONS

1. Union Carbide states that trial preparation and factual investigation in these matters are ongoing. Union Carbide's answers to these interrogatories are based on

Gibson, Dunn & Crutcher

Published by AsbestosClaims.Law
asbestosclaims.law/library/19776/1

information known to Union Carbide at this time. Union Carbide reserves the right, however, to make reference at the trials or in any other hearings in these actions to facts and documents not identified in these responses, the existence or relevance of which is later discovered by Union Carbide or its counsel. By this reservation, Union Carbide does not in any way assume a continuing responsibility to update its responses to these interrogatories, and specifically objects to each of these interrogatories to the extent they may seek to impose any such continuing obligation upon Union Carbide.

2. Union Carbide objects to plaintiff's Set of Interrogatories (No. 28) in their entirety on the grounds that they are "boiler plate" interrogatories and are not reasonably framed in terms of the specific facts and issues involved in the present cases. Many of the interrogatories are clearly inappropriate in terms of the facts and subject matter of the present actions against this defendant, with the result that Union Carbide is called upon to speculate as to what information relevant to the present case, if any, may be deemed to fall within the scope of the interrogatories as phrased.

3. Union Carbide also objects to all interrogatories, insofar as they would require the disclosure of confidential attorney-client communication and/or attorney work product.

4. With regard to the "Definitions" section of the interrogatories, Union Carbide objects to the stated definition of the term "you" to the extent interrogatories incorporating that term purport to require Union Carbide to provide

Union Carbide trial exhibit UC-5324: Union Carbide Corporation's Responses to Plaintiffs' Set 28 Interrogatories in... Published by AsbestosClaims.Law
ACL Doc 19776 · Page 2 of 18 asbestosclaims.law/library/19776/2

information from persons over which it has no control or from entities other than itself.

5. Union Carbide objects to providing information about any asbestos-containing product (as distinguished from CALIDRIA asbestos described below) which it has manufactured, sold or distributed, on the ground that the asbestos fibers in these products were encapsulated by other materials. Since 1963, Union Carbide has mined and sold short fiber chrysotile asbestos under the trade name CALIDRIA. Except as otherwise indicated, the responses to these interrogatories pertain to CALIDRIA asbestos only.

6. Subject to the foregoing, Union Carbide supplies the following information voluntarily and without waiver of or prejudice to the above-stated objections, which are incorporated in each of the responses herein.

RESPONSES TO INTERROGATORIES

RESPONSE TO INTERROGATORY NO. 1:

RESPONSE TO INTERROGATORY NO. 2:

Yes.

(a) and (b) Union Carbide Corporation, New York. Union Carbide and Carbon Corporation was incorporated on November 11, 1917, and on May 1, 1957, its name was changed to Union Carbide Corporation.

(c) Old Ridgebury Road
Danbury, Connecticut 06817

(d) Yes.

Gibson, Dunn & Crutcher

Union Carbide trial exhibit UC-5324: Union Carbide Corporation's Responses to Plaintiffs' Set 28 Interrogatories in... Published by AsbestosClaims.Law
ACL Doc 19776 · Page 3 of 18 asbestosclaims.law/library/19776/3

(e) Union Carbide objects to this subpart on the grounds that it calls for information which is irrelevant to this case and not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE TO INTERROGATORY NO. 3:

See Response to Interrogatory No. 1(a) and (b).

RESPONSE TO INTERROGATORY NO. 4:

Please see General Objections, incorporated herein. Without waiver thereof, see Response to Interrogatory No. 5.

RESPONSE TO INTERROGATORY NO. 5:

Union Carbide acquired Amchem Products, Inc. in 1977, and has since sold the company; prior to its acquisition by Union Carbide, Amchem Products, Inc. sold its only division which manufactured asbestos-containing products.

In 1939, Union Carbide acquired Bakelite Corporation, which manufactured a product called BAKELITE. Please see response to Interrogatory No. 11.

RESPONSE TO INTERROGATORY NO. 6:

Union Carbide objects to this interrogatory as vague and ambiguous in its use of the phrase "or otherwise have an interest" and as calling for information which is irrelevant to this action and not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE TO INTERROGATORY NO. 7:

Union Carbide objects to this Interrogatory on the grounds that it is overly broad and not reasonably limited to

Union Carbide trial exhibit UC-5324: Union Carbide Corporation's Responses to Plaintiffs' Set 28 Interrogatories in... Published by AsbestosClaims.Law
ACL Doc 19776 · Page 4 of 18 asbestosclaims.law/library/19776/4

information which is relevant to the subject matter of this case or reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE TO INTERROGATORY NO. 8:

Union Carbide objects to this interrogatory as calling for information which is irrelevant to the subject matter and not reasonably calculated to lead to the discovery of admissible evidence. Without waiver of these objections, and subject thereto, Union Carbide responds that records relating to CALIDRIA asbestos are in the possession, custody, or control of the following individual:

Ms. Jamie S. Akiyama
Union Carbide Corporation
Old Ridgebury Road
Danbury, Connecticut

RESPONSE TO INTERROGATORY NO. 9:

Please see response to Interrogatory No. 11, incorporated herein by this reference.

RESPONSE TO INTERROGATORY NO. 10

Please see response to Interrogatory No. 11, incorporated herin by this reference.

RESPONSE TO INTERROGATORY NO. 11:

Union Carbide objects to this Interrogatory and the subparts thereof, on the grounds that it is overly broad and not reasonably limited by either time or subject matter to information which is relevant to the subject matter of these

Union Carbide trial exhibit UC-5324: Union Carbide Corporation's Responses to Plaintiffs' Set 28 Interrogatories in... Published by AsbestosClaims.Law
ACL Doc 19776 · Page 5 of 18 asbestosclaims.law/library/19776/5

cases or reasonably calculated to lead to the discovery of admissible evidence. Union Carbide further objects to this Interrogatory on the grounds that it is unduly burdensome and oppressive and requests the retrieval and statement of extensive detailed information which is totally irrelevant to the subject matter of this case. Without waiver of, and subject to, the foregoing objections, Union Carbide responds:

Union Carbide has in the past manufactured a product called BAKELITE, which is a phenolic molding compound. Union Carbide ceased production of BAKELITE in 1975. BAKELITE was marketed by Union Carbide through distributors to electrical and electronic parts and products manufacturers for molding into various types of electrical and electronic parts and products, including switches, switch boxes, radios, plug-in receptacles and others. In the form in which it was sold to the manufacturers of these products, the asbestos in the BAKELITE material was encapsulated. As set forth in the General Objections above, Union Carbide objects to the answering of these interrogatories with respect to BAKELITE as burdensome, oppressive, and calling for irrevelant information not reasonably calculated to lead to the discovery of admissible evidence.

Union Carbide, until July, 1977, manufactured UDEL Polysulfone P6050, which was an asbestos-containing, high temperature, high rigidity thermoplastic molding material. The asbestos in UDEL Polysulfone P6050, like that in BAKELITE, was encapsulated. As set forth in the General Objections above,

Union Carbide trial exhibit UC-5324: Union Carbide Corporation's Responses to Plaintiffs' Set 28 Interrogatories in... Published by AsbestosClaims.Law
ACL Doc 19776 · Page 6 of 18 asbestosclaims.law/library/19776/6

Union Carbide objects to answering these interrogatories with respect to UDEL Polysulfone P6050 in that it would be burdensome, oppressive and irrelevant to do so.

A subsidiary of Union Carbide, which was acquired in 1977, produced a tree sprout inhibitor, named TRE-HOLD, until late 1979. TRE-HOLD contained a small quantity of asbestos encapsulated in an asphalt carrier. As set forth in the General Objections above, Union Carbide objects to answering these interrogatories with respect to TRE-HOLD in that it would be burdensome, oppressive and irrelevant to do so.

Union Carbide manufactures automotive radiator products under the names PRESTONE Antifreeze, PRESTONE Sealer-Stop Leak and PRESTONE Heavy Duty Sealer. Asbestos ceased to be used as an additive in the antifreeze in 1971 and in the sealers in 1972. The asbestos in these products, was contained within a liquid and the fibers would not become airborne. Therefore, Union Carbide objects to answering these interrogatories with respect to PRESTONE as burdensome, oppressive and irrelevant.

The only product which Union Carbide currently produces which employs asbestos as a component is acetylene cylinder liners. The asbestos in the acetylene cylinder liners is encapsulated within the liner materials and the liner materials are within a metal cylinder. As set forth in the General Objections above, Union Carbide objects to answering these interrogatories with respect to the acetylene cylinder liners.

Union Carbide trial exhibit UC-5324: Union Carbide Corporation's Responses to Plaintiffs' Set 28 Interrogatories in... Published by AsbestosClaims.Law
ACL Doc 19776 · Page 7 of 18 asbestosclaims.law/library/19776/7

Since 1963 Union Carbide has mined, milled and sold raw asbestos under the trade name CALIDRIA. CALIDRIA is short fiber chrysotile asbestos which is marketed in both pellet and fibrous form. It is sold to manufacturers and used in their products as a filler, reinforcer, opacifier, thixotrope (thickener) and the like. The asbestos ore is mined and milled near King City, California. CALIDRIA asbestos is marketed by Union Carbide through distributors and directly to manufacturers who, in their manufacturing, have a need for asbestos having the qualities of CALIDRIA asbestos for the above-mentioned uses. The user must mix the raw asbestos fibers with other ingredients as required for his particular product.

CALIDRIA asbestos is not used in heat or frost (cold) insulation materials due to its quality and composition, in particular the short length of its fibers.

CALIDRIA asbestos is shipped in bulk in railroad hopper cars and packaged in plastic or Kraft type paper bags. Each bag contains the following information: Union Carbide's corporate name and address, the net weight of material supplied, the applicable grade of asbestos, the lot number identification, and a cautionary statement. A limited amount of CALIDRIA asbestos is packaged for certain distributors in bags designed by them, some of which do not have the Union Carbide corporate name and address on them. Unless the customer requests otherwise, since approximately the mid-1970s, all Kraft bags containing CALIDRIA asbestos have been

Union Carbide trial exhibit UC-5324: Union Carbide Corporation's Responses to Plaintiffs' Set 28 Interrogatories in... Published by AsbestosClaims.Law
ACL Doc 19776 · Page 8 of 18 asbestosclaims.law/library/19776/8

individually covered by a tight fitting plastic film, and an entire pallet containing a number of such bags is completely covered with such tight fitting plastic film.

RESPONSE TO INTERROGATORY NO. 12:

Union Carbide did not sell any CALIDRIA asbestos products prior to 1963 and did not utilize the services of distributors prior to 1968. Since 1968, the distributors of CALIDRIA asbestos in California have been the following:

1968 - present -- Harrisons & Crosfield (Pacific), Inc.

1970 - 1971 -- Van Waters and Rogers

Both of these entities have several offices in California.

RESPONSE TO INTERROGATORY NO. 13:

See General Objection No. 5, incorporated herein.

RESPONSE TO INTERROGATORY NO. 14:

Union Carbide objects to this interrogatory as vague, ambiguous, and unintelligible in its use of the term "rebranding."

RESPONSE TO INTERROGATORY NO. 15:

Union Carbide objects to this interrogatory as vague, ambiguous, and unintelligible in its use of the term "rebranding."

RESPONSE TO INTERROGATORY NO. 16:

Union Carbide objects to this interrogatory as vague, ambigiuous, and calling for information which is irrelevant to the subject matter of this action and not reasonably calculated to lead to the discovery of admissible evidence. Without

Gibson, Dunn & Crutcher

Union Carbide trial exhibit UC-5324: Union Carbide Corporation's Responses to Plaintiffs' Set 28 Interrogatories in... Published by AsbestosClaims.Law
ACL Doc 19776 · Page 9 of 18 asbestosclaims.law/library/19776/9

waiver thereof, Union Carbide states: Discovery is continuing.

RESPONSE TO INTERROGATORY NO. 17:

Union Carbide objects to this interrogatory as vague, ambiguous, and unintelligible. Without waiver of these objections, and subject thereto, Union Carbide responds that all CALIDRIA asbestos sold by Union Carbide was mined and milled by Union Carbide and not purchased from any other company.

RESPONSE TO INTERROGATORY NO. 18:

No.

RESPONSE TO INTERROGATORY NO. 19:

Please see General Objection No. 5, incorporated herein.

RESPONSE TO INTERROGATORY NO.20:

Please see General Objection No. 5, incorporated herein.

RESPONSE TO INTERROGATORY NO. 21:

Please see General Objection No. 5, incorporated herein.

RESPONSE TO INTERROGATORY NO. 22:

Yes.

(a), (b), (d) Union Carbide has printed two cautionary statements on its CALDRIA packaging.

(1) The first cautionary statement used from June, 1968 through May, 1972 read as follows: "Warning: breathing dust may be harmful. Do not breathe dust."

(2) The second cautionary statement was prescribed by OSHA in 1972 and was first printed on CALDRIA packaging in June of that year. This cautionary statement is currently printed on the packaging in which CALDRIA asbestos is supplied

Union Carbide trial exhibit UC-5324: Union Carbide Corporation's Responses to Plaintiffs' Set 28 Interrogatories in... Published by AsbestosClaims.Law
ACL Doc 19776 · Page 10 of 18 asbestosclaims.law/library/19776/10

and reads as follows: "Caution. Contains asbestos fibers. Avoid creating dust. Breathing asbestos dust may cause searious bodily harm." Also, Union Carbide furnishes its new customers written information warning them about the hazards associated with exposure to asbestos and the means of minimizing such hazards. This literature is prepared by Union Carbide personnel and by the Asbestos Information Association/North America.

(c), (e), (f) Union Carbide objects to this interrogatory as vague, ambiguous, burdensome, oppressive, overly broad, and calling for information which is irrelevant to the subject matter of this action and not reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE TO INTERROGATORY NO. 23:

Please see General Objection No. 5, incorporated herein.

RESPONSE TO INTERROGATORY NO. 24:

Union carbide objects to this interrogatory as unintelligible.

RESPONSE TO INTERROGATORY NO. 25:

Please see General Objection No. 5, incorporated herein.

RESPONSE TO INTERROGATORY NO. 26:

Please see General Objection No. 5, incorporated herein.

RESPONSE TO INTERROGATORY NO. 27:

Please see General Objection No. 5, incorporated herein.

RESPONSE TO INTERROGATORY NO. 28:

Please see General Objection No. 5, incorporated herein.

Union Carbide trial exhibit UC-5324: Union Carbide Corporation's Responses to Plaintiffs' Set 28 Interrogatories in... Published by AsbestosClaims.Law
ACL Doc 19776 · Page 11 of 18 **asbestosclaims.law/library/19776/11**

RESPONSE TO INTERROGATORY NO. 29:

Please see General Objection No. 5, incorporated herein.

RESPONSE TO INTERROGATORY NO. 30:

No.

RESPONSE TO INTERROGATORY NO. 31:

Union Carbide has not "undertaken or financed" any "tests or studies" of the type indicated, except that since 1963, Union Carbide made various modifications at its mine and mill near King City, California with respect to ventilation improvements and dust control procedures, including refinements to its production and packaging equipment affecting filtering and ventilation systems and dust collection.

RESPONSE TO INTERROGATORY NO. 32:

See General Objection No. 5, incorporated herein.

RESPONSE TO INTERROGATORY NO. 33:

Union Carbide objects to this interrogatory as vague, ambiguous, overly broad, and calling for information which is irrelevant to the subject matter of this action and not reasonably calculated to lead to the discovery of admissible evidence. Without waiver of these objections, and subject thereto, Union Carbide responds that it has, from time to time, installed insulatin in its own plants and facilities, but has not performed this service for others. The insulation installed was manufactured by companis other than Union Carbide and did not contain CALIDRIA asbestos. As set forth above, CALIDRIA asbestos is not suitable for heat or eold insulation products.

Union Carbide trial exhibit UC-5324: Union Carbide Corporation's Responses to Plaintiffs' Set 28 Interrogatories in... Published by AsbestosClaims.Law
ACL Doc 19776 · Page 12 of 18 **asbestosclaims.law/library/19776/12**

RESPONSE TO INTERROGATORY NO. 34:

Union Carbide objects to the interrogatory as vague, ambigious, and overbroad. Without waiver thereof, please see responses to Interrogatories No. 35 though 38. Union Carbide has also been a member of the Asbestos Information Association.

(b) 1972 - 1984.

(c), (d) Union Carbide objects to this interrogatory as vague and ambiguous in its use of the term "representative" and as calling for information which is irrelevant to the subject matter of this action and not reasonably calculated to lead to the discovery of admissible evidence. Without waiver of these objections, and subject thereto, Union Carbide responds:

Mr. W. C. Thurber
Executive Committee, 1974 - 1976

Mr. H.B. Rhodes
Executive Committee, 1977 - 1981
Also Technical Committee
Air-Monitoring Committee

Mr. J.L. Myers
Executive Committee, 1981 - 1984

(e) Union Carbide objects to this interrogatory as burdensome, overly broad, and calling for information which is irrelevant to the subject matter of this action and not

...on, Dunn & Crutcher

Union Carbide trial exhibit UC-5324: Union Carbide Corporation's Responses to Plaintiffs' Set 28 Interrogatories in... Published by AsbestosClaims.Law
ACL Doc 19776 · Page 13 of 18 asbestosclaims.law/library/19776/13

reasonably calculatead to lead to the discovery of admissible evidence.

RESPONSE TO INTERROGATORY NO. 35:

No.

RESPONSE TO INTERROGATORY NO. 36:

No.

RESPONSE TO INTERROGATORY NO. 37:

No.

RESPONSE TO INTERROGATORY NO. 38:

Yes.

(a) From inception of the Foundation to the present.

(b) Union Carbide objects to this interrogatory as burdensome, overly broad, and calling for information which is irrelevant to the subject matter of this action and not reasonably calculated to lead to the discovery of admissible evidence.

(c) Union carbide objects to this interrogatory as vague and ambiguous in its use of the term "representative" and as unduly burdensome, oppressive and calling for information which is irrelevant to the subject matter of this action and not reasonably calculated to lead to the discovery of admissible evidence.

(d) Union Carbide objects to this interrogatory as burdensome, overly broad, and calling for information which is irrelevant to the subject matter of this action and not

Union Carbide trial exhibit UC-5324: Union Carbide Corporation's Responses to Plaintiffs' Set 28 Interrogatories in... Published by AsbestosClaims.Law
ACL Doc 19776 · Page 14 of 18 asbestosclaims.law/library/19776/14

reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE TO INTERROGATORY NO. 39:

(1) Truck

(2) 1963-1984

(3) CALIDRIA asbestos

RESPONSE TO INTERROGATORY NO. 40:

Please see General Objection No. 5, incorporated herein.

RESPONSE TO INTERROGATORY NO. 41:

Discovery is continuing as to whether any such sales were made.

RESPONSE TO INTERROGATORY NO. 42:

Please see responses to Interrogatories No. 5 and 11.

RESPONSE TO INTERROGATORY NO. 43:

Yes.

RESPONSE TO INTERROGATORY NO. 44:

Union Carbide objects to this Interrogatory on the grounds that it is unduly burdensome and oppressive and that it is overly broad and not reasonably limited to information which is relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE TO INTERROGATORY NO. 45:

Union Carbide objects to this Interrogatory on the grounds that it is unduly burdensome and oppressive and that it is overly broad and not reasonably limited to information which is relevant to the subject matter of this action or reasonably

Union Carbide trial exhibit UC-5324: Union Carbide Corporation's Responses to Plaintiffs' Set 28 Interrogatories in... Published by AsbestosClaims.Law
ACL Doc 19776 · Page 15 of 18 asbestosclaims.law/library/19776/15

calculated to lead to the discovery of admissible evidence.

RESPONSE TO INTERROGATORY NO. 46:

Union Carbide objects to this Interrogatory on the grounds that it is unduly burdensome and oppressive and that it is overly broad and not reasonably limited to information which is relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence.

RESPONSE TO INTERROGATORY NO. 47:

Please see General Objection No. 5, incorporated herein.

RESPONSE TO INTERROGATORY NO. 48:

Please see General Objection No. 5, incorporated herein. Without waiver thereof, and subject thereto, Union Carbide responds: With respect to CALIDRIA asbestos, no.

Dated: March 27, 1985

GIBSON, DUNN & CRUTCHER

By _____

William D. Connell

Attorneys for Defendant
UNION CARBIDE CORPORATION

Gibson, Dunn & Crutcher

Union Carbide trial exhibit UC-5324: Union Carbide Corporation's Responses to Plaintiffs' Set 28 Interrogatories in... Published by AsbestosClaims.Law
ACL Doc 19776 · Page 16 of 18 asbestosclaims.law/library/19776/16

VERIFICATION TO FOLLOW

Published by AsbestosClaims.Law
asbestosclaims.law/library/19776/17

PROOF OF SERVICE BY MAIL – CCP 1013a, 2015.5

I declare that.

I am ~~xxexxxxxxx~~employed in) the county of Santa Clara (COUNTY WHERE MAILING OCCURRED), California.

I am over the age of eighteen years and not a party of the within entitled cause; my (business ~~xxxxxxx~~) address is: GIBSON, DUNN & CRUTCHER, One Almaden Blvd., Ste. 1000, San Jose, California 95113

On March 27, 1985 (DATE), I served the attached UNION CARBIDE CORPORATION'S RESPONSES TO SET OF INTERROGATORIES PROPOUNDED BY PLAINTIFFS (NO. 28)

on the interested parties plaintiffs

in said cause, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Jose, California addressed as follows:

Law Offices of Jack K. Clapper
250 Bel Marin Keys Boulevard
Novato, California 94947

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on March 27, 1985 (DATE), at San Jose (PLACE), California.

Sharon Bennett
(TYPE OR PRINT NAME)

_____
SIGNATURE

BARON PRESS FORM NO. 22