

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

BARBARA SMITH, ET AL

VS

JOHNS-MANVILLE CORP.,
ET AL

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: C. A. File No: 81-2768
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DEFENDANT, GAF CORPORATION'S ANSWERS TO
PLAINTIFFS' INTERROGATORIES

Interrogatory #1: Will the person answering these interrogatories please indicate his or her name, address, title, years of service with defendant, and qualifications for answering these questions.

Answer #1: These answers to interrogatories have been executed by Patricia Corbutt, Assistant Secretary, GAF Corporation, 140 West 51st Street, New York City, New York 10020. The following persons have supplied information in response to these interrogatories:

Philip Bettoli-(retired)-Technical Director-Research
Department-GAF Corporation-South Bound Brook, New Jersey 08880;

William Schwingen-Product Manager-Insulation-GAF
Corporation, 140 West 51st Street, New York City, New York 10020;

William Fassuliotis-Director of Safety and Occupational
Health-GAF Corporation-Wayne, New Jersey 07470.

Interrogatory #2: State the name and address of any insurance company which insures you for any loss or damages arising out of claims by persons exposed to asbestos, and indicate the limits of policy coverage in each such policy of insurance.

Answer #2: Companies which insure GAF include but are not limited to the following:

Midland Insurance Company
Leslie Eric Kemp
Turegum Insurance Company
Andrew Weir Insurance Company
River Thames Insurance Company
Commercial Union Insurance Company
North Star Reinsurance Company
Mission Insurance Company
Prudential Re-Insurance Company
American Re-Insurance Company
Employers ReInsurance Company
First State Insurance Company
Lloyds of London
Columbia Casualty Insurance Company
Integrity Insurance Company

AIU Insurance Company
Granite State Insurance Company
Lexington Insurance Company
National Union Fire Insurance Company of Pittsburgh, Pa.
Transamerica Insurance Company
Home Insurance Company
Home Indemnity Company
City Insurance Company
North River Insurance Company
Aetna Casualty & Surety Company
Insurance Company of North America
ESIS, Inc.
Firemen's Fund Insurance Company
Accident and Casualty Insurance Company
Agrippina Vericherungs, A.G.
Alba General Insurance Company, Ltd.
Baloise Fire Insurance Company
Bellefonte Insurance Company
Drake Insurance Company
Edinburgh Assurance Company, Ltd.
English and American Insurance Company, Ltd.
Excess Insurance Company, Ltd.
Fidelidade Insurance Company of Lisbon
General Insurance Company of Helvetia, Ltd.
London and Edinburgh Insurance Company, Ltd.
Longdon and Overseas Insurance Company, Ltd.
Minster Insurance Company, Ltd.
National Casualty Company
National Casualty Company of America, Ltd.
New London Reinsurance Company
Orion Insurance Company
St. Helen's Insurance Company, Ltd.
Scottish Lion Insurance Company, Ltd.
Sovereign Marine and General Insurance Company, Ltd.
Sphere Insurance Company
Stronghold Insurance Company, Ltd.
Swiss National Insurance Company
Swiss Union General Insurance Company
United Standard Insurance Company, Ltd.
Walbrook Insurance Company
World Auxiliary Insurance Company, Ltd.
Yasuda Fire and Marine Insurance Company (U.K.), Ltd.

Interrogatory #3: Please identify all experts you expect to call at trial, list their addresses and qualifications, and summarize their anticipated testimony.

Answer #3: Defendant has not yet identified those experts who may testify at the trial of this matter. If and when such experts are identified, a further answer to this interrogatory will be provided.

Interrogatory #4: Does or did the defendant mine, process, mill, manufacture, market, distribute, sell or install asbestos or asbestos products between 1930 and 1960?

Answer #4: The defendant did mine, process, mill, manufacture, market, distribute and sell asbestos or asbestos products between 1930 and 1960. At no time did the defendant install such products.

Interrogatory #5: If yes, please describe each of these products, by function, brand name, and intended use.

Answer #5: Calsilite-manufactured from the early 1940's until mid-1970, was a white colored high temperature pipe covering and block containing approximately 10% amosite, 2% chrysotile, and calicum hydrosilicate and diatomaceous earth. Minor changes in the composition of Calsitite were made in approximately 1957 to facilitate its manufacturing process. Calsilite was unprofitable and thus was discontinued in mid-1970 which it was replaced by asbestos-free Calsilite II, which was similarly unprofitable. Calsilite was manufactured at Gloucester, New Jersey.

115 and 214 - Insulation Cements, produced from 1936 through September 1975, were off-white to light gray cements, composed entirely of chrysotile asbestos fiber and used for insulating and finishing boilers, tanks, fittings, etc. Production of these products were discontinued because they were not profitable. These cements were produced at Hyde Park, Vermont.

Asbestos Paper-manufactured from 1928, is a whitish to dark colored chrysotile paper composed of organic materials mixed with asbestos fibers. It is used as a jacketing or pipe wrap.

Millboard-manufactured from 1928, is a gray or off-white colored densely compressed sheet of uniform size and thickness composed of asbestos fiber combined with binding materials. Millboard was formally used primarily as an industrial fire barrier. Its present uses are limited principally to the manufacturing of gaskets and insulating components used in consumer products. Asbestos paper and millboard have been manufactured since 1971 at Whithall, Pennsylvania and from approximately 1969 to 1971 in Gloucester, New Jersey.

Interrogatory #6: Did you do business in Rhode Island between 1930 and 1960?

Answer #6: Yes.

Interrogatory #7: Please identify which of the types and brand names (if any) of said asbestos or asbestos products processed, milled, manufactured, marketed, distributed, sold, installed or otherwise were caused by you to enter directly or indirectly into (as originating out of products elsewhere) the State of Rhode Island.

Answer #7: To the best of the knowledge and information of the defendant, all of the products identified in the answer to interrogatory #5 may have been caused to be entered directly or indirectly into the State of Rhode Island. The defendant did not at any time, however, install any asbestos or asbestos products.

Interrogatory #8: If your answer to interrogatories 6 and 7 above is that you did not business in Rhode Island, that no such asbestos or asbestos products ever entered directly into the State of Rhode island, please indicate:

(a) what records you searched to reach this conclusion.

and the full title, description or other identification of these records;

(b) what person conducted this search and when; and

(c) whether any other records do exist or ever existed which might lead to a different conclusion about your business.

Answer #8: Not applicable.

Interrogatory #9: If your answer to interrogatories numbered 6 and 7 above is that you did not business directly or indirectly in Rhode Island, in what states did you do business in the Northeast or North Atlantic regions?

Answer #9: Not applicable.

Interrogatory #10: If your answer to interrogatories numbered 6 and 7 above is that you did not business directly or indirectly in Rhode Island, then:

(a) what evidence do you have that other companies may not have distributed or installed your products in this state; and

(b) do your records show the end use geographic location of all of each and every unit of your products.

Answer #10: Not applicable.

Interrogatory #11: If your answers to interrogatories numbered 6 and 7 above is that you did not business directly or indirectly in Rhode Island, then please indicate:

(a) whether you have defended other lawsuits on the basis of lack of jurisdiction;

(b) if yes to (a) above, the state and identification number of each such suit; and

(c) the total national market share of your asbestos or asbestos products in 1945, 1950, 1955 and 1960.

Answer #11: Not applicable.

Interrogatory #12: If your answer to interrogatory number 6 above was yes, what was the approximate annual volume of your business within the State of Rhode Island?

Answer #12: Unknown.

Interrogatory #13: If your answer to interrogatory number 6 above was yes, how and by whom were your products distributed in Rhode Island to contractors and builders?

Answer #13: Objection. On the advice of counsel, defendant declines to respond to this interrogatory on the grounds that it is extraordinarily difficult if not impossible to obtain responsive information. Without waiving said objection the defendant does state affirmatively that it at no time engaged in any direct distribution of products into the State of Rhode Island and has no control of the distribution of the product after its original sale.

Interrogatory #14: If your answer to interrogatory number 6 above was yes, identify as specifically as possible all records currently in your possession which indicate Rhode Island distributors, dealers, and/or users of your asbestos products between 1930 and 1960.

Answer #14: Objection. On the advice of counsel, defendant declines to respond to this interrogatory on the grounds stated in the answer to interrogatory #13.

Interrogatory #15: Would any such records indicate whether or not, directly through your company or indirectly through other companies, your asbestos or asbestos products were installed in the Assumption School, Providence, Rhode Island?

Answer #15: Objection. On the advice of counsel, defendant declines to respond to this interrogatory on the grounds stated in the answer to interrogatory #13. Without waiving objection, the defendant does state that its records do not indicate whether or not its products were installed at any location in Rhode Island in general or at the Assumption School in Providence, Rhode Island in particular.

Interrogatory #16: What is the name, title, and address of the person in your company who would be most familiar with the operations of your company referred to in interrogatories 4 through 15 above?

Answer #16: See the answer to interrogatory number 1.

Interrogatory #17: What records (written and preserved information in any form) does defendant now possess for the period 1920 to 1960 indicating any toxic effects of exposure to asbestos or asbestos products on animals or humans? What is the specific label and location of any such records?

Answer #17: None.

Interrogatory #18: List also the records (all written and preserved information in any form) if any, referred to in the previous interrogatory which the defendant once had, but no longer has and with respect to each, state when, how and why they were disposed of, and whether copies are now available.

Answer #18: Not applicable.

Interrogatory #19: State in detail, what clinical trials or laboratory tests on animals or humans were made by the defendant or by anyone acting at defendant's request or direction or in cooperation with the defendant to determine alleged complications or alleged harmful side effects of asbestos, including but not limited to lung tumors and/or cancer. This question applies to premarketing tests as well as tests that have been made after marketing, down and to the date of answering these interrogatories. As to each test, state when such tests were made, where such test was made, the name and address and capacity in which employed of the person or persons making such tests, and whether records of such tests were made and if kept, the name and address of persons having knowledge and custody of such records.

Answer #19: Neither GAF Corporation nor Ruberoid had any facilities or equipment designed for medical research and therefore conducted no tests or studies of the nature specified.

Interrogatory #20: As to any animal tests or human tests for toxic side effects from exposure to asbestos performed by the company or on its behalf, please state the following as to each such test:

- (a) the name of the test and a description sufficient to distinguish it from all other tests performed;
- (b) the inclusive dates when it was performed;
- (c) the species, strain and number of animals involved, if an animal test, the number exposed, and the number of controls;
- (d) the amount of exposure received and during what periods;
- (e) the person who directed that the study be set up;

(f) the persons who set up the study;
(g) the persons who performed the study;
(h) the persons who checked upon the performance of the study;
(i) the person who interpreted the results of the study;
(j) the persons who summarized or reported on the study,
if any;

(k) the place where the tests were made;
(l) the department in which the tests were made;
(m) the records which were kept of the study, stating their description in detail sufficient to identify them, and the place where they are currently located;

(n) the results of the studies, including a statement of all toxicity, side effects, or any other observations made which were unusual, not in the controls, or in any way remarkable, and whether, if an animal test, these observations were made while the animal was alive or not; and

(o) which of the above tests, if any, were made upon the request of any agency or person outside of the defendant or were made because of the results of exposure to asbestos in humans or animals, indicating as to each what the reason was for the performance of the new tests.

Answer #20: Not applicable.

Interrogatory #21: Has the defendant been informed of the results of any tests performed anywhere other than at the defendant or not done under its control that is, those not listed in answer to interrogatory 19-20 involving asbestos for the purpose of safety testing, side effects, exposure effects, or any other use? If so, state what correspondence, notes, memoranda or reports the defendant has in its possession, concerning such tests.

Answer #21: No.

Interrogatory #22: Give the names and addresses of any and all statisticians or mathematicians who in any way created, assisted, or derived any percentage figures, probability studies, or exposure effects of asbestos, also indicating the educational

background of each individual. This question applies to persons employed by the defendant, as well as independent contractors engaged by the defendant for statistical purposes.

Answer #22: None.

Interrogatory #23: How are reports of side effects, exposure effects or injuries or claims of any sort allegedly attributed to asbestos of the defendant filed or kept by the defendant, and in whose department?

Answer #23: This defendant does not file or keep reports in the manner or under the categories described in this interrogatory.

Interrogatory #24: Does defendant have any reports or legal claims based upon exposure-caused or alleged caused mesothelioma?

✓ Answer #24: Objection. On the advice of counsel, defendant declines to respond to this interrogatory because in its present form it is incomprehensible. Assuming that the interrogatory inquires whether this defendant has any reports of legal claims of mesothelioma caused by asbestos exposure, the defendant states that it has reports which pertain to workers' compensation claims initiated by GAF employees in the possession of the Risk Management Department at GAF Corporation Headquarters at 140 West 51st Street, New York, New York. The defendant also has in its possession files pertaining to open and closed litigation which are cataloged according to the name of the individual claimant and the location of the court where the claim is or was pending. These latter files are in the possession of the Legal Department of GAF Corporation at GAF Corporation Headquarters, 140 West 51st Street, New York, New York.

Interrogatory #25: Did defendant provide warnings of any occupational health dangers, exposure danger, effects or side effects with its asbestos or asbestos products between 1930 and 1960?

Answer #25: No.

Interrogatory #26: If yes above, please indicate:

- (a) to whom such warnings were provided;
- (b) the form of such warning (in separate brochure on the product itself);
- (c) The exact language of any and all such warnings;
- (d) the dates of each such warning; and
- (e) the title and date of publication of any and all documents in which these warnings were included.

Answer #26: Not applicable.

Interrogatory #27: In order to market your asbestos or asbestos product, has prior clearance ever been required by any federal government agency, such as OSHA, or its predecessors?

Answer #27: Objection. On the advice of counsel, defendant declines to respond to this interrogatory insofar as it applies to any time subsequent to the alleged exposure of the plaintiff's decedent to asbestos dust, fibers and particles during the period 1951 to 1960. Without waiving said objection the defendant states that during the relevant time frame there were no known applicable safety standards of the federal government or of the United States applicable to such products sold or distributed by the defendant in the stream of interstate commerce.

Interrogatory #28: Have any warnings or special instructions on your asbestos or asbestos products ever been required by any federal government agency, such as OSHA, or its predecessors, and if so, precisely what was the language, date, location and form or any such warnings or special instructions?

Answer #28: Objection. On the advice of counsel, the defendant declines to answer this interrogatory insofar as it pertains to those times subsequent to the alleged exposure of the plaintiff's decedent to asbestos dust, fibers and particles during the period 1951 to 1960 as alleged in the plaintiff's complaint. Without waiving said objection, the defendant does state that during the relevant time frame there were no known applicable requirements by any agency of the federal government or of the United States requiring warnings or special instructions on the defendant's asbestos or asbestos products. Without waiving said objection, said defendant states further that in approximately 1964 its predecessor company began placing warning notices on packages of its thermal insulation products containing asbestos fiber. Said notice reads as follows:

CAUTION

THIS PRODUCT CONTAINS ASBESTOS FIBER. INHALATION OF ASBESTOS IN EXCESSIVE QUANTITIES OVER LONG PERIODS OF TIME MAY BE HARMFUL.

IF DUST IS CREATED WHEN THIS PRODUCT IS HANDLED, AVOID BREATHING THE DUST. IF ADEQUATE VENTILATION CONTROL IS NOT POSSIBLE, WEAR RESPIRATORS APPROVED BY THE U.S. BUREAU OF MINES FOR PNEUMONCONIOSIS.

In approximately 1970, this warning label was changed to read as follows:

CAUTION

CONTAINS ASBESTOS FIBER. INHALATION IN EXCESSIVE QUANTITIES OVER LONG PERIODS OF TIME MAY BE HARMFUL. AVOID BREATHING DUST. IF ADEQUATE VENTILATION IS NOT POSSIBLE, WEAR RESPIRATORS APPROVED BY THE U.S. BUREAU OF MINES FOR PNEUMONCONIOSIS PRODUCING DUST.

In approximately 1972, this warning label was further changed to read as follows:

CAUTION

CONTAINS ASBESTOS FIBER. INHALATION IN EXCESSIVE QUANTITIES OVER LONG PERIODS OF TIME MAY BE HARMFUL. AVOID BREATHING DUST.

Interrogatory #29: List and identify all items of printed or published material of any kind caused to be published by the defendant's agents, servants or representatives in respect to its asbestos or asbestos product including, but not limited to:

- (a) all sales and promotional materials;
- (b) all press releases;
- (c) all articles and advertising prepared for publication in scientific journals and other periodicals;
- (d) all letters;
- (e) all directories;
- (f) all sales memoranda;
- (g) all pamphlets;
- (h) all brochures;
- (i) cartons;
- (j) labels; and
- (k) inserts;

And with respect to each above item in each category, state:

- (1) the date it was prepared;
- (2) method and manner in which it was distributed;
- (3) the number of repeated distributions;
- (4) to what periods or groups of persons it was distributed;
- (5) if the same appeared in publications, give the name and issue thereof, date and page of said publication;
- (6) if the defendant has a catalog number or identifying number for each written document on asbestos, indicate the defendant's own catalog number or identifying number; and
- (7) the name and address of the author or any publication and his relationship with the defendant.

Answer #29: See the attached promotional materials.

Interrogatory #30: Please list any other promotional materials used, including movies, films, filmstrips, videotapes, or television programs, and the like, with details as indicated in interrogatory #26 and also please list the newsletters, reports and other materials that were sent to the salesmen dealing with asbestos with date of issue, describing each piece with sufficient detail to identify it, and indicate who in the defendant company was in charge to salesmen generally and in charge of keeping them informed of health effects related to asbestos.

Answer #30: None other than those identified in the answer to interrogatory number 29.

Patricia Corbutt
Patricia Corbutt

STATE OF NEW YORK
COUNTY OF QUEENS

Subscribed and sworn to before me this 18 day of January, 1982.

Theresa Siskoff
Notary Public

TERESA SISKOFF
NOTARY PUBLIC
No. 4151552
Qualified in Queens County
Commission Expires March 30, 1982

PROOF OF SERVICE

I hereby certify that on this 18 day of January, 1982, I either hand-delivered or mailed a copy of the within answers upon the attorneys of record on the attached list.

Dennis M. Curran
of Hanson, Curran & Parks