

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF NEWPORT NEWS

Marie Ferguson Alexander, Executrix of the
Estate of Glen W. Alexander, Deceased

v.

At Law No. 23650C-03

GAF Corp., et al.,

Defendants.

**SUPPLEMENTAL RESPONSE OF DEFENDANT GAF CORPORATION TO
INTERROGATORIES PROPOUNDED BY PLAINTIFF GLEN ALEXANDER**

GAF Corporation ("GAF"), by counsel, hereby supplements its response to Plaintiff's Interrogatories (the "Interrogatories").

INTERROGATORY NO. 2:

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

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 2:

American I.G. Corporation was incorporated in Delaware in 1929 and changed its name to General Aniline & Film Corporation in 1939. In 1942, approximately 98% of General Aniline & Film Corporation's stock was seized by the U.S. Treasury Department which then assumed control over the company's management and operations. In 1965, the U.S. Government relinquished control and General Aniline & Film Corporation's company stock was sold at public auction.

Prior to 1967, General Aniline & Film Corporation was engaged in the development, manufacture and sale of photographic and chemical products. It was never involved in the manufacture of any asbestos-containing products.

In May 1967, General Aniline & Film Corporation acquired, by merger, The Ruberoid Co. The Ruberoid Co. was engaged in the manufacture of various asbestos-containing products. In April 1968, General Aniline & Film Corporation changed its name to GAF Corporation. That corporation was liquidated and dissolved in April 1989.

In connection with its liquidation, GAF Corporation conveyed, among other things, all the assets and liabilities of its former asbestos producing operations, to a new company by the name of GAF Building Materials Corporation, which had been incorporated in 1987 in Delaware under the name of Edgecliff Corporation.¹

The defendant herein, GAF Corporation, was originally incorporated in 1987 in Delaware as Newco Holdings Corporation. It is now the indirect corporate parent of GAF Building Materials Corporation. Although it is a holding company with no operations, GAF Corporation has, to avoid the time and expense of motion practice, customarily defended asbestos bodily injury lawsuits in its own name as if those lawsuits were brought against GAF Building Materials Corporation.

GAF maintains its principal place of business at 1361 Alps Road, Wayne, New Jersey 07470 and is the defendant answering these Interrogatories.

INTERROGATORY NO. 5:

For any predecessor corporation or subsidiary identified in the preceding interrogatories, state whether GAF agreed to be, or has been held by Court to be, legally responsible for the past liabilities of any nature of any such corporation or entity. For each court which has so held, identify the case, the jurisdiction of the Court, and the date of the Order.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 5:

Incorporating the answer in Interrogatory No. 2, GAF has never agreed to be legally responsible for all past liabilities of The Ruberoid Co. GAF Corporation has historically defended in its own name asbestos lawsuits claiming injury from products allegedly manufactured by The Ruberoid Co. and General Aniline & Film Corporation ("General Aniline & Film Corporation" referring to the Corporation which changed its name to GAF Corporation in 1968 and dissolved in 1989.) However, GAF has consistently denied any liability for punitive damages arising from the acts or omissions of The Ruberoid Co. While there have been verdicts for and against GAF Corporation in various trials, and not to mention numerous settlements, there has never been a finding of punitive damages for the asbestos containing products of The Ruberoid Co. and General Aniline & Film Corporation.

INTERROGATORY NO. 7:

If GAF current has, or has had in the past, a department, division, subdivision, branch or group responsible for the design, development, manufacture, testing and/or use of products containing or incorporating asbestos fibers, state the name of each such present or former corporate department, division, subdivision, branch or group and identify the person most knowledgeable about such department, division, subdivision, branch or group.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 7:

During the period from 1967 through 1981, the following persons at General Aniline & Film have held the position of Vice President, Research Department:

¹ For the sake of completeness, it should be noted that a prior company named GAF Building Materials Corporation was incorporated in 1986 and merged with GAF Corporation prior to GAF Corporation's dissolution in April 1989.

<u>Name</u>	<u>Date of Service</u>	<u>Last Known Employer</u>
Leon Katz	- 1967	American Can
Frederick Grosser	1967 - 1969	Retired
Robert Meyers	1969-1972	St. Regis or Regal Paper
Simon Kantor	1972-1981	Retired

Based upon information and belief, and discovery is ongoing, the directors of the Research Department at The Ruberoid Co. were as follows:

<u>Name</u>	<u>Date of Service</u>	<u>Last Known Employer</u>
Edward Duke	?-1947	Retired
Clarence Eckert	1947-1958	Deceased
Phillip S. Bettoli	1958-1967	Retired

GAF has no corporate records which show the date when Ruberoid established a Research Department.

INTERROGATORY NO. 9:

As to each product contained within your response to the preceding interrogatory, identify the following:

- a. any pertinent trademark that was applicable to the product during any time of its sale;
- b. the label on the packaging of that particular product for each year of its manufacture and/or sale;

c. all sales catalogues, brochures, specification sheets, performance data or other promotional material, as well as any and all installation materials, data or brochures which would have accompanied or been distributed in connection with the installation, application or use of each such product; and

d. the exact manner in which the product was described in such catalogues, brochures, specification sheets or other promotional material for each year it appeared therein (as to this portion of the interrogatory, you may provide a copy of the document In lieu of describing the same).

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 9:

Various asbestos-containing industrial thermal insulation products manufactured by General Aniline & Film, following the merger with Ruberoid in 1967 include Calsilite®, Calsilite-Hi®, and T/NA-100. In addition, it is believed that Ruberoid also registered with the United States Patent Office for Imperial, Watcocell, and Super Cell in October, 1935, and a workman with hammer in September, 1939.

Products at issue carried the Ruberoid name through the acquisition in 1967 by General Aniline & Film Corporation. Available copies of advertising and photographs of packages, to the extent they exist, have been provided. To the extent they exist, documents responsive that are relevant for subparts (B-D) regarding thermal insulation products have recently been produced. Investigation continues.

INTERROGATORY NO. 12:

If you have ever had any representatives present at the Newport News Shipbuilding and Dry Dock Company and/or Horne Brothers Shipyard, Newport News, Virginia, please state the years that they were present and the purpose for which they were present and whether their job duties were related in any respect to the installation of asbestos-containing products.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 12:

Defendant has a list of salesmen (per answer to Interrogatory No. 14), but is not aware of any records documenting any visits to the named shipyards in Interrogatory No. 12. Defendant is unaware at this time of any representation ever visited the shipyards mentioned above.

INTERROGATORY NO. 13:

For each product containing any amount of asbestos that you sold, supplied and/or otherwise placed into the stream of commerce that was intended for Seiby-Battersby, Caudell-Hyatt, CE. Thurston & Sons, Waco, A. Lynn Thomas, Norport Supply and/or any other distributor of products containing asbestos in Virginia, please state the trade name of the product, the dates said product(s) were distributed and/or sent to each of these distributors; the project(s) upon which the product was to be installed and the quantity of said product(s) and produce any documentation concerning such sales.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 13:

This defendant objects to this request on the grounds that it is overly broad, unduly burdensome and not drafted in a fashion precise enough, nor reasonably calculated to lead to the discovery of admissible evidence. The only possible relevant sales of asbestos-containing industrial thermal insulation products would be for those shipments made to jobsites on which and during years in which plaintiff actually worked. Subject thereto, documents and invoices showing sale of products at issue to the listed entities have been and will be provided to plaintiffs.

INTERROGATORY NO. 14:

For each salesman that you employed or otherwise used who sold any amount of asbestos-containing products to Selby-Battershy, Caudell-Hyatt, C.E. Thurston & Sons, Waco, A. Lynn Thomas, Norport Supply and/or any other distributor of products containing asbestos in

Virginia, please state current name, address and telephone number for each such salesman and the years that the sales took place.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 14:

This defendant objects to this request on the grounds that it is overly broad, unduly burdensome and not drafted in a fashion precise enough, nor reasonably calculated to lead to the discovery of admissible evidence. Subject thereto, this Defendant lists the following salesmen: Chessman, Katula, Woodruff, Brown, Gallagher, Tapara, Casella and Murphy. These names are derived from invoices. This answer will be supplemented if there is any additional information.

INTERROGATORY NO. 15:

If GAF distributed, sold and/or otherwise placed in the stream of commerce bulk asbestos fibers, please state the type(s) and/or grade(s) of asbestos fiber; the entity to whom the asbestos fiber was sold; the product(s) in which the asbestos fiber was incorporated; the inclusive date(s) that GAF first and last placed any quantity of bulk asbestos fiber into the stream of commerce to each entity; and the identity of the person(s) most knowledgeable concerning each such bulk sale and produce any documentation concerning all such bulk sales of asbestos fiber.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 15:

This defendant objects to this request on the grounds that it is overly broad, unduly burdensome and not drafted in a fashion precise enough, nor reasonably calculated to lead to the discovery of admissible evidence. The only possible relevant sales of asbestos-containing industrial thermal insulation products would be for those shipments made to jobsites on which and during years in which plaintiff actually worked. Subject thereto, plaintiffs have been provided with documents as to fiber sales in Virginia.

INTERROGATORY NO. 16:

If you have ever conducted, or cause to be conducted, tests and/or studies of ambient asbestos dust particles or fibers created during the manufacture, processing, assembling and/or end use of asbestos-containing products, please state:

- a. the location and address at which any such test and/or study was conducted;
- b. the date of each such test and/or study;
- c. the individual(s) or entity conducting each such test and/or study;
- d. whether you have any documents containing the results and/or conclusions of each such test and/or study;
- e. the identity of the custodian of any such documents.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 16:

This defendant objects to this interrogatory on the grounds that conditions in The Ruberoid and/or General Aniline & Film Corporation's facilities, including provision for safety and health in same, are not at issue in this litigation and, therefore, this interrogatory is irrelevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence. Moreover, the U.S. government and at least 42 states adopted the TLVs, which included a threshold for asbestos dust. Defendant assumes that various employers, who were responsible for the industrial hygiene aspects of their employees, took appropriate dust counts at the work sites. Various medical and scientific articles repeatedly discussed TLVs for asbestos. Subject thereto, documents have been provided which address dust counts at the mines and various plants of The Ruberoid Co. and General Aniline & Film Corporation.

INTERROGATORY NO. 18:

If any of the asbestos-containing products you manufactured, processed, sold, distributed or otherwise placed in the stream of commerce ever contained any warning or caution concerning the health consequences of the use of the product or the breathing of asbestos dust particles or fibers, please state:

- a. the wording of each warning or caution;
- b. the description of the size and location of each such printed warning or caution;
- c. the method used to distribute the warning to persons who were likely to use the product;
- d. the date each such warning was issued;
- e. the name(s) of the person or persons who composed the warning;
- f. whether anyone recommended at any time that the warning or caution be amended, altered, or changed in any manner and, if so, by whom, how and when;
- g. whether the warning or caution was ever amended, altered, or changed in any manner and, if so, by whom, how and when;
- h. the name, address and job classification of each person who was involved in the decision to place the warning or caution on the product or to amend such warning or caution;
- i. the name, address and job classification of the person most knowledgeable about the warning or caution on the product;
- j. the name, address and job classification of the custodian of the records containing such warning or caution;
- k. state whether any industrial psychologist or human factors engineers were consulted prior to utilizing such warnings or cautions; and

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

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 18:

This defendant responds that, in approximately 1964, The Ruberoid Co. began placing the following warning notices on packages of its asbestos-containing industrial thermal insulation products:

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 PNEUMOCONIOSIS PRODUCING DUST.

General Aniline & Film Corporation placed warning labels on packaging of asbestos fiber and insulation cements by 1968, and on millboard, rollboard and asbestos paper products, as well as relocating the warning label for Calsilite® pipe covering and block products from the sides to the front of the carton, by 1970. This warning label 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 PNEUMOCONIOSIS PRODUCING DUST.

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

CAUTION

CONTAINS ASBESTOS FIBER. AVOID BREATHING DUST.
BREATHING ASBESTOS MAY CAUSE SERIOUS BODILY HARM.

In 1978, warning labels were placed on individual sheets of millboard.

Until 1972, General Aniline & Film Corporation's use of these warnings followed major manufacturers in the industry, including Johns-Manville, among others, which used such cautionary notices after certain opinions were expressed by some members of the medical profession that there might be a health risk to some persons who installed industrial thermal insulation products containing asbestos from the inhalation of excessive quantities of asbestos fibers over prolonged periods of time under certain conditions. Various trade associations, manufacturers and the asbestos workers union were involved with multiple studies. Commencing in 1972, pursuant to the requirements of the Occupational Safety and Health Act of 1970, General Aniline & Film Corporation placed the last notice set out above.

Plaintiffs have been provided with documents pertaining to warnings and labeling. William C. Schwingen is identified as the person most knowledgeable. Michael Baker is the custodian of the records already supplied to plaintiffs. Without admitting that such disciplines even existed in the time period at issue, no "industrial psychologist" or "human factors engineer" was consulted. The warnings were consistent with the medical literature and the hearings before OSHA in 1972.

All observers of this packaging, whether purchasers, users, handlers, distributors, or contractors, would have seen, and thus received, the warnings as set forth above.

INTERROGATORY NO. 19:

Please identify each proceeding prior to 1985, wherein you were named as a defendant, respondent or other involuntary participant in a lawsuit, worker's compensation claim or other proceeding involving a product containing or composed of any amount of asbestos fiber. Please be specific in your identification by stating:

- a. the date you received notice of the claim;
- b. the court or other forum in which it was filed;
- c. a description of the type of claim (i.e., worker's compensation, third party liability, etc.);
- d. the type of injury allegedly sustained;
- e. the names of all of the parties or named participants;
- f. the case number or identifying letters or name assigned to the action;
- g. the name and last known address of each person claiming injury therein;
- h. the name and last known addresses of all counsel of record;
- i. the date of any alleged injury or damage;
- j. the name and last known address of each person acting on your behalf who inspected the product or investigated the claim or facts involved in said action;
- k. the name and last known address of any expert or other consultant retained by you for the purpose of responding to and testifying in such action; and
- l. the custodian of the records that relate to the claim (in lieu of answering the above question, you may attach copies of any and all claims).

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 19:

In addition to the responses made in GAF's Response to Plaintiff's Interrogatories, GAF objects to this Interrogatory because it seeks information regarding claims which are not substantially similar in time, place or circumstance to plaintiffs' claim; and may be seeking information respecting nonpulmonary occupational disease claims. Moreover, this question assumes that documents exist over the last 60+ years which would be fully responsive to the question. GAF cannot be responsible for what Ruberoid did with respect to document retention prior to the merger in 1967. Defendant has no way of knowing, what Ruberoid did to various documents prior to 1967. Obviously all workman compensation claims had to be filed with the State Commission and that state may have additional information available. Subject to these objection, GAF responds as follows:

In the 1930s, a small number of claims were filed against The Ruberoid Co. by employees of the St. Louis siding plant. These claims alleged exposure to a variety of minerals (such as silica, lime and carbon), and a panoply of diseases, as noted below. All but one of these claims were filed by attorneys who were brought up on charges of unethical conduct in the solicitation and prosecution of hundreds of such claims in Missouri during the Depression, and none was decided in the claimant's favor. None of these involved mesothelioma claims.

(i) In 1932, Willard Shumate, a laborer employed by Eternit, Inc. from an unknown date to 1931, claimed dermatitis and other skin disease; incapable of resisting any diseases; teeth were loosened; skin had been roughened and scarred; cicatrices; eczema; asbestosis trait; inflammation and infection of the respiratory tract; fibrosis; weight loss; numerous lung diseases; particularly tuberculosis. This proceeding, which was before the United States District Court in St. Louis, Missouri, settled.

(ii) In 1934, Robert Huth, a plant worker employed by Eternit, Inc. between 1925 and 1932, claimed: pneumoconiosis; asbestosis; silicosis; irritation of nose, throat and respiratory tract; inflammation and infection of the respiratory tract; fibrosis; weight loss; numerous lung diseases, particularly tuberculosis. This proceeding, which was before the state circuit court in St. Louis, Missouri, settled.

(iii) In 1934, Samuel Robertson, a laborer employed by Eternit, Inc. and The Ruberoid Co. from 1928 to 1933, claimed: silicosis; asbestosis; pneumoconiosis; tuberculosis; bronchitis; peribronchitis; entire system was weakened and dissipated; lungs were inflamed and infection; loss of weight; severe cough; fibrosis of the lungs; incapable of resisting any disease. This proceeding, which was before the state circuit court in St. Louis, Missouri, was dismissed.

(iv) In 1934, Alexander Smith, a laborer employed by Eternit, Inc. and The Ruberoid Co. from 1928 and 1933, claimed: silicosis; asbestosis; pneumoconiosis; tuberculosis; bronchitis; peribronchitis; entire system was weakened and dissipated; lungs were inflamed and infected; loss of weight; severe cough; fibrosis of the lungs; incapable of resisting any disease. This proceeding, which was before the state of circuit court in St. Louis, Missouri, was dismissed.

(v) In 1934, George Walter, a laborer employed by Eternit, Inc. from 1927 to 1933, claimed: dust bronchitis; peribronchitis; pneumoconiosis; asbestosis; pulmonary fibrosis of the lungs; chronic pleurisy. This proceeding, which was before the state of circuit court in St. Louis, Missouri, settled.

(vi) In 1935, Hughie Easley, a laborer employed by Eternit, Inc. from 1931 to 1933, claimed: silicosis; asbestosis; pneumoconiosis; tuberculosis; bronchitis; peribronchitis; entire system was weakened and dissipated; lungs were inflamed and infected; loss of weight; severe

cough; fibrosis of the lungs; incapable of resisting any disease. This proceeding, which was before the state of circuit court in St. Louis, Missouri, was dismissed.

(vii) In 1935, Carl Hicks, a laborer employed by Eternit, Inc. and The Ruberoid Co. from and unknown date to 1934, claimed: silicosis; asbestosis; pneumoconiosis; tuberculosis; bronchitis; peribronchitis; entire system was weakened and dissipated; lungs were inflamed and infected; loss of weight; severe cough; fibrosis; incapable of resisting any disease. This proceeding, which was before the state of circuit court in St. Louis, Missouri, was dismissed.

(viii) In 1935, L.C. Kelsey, a foreman/laborer employed by Eternit, Inc., Eternit Mills, and The Ruberoid Co. from 1928 to 1932, claimed: dust bronchitis; peribronchitis; pneumoconiosis; asbestosis; pulmonary fibrosis; and other respiratory disease. This proceeding, which was before the state of circuit court in St. Louis, Missouri, settled.

(ix) In 1935, Daniel A. Weaver, a laborer employed by Eternit, Inc. and The Ruberoid Co. from 1928 to 1934, claimed: silicosis; asbestosis; pneumoconiosis; tuberculosis; bronchitis; peribronchitis; entire system was weakened and dissipated; lungs were inflamed and infected; loss of weight; severe cough; fibrosis of the lung; incapable of resisting any disease. This proceeding, which was before the state circuit court in St. Louis, Missouri, was dismissed.

(x) In 1935, Almer Johnson, a cutter employed by Eternit, Inc. and The Ruberoid Co. from 1934 to 1935, claimed: hilus shadows on lungs; peribronchial thickening; pneumoconiosis; fibrosis; bronchiectasis of the lungs. This proceeding, which was before the state circuit court of St. Louis, Missouri, settled.

(xi) In 1935, Eugene Lantsoght, a laborer employed by Eternit, Inc. and The Ruberoid Co. from 1932 to 1933, filed a claim, but the petition is unavailable. This proceeding, which was before the state circuit court in St. Louis, Missouri, settled.

(xii) In 1935, Elmore Stiles, a laborer employed by Eternit, Inc., Eternit Mills, and The Ruberoid Co. from 1928 to 1931, claimed: asbestosis; bronchitis; pulmonary fibrosis; tuberculosis. This proceeding, which was before the state circuit court in St. Louis, Missouri, settled.

Two additional claims were made by former St. Louis employees, but none resulted in a finding of asbestos-related disease:

(i) In 1952, Fee James, who worked as a laborer from 1943 to 1952, claimed: silicosis; asbestosis. This proceeding, which was before the state circuit court in St. Louis, Missouri, and which was removed to federal court, settled.

(ii) In 1954, Opil Reed, who worked as a laborer from 1944 to 1953, claimed: asbestosis; pleural-effusion; bronchitis; empyema [sic]. The outcome of this proceeding, which was before the state circuit court in St. Louis, Missouri, and which was removed to federal court, is not known at this time.

GAF has no way of knowing whether any of the employees (at other corporations) named above actually had an asbestos-related condition. GAF demands strict proof of any alleged asbestos disease mentioned above. To the extent that Plaintiffs argue that workman compensation claims provide notice of asbestos related disease, GAF acknowledges that such claims (assuming proof is provided of asbestos related diseases) may provide notice to the employees' employer (Ruberoid or Eternit) and to the state agency in which it is filed. It does not and cannot provide notice to GAF because the merger with Ruberoid does not occur until 1967. For purposes of this response, GAF includes any workers' compensation claim in which the workers' compensation commissioner made a finding that the worker had asbestosis, mesothelioma, lung cancer and/or died as a result of asbestos exposure. Such claims do not

include matters where only the claimant, the claimant's workers' compensation lawyer, or the claimant's workers' compensation doctor alleged an asbestos-related disease but where the commissioner did not sustain those allegations. GAF does not necessarily agree that all of the workers' compensation commissioners' findings of asbestos-related disease were correct, and GAF reserves the right to prove, in this and other litigations, that each or any of the "asbestos-related claims" identified in the response to this interrogatory were not truly asbestos-related. Inasmuch as General Aniline & Film Corporation ceased the production of the last of its asbestos-containing products in 1981, GAF declines to respond as to claims where the finding of asbestos-related disease was subsequent to 1981. Subject to the foregoing:

CLAIMANT	CLAIM DATE	ORDER DATE APPROVING SETTLEMENT OR JUDGMENT	RESULT (%)	PULMONARY DISEASE SUSTAINED BY JUDGE
JURISDICTION: NEW JERSEY				
ALSTAN, WILLIE	?	10/1/73	30	asb
ATKINS, FRANK	3/5/73	2/11/75	75, TOT	FIB; ASB
BROWN, DONALD	5/3/73	9/25/73	100	ASB
CARMELIA, GEORGE	3/17/75	1/8/81	100	ASB; CB CA OF BLADDER
CELLA, RALPH	10/11/74	6/27/75	10	ASB
COLEMAN, PIERCE	7/31/76	3/25/75	100	LU CA CB FIB
DELONG, CLIFFORD	12/26/73	11/8/74	33-1/3	ASB
DEMETER, STANISLAW	4/27/67	12/5/68	100	ASB; NEUM.
DUICK, JOHN	3/15/76	10/22/76	27.5	ASB
ELSESSER, JOHN	2/27/81	12/4/81	22.5	ASB; CB; FIB
FLOYD, SAMUEL	3/15/73	2/11/75	80 INCL NP	ASB; NEURO

CLAIMANT	CLAIM DATE	ORDER DATE APPROVING SETTLEMENT OR JUDGMENT	RESULT (%)	PULMONARY DISEASE SUSTAINED BY JUDGE
FRANCIS, JOSEPH	9/20/72	6/20/74	100	ASB; TB; EMPH
GLOVER, SUG	1/3/74	6/17/75	47.5; TPT	ASB; CB; EMPH
GRAMICCIONI, NICHOLAS	8/10/79	2/22/80	15	ASB; FIB
HAYTER, JOSEPH	2/27/81	12/4/81	22.5	ASB; FIB; CB
HILLARD, HARRY	1/12/79	11/9/79	17,5	ASB; EMPH
HOOVER, GLEN	2/21/80	11/24/81	20	ASB; CB; EMPH
HULMES, GEORGE	7/15/74	4/13/76	20	ASB; CB; FIB
JOHNSON, MARY (DEP.)	10/21/76	4/22/78	DEP.	MESO; DEATH
KENNEY, JAMES	10/5/78	3/4/80	22.5	ASB; CB; NP
LEHMAN, GUY	?	5/8/81	27.5	ASB
LORE, JOSEPH	8/7/78	3/23/79	27.5	ASB
LUKIW, WALTER	2/9/79	11/9/79	17.5	ASB; EMPH
MARSDEN, JAMES	?/2/72	11/30/72	100	ASB; EMPH
MCCULLOUGH, JOSEPH	5/16/79	10/18/79	30	ASB; CB
MCMULLEN, EDWARD	*/*/78	3/2/79	18.5	ASB; FIB; CB
MESSINGER, MAARTIN	7/16/74	9/7/77	77-1/2; TOT PERM	ASB; ARTHR
MILESnick, ANDREW	5/25/77	12/23/80	33-1/3	ASB; CB
MOSLEY, MAMIE (DEP.)	?	8/11/81	DEP.	MESO; DEATH
MULLIGAN, DONALD	11/2/79	7/18/80	15	ASB
POLKOWSI, JOSEPH	1/16/79	5/25/79	10	ASB; FB

CLAIMANT	CLAIM DATE	ORDER DATE APPROVING SETTLEMENT OR JUDGMENT	RESULT (%)	PULMONARY DISEASE SUSTAINED BY JUDGE
RENNLES, CHARLES (DEP.)	4/30/73	7/16/74	DEP.	DEATH; CA; LU
ROOD, HOWARD	5/24/77	1/6/78	22.5	ASB; W/ADHES.
SCHAFER, GEORGE	12/30/75	3/8/77	DEP.	ASB; MESO; FATAL
SMITH, ROBERT	3/8/79	10/16/80	33-1/3; TOT PERM	ASB; CB; FIB
VICKERS, LEE (DEP.)	4/27/73	3/1/74	DEP.	DEATH; MESO
WALLACE, ERNEST (DEP.)	9/26/75	5/27/76	DEP.	DEATH
WALLER, ELWOOD	?	9/19/80	100	LU; CA
WLODARCZYK, WLADY (DEP.)	5/3/77	2/17/78	DEP.	DEATH
YANUSZ, JOHN	5/10/77	1/6/78	33-1/3	ASB; FIB; DIAPH FIB; ADHESIONS
ZUNSKI, JOHN	3/18/80	5/8/81	20	ASB
JURISDICTION: MARYLAND				
HILKER, EDWARD	4/24/79	10/79	40	ASB
JURISDICTION: VERMONT				
LUMBRA, ARTHUR			\$6,441.76	ASB

arthr = arthritis

asb = asbestosis

ca = cancer other than lung cancer (the form of cancer is specified where available)

cb = chronic bronchitis

dep. = dependency petition
emph = emphysema
fib = fibrosis
lu = lung cancer
meso = mesothelioma
neuro = neurological residuals (psychiatric problems stemming from the physical
malady)
np = neuropsychiatric residuals
pneum = pneumoconiosis
tb = tuberculosis

INTERROGATORY NO. 20:

Did you receive any reports or communications from your workmen's compensation insurance carrier or products liability insurance carrier with regard to the hazards incident to the use of asbestos-containing insulation products? If so, please state the substance of each such report, including the respective insurance company, its address, the agents signing such report and the date of such notice or report as well as the location of such reports, and identify the custodian of those records.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 20:

This defendant objects to this interrogatory on the grounds that conditions in The Ruberoid Co. and GAF Corporation's facilities, including provision for safety and health in same, are not at issue in this litigation and, therefore, this interrogatory is irrelevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence. Subject

thereto, this defendant believes the answer is no. To the extent it has record of any such communication, it would be in the documents already supplied to plaintiffs.

INTERROGATORY NO. 21:

For any insurance agreement that exists (including, but not limited to, excess insurance, reinsurance and/or umbrella insurance) under which any person or company carrying on an insurance business may be liable to satisfy part or all of any judgment against you which may be entered in this action, or to indemnify or reimburse you for any payments made by you or on your behalf to satisfy such judgment, please identify:

- a. the company having such applicable insurance, indemnification or reimbursement agreement;
- b. the applicable limits of insurance per person and per occurrence provided by the policy for bodily injury;
- c. the effective dates of any such agreements;
- d. each such policy number as may be applicable;
- e. the exclusion or deductible portions of any recovery which may be borne by you or any other person or company before each of such persons or companies which may be liable for insurance indemnification or reimbursement has an obligation to make payment under the terms of such agreement; and
- f. the name and last known address of the each custodian of such agreements.

SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 21:

This defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, not reasonably calculated to lead to the discovery of admissible evidence, and presently

is in litigation. Subject to these objections, Defendants have provided three boxes of documents containing general insurance information.