PLAINTIFF'S
EXHIBIT
USX-232

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: ASBESTOS III CIVIL ACTION NO.: 92-C-8888

WESTINGHOUSE ELECTRIC CORPORATION'S RESPONSES TO PLAINTIFFS' JOINT INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS CONCERNING PRODUCT IDENTIFICATION TO ALL DEFENDANTS

Defendant, Westinghouse Electric Corporation ("Westinghouse") hereby responds to Plaintiffs' Joint Interrogatories and Request for Production of Documents Concerning Product identification to All Defendants as follows:

PRELIMINARY STATEMENT AND GENERAL OBJECTION

For the reasons set forth below, Westinghouse respectfully submits that this discovery, as applied to Westinghouse, is unduly burdensome and would require Westinghouse to invest massive financial and manpower resources which far outweigh the likelihood that this effort would lead to the discovery of admissible evidence. Westinghouse respectfully suggests that discovery rules and principles of fairness, relevance and relative burden must be considered in evaluating plaintiffs' discovery and Westinghouse's responses to that discovery.

The basic premise of every lawsuit is for the plaintiff to state a claim and to pursue discovery on that claim. There is no authority for plaintiffs to seek discovery completely without regard to whatever Westinghouse products they have any basis to believe might have been responsible for their injuries. Plaintiffs have had years to discuss the claims with other plaintiffs, to interview co-worker witnesses, and to review numerous documents produced by his employer and other entities. It would be

patently unfair to allow plaintiffs to conduct a massive fishing expedition through use of the form discovery requests, without any focus on the products at issue.

Westinghouse is not now, nor has it ever been, a miner of asbestos fiber or a manufacturer of the kinds of block, pipe, mud and cement thermal insulation products which have been the focus of asbestos personal injury litigation. It has never been a member of the "asbestos industry" as that term has commonly been used in asbestos litigation. With all due respect, the form interrogatories are overbroad and burdensome as applied to Westinghouse because they fail to give weight to this key fact.

Westinghouse is not a company with several locations and a small number of readily identifiable product lines. It is a broadly diversified, worldwide corporation that has employed upwards of 100,000 people and manufactures several thousand basic products and thousands of variations of those products. Westinghouse has been engaged principally in the manufacture, sale and service of equipment and components for the generation transmission utilization and control of electricity. However, especially in recent years, its businesses have expanded to include a wide range of products and services that are unrelated to electrical manufacturing.

Many of the products that Westinghouse manufactures and sells are complex; many consist of hundreds or even thousands of components. Many of these components, as well as other materials, are supplied to Westinghouse by other companies.

Westinghouse does not maintain records by which it might identify the composition of each component of each product. Similarly, Westinghouse does not know and cannot determine the ultimate destination of each product sold because many of its sales are not to the ultimate user.

The form interrogatories are not limited in any fashion to the product(s) reasonably believed by plaintiffs to have been sold, distributed or manufactured by Westinghouse and to which they reasonably believe they were exposed to some type of asbestos. Without this basic information, it would be unduly burdensome for Westinghouse to attempt to respond because to do so would require review of documents from thousands of files relating to many different products and issues having nothing to do with this litigation.

Without waiving these objections, Westinghouse states that beginning in approximately 1985, it made an effort to identify those of the various Westinghouse divisions which it reasonably believed likely to have documents that could be relevant in asbestos personal injury cases. Documents were collected from these locations, copied and placed in a repository in Richmond, Virginia. Documents showing specific sales such as invoices, purchase orders and the like, to the extent any may have been present, were not included in the documents identified for copying. These documents are segregated according to the division from which they were collected. They are not organized

according to type of product, date or place of sale, customer name or geographical region.

Upon identification of the type of product(s) which the plaintiffs have reason to believe was manufactured by Westinghouse, and from which they have been exposed to asbestos, Westinghouse can review the documents collected for relevant, responsive information. Following an appropriate review of responsive documents for privilege and proprietary information, Westinghouse will make those documents available for inspection and copying by plaintiffs.

Westinghouse cannot reasonably respond to those interrogatories which seek confirmation of specific sales to specific customers or geographic regions. Westinghouse does not maintain its records according to product content, whether asbestos or otherwise. Documents stored at Westinghouse Records Services are not maintained by customer name or purchaser name. Documents are generally stored according to their source and according to broad categories such as general business records, financial records, engineering records, etc. Sales orders are initially kept at the Westinghouse or WESCO office receiving the order. Once the order is filled and payment is received from the customer, the sales order is considered closed. After a one to three year period, closed orders are then sent to the records services facility for retention. Sales orders are only retained for a limited period of time, generally for a period of less than ten years.

Westinghouse objects to only a type and volume of discovery which would impose an unreasonable burden on Westinghouse because it is not tailored in any way to deal with a corporation such as Westinghouse, or reasonably designed to lead to the discovery of admissible evidence concerning the products the plaintiffs reasonably believe to have caused them harm.

INTERROGATORIES

1. Identify each and every asbestos-containing product manufactured, and/or sold, and/or distributed, and/or marketed and/or supplied and/or purchased and/or used by defendant at any time between 1930 and the present, and for each such product provide the following:

(a) The date such activity began;

(b) The years during which such activity took place;

(c) The date when such activity was terminated;

d) If such activity was terminated, the reason(s) why;

e) The geographical area into which you claim the asbestos-containing product(s) were sold;

f) Identify the organizational unit of defendant so engaged;

(g) The site(s) at which each such product was manufactured, sold, purchased or used;

(h) The material components/ingredients of each such product, giving specific or approximate percentage both by weight and by volume of each material component/ingredient (this interrogatory is not limited

to the asbestos component of the product but seeks information as to the nature, weight and volume of non-asbestos ingredients, as well) of each such product;

(i) The specific type of asbestos fiber, i.e., chrysotile, amosite, crocidolite, used as a component of each asbestos-containing product.

ANSWER:

See Westinghouse's Preliminary Statement and General Objection. Westinghouse objects to responding to this interrogatory for any products not alleged to have contributed to the injuries of plaintiff on the grounds that it is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to the discovery of relevant, material or admissible evidence.

Because of the unlimited scope of this interrogatory, the number of years Westinghouse has been in business, the size of its operations, and the way its divisions have customarily retained and stored records, much of the information sought by this interrogatory cannot be provided. Historically, Westinghouse has manufactured and sold equipment and components for the generation, transmission, use and control of electricity. Since its founding in the 1800's, Westinghouse has sold many thousands of different

products, with hundreds of thousands of variations of those products.

Westinghouse did not mine, manufacture or sell asbestos fiber. Where Westinghouse incorporated asbestos into a product it was used as the best commercially available material to satisfy a particular need incidental to the end product being manufactured. Consequently, it was not routinely done.

Without waiving its objections, based upon good faith information and belief, the following is a list of the types of products sold by Westinghouse which at some point in time may have contained some amount of asbestos. No attempt is made to distinguish between these products as to the type or amount of the asbestos ingredient or the potential or lack of potential for the release of loose, respirable asbestos fibers into the air. In many instances, these "products" are themselves components in other end-products. Further, only certain variations of these products contained asbestos during certain periods; many other variations contained no asbestos.

air conditioners and compressors
armatures
brakes for motors, bridge hoists, cranes and other industrial equipment and linings
bus ways
circuit breakers
condensers
control rod drive mechanisms
control items such as relays, contactors, arc chutes overhead controls, and switches
CPL arrester

CRC test press
DC contactor
electronic tubes
elevators
escalators
fans
flexible laminate
floodlights, aviation lights and light fixtures
fluorescent lights
gaskets in equipment
generators
governors
heat transfer products
heating coils
high voltage incandescent lamp, 230V
induction heating equipment and systems
JF autostarter
lighting arrestors
liquid slip regulator
mercury lamp
mercury vapor rectifier
micarta
molded line traps
molded parts for electrical equipment, including:
spacer barrier
mounting or terminal blocks
electrical insulator sleeve
plug board
barrier support
coil shield
motors (split phase, traction, D.C., fractional horse, capacitors, single phase) and internal insulating materials
moveable building wall panels
network protectors
oxygen analyzer probe assembly
oxygen shield
power reclosures
pumps
range timer
reactor components
reductor gears
sleeving
SVS arrester
steam & gas turbines and ancillary insulation
switchgears
tape
thermal demand meter
toasters
transducers

transformers
valves
varnish treated paper
welding electrodes
welding machines
wire wound resistor assembly

Upon information and belief, Westinghouse distributed, through Westinghouse Electric Supply Company (WESCO), a Westinghouse division, numerous products, manufactured by Westinghouse and other companies, some of which contained asbestos at some points in time. The following is a list of asbestos-containing products of other companies that were available for sale through WESCO.

American Beauty Heater Cord
Armored Thermostat Cable
Asbestos Insulated Heat-resisting Fixture Cord, type AF
Asbestos Insulated Wire and Cable
Asbestos Ranger and Rheostat Wire "Rockbestos"
Collyer Asbestos Heater Cord
General Cable Asbestos Insulated Fixture Wire
General Cable Asbestos Insulated Flexible Cord
Heater Cord Type HPO
Rockbestos Asbestos Varnished Cambric Wire Types ABC and AVP
Rockbestos Asbestos-covered Nickel Cord
Rockbestos AVC Boiler Room Wire and Cable
Rockbestos AVC Switchboard Wire
Rockbestos Heat Resisting Fixture Wire
Rockbestos Power Cable
Rockbestos Stove Wire
Rockbestos Table LH Hotbed or Industrial Heating Cable
Thermostat Cable

Westinghouse is unable based upon presently available information to determine the names of distributors for all of the products listed above. The documents collected from various Westinghouse divisions likely contain some

information responsive to this request. The burden of ascertaining that information is substantially the same for the plaintiffs as it is for Westinghouse.

The records presently available indicate that the following entities supplied asbestos fibers to Westinghouse during various time frames:

1. Vermont Asbestos Mines
   Division of Ruberoid Company
   500 9th Avenue
   New York, New York

2. Phillip Carey Manufacturing Company
   Lockland Station
   Cincinnati, Ohio

3. Johns-Manville Sales Corporation
   22 East 40th Street
   New York, New York

4. Keasby Mattison & Co.
   Amber, Pennsylvania

5. Bell Asbestos Mines, Ltd.
   Thetford Mines
   Quebec, Canada

6. Palveton Mining Co.
   6721 Windsor Mill Road
   Baltimore, Maryland

7. Fisher Scientific Company
   717 Forbes Street
   Pittsburgh, Pennsylvania

8. General Insulation Company
   330 Binney Street
   Cambridge, Massachusetts

9. Hinman Asbestos Corp.
   212 Binney Street
   Cambridge, Massachusetts

10. Asbestos & Mineral Corp.
    18-19 Broadway
    New York, New York

11. Vermont Asbestos Corp.
500 Fifth Avenue
New York, New York

12. Johns-Manville
Greenwood Plaza
Denver, Colorado

13. Clarks Asbestos Company
1893 East 55th Street
Cleveland, Ohio

14. Asbestos Fiber Distributors
New York, New York

15. Union Carbide Corp.
270 Park Avenue
New York, New York 10017

Westinghouse has been in business since the 1870's. It has manufactured countless variations of electrical motors, switches, transformers and electric machinery for decades. There was no reason to make a record of the first or last date on which any one of these many types of equipment first or last contained any amount of asbestos.

Westinghouse cannot determine the percentages of asbestos and other components/ingredients contained in all of the products listed above, for several reasons. For the most part, there are no records containing this information. To the extent records exist, they do not generally quantify the extent of asbestos ingredient. Historically, there was no reason for Westinghouse to determine or keep a record of the percentage, in terms of the weight, size or volume of a particular end-product which was comprised of an asbestos-containing ingredient. Thus, there is no way to verify

those percentages at this point in time, except as it can be determined or approximated from the records.

Westinghouse made efforts to identify those of the various Westinghouse divisions which it reasonably believed likely to have documents that could be relevant in asbestos cases. These documents contain a great deal of information about various products shown on the list above. For example, process specifications which explain the manufacturing and/or use of a particular product are included. [redacted] Upon identification of the type of product(s) which the plaintiffs have reason to believe was manufactured by Westinghouse and from which they may have been exposed to asbestos, Westinghouse will review the documents collected for relevant, responsive information, and will make those documents available for inspection and copying by plaintiffs.

[redacted]. Identify each and every industrial insulation product, aside from those identified in response to Interrogatory No. 1, which were manufactured, and/or marketed and/or supplied and/or purchased and/or used by defendant at any time between 1930 and the present, and for each such product provide the following:

(a) The date such activity began;

(b) The years during which such activity took place;

(c) The date when such activity was terminated;

(d) If such activity was terminated, the reason(s) why;

(e) The geographical area into which you claim the product(s) were sold, purchased and/or used;

(f) Identify the organizational unit of defendant so engaged;

(g) The site(s) at which each such product was manufactured;

(h) The material components of each such product, giving specific or approximate percentage both by weight and by volume of each material component of each such product;

(i) The temperature ranges for which each product(s) was intended to be used;

(j) The product's generic name;

(k) The product's trade or brand name;

(l) The container in which the product was shipped, (i.e., paper bags, cardboard boxes) including the size and amount of the container;

(m) A description of any logos, writing impressions or identifying markings which appeared on the product, as well as a description of the package used, the dates that type of package was used, and any logos, product names, trademarks, etc., which appeared in the package;

(n) Whether the word "asbestos" was used on the package;

(o) A detailed description of the intended method of preparation and application of the product;

(p) A description of the physical appearance of the product, including size, shape, color and texture.

ANSWER:

See Preliminary Statement and General Objection and Response to Interrogatory No. 1.

●. Has Defendant engaged in the manufacture and/or sale and/or distribution and/or marketing and/or supply and/or purchase and/or use of non-asbestos-containing products for use in connection with temperatures above 25° since 1930. If so, please state:

(a) The date such activity began;

(b) The years during which such activity took place;

(c) The date when such activity was terminated;

(d) If such activity was terminated, the reason(s) why;

(e) The geographical area into which you claim the product(s) were sold, purchased, or used;

(f) Identify the organizational unit of defendant so engaged;

(g) The site(s) at which each such product was manufactured;

(h) The material components of each such product, giving specific or approximate percentage both by weight and by volume of each material component of each such product;

(i) The temperature ranges for which each product(s) was intended to be used;

(j) The product's generic name;

(k) The product's trade or brand name;

(l) The container in which the product was shipped, (i.e. paper bags, cardboard boxes) including the size and amount of the container;

(m) A description of any logos, writing impressions or identifying markings which appeared on the product, as well as a description of the package used, the dates that type of package was used, and any logos, product names, trademarks, etc. which appeared in the package);

(n) Whether the word "asbestos" was used on the package;

(o) A detailed description of the intended method of preparation and application of the product;

(p) A description of the physical appearance of the product, including size, shape, color and texture.

ANSWER:

Westinghouse objects to responding to this interrogatory on the grounds that it is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to the discovery of relevant, material or admissible evidence. See also Westinghouse's Preliminary Statement and General Objection and Response to Interrogatory 1.

5. Did defendant ever market or distribute any asbestos-containing product manufactured in whole or part by someone else? If so, please state the following for each such product:

(a) The name and address of the manufacturer;

(b) The product's trade and brand name;

(c) The organizational unit of Defendant who did so;

(d) Date(s) beginning, ending and during which the marketing or distributing took place;

(e) Whether the product was distributed through the same channels as those used for products manufactured by Defendant, and if not, please explain the exact channels of distribution; and,

(f) Identify all documents relating to the marketing or distribution.

ANSWER:

See Preliminary Statement and General Objection and Response to Interrogatory No. 1.

6. Did Defendant ever sell or purchase any asbestos-containing product and rebrand the product, or allow or cause it to be rebranded. If so, please state the following as to each such rebranded product:

(a) The original brand name, trade name and manufacturer of the product;

(b) Who performed the physical rebranding and where was it accomplished;

(c) Brand name and trade name used after the rebranding;

(d) User or seller of the product after rebranding;

(e) Dates beginning, ending and during which the rebranding of the product took place;

(f) Identify all documents reflecting any terms or conditions incident to the rebranding of a product; and

(g) Summarize the financial consideration (including amounts) between the participants in the rebranding arrangement.

ANSWER:

See Preliminary Statement and General Objection and Response to Interrogatory No. 1.

For each and every asbestos-containing product required to be identified in your answer to Interrogatory No. 1, 4, or 5 above, state as to each product the date and quantity sold, supplied or shipped to each of the locations as attached on Exhibit "A" and, if supplied to that location by any entity other than yourself, identify that entity:

ANSWER:

See Responses to Interrogatory Nos. 1, 4 and 5.

For each and every asbestos-containing product required to be identified in your answer to Interrogatory number 1, 4 or 5 above, state as to each product the date and quantity used on any jobsite or locations as attached on Exhibit "A" and, if supplied to that location by any entity other than yourself, identify that entity:

ANSWER:

See Responses to Interrogatory Nos. 1, 4 and 5.

Please state whether you sold or distributed asbestos containing products to any wholesaler, distributor, hardware store or other merchant in the following geographical areas:

(a) Pittsburgh, Pennsylvania

(b) Allegheny County, Pennsylvania

(c) Washington, Pennsylvania

(d) Washington County, Pennsylvania

(e) Waynesburg, Pennsylvania

(f) Greene County, Pennsylvania

(g) Uniontown, Pennsylvania

(h) Fayette County, Pennsylvania

(i) Connellsville, Pennsylvania

(j) Chambersburg, West Virginia

(k) Franklin County, Pennsylvania

(l) Athens, Ohio

(m) Athens County, Ohio

(n) Cambridge, Ohio

(o) Guernsey County, Ohio

(p) Marietta, Ohio

(q) Washington County, Ohio

(r) Steubenville, Ohio

(s) Jefferson County, Ohio

(t) Cumberland, Maryland

(u) Allegany County, Maryland

(v) Hagerstown, Maryland

(w) Washington County, Maryland

(x) Ashland, Kentucky

(y) Boyd County, Kentucky

(z) Winchester, Virginia

(aa) Frederick County, Virginia

ANSWER:

See Preliminary Statement and General Objection and Response to Interrogatory No. 1.

9. If your answer was affirmative to Interrogatory No. 8 above, please state the following:

(a) The name of the business or person to which you distributed or sold products;

(b) Their address;

(c) The type and quantity of products sold or distributed.

ANSWER:

See Response to Interrogatory No. 8.

10. Please state whether you sold or distributed asbestos-containing products to any wholesaler distributor, hardware store or other merchant in the State of West Virginia.

ANSWER:

See Preliminary Statement and General Objection and Response to Interrogatory No. 1.

11. If you [sic] answer was affirmative to Interrogatory No. 10 above, please state the following:

(a) The name of the business or person to which you distributed or sold products;

(b) Their address;

(c) The type and quantity of products sold or distributed.

ANSWER:

See Response to Interrogatory No. 10.

12. Have you ever owned or operated a business or portion thereof which engaged in construction, erection or tear out of furnaces, pipes, boiler, turbines, lehrs, etc? If so, please state:

(a) The name of said business;

(b) The date of commencing business and cessation of business, if applicable;

(c) Type of construction or tear out performed;

(d) State whether said business installed or supplied asbestos containing products on the furnaces, pipes, boilers, turbines, lehrs, etc., i.e.; gaskets, pipe covering, block, cement, rope, cloth, clothes, etc., containing asbestos, asbestos pipe, board, etc.

(e) State whether said business performed construction, installation or tear out of asbestos containing products at any site listed on Attachment "A";

(f) State the trade name and/or manufacturer of any asbestos containing product which you installed or supplied to any construction site on attachment "A";

(g) Provide the dates for the applicable construction, installation or tear-out project.

ANSWER:

Westinghouse has been in the business of manufacturing and selling numerous types and sizes of steam turbines for over fifty years. From approximately 1940 until approximately 1958, Westinghouse manufactured and sold furnaces. These products were manufactured to meet the requirements and specifications of a particular customer. Depending upon a variety of factors such as the type and size of unit, some of these turbines and furnaces contained asbestos-containing components. These details vary greatly based upon the particular unit involved; thus, it is not possible for Westinghouse to state whether any asbestos-containing components were present as a general rule.

For many of the "sites" on Exhibit A, Westinghouse is unable to respond because Exhibit A provides only a generic company name, or an otherwise inadequate description by which Westinghouse can search available records. From those sites on Exhibit A which are identified with sufficient particularity, Westinghouse sold steam turbines to Wheeling Steel and to Monongahela Power. Westinghouse does not believe it has records from which the sale of a furnace any of the "sites" on Exhibit A can be verified.

REQUEST FOR PRODUCTION OF DOCUMENTS

Please produce copies of all records that show sales, receipt, use, re-sold, distribution, inventory, re-order, shipment, bill of loading, or orders of asbestos containing products.

ANSWER:

See Preliminary Statement and General Objection and Response to Interrogatory No. 1.

Respectfully submitted:

WESTINGHOUSE ELECTRIC CORPORATION

By: _____

Brickford Y. Brown
MCGUIRE, WOODS, BATTLE & BOOTHE
One James Center
901 East Cary Street
Richmond, Virginia 23219
(804) 775-1124

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF ALLEGHENY)

Before me, the undersigned authority, a Notary Public in and for said Commonwealth and County, personally appeared DANIEL D. VICKOVIC, who, being duly sworn, deposes and says that he is ASSISTANT SECRETARY OF WESTINGHOUSE ELECTRIC CORPORATION, and that he signs the foregoing DEFENDANT WESTINGHOUSE ELECTRIC CORPORATION'S RESPONSES TO PLAINTIFFS' JOINT INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS CONCERNING PRODUCT IDENTIFICATION TO ALL DEFENDANTS on behalf of that defendant and is duly authorized so to do; that the matters stated in the foregoing document are not necessarily within the personal knowledge of deponent and that deponent is informed that there is no officer of WESTINGHOUSE ELECTRIC CORPORATION who has personal knowledge of all such matters; and that the facts stated in the foregoing document have been assembled by authorized employees and counsel of defendant and deponent is informed by those authorized employees that the facts stated in the foregoing document are true.

Daniel D. Vickovic
DANIEL D. VICKOVIC
Assistant Secretary

SWORN TO and subscribed
before me this 7th day
of June, 1993.

Nannette A. Antal
Notary Public

Notarial Seal
Nannette A. Antal, Notary Public