

Plaintiffs ex 100 7
MSP 7-2-86

PLAINTIFF'S
EXHIBIT
GF-773

ATTORNEY: Dana Rakinic, Esquire
ADDRESS: 9 Tanner Street
Haddonfield, NJ 08033
PHONE: (609) 429-0350
ATTORNEY FOR: Plaintiff

ROLAND ERIC WESTERBY

v.

RAYMARK INDUSTRIES, INC., et al

: UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

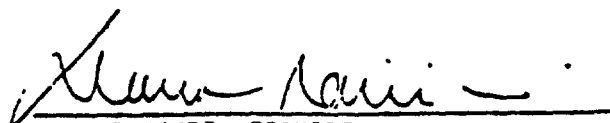
: CIVIL ACTION NO. 83-61(HAA)

: PLAINTIFF'S FIRST SET OF
INTERROGATORIES TO DEFENDANTS

Plaintiff, ROLAND ERIC WESTERBY, by his attorney, DANA RAKINIC, ESQUIRE, demands that defendants or their agents, servants and employees respond to each of the interrogatories set forth below in a full and complete manner. Those defendants which supplied raw fiber to Owens-Corning Fiberglas in 1961, 1962, 1963 respond with respect to that site. Those defendants who supplied asbestos products to the Owens-Corning plant in 1961-1963 shall answer with respect to those products. Those defendants who sold asbestos products, but not to the plant, need not answer any interrogatory relating specifically to that plant, but should answer with respect to New York Shipbuilding during 1940-1945 and job sites through the Asbestos Workers' Union. That is, defendants shall answer whether they sold to Owens-Corning Fiberglas, Berlin, NJ, and the other places of employment of employee plaintiff or the plaintiff's father, what products they sold, when they sold it and how much they sold. They shall state what labels and instructions were used in the sale.

Please take notice that pursuant to Federal Rule of Civil Procedure 33, defendant is required under oath to answer the following interrogatories. These interrogatories are continuing in character and require the filing of supplemental answers if defendants obtain further or different information after the initial answer

The term "asbestos product" shall refer to raw asbestos including chrysotile amosite or crocidolite asbestos and to finished asbestos products. If you mined and sold only raw asbestos, please answer all the interrogatories by reference to raw asbestos only. If you manufactured and sold finished asbestos-containing products, please answer by reference to said products.


DANA RAKINIC, ESQUIRE
Attorney for Plaintiff

35. State whether you have received any workmen's compensation claim for injury, occupational disease, or death, to any of your employees or to any persons working as independent contractor for you, or under your direction or to any persons in "contract units" operated by you or your subsidiaries or divisions or to persons hired on an occasional basis by your agents, employees or directors, in the course of work activity performed by the aforementioned "contract unit" for the following diseases: asbestosis, emphysema, chronic bronchitis, pulmonary fibrosis, dyspnea, carcinoma of the lungs, or mesothelioma. In answering this question confine your answer to workers who were occupationally exposed to asbestos products by their using, handling, fabricating, installing, removing, mixing, cutting, packing or transporting products containing any percentage whatsoever of asbestos whether raw or finished and whether made by you or made by some other company but used, handled, modified, installed, removed, mixed, cut, packed or transported by the person or persons making the workmen's compensation claim for injury or occupational disease or death whether your employees or contract unit managers or contract unit occasional workers independently contracted for. If there have been any workman's compensation claims within the above-described criteria between the years 1930 and 1978, state:

- (a) The date you received notice of the claim;
- (b) The identity of the person making the claim; or on whose behalf the claim was made;
- (c) The specific disease or illness complained of. In particular, all complaints of: asbestosis, emphysema, chronic bronchitis, pulmonary fibrosis, dyspnea, carcinoma of the lungs and mesothelioma;
- (d) The name of any physician or nurse who made any notes on the claim or who inscribed any words whatsoever on any document, paper, letter, book, or record pertaining to the evaluation of the facts and/or the merits and/or the medical workup of the claim filed;
- (e) A brief summary of the substance of the written materials mentioned in section (d);
- (f) The present location(s) of the documents, medical or otherwise, relevant to the claim files, if any, specified in section (a);
- (g) An index to the claim files, if any specified in section (a) showing how, if at all, they are broken down by the defendant in the ordinary course of the defendant's business activity (i.e. by geographical region, by plant, by profit center, by disease, by injury, by level of compensation demanded, by estimate on the eventual payments that will be required on the claim, by worker's name or number, by contract unit, by date, or in any other way that the defendant as a practical matter in the ordinary course of defendant's business actually breaks down and indexes the claims of the kind specified for purposes of defendant's own internal filing and record keeping.
- (h) The state or federal agency or agencies which would in the ordinary course of defendant's business

- (i) The indexing or filing system used by those agencies in the respective states, or in the respective federal agencies;
- (j) The records retention policies concerning claims of the kinds specified in Paragraph (d) of the defendant, and of any state agencies of which the defendant has knowledge in states where the defendant does business, and to which the defendant supplies information concerning claims of this kind. Also include any federal agencies which would receive notice directly or in the defendant's knowledge indirectly as a matter of the ordinary business of the federal government concerning claims of the aforementioned kind;
- (k) The disposition of said claim(s) including benefits paid or settlements reached or moneys voluntarily paid by your insurers, if any;
- (l) The last known address of the attorney representing the Claimant, if any.

GAF Corporation objects to this interrogatory on the ground that it is vague, overbroad and burdensome, and not reasonably calculated to lead to the discovery of relevant information. However, without waiving this objection and subject thereto, see the attached "Worker's Compensation Claims" rider.

WORKER'S COMPENSATION CLAIMS

The following Worker's Compensation claims have been filed against Ruberoid/GAF Corporation prior to 1970. None of these cases were tried to verdict, and to the best of GAF's knowledge, none resulted in a diagnosis of asbestosis.

1. In 1934, claims were filed by two workers employed by Eternit, U.S.A. which in 1930, had become a part of Ruberoid alleging exposure to dust including lime, silicate, free silica, carbon and asbestos. These two cases from the Circuit Court for the City of St. Louis are Smith v. Eternit, Inc., and The Ruberoid Company; and Robertson v. Eternit, Inc., and The Ruberoid Company. These claims alleged causes of action for exposure to dust in the work place. The disposition of these cases is unknown.

2. In 1935, three cases were filed against Eternit and Ruberoid similar to the above cases: Hughie v. Eternit, Inc., and The Ruberoid Company; Weaver v. Eternit, Inc., and The Ruberoid Company, and v. Eternit, Inc., and The Ruberoid Company. These three cases were dismissed.

3. In 1936, two cases were filed against Ruberoid similar to the above cases. These cases, the disposition of which are unknown, were: Kelsey v. Eternit, Inc., Eternit Mills, Ruberoid Corporation and Paul Beeson; and Stites v. Eternit Inc., Eternit Mills, Ruberoid Corporation and Paul Beeson. ✓

4. In 1952, a worker at the Ruberoid St. Louis manufacturing facility filed a Petition for Damages alleging occupational disease as a result of exposure to dust, including asbestos and cement. This matter is believed to have been settled. No other information is available. The case is Fee James v. The Ruberoid Company.

5. In 1954, a worker at the Ruberoid St. Louis manufacturing facility filed a Petition for Damages alleging among others, asbestosis and emphysema, as a result of exposure to dust including asbestos and cement. This matter is believed to have been settled. No other information is available. The case is Gloria Reed v. The Ruberoid Company.

The following, were the First Cases Filed where there was a diagnosis of asbestosis: 7
U

CERTIFICATION

I hereby certify that the foregoing answers to interrogatories are true to the best of my knowledge. I understand that if any of these answers are knowingly false, I am subject to punishment.

Patricia M. Corbett
as Assistant Secretary
for
CAF Corp 10/25/83