



NO. 89-4235-M

JOSEPH M. RAINES, ET AL	§	IN THE DISTRICT COURT OF
	§	
	§	
VS.	§	DALLAS COUNTY, TEXAS
	§	
	§	
FIBREBOARD CORPORATION, ET AL	§	191ST JUDICIAL DISTRICT

DEFENDANT OWENS-CORNING FIBERGLAS CORPORATION'S
RESPONSES TO PLAINTIFFS' FIRST SET OF INTERROGATORIES

Defendant Owens-Corning Fiberglas Corporation, by counsel and pursuant to Rule 168 of the Texas Rules of Civil Procedure, responds to Plaintiffs' First set of Interrogatories as follows:

INTRODUCTORY STATEMENT AND OBJECTIONS

Plaintiffs seek information which in many instances is contained in numerous files and records. Further, certain of these interrogatories may call for the collection of information from OCF offices located in various parts of the United States. Therefore, OCF has responded on the basis of the best information now available to it. Subsequent investigation may reveal additional information relevant to these interrogatories and lead to a supplemental response. It is also noted that persons who are not now officers, directors or managing agents of OCF may have information relevant to the subject matter of these requests, and OCF is not purporting in the following responses to

be giving the response of any such persons to plaintiffs' interrogatories.

OCF's responses are made without in any way waiving: (1) the right to object on the grounds of competency, relevancy and materiality, hearsay or any other proper ground to the use of any such information, for any purpose, in whole or in part, in any subsequent stage or proceeding in this action or any other action; and (2) the right to object on any and all grounds, at any time, to any other discovery procedure involving or relating to the subject matter of these interrogatories.

Furthermore, to the extent that these interrogatories seek information concerning injury or disease other than those allegedly experienced by plaintiffs herein or concerning asbestos-containing products other than those to which plaintiffs allegedly were exposed, OCF objects on the grounds that such information is beyond the proper scope of discovery and is not reasonably calculated to lead to the discovery of admissible evidence. To the extent these interrogatories are not limited in time to the years that OCF manufactured and/or sold asbestos-containing products, OCF objects on the grounds that these interrogatories are overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

OCF also objects to these interrogatories to the extent that they seek information which is protected from discovery as attorney work-product, attorney-client communications, protected

by the right to privacy, any other applicable privilege or material which is considered to be proprietary and trade secret.

Incorporating the above objections into each response, OCF responds as follows:

INTERROGATORY NO. 1:

When did Owens-Corning Fiberglas Corporation first learn that exposures to asbestos dust and fibers over a period of years could cause health impacts such as asbestosis, lung cancer, or mesothelioma.

- (a) How did Owens-Corning Fiberglas Corporation learn that information.
- (b) Identify the person or persons at Owens-Corning Corporation who first learned this information.
- (c) Identify and produce any document which supports Owens-Corning Fiberglas' answer to this interrogatory.
- (d) Identify all persons who have knowledge concerning this interrogatory.

RESPONSE NO. 1:

OCF objects to this interrogatory on the grounds that it is vague and ambiguous. Also, OCF objects to this interrogatory to the extent it asks OCF to make a subjective determination regarding the degree of information required to state when OCF "first learn[ed] that exposures to asbestos dust and fibers over a period of years could cause health impacts such as asbestosis, lung cancer or mesothelioma." OCF also objects to this interrogatory to the extent it seeks information protected from discovery as attorney-client communications and/or attorney work product. Without waiving its objections, OCF offers the following as an overview of the information requested herein.

OCF is now aware of medical literature associating various health concerns with the inhalation of asbestos fibers. There

was no specific date as to when OCF became aware of the relationship of exposure to asbestos fibers and dust to various health concerns. Likewise, there was no specific date as to when OCF became aware of the relationship of exposure to Kaylo dust to various health concerns. The knowledge of that relationship was developed over a considerable period of time.

In the early 1940's some employees of OCF became aware of reported health effects associated with the inhalation of heavy concentrations of asbestos fibers in the asbestos and textile manufacturing industry.

In 1953, OCF began to distribute a hydrous calcium silicate reinforced with asbestos, called Kaylo, which was manufactured by Owens-Illinois. OCF began to manufacture the product in 1958, when it purchased the Berlin, New Jersey Kaylo manufacturing plant from Owens-Illinois.

In 1956, before the acquisition of the Kaylo manufacturing plant from Owens-Illinois, OCF inquired into the information that Owens-Illinois had regarding the health aspects of the Owens-Illinois Kaylo product. OCF was informed that a study conducted by the Trudeau Foundation located in Saranac Lake, New York, published in 1955, showed that animals, if exposed for a prolonged period of time to heavy concentrations of Kaylo dust, could develop a mild asbestosis reaction. However, OCF was informed at the same time that experience in the manufacturing plants, including x-ray results, revealed no lung changes of any kind that could be attributed to the occupational exposure to Kaylo.

Other documents, presumably received from Owens-Illinois around the time of the acquisition, informed OCF that Owens-Illinois had concluded, based on this experience in the factories and in the field and its consideration of the Saranac Lake report, that the actual effect to the health of those handling Kaylo was considered to be small.

During the period of approximately 1964 and 1966, OCF was made aware of new developments concerning the potential problems of asbestos insulating materials. The final results of Dr. Selikoff's work, presented as part of the proceedings of the New York Academy of Sciences, were published in the Annals of the New York Academy of Science on December 31, 1965. These articles, as they related to prolonged use and exposure to asbestos insulating materials and potential lung disease, were questioned by certain employees of OCF with regard to their application to the product Kaylo. It was felt that Kaylo, a calcium silicate, could not have been involved to any appreciable extent in the studies, because the studies involved men who had entered the insulation trade before 1943, the Kaylo had not yet been marketed in 1943. In addition, the fact that the asbestos in Kaylo was altered physically and chemically during the autoclaving process raised the issue as to whether or not the alteration changed the possible cancer inducing tendencies of the original asbestos.

Moreover, in 1963, Union Carbide Company studied Kaylo and made the conclusions that (1) the fabrication of Kaylo block insulation produced negligible health effects; (2) the environmental condition in evidence during the fabrication of

Kaylo block insulation was not hazardous to health; and (3) Kaylo block insulation could be fabricated safely at Union Carbide's Construction Insulation Shop.

As of the mid '60s no Worker's Compensation cases had been filed by employees of the Berlin, New Jersey Kaylo manufacturing plant. In October of 1966 certain employees of OCF became aware of a potential claim by an insulation worker in Massachusetts alleging lung damage due to the handling of Kaylo.

Shortly thereafter, notwithstanding the fact that there was still doubt among certain employees as to whether Kaylo could cause lung disease, a decision was made to place cautionary labels on the Kaylo cartons, and said decision was implemented in December 1966.

OCF further states that documents, to the extent they exist, relating to the subject matter discussed herein would be contained in OCF's document library located in Richmond, Virginia.

The document library contains existing documents generated and/or received at the OCF corporate headquarters in Toledo, Ohio; its technical center in Granville, Ohio; and from manufacturing facilities in Berlin, New Jersey; Bloomington, Illinois; Newark, Ohio; and Santa Clara, California. The library also contains certain files obtained from Fiberglas Engineering and Supply Company in San Francisco and Seattle, Washington. Other documents relating to Fiberglas Engineering and Supply Co. of San Francisco are maintained by the law firm of Popelka, Allard, McCowan & Jones in San Jose, California pursuant to an

agreement contained in Defendant's response to plaintiffs' request for production in Heley, et. al. v. Fibreboard, et al., June 10, 1989.

The library contains responsive, non-privileged materials generated before and during the time that OCF manufactured asbestos-containing Kaylo insulation.

At a mutually convenient time, OCF will make available for inspection by plaintiffs' counsel the non-privileged documents stored in its document library. Counsel for OCF will provide an index, which sets forth the file titles of those files contained in each box, and personnel to assist plaintiffs' counsel in locating documents responsive to the discovery requests in this matter. OCF will also make arrangements for copying documents which plaintiffs' counsel may select. Copying and shipping costs will be borne by plaintiff(s), unless otherwise ordered by the Court.

OCF's library includes documents that contain information which is considered to be proprietary and trade secret. Therefore, they will be produced after the entry of an appropriate protective order.

OCF has removed from the library any existing materials which it contends are protected from discovery as privileged attorney-client communications, attorney work product materials, materials within the physician/patient privilege or those otherwise beyond the scope of permissible discovery. Each document removed as privileged has been substituted with an easily identifiable marker which describes the privileged

document by document type, (e.g., memo, letter, note), date, author, recipient, subject matter, and basis for objection. These markers may be designated for copying in the same manner as non-privileged documents.

Visits to the library may be scheduled through OCF's local counsel.

INTERROGATORY NO. 2:

When did Owens-Corning Fiberglas Corporation first learn that exposure to asbestos dust and fibers over a period of years from the uncontrolled use or handling of Kaylo could cause health impacts, such as asbestosis, lung cancer, or mesothelioma.

- (a) How did Owens-Corning Fiberglas Corporation learn that information.
- (b) Identify the person or persons at Owens-Corning Fiberglas Corporation who first learned this information.
- (c) Identify and produce any document which supports Owens-Corning Fiberglas' answer to this interrogatory.
- (d) Identify all persons who have knowledge concerning this interrogatory.

RESPONSE NO. 2:

OCF objects to this interrogatory on the grounds it is overly broad and burdensome, vague and ambiguous. Also, OCF objects to this interrogatory to the extent it asks OCF to make a subjective determination regarding the degree of information required to state when did OCF "first learn[ed] that exposure to asbestos dust and fibers over a period of years from the uncontrolled use or handling of Kaylo could cause health impacts, such as asbestosis, lung cancer, or mesothelioma." OCF also

objects to this interrogatory to the extent it seeks information protected from discovery as attorney-client communications and/or attorney work product. Without waiving its objections, OCF refers plaintiffs to Response No 1. Additional information pertaining to this interrogatory may be found in OCF's document library proffered in Response No. 1.

INTERROGATORY NO. 3:

Did Owens-Corning Fiberglas Corporation ever employ a Doctor Jon Konzen? If so,

- (a) Identify his position and job duties;
- (b) Identify the years of his employment relationship with Owens-Corning Fiberglas Corporation.
- (c) Identify his job duties specifically with respect to informing, educating or advising Owens-Corning Fiberglas Corporation of any health impacts associated with asbestos exposure.

RESPONSE NO. 3:

OCF states that Dr. Jon L. Konzen, Vice President, Medical and Health Affairs, Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, Ohio, 43659, was hired on January 15, 1968, as Corporate Medical Director. Dr. Konzen was promoted to his present position in November, 1985 and continues in this position. As the corporation's Chief Medical Officer, Dr. Konzen has three general responsibilities: first, to oversee the development of scientific and medical knowledge concerning the health effects of products made and sold by OCF, materials used in OCF's manufacturing process, and new products and processes under development; second to design and manage medical research programs; and third, to represent the company in matters concerning health effects.

INTERROGATORY NO. 4:

Did Dr. Konzen ever examine persons exposed to asbestos on behalf of Owens-Corning Fiberglas Corporation to determine the presence of any occupational lung injury or disease? If so,

- (a) did Dr. Konzen advise or communicate to Owens-Corning Fiberglas Corporation the results of any such examinations and, if so, please identify the year(s) of such communication(s).
- (b) please identify and produce any documents which support or provides a basis for your answers above.

RESPONSE NO. 4:

OCF objects to this interrogatory on the grounds that it is vague and ambiguous. OCF assumes plaintiffs' use of the term "examination" to mean that Dr. Konzen personally conducted a physical examination of a person who exhibited typical symptoms of lung injury or disease due to occupational health hazards. Without waiving its objections, OCF states that Dr. Konzen did not examine any persons exposed to asbestos on behalf of OCF to determine the presence of any occupational lung injury or disease.

INTERROGATORY NO. 5:

Did Dr. Konzen during his employment with Owens-Corning Fiberglas Corporation maintain a medical and scientific library regarding occupational lung diseases, such as asbestosis? If so,

- (a) Please identify the journals, treatises, publications and medical texts which Dr. Konzer [sic] kept in his library prior to 1970.

RESPONSE NO. 5:

OCF states that the corporation maintained a medical library, which in part consisted of medical information pertaining to asbestos exposure, from 1968 to 1987. This library is no longer being maintained. See Exhibit A, a bibliography

listing a number of articles which were contained in OCF's medical library. OCF further states that other than this library, Dr. Konzen did not personally maintain a medical and scientific library regarding occupational lung diseases. Additional information pertaining to this interrogatory may be contained in OCF's document library proffered in Response No. 1.

INTERROGATORY NO. 6:

Was Dr. Konzen knowledgeable in the field of diagnosing, treating and/or preventing occupational lung diseases such as asbestosis? If so,

- (a) When did Dr. Konzen acquire this knowledge?
- (b) How did Dr. Konzen acquire this knowledge (specifically, what degrees did he earn, what medical journals did he subscribe to, what area of medicine did he practice, etc.).

RESPONSE NO. 6:

OCF objects to this interrogatory on the grounds that it is argumentative, overly broad, unduly burdensome and vague and ambiguous. Without waiving its objections, OCF refers plaintiffs to Exhibit B, Dr. Konzen's curriculum vitae.

INTERROGATORY NO. 7:

Did Dr. Konzen ever communicate to any Owens-Corning Fiberglas Corporation employee, officer, agent, director or executive, and/or any legal counsel retained by Owens-Corning Fiberglas Corporation, the existence of medial and scientific literature discussing the health impacts associated with the inhalation of asbestos dust and fibers? If so,

- (a) when was the first such communication made;
- (b) to whom was it made;
- (c) was such communication in writing, and if so, will you please produce same;

- (d) what medical and scientific literature regarding asbestos-related injuries did Dr. Konzen produce for Owens-Corning Fiberglas' review and inspection, to whom were these documents produced and when;
- (e) state the exact contents of all such communications regarding the health impact of asbestos exposure by Dr. Konzen to Owens-Corning Fiberglas Corporation;
- (f) identify and produce any and all documents which contain or mention these communications.

RESPONSE NO. 7:

OCF objects to this interrogatory on the grounds that it is overly broad and burdensome. OCF also objects to this interrogatory to the extent that it seeks information which is protected from discovery as attorney-client communications and/or attorney work product. Without waiving its objections, OCF states that it does not have a compilation of the information requested herein. Such information may be contained in OCF's document library proffered in Response No. 1.

INTERROGATORY NO. 8:

Did Owens-Corning Fiberglas Corporation receive notice prior to 1968 that any person was claiming injury, including but not limited to workers' compensation claims, as a result of using and/or being exposed to asbestos-containing products manufactured, distributed and/or sold by Owens-Corning Fiberglas Corporation and/or other asbestos product manufacturers? If so, please state:

- (a) the name and address of each claimant;
- (b) the date of notice of each claim;
- (c) a description of the claim;
- (d) the type of injuries allegedly sustained;
- (e) the style, court number and/or claim number of each such claim;
- (f) the resolution of each claim.

(g) please produce any and all documents which provide the basis for your answers above.

RESPONSE NO. 8:

OCF objects to this interrogatory on the grounds that it is overly broad and burdensome. OCF also objects to this interrogatory to the extent it seeks information which is protected from discovery as attorney-client communications and/or attorney work product.

Without waiving its objections, OCF states that it was named as a party in Workmen's Compensation actions filed by persons believed to have been employees of its Contracting and Supply Division alleging injury from exposure to asbestos. These claimants were apparently insulation workers, who filed actions against numerous past and present employers, and alleged injury from exposure to a variety of asbestos and nonasbestos-containing materials over a period of many years.

OCF does not have records to provide a complete response to this interrogatory, because Worker's Compensation claims historically have been processed by OCF's insurance carriers, and OCF's corporate headquarters would not always have received contemporaneous notification of individual claims.

OCF has had in its possession certain claims materials from these kinds of Worker's Compensation actions. These materials were located, for the most part, in the Law Department of the company's Santa Clara, California manufacturing plant. However, all of these files originally located at Santa Clara have not been located in company files during a recent review of documents. A diligent search continues.

The following table sets forth the factual information which is presently known about these claims. Based on a preliminary review of these materials conducted in 1980, it appears that the injuries claimed were asbestosis, and in some instances, lung cancer.

<u>Name</u>	<u>Approx date of claim filed against OCF</u>	<u>Location</u>
1. Harold Bronson	1964	Los Angeles, California
2. Leonard Brookenshire	1968	Los Angeles, California
3. Allan Everitt	1963	
4. Minnie Louise & Bruce Frederick	1967	Fresno, California
5. Steve Gillovich		
6. Robert O. Goans	1963	Oakland, California
7. Robert E. Goodwin	1969	California
8. Paul Gratishire	1962	Oakland, California
9. Allen Hamberg		Seattle, Washington
10. Roy B. Harris	1973	Phoenix, Arizona
11. Gerald Herrick	1970	Anchorage, Alaska
12. Harold Hilstrom	1973	Washington
13. Burton Kramer	1960	Washington
14. Marvin Lindholm	1973	Seattle, Washington
15. William Lee Mabry	1967	Oregon
16. W. L. Menzies	1968	Los Angeles, California
17. Fred Moffett	1966	Oregon
18. Willis E. Moore		Seattle, Washington
19. Edward Meyers	1962	San Francisco, California

20. George Nelson	1968	Phoenix, Arizona
21. Henry Puetz	1966-1967	
22. John Stanley	1969	Los Angeles, California
23. M. E. Sutton		
24. David Swindell	1975	Sacramento, California
25. William E. Tudor	1967	Seattle, Washington
26. Charles Vincent	1970	Anchorage, Alaska
27. James Whitcomb Riley	1959	
28. Leroy C. Winters	1959	Albuquerque, New Mexico
29. John Wyss	1962	

In addition, a review of the OCF Toledo Medical Department files indicates the following information relating to these kinds of Workmen's Compensation claims.

<u>Name</u>	<u>Approx date claim pending against OCF</u>	<u>Alleged Injury</u>	<u>Location</u>
1. Wayne E. Boyer	1969-70	Asbestosis	Los Angeles, CA
2. Lawrence F. Brimmer	1969	Unknown	Flint/Grand Rapids, MI
3. Maurine Clark	1969-70	Unknown	Los Angeles, CA
4. James E. Clark	1969-70	Unknown	San Francisco, CA
5. James Clark	1970	Asbestosis	Seattle, WA
6. Bruce Frederick (Minnie Louise)	1967-70	Asbestosis	Fresno, CA
7. Charles F. Funkhouser	1970	Asbestosis	Los Angeles, CA
8. Robert E. Goodwin	1969-70	Pneumoconiosis: Asbestos exposure	Los Angeles, CA

9. Gerald D. Herrick	1970	Asbestosis	Anchorage, AK
10. Robert J. Horsman	1969-70	Asbestosis	Los Angeles, CA
11. Roy B. Merrill	1969-70	Pneumoconiosis: Asbestos exposure	Los Angeles, CA
12. Fred Moffet	1967-68	Disability: Exposure to asbestos	
13. Willis W. Moore	1969-70	Asbestosis	Seattle, WA
14. Frances E. Owens	1969-70	Unknown	Los Angeles, CA
15. Edward L. Pflleghar	1968-70	Asbestosis	San Francisco, CA
16. Henry C. Puetz	1966-70	Asbestosis	San Francisco, CA
17. John Stanley	1968-70	Asbestosis	Los Angeles, CA
18. Vernon F. Tucker	1969-70	Asbestosis	Los Angeles, CA
19. William E. Tudor	1967-70	Asbestosis	Seattle, WA
20. Charles L. Vincent	1969-70	Asbestosis	Anchorage, AK

Additional information relating to that which is discussed herein would be located in OCF's document library proffered in Response No. 1.

Certain other Worker's Compensation claims files have been furnished to OCF by plaintiffs' counsel in the course of litigation. It is believed that these files were originally obtained from codefendants or from public records. Copies of these files were not found among OCF's historical documents, but some of these files relate to the same claimants whose names appear in the tables above. These files number in excess of 2,300 pages and will be made available upon request for inspection and copying at a reasonable cost.

INTERROGATORY NO. 9:

Prior to 1968, did Owens-Corning Fiberglas Corporation ever advise any user or purchaser of Kaylo to wear a respirator when using, handling or cutting Kaylo. If so,

- (a) identify to whom this information was given;
- (b) identify the method by which this information was communicated;
- (c) state the exact contents of the advice;
- (d) state the first time (date) such advice was communicated to each such person; and
- (e) identify and produce any and all documents which contain or mention this advice.

RESPONSE NO. 9:

OCF objects to this interrogatory on the grounds that it is overly broad and burdensome. OCF also objects to this interrogatory to the extent it seeks information protected from discovery as attorney-client communications and/or attorney work product.

Without waiving its objections, OCF states that in December 1966, a cautionary label was hand-stamped on containers of Kaylo insulation which read as follows: "This product contains asbestos fiber. 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." No reproductions of the hand-stamped packages are available. However, Exhibit C accurately reflects the labeling stamped on all packages during December 1966.

In November 1970, the Kaylo cautionary label was changed to read "CAUTION - Product contains asbestos fibers. Inhalation of dust 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." See Exhibit D.

The above described cautionary labels were directed to all users of those products.

Additionally OCF, on its own and through the National Insulation Manufacturers Association, prepared and disseminated to contractors, distributors, and insulators information regarding potential health hazards associated with asbestos-containing insulation. In 1968, NIMA published a pamphlet entitled "Recommended Health Safety Practices for Handling and Applying Thermal Insulation Products Containing Asbestos." This pamphlet was distributed at meetings of the Insulation Distributor Contractors National Association. OCF distributed the pamphlet to its branch managers, Supply and Contracting (S & C) supervisors, Home Building Products (HBP) supervisors, and S & C managers, with instructions to review the matter with their salesmen. See attached Exhibit E, a copy of this pamphlet.

OCF further states that respirators were recommended and made available to its employees working in areas where the environment was dusty to protect them from inhalation of dust particles, including the inhalation of asbestos dust.

Respirators were available in all contracting units from shortly after their formation.

Respirators have always been available in the Berlin, New Jersey plant since it was purchased from Owens-Illinois in 1958.

At this time, Owens-Illinois had a respirator program in place; OCF continued this program and supplemented employees' knowledge with an educational program in 1971. See attached Exhibit F which outlines said educational program, including a discussion of the Berlin plant respirator program. See also attached Exhibit G, a copy of the Berlin, New Jersey manufacturing plant safety rules which refers specifically to the use of respirators.

Respirators have always been available in the Bloomington, Illinois plant since it was purchased from UNARCO in April 1970. In November 1971, OCF effected a respirator program which required the use of respirators in designated areas and jobs. This program included instructions to employees of the Bloomington plant.

Additional information pertaining to this interrogatory may be contained in OCF's document library proffered in Response No. 1.

INTERROGATORY NO. 10:

Can exposure to asbestos dust and fibers of Kaylo after a period of years cause a) asbestosis; b) lung cancer; c) mesothelioma? If so,

- (a) state the circumstances to which you believe that the exposure to Kaylo can cause asbestosis, lung cancer, or mesothelioma;
- (b) when did you first learn that information;
- (c) how did you learn that information;
- (d) who is the most knowledgeable person at Owens-Corning Fiberglas Corporation concerning when this information was first learned;

- (e) after learning this information, did Owens-Corning Fiberglas Corporation recall Kaylo that had been placed in the stream of commerce.

RESPONSE NO. 10:

OCF objects to this interrogatory on the grounds that it is overly broad and burdensome and vague and ambiguous. Further, OCF objects to this interrogatory on the grounds that it is an inappropriate use of this discovery vehicle. The subject of this interrogatory is more appropriately the subject of competent expert testimony. Without waiving its objections, OCF refers plaintiffs to Response No. 1. OCF further states that it ceased the manufacture of asbestos-containing Kaylo in 1972 and the distribution of this product in 1973. To the best of its current knowledge, OCF did not institute a "recall" of asbestos-containing Kaylo as OCF understands the term "recall."

Additional information pertaining to this interrogatory may be contained in OCF's document library proffered in Response No. 1.

INTERROGATORY NO. 11:

Has Owens-Corning Fiberglas Corporation ever answered same or similar interrogatories with respect to Owens-Corning Fiberglas' first knowledge or awareness of health dangers associated with exposure to asbestos in this personal injury litigation differently than Owens-Corning Fiberglas' answers to any of the interrogatories propounded above? If so,

- (a) please identify the answers which have changed;
- (b) please identify and set forth answers in past interrogatory answers which differ from the corresponding interrogatories propounded here, including the dates and case styles and numbers of the previous answers;
- (c) please produce all prior interrogatory answers by Owens-Corning Fiberglas Corporation in which said answer(s) differ from the answer(s) herein.

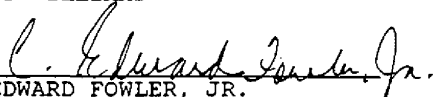
RESPONSE NO. 11:

OCF objects to this interrogatory on the grounds that it is argumentative, overly broad and burdensome, and seeks information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving its objection, OCF states that it has been answering similar interrogatories since the late 1960s. Answers to thousands of interrogatories have been drafted by a number of different individuals, some of whom are no longer with the company. Based on the foregoing, OCF states that it is unable to meaningfully respond to this interrogatory.

Respectfully submitted,

BAILEY AND WILLIAMS

By:

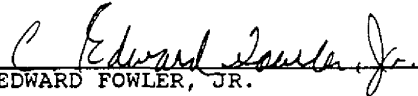

C. EDWARD FOWLER, JR.
State Bar No. 07328000

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Attorney for Defendant,
Owens-Corning Fiberglas Corporaton

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing document has been mailed to counsel of record on this the 21st day of December, 1989.


C. EDWARD FOWLER, JR.

IN THE DISTRICT COURT OF
DALLAS COUNTY, TEXAS

JOSEPH M. RAINES, ET AL.,

Plaintiffs,

vs.

Civil Action No. 89-4235-M

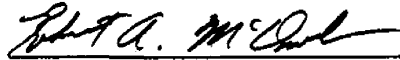
FIBREBOARD CORPORATION, ET AL.,

Defendants.

STATE OF VIRGINIA)
) SS
CITY OF RICHMOND)

AFFIDAVIT

ROBERT A. MCOMBER, being duly sworn, deposes and says that he is Counsel - Litigation for OWENS-CORNING FIBERGLAS CORPORATION, and that he verifies the foregoing answers to Plaintiffs' First Set of Interrogatories for and on behalf of OWENS-CORNING FIBERGLAS CORPORATION and is duly authorized so to do; that the matters stated therein are not within the personal knowledge of deponent; that the facts stated therein have been assembled by authorized employees and counsel of OWENS-CORNING FIBERGLAS CORPORATION and deponent is informed that the facts stated therein are true.



ROBERT A. MCOMBER

SWORN to and subscribed before me this 14th day of December, 1989.

My Commission expires:

5/12/92


Notary Public

The attached is a list of literature found in the medical library, for some articles, organized chronologically by date of publication. The index contains a notation of "Date Received" in the margin. Please note that this is the date these articles publications were received by the medical library, and have no bearing on when the same documents were received into OCF's historical files. Such documents may have been in OCF's files at an earlier or later date than shown in this index.



✓ = NO DATE AVAILABLE

CHRONOLOGICAL INDEX

1935

Effects of the Inhalation of Asbestos Dust on the
Lungs of Asbestos Workers Public Health Reports
Vol. 60, No. 1, January 1935

A. J. Lanza
William J. McDonn
J. William Fehne

CHRONOLOGICAL INDEX

1946

DATE RECEIVED
1/15/82 A Health Survey of Pipe Covering Operations in Con-
structing Naval Vessels Journal of Industrial
Hygiene and Toxicology Vol. 28, No. 1 Jan. 1946

Walter E. Fleische
Frederick J. Viles
Robert L. Gade
Philip Drinker

"A Study of Asbestosis
in the Asbestos
Textile Industry"
Dreesen, Ballauche,
Edwards, Millenrod
Sayre, Pub. Heath
Bull. No. 241 (1938)

Received by OCF
Medical Services
1/15/82

CHRONOLOGICAL INDEX

Asbestos Reprints

1957

~~DATE RECEIVED~~
UNKNOWN

Pulmonary Tumors in Mice Exposed to Asbestos Dust

Kenneth M. Lynch, MD
Forde A. McIver, MD
James R. Cain, MD

CHRONOLOGICAL INDEX

Asbestos Reprints

1960

ATE RECEIVED
UNKNOWN

Asbestosis and Carcinoma of the Lung
(Case Report and Review of the Literature)

John Anderson, MD
Francis A. Campagna, MD

2 FEB 10
3-4-77

Diffuse Pleural Mesothelioma and Asbestos
Exposure in the North Western Cape Province
(From Brit. J. Industr. Med., 1960 17, 260)

J. C. Wagner
C. A. Sleggs
Paul Marchand

CHRONOLOGICAL INDEX

Asbestos Reprints

1961

DATE RECEIVED
UNKNOWN

Health Progress in an Asbestos Textile Works

Jerry Mitchell

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Asbestos Reprints

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DATE REC'D UNKNOWN 7-27-65	<u>Asbestos Bodies in Human Lungs at Autopsy</u>	Dzidra Cauna, MD Robert S. Totten, MD Paul Gross, MD
DATE REC'D UNKNOWN	<u>Mesothelioma of Pleura and Peritoneum Following Exposure to Asbestos in the London Area</u>	Muriel L. Newhouse Hilda Thompson
DATE REC'D UNKNOWN	<u>Tests For Carcinogenicity of Asbestos</u>	Wm. E. Smith Llonas Miller R. E. Elsasser D. D. Hubert
DATE REC'D UNKNOWN	<u>Asbestosis and Pulmonary Carcinoma</u>	Frank R. Dutra, MD John D. Carney, MD
DATE REC'D UNKNOWN	<u>The Occurrence of Asbestosis Among Insulation Workers in the United States</u>	I. J. Selikoff J. Churg E. C. Hammond
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Irving J. Selikoff, MD
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J. C. McDonald

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M. M. Finelstei

REC'd 3-18-84

CURRICULUM VITAE

JON LEO KONZEN, M.D.

Born

July 23, 1934 -- Toledo, Ohio

Residence

Telephone

757 West Carrisbrook Drive
Maumee, Ohio 43537

(419) 893-8569

Pre-Professional Education

Toledo, Ohio: 1940 - 1952

University of Notre Dame, South Bend, Indiana: 1952 - 1956
B.S. (Pre-Medicine) June 1956

Professional Education

Faculty of Medicine, University of Ottawa, Ottawa, Ontario:
1956 - 1960; Doctor of Medicine, May 1960

School of Public Health - University of Michigan, Ann Arbor,
Michigan; September 1964 - August 1965; Master of Public
Health (IH)

Internship

Akron City Hospital
Akron, Ohio

Service: Rotating
July 1960 - July 1961

Residencies

Akron City Hospital
Akron, Ohio

Service: Pathology
July 1961 - February 1962

University of Michigan
Institute of Industrial
Health

Service: Occupational Medicine
Sept. 1964 - July 1966



CURRICULUM VITAE - Jon L. Konzen, M.D.

Professional Education - (Continued)

Residencies

Ford Motor Company and the Institute of Health	Service: In-plant training July 1966 - September 1967 (This included adminis- trative in the Medical Director's Office, and Central Staff and Clin- ical in various plants of the Ford Motor Com- pany.)
--	--

Fellowships

American College of Preventive Medicine	Service: October 1968 to present
American Occupational Medical Association	Service: April 1973 to present
American Academy of Occupational Medicine	Service: June 1972 to present

Board Certification

American Board of Preventive Medicine	Service: Occupational Medicine June 1968 Certification #1162
--	--

Past Occupations

Ford Motor Company, Trenton, Michigan: Physician in Charge
Woodhaven Stamping Plant; September 1967 - January 1968.

Present Occupation

Vice President, Medical and Health Affairs, Owens-Corning
Fiberglas Corporation, Fiberglas Tower, Toledo, Ohio;
November 1985 to present.

CURRICULUM VITAE - Jon L. Konzen, M.D.

Present Occupation - (Continued)

Medical Director, Owens-Corning Fiberglas Corporation,
Fiberglas Tower, Toledo, Ohio; January 1968 to
October 1985.

Military Service

U.S. Army Hospital, Fort Carson, Colorado: February 1962 -
January 1963.

U.S. Army Environmental Hygiene Agency, Edgewood Arsenal,
Maryland; January 1963 - August 1964.

Teaching Appointments

Assistant Professor, Microbiology - University of Maryland
(Extension Service) Baltimore, Maryland: September 1963
February 1964.

Non-Resident Lecturer in Environmental & Industrial Health;
School of Public Health, University of Michigan, Ann
Arbor, Michigan: 1970 to present.

Hospital Associations - Present

St. Vincent Hospital and Medical Center - Attending Staff
Toledo, Ohio

Toledo Hospital - Attending Staff
Toledo, Ohio

Memberships in Professional Societies

1. American Medical Association
2. Ohio State Medical Association
3. Toledo Academy of Medicine
4. American College of Preventive Medicine
5. American College of Occupational Medicine -
Board of Directors
6. American Public Health Association
7. American Society of Testing & Materials
8. National Safety Council - Board of Directors
(term now completed)

CURRICULUM VITAE - Jon L. Konzen, M.D.

Licenses

State of Ohio
State of Maryland
State of Michigan
Ontario, Canada

Publications

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CURRICULUM VITAE - Jon L. Konzen, M.D.

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KAYLO

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A-32

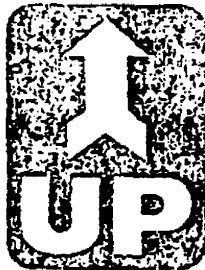
THIS SIDE UP

A-27

HANDLE WITH CARE

A-209
(5 1/4" x 2 1/8")

FOR
TEMPERATURES
TO 1200° F.



A-60

THIS PRODUCT CONTAINS ASBESTOS FIBER

IF DUST IS CREATED WHEN THIS PRODUCT
IS HANDLED, AVOID BREATHING THE DUST.

IF ADEQUATE VENTILATION CONTROL IS
NOT POSSIBLE, WEAR RESPIRATOR APPROVED
BY U.S. BUREAU OF MINES.

A-210
(7 1/8" x 2 1/8")

elements shall be printed to match Glass Container Manufacturers Institute (GCM) red ink #75



TO:



SPECIFICATION

HISTORY
COPY

DATE: November 4, 1970

ISSUED BY:
CONSTRUCTION MATERIALS PROCESS AND QUALITY CONTROL DEPARTMENT (Toledo)

SUBJECT: Specification Revision

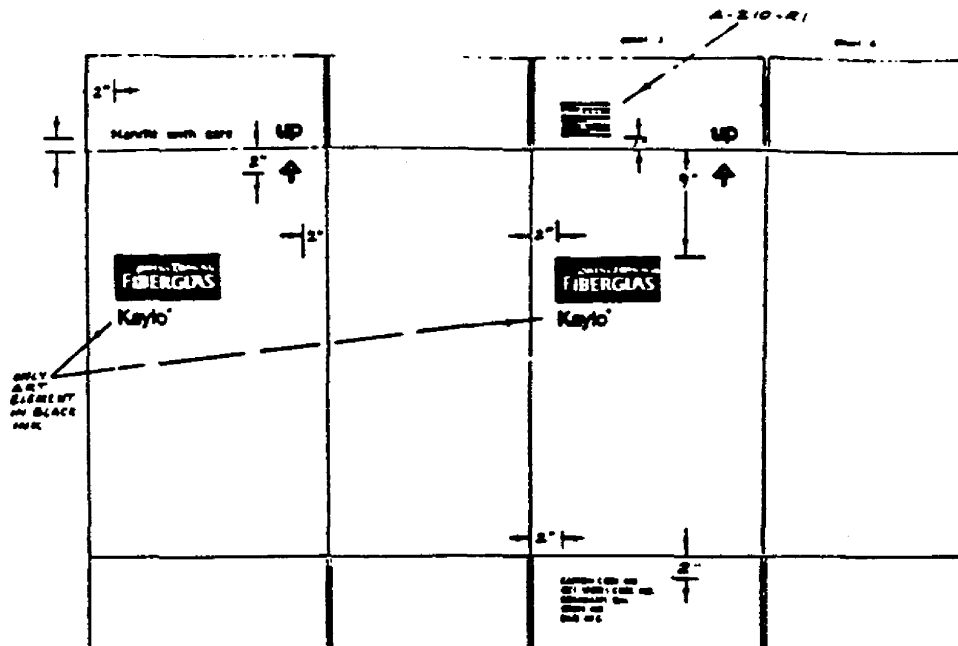
REF. Purchase Acceptance Standard - PAS.2.1.43 - Regular Slotted Printed Cartons and
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The attached subject PAS has been revised as follows:

1. Revised carton artwork.

Please cancel the 1/20/67 issue of this specification and replace with the attached.





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A-277 (5 1/8" LONG)

Handle with care

A-260 (7 1/4" LONG)

**CAUTION—PRODUCT CONTAINS
ASBESTOS FIBER**

IRRITATION OF SKIN ON EXPOSURE (QUANTITIES
OVER LONG PERIODS OF TIME MAY BE HARMFUL.
AVOID BREATHING DUST.

IF ABSOLUTE VENTILATION IS NOT POSSIBLE,
WEAR RESPIRATOR APPROVED BY THE U. S.
BUREAU OF MINES FOR FIBERGLASS
DUSTS.

A-210-R1 (4" x 2 1/2")



A-230 (8" LONG)

up



A-267
(2 1/2" x 5 1/2" tall)

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