

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CATHERINE HASSEY, Individually
and as Administratrix of the
Estate of Harry R. Hassey,
Dec'd

CIVIL ACTION

v.

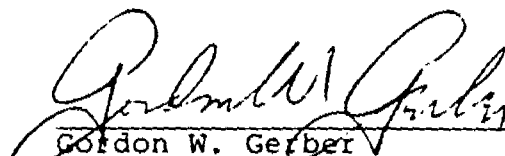
UNIROYAL, INC., THE B. F. GOODRICH
COMPANY, THE FIRESTONE TIRE & RUBBER
COMPANY, UNION CARBIDE CORPORATION
and AIR PRODUCTS AND CHEMICALS, INC.:

NO. 80-43

ANSWER OF DEFENDANT, UNION CARBIDE
CORPORATION, TO AIR PRODUCTS AND
CHEMICALS, INC.'S INTERROGATORIES
ADDRESSED TO DEFENDANTS, UNIROYAL,
INC., THE B. F. GOODRICH COMPANY, THE
FIRESTONE TIRE & RUBBER COMPANY AND
UNION CARBIDE CORPORATION

1 through 6, 8-9. Defendant, Union Carbide Corporation,
has no present intention of offering any evidence in support of
its crossclaim against Air Products and Chemicals, Inc. other
than to incorporate for purpose of its crossclaim only the evi-
dence offered against Air Products and Chemicals, Inc. by plain-
tiff or any other party to this action.

7. No.



Gordon W. Gerber
Dechert Price & Rhoads
3400 Centre Square West
1500 Market Street
Philadelphia, PA 19102

Attorney for Defendant, Union Carbide
Corporation

Exhibit "E"

04-11-80

X
Back ground info - 1/10/68 ✓

(b) the name and address of his present employer or if self-employed, the name and address of the business and his occupation;

Answer: Dr. Auerbach is employed in part by the Veteran's Administration, VA Medical Center, SMI Lab., Bldg. #11, Tremont Ave. & Center Street, E. Orange, NJ 07019.

Dr. Auerbach is also self-employed as a medical doctor specializing in pathology.

(c) his educational background specifying colleges attended, dates of attendance, degrees attained and a detailed list of all writings prepared by the expert or in which the expert participated in any way whatsoever;

Answer: Dr. Auerbach: New York Medical College: M.D., 1924;

Dr. Bunin: Curriculum Viti is attached hereto.

(d) specific identification of all courses attended, seminars attended and other activities on the part of the expert within the past ten years which were concerned with the subject for which the expert was retained in this case;

Answer: Dr. Auerbach attended the above medical school, taking the normal course requirements. Within the past ten years, Dr. Auerbach has participated in an epidemiological study in relation to a PVC fabrication plant located in Louisville, Kentucky. The study was conducted of the environmental conditions to determine whether or not lung cancer was associated with vinyl-chloride monomer.

This study was followed through with several published reports, based upon this data, resulting in a conclusion that excess lung cancer risk existed beyond that solely due to VCM exposure, and that this excess risk was related to PVC dust as well.

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A full exposition of this study is set forth in the reports of Dr. Waxweiler dated October, 1981 and 1976.

(e) the name and address of every person or firm for the last ten (10) years and a detailed description of all duties at each place of employment; if the expert was self-employed, state specifically and in detail the description of his duties and responsibilities.

Answer: Dr. Auerbach has been continuously employed over the past ten years as a pathologist with the Veteran's Administration as set forth above. His duty with the Veteran's Administration is to participate in ongoing research with particular emphasis on determining the causes of cancer. Dr. Auerbach was also self-employed during this period, performing essentially the same services on his own.

Interrogatory 9. Identify each person whom you expect to call as an expert witness at the trial of this claim. As to each witness, state:

(a) the subject matter on which he is expected to testify;

Answer: Oscar Auerbach, M.D. will testify that with respect to workers in a PVC fabrication plant, there is an increased risk of lung cancer, both from vapors and dust conditions. This increased risk of lung cancer is manifested by the presence of large cell type cancer. Harry Hassey, Deceased, was a worker in a PVC fabrication plant where the polymerization took place and he worked at stations during periods of time in which the length was sufficient to have exposed him to the carcinogens. Harry Hassey was treated and hospitalized as a result of having lung

cancer. A review of all the pertinent medical evidence of Harry Hassey, Deceased, and his background of employment, discloses that he died of a large cell cancer involving his right lung, and that his occupation was the cause thereof.

Dr. Bunin will testify in regard to the damages aspect of this case--a copy of the report will be furnished upon completion.

(b) the facts and opinions to which he is expected to testify;

Answer: Dr. Auerbach's opinion will be based upon the facts set forth in the report of Dr. Waxweiler attached hereto and the facts of Harry Hassey's employment experience as set forth in the deposition of Harry Hassey taken in this case on January 22, 1980, as well as the deposition of Benedetto DeCave taken in this case on December 15, 1981, which have been filed of record. In addition, factual information will be based upon the hospital and medical reports, each of which are set forth in the report of Dr. Auerbach attached hereto dated November 15, 1982.

Based upon the above facts, Dr. Auerbach is of the opinion that there is an increased risk of lung cancer by exposure to PVC vapors and dust associated with the polymerization process which takes place by the mixing of various chemicals at a PVC fabrication plant such as the Masland Plant described in the above-noted depositions. This increased risk of lung cancer is demonstrated by the presence of large cell type cancers in the victim. Harry Hassey died as a result of a large cell cancer

involving his right lung, which was the result of his employment at the Masland plant.

(c) a summary of the grounds for each opinion;

Answer: Mr. Harry Hassey was employed in an occupation where he was exposed to polyvinyl chloride dust (resin) over a long period of time. Mr. Hassey was also a heavy cigarette smoker. In a paper entitled "Lung Cancer at a Polyvinyl Chloride (PVC) Polymerization Facility", this study documented an increased risk for lung cancer among workers at a large PVC polymerization facility. An altered histologic distribution, with an increased incidence of large cell undifferentiated carcinoma, was demonstrated for cases of lung cancer with five years' duration of work at the plant and ten years of latency from start of work. It is hypothesized in this paper that the lung cancer risk may be associated with exposure to respirable PVC resins, and/or to other unidentified etiologic factors rather than solely to the direct inhalation of vinyl chloride monomers as was the case with hepatic angiosarcoma at that plant.

Based upon all of the evidence available in the case of Mr. Harry Hassey, it is the considered medical opinion of Dr. Auerbach that Mr. Hassey died as a result of a carcinoma (large cell) involving his right lung. It is also his opinion, based upon all of the information available, that Mr. Hassey had all of the elements to implicate his occupation in the relationship to his lung cancer. These are namely, his exposure to the polyvinyl

resins, and his cigarette smoking. The development of the large cell carcinoma in his lung has been shown in Dr. Auerbach's study to be related to the inhalation of the polyvinyl chloride dust and a history of cigarette smoking. He fits the criteria of the length of exposure as well as the latency.

(d) whether the facts and opinions listed in (b) above are contained in a written report, memorandum or other transcript and if they are, give the name and address of the present custodian of same and state whether you will produce the same without the necessity of a Motion;

Answer: Yes, copies of the Waxweiler reports and report of Dr. Auerbach are attached hereto.

(e) if the opinion of any expert listed above is based in whole or in part on any scientific rule or principle, set forth the said rule or principle;

Answer: All scientific rules and principles upon which Dr. Auerbach's opinion are based are set forth in the reports attached hereto.

(f) if the opinion of any expert listed above is based in whole or in part on any code, regulation or standard, governmental or otherwise, identify the said code, regulation, standard and specifically set forth the section relied upon; and

Answer: N/A

(g) if the opinion of any expert listed above is based in whole or in part upon any scientific or engineering textbook or other publication, identify said text or publication;

Answer: The 27 publications upon which the opinions are based are set forth on page "164" of the Waxweiler report.

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(h) if the expert has testified in Court or by way of oral deposition within the past ten years describe the Court involved, date of testimony and identity of attorney calling expert as a witness.

Answer: Dr. Auerbach is composing a list of the depositions and Court testimony he has given in the past ten years.

Interrogatory 12. Do you or your expert intend to use any book, magazine or other writing at the trial of this case. If so, describe the writing in detail as to author, publisher, copyright date, and give the name and address of any known present custodian of said writing.

Answer: Each of the 27 publications and reports to be used by Dr. Oscar Auerbach as a basis of his opinion are set forth in the references given by Dr. Waxweiler on page "164" of his report, which is attached hereto.

Respectfully submitted,

ANDREW F. MIMNAUGH,
Attorney for Plaintiff