

IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

IN RE: ASBESTOSIS CASES

MARY V. CHADWELL, Executrix of
the Estate of WYATT F. CHADWELL,
et al.,

Plaintiffs,

CIVIL ACTION FILE

vs.

NO. 87-C-946, et seq.

OWENS-CORNING FIBERGLAS CORPORATION,
a Delaware corporation, et al.,

Defendants.

**DEFENDANT GAF CORPORATION'S ANSWERS
TO PLAINTIFF'S GENERAL SET OF INTERROGATORIES**

GAF Corporation ("GAF") hereby responds to Plaintiffs' Interrogatories only pursuant to, under the protection of and to the extent that such requests comply with the Federal Rules of Civil Procedure, as follows:

GENERAL OBJECTIONS

1. GAF objects to these Interrogatories to the extent that they seek to require it to respond on behalf of any other entity. GAF will respond with such knowledge as GAF possesses as to The Ruberoid Co. prior to its merger with GAF on May 26, 1967, and on behalf of GAF thereafter.

2. GAF objects to these Interrogatories to the extent that they seek to require it to provide information other than that which may be obtained through a reasonably diligent search of its records.

3. GAF objects to these Interrogatories to the extent that they seek to require it to respond other than in accordance with the applicable Federal Rules of Civil Procedure. Thus, GAF declines any obligation to (a) locate or interview former employees or any other person not presently employed or engaged by GAF; (b) generate documents not presently existing; (c) describe its unsuccessful efforts to answer any interrogatory; (d) identify an unknown custodian or the current custodian of documents not in GAF's possession; (e) identify the file designation and other identifying designation, the present location, or the source of documents identified unless specifically requested in the interrogatory; (f) add to or to change the meaning of any interrogatory in the conjunctive or disjunctive; (g) respond to any aspect of an interrogatory not described with reasonable particularity by the express language of the interrogatory; or (h) provide medical or other expert opinion beyond the scope of GAF's business.

4. GAF objects to these Interrogatories to the extent that they seek to require it to reveal trade secrets or other confidential product or commercial information. Therefore, GAF will submit certain responses only on the condition that the

plaintiffs agree in writing and undertake to maintain the confidential nature of certain trade secrets and other confidential product or commercial information.

5. GAF objects to these Interrogatories to the extent that they seek to require it to respond to questions or to identify or produce documents relating to times, events and other things beyond the subject matter of the Complaint, or outside of the period from 1928 to 1981, during which this defendant may have manufactured asbestos-containing industrial thermal insulation products, or relating to any products other than asbestos-containing industrial thermal insulation products.

6. GAF objects to these Interrogatories to the extent that they seek to require it to provide information specifically with respect to mining and manufacturing operations, or any safety precautions or tests undertaken therein whether in compliance with OSHA or otherwise, inasmuch as the occupational level exposures of asbestos mining and manufacturing workers are different from the occupational level exposures of insulators and construction bystanders working with finished asbestos-containing products.

7. GAF objects to these Interrogatories pursuant to Fed. R. Civ. P. 26(b)(3) to the extent that they seek to require it to provide information or to identify any documents or other tangible things prepared or obtained in anticipation of litigation or for trial where the plaintiffs have not shown that

they (1) have substantial need for the materials in the preparation of the case, and (2) are unable to obtain the substantial equivalent of the materials by other means without undue hardship.

8. GAF objects to these Interrogatories to the extent that they seek to require it to disclose privileged attorney-client communications or information otherwise protected from discovery on the grounds of privilege.

9. GAF objects to the definitions and instructions preceding the Interrogatories on the grounds that they are beyond the scope of applicable Federal Rules of Civil Procedure.

10. GAF objects generally and individually to the Interrogatories on the grounds and to the extent that they assume facts not in evidence or otherwise erroneous (i.e., that GAF had "distributors") and on the further grounds that they are vague, overly broad, oppressive, unduly burdensome, excessive in number, not relevant to the subject matter of the litigation, and not calculated to lead to the discovery of admissible evidence.

11. GAF hereby adopts the motions and objections of the other defendants, and reserves the right to adopt future motions and objections relating to Plaintiffs' interrogatories.

12. GAF objects to these Interrogatories to the extent that they seek to require it to gather and summarize information contained in voluminous papers that are already a matter of public record.

13. GAF objects to these Interrogatories to the extent that they seek to require it to provide information which is equally available to the plaintiffs as to GAF.

14. GAF objects to these Interrogatories to the extent that they seek to respond other than in accordance with the Federal Rules of Civil Procedure and thus GAF declines to identify computer tapes and programs, computer printouts and any electronic, mechanical or electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, recordings and computer memories), or fields, files, menus, databases, or other computer classifications or material, inasmuch as such documents constitute documents or other things prepared or obtained in anticipation of litigation or for trial pursuant to Rule 26(b)(3), work product, confidential attorney-client communications, and otherwise privileged documents.

Subject to the foregoing objections, GAF responds to plaintiffs' Interrogatories without waiver and with preservation of:

The right to object to the use of any responses, or the subject matter thereof, on any ground in any proceedings in any action (including any trials);

The right to object on any ground at any time to a demand or request for a further response to this discovery request or to any other interrogatories, document requests, or other discovery proceedings involving or relating to the subject matter of the discovery requests herein responded to; and,

The right at any time to revise, correct, add to, supplement or clarify any of the individual Interrogatories as follows:

ANSWERS TO INTERROGATORIES

1.

State the full name, address, telephone number, and position of the corporate officer answering these interrogatories.

ANSWER: GAF objects to this interrogatory insofar as it is overbroad and burdensome. Without waiver of the foregoing objection, and further responding, GAF states that the knowledge and information reflected in these responses has been accumulated by numerous inquiries over several years. No specific or different inquiry was made to respond to these interrogatories because they ask for information previously obtained, and GAF cannot now accurately report every person questioned and every book and record searched.

2.

Have any documents and records of the defendant been used or referred to, in connection with the preparation of or answers to these interrogatories? If so, identify each document or record by its title and for each state the following:

- a. The number of the question and its subpart;
- b. The name and location of the file in which the document was found;
- c. The name and location of the file in which the document is presently located;
- d. The originator of the document.

ANSWER: See response to Interrogatory No. 1.

3.

State the name of each person who was spoken to or who provided information to assist in answering these interrogatories and for each person state the following:

- a. The number of each question and its subpart for which such personnel provided information;
- b. For each question identified in "a." above, state the name, title and position description of the personnel supplying information;
- c. The present location and address of the personnel supplying information;
- d. The contents of the information provided.

ANSWER: See response to Interrogatory No. 1.

4.

Identify the registered name of the answering defendant as well as all prior names or predecessor entities by which the defendant has existed. For each, give the current address, the state of incorporation, and whether or not such corporation is an active corporation.

ANSWER: GAF Corporation was incorporated in Delaware on April 26, 1929 as American I.G. Corporaion. Its name was changed in 1939 to General Aniline & Film Corporation. From its inception until May of 1967, General Aniline & Film Corporation was not engaged in any aspect of the asbestos industrial thermal insulation business, and, in fact, manufactured no products whatsoever containing asbestos.

On May 26, 1967, GAF merged with The Ruberoid Co. The Ruberoid Co. was originally incorporated in New York in 1886 as the Standard Paint Company. This company was succeeded by a company of the same name, which was incorporated in West Virginia in 1889; that company was succeeded by the Standard Paint Company, incorporated in New Jersey on June 16, 1905. The

name of the company was changed to The Ruberoid Co. on March 10, 1921. To the best of GAF's present knowledge, The Ruberoid Co. began the manufacture of industrial thermal insulation products containing asbestos in 1928 when it acquired the H.F. Watson Co. in Erie, Pennsylvania, a manufacturer of asbestos paper and millboard products.

In 1942, 98 percent of the stock of General Aniline & Film Corporation was seized, pursuant to a wartime legislative enactment, by the U.S. Treasury Department which assumed control over the company management and operations. In 1965, the U.S. Government relinquished control over the General Aniline & Film Corporation and its stock was sold at public auction. The merger with The Ruberoid Co. took place on May 26, 1967. In 1968, the name of the entity was changed to GAF Corporation.

On July 1, 1986, the majority of the assets of GAF's Chemicals Division and Building Materials Division, and certain other investment assets, were transferred to wholly-owned subsidiaries of GAF corporation, incorporated for that purpose in Delaware as GAF Chemicals Corporation and GAF Building Materials Corporation.

GAF maintains its principal place of business at 1361 Alps Road, Wayne, New Jersey 07470.

5.

Please state whether or not you have ever held a certificate of authority to do business in West Virginia and the address for your registered agent for service in this state.

ANSWER: Yes, but its qualification to do business was withdrawn on November 18, 1986. GAF's registered agent is Prentice-Hall.

6.

Has this answering defendant been sued under its correct name? If not, please state the correct legal name of the defendant and provide the information requested in Interrogatory #4 above concerning the defendant as correctly named.

ANSWER: Yes.

7.

State the full and complete legal name under which your company or any predecessor is now doing business and has done business at all times from the date when it began mining, processing, supplying, distributing, designing, manufacturing, and/or selling asbestos or asbestos products or thermal insulation products and materials up until the present time.

ANSWER: See response to Interrogatory No. 4.

8.

Have you ever acquired, by way of a consolidation, merger, purchase of assets, or otherwise, any company which mined, processed, manufactured, sold, supplied, distributed, or designed any asbestos or asbestos-containing products? If so, as to each such acquisition:

- a. State the name and state of incorporation of the company which was acquired;
- b. State the reasons for the acquisition;
- c. State the date of the acquisition;
- d. State the terms of the acquisition, including but not limited to the consideration paid (e.g., amount of stock, cash, etc.) if any;
- e. Identify all of the company's assets which were acquired (e.g., plants, machinery, stock in trade, trademarks, patents, goodwill, etc.);
- f. Identify all of the company's liabilities which were assumed by you in the acquisition;
- g. Identify each of the company's asbestos-containing product lines;
- h. Identify each asbestos-containing product line of the acquired company which you continued to manufacture after the acquisition;

i. State the number of employees of the acquired company which were retained by you after the acquisition;

j. State the names of the directors, officers, and major stockholders of your company and the acquired company at the time of the acquisition and the names of the directors, officers, and major stockholders of your company and, if it continued to exist, of the acquired company, after the acquisition;

k. State the total number of shares of the acquired company which you held before and after the acquisition;

l. Identify and produce a copy of the agreement between you and the acquired company, the pertinent minutes of your Board of Directors and all other related documents.

ANSWER: Yes. See response to Interrogatory No. 4, and see enclosed Merger Agreement.

9.

State the names and positions of all corporate officers or officials having the responsibility for creating, directing or setting the policy of your firm with regard to the mining, manufacturing, processing, sale, distribution, and/or packaging of asbestos products since 1930.

ANSWER: GAF objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant, vague and ambiguous and not reasonably calculated to lead to the discovery of admissible evidence.

10.

Have you ever mined asbestos? If the answer is "yes", please state the dates in which you were involved in the mining of asbestos and the locations of your mines.

ANSWER: Subject to the objections set forth in the preliminary paragraphs of this response, yes.

11.

Have you ever sold raw asbestos fiber to any person, firm or corporation? If so, in what years and in what quantities did you make such sales?

ANSWER: GAF objects to this interrogatory on the grounds set forth in the preliminary paragraphs of this response.

12.

Have you or any of your predecessors or subsidiaries ever mined, processed, refined, sold, designed, or distributed asbestos or asbestos-containing products? If so, for each such product, complete an "Asbestos Product Information Sheet, Attachment #1.

ANSWER: Subject to the objections set forth in the preliminary paragraphs of this response, GAF responds as follows:

CALSILITE - PIPECOVERING AND BLOCK - A light, hard substance of various thicknesses and sizes. Calsilite pipecovering was most often manufactured in 3-foot sections, with diameters depending upon customer needs. Calsilite pipecovering was manufactured in two half-circle pieces, for assembly around a pipe. Both Calsilite pipecovering and block were manufactured using essentially the same product formula, which included lime, diatomaceous earth, silica sand and approximately 13.5 percent asbestos, approximately half of which was amosite asbestos. Calsilite-Hi, developed subsequent to 1960, was manufactured using essentially the same formula as Calsilite, but had a higher clay content. Calsilite was manufactured from 1944 until 1971 at the GAF facility in Gloucester City, New Jersey. From time to time, there were

minor changes in composition due to the availability of various raw materials. In 1970, GAF manufactured Calsilite II, which was asbestos free. Calsilite II was discontinued that same year, however, because the United States Government refused to accept it. Throughout the time it was manufactured, Calsilite pipecovering and block was packaged in corrugated boxes.

"115" and "214" INSULATION CEMENTS - These insulation cements were composed entirely of chrysotile asbestos fiber. They were produced after 1937 at Hyde Park, Vermont and were sold by GAF from 1937 through September, 1975. These cements were also produced by Johns-Manville and other firms for resale by GAF. Manufacture of these products was discontinued because they were not profitable. There was no change in the composition of these products during the period of their manufacture and sale by GAF and Ruberoid. The insulation cements could be packed "loosely" in burlap through the 1940s, and thereafter, "pressure packed" or "semi-pressure packed" in either kraft paper, plastic lined or woven plastic bags.

"313" and "412" INSULATION CEMENTS - These insulation cements were composed of asbestos fiber and clay. The principal ingredient was chrysotile asbestos, approximately 90%. "313" and "412" insulation cements were sold from 1960 to 1971 and to the best of GAF's present knowledge, "313" and "412" insulation cements were manufactured by Eagle-Picher, and were sold under the GAF label. Since GAF did not manufacture these products,

the exact location of manufacture is unknown. These cements were darker in color and of a smoother consistency than Ruberoid and GAF cements. "313" and "412" were packaged in kraft paper bags with a plastic lining. Packaging of these products may have varied on occasions, however, "313" and "412" insulation cements could be mixed with water or Portland Cement, depending upon whether the cement was to be used for insulation or finishing purposes, and could then be used on irregular and rounded heat-conducting surfaces.

CALSILITE INSULATION CEMENT - This insulation cement was a combination of chrysotile asbestos fiber, ground Calsilite pipecovering and block scrap, Portland and other cements. The basic formula for calsilite insulation cement was ground calsilite scrap, approximately 45% chrysotile asbestos fiber, lumnite cement and Portland Cement. Although advertised until 1968, this cement was manufactured from 1948 to 1960 in Gloucester City, New Jersey. Production ceased in 1960 because Calsilite insulation cement never gained any commercial acceptance. Calsilite insulation cement was combined with water and troweled onto irregular and rounded heat-conducting surfaces as noted above. This product was discontinued because of lack of commercial demand and sales were minimal. From time to time, there were minor changes in the composition of this product due to the availability of raw materials. Ordinarily, Calsilite insulation cement was packaged in kraft paper bags with a plastic lining.

T/NA-100 - Insulation jacketing, manufactured from 1962 to September 1971, was used for covering insulated tanks and for protecting insulated piping. T/NA-100 was a white-colored two-ply laminated product consisting of a layer of asbestos paper in which chrysotile asbestos fibers were bonded with Neoprene and a layer of polyvinyl fluoride plastic film attached by adhesive on one side. Asbestos content was approximately 80%. From time to time, there were minor changes in the composition of this product due to availability of raw materials. T/NA-100 is covered by U.S. Patent No. 3,300,927 dated January 31, 1967. Manufacture of this product was discontinued because it was not profitable. T/NA-100 was assembled in Passaic, New Jersey.

ASBESTOS MILLBOARD - a gray or off-white colored densely compressed sheet of uniform size and thickness, composed of asbestos fiber combined with binding materials. Millboard could be produced in a variety of thicknesses according to customer specifications. Asbestos content was normally around 95% but varied depending upon customer specifications. Millboard was manufactured from 1928 to 1981 at Erie, Pennsylvania.

Manufacture was discontinued in 1981 when GAF's Erie facility was sold. Minor changes in the product's composition were made from time to time to compensate for changes in raw materials. In or about 1975, latex binders were added to the product. Asbestos Millboard was shipped in cardboard cartons of varying sizes.

ASBESTOS ROLLBOARD - Composed of sulphite pulp and asbestos, Rollboard was designed to withstand temperatures not to exceed 250 degrees and was manufactured by combining sulphite pulp and asbestos in a slurry, to be formed into a flat sheet on standard paper-making machinery. Asbestos Rollboard was manufactured from 1928 to 1981 in Erie, Pennsylvania. Manufacture of asbestos Rollboard by GAF continued until 1981, when the Erie facility was sold.

FLAT AND CORRUGATED ASBESTOS PAPER - Composed of a mixture of sulphite pulp and chrysotile asbestos fiber bonded with starch, and manufactured in various thicknesses. Asbestos content was approximately 95%. This product was manufactured from 1928 until 1981 in Erie, Pennsylvania and such manufacture was discontinued when this facility was sold in 1981. Corrugated asbestos paper was used in the manufacture of air-cell pipecovering. One brand name of corrugated asbestos paper was Watcocell which was produced between the years 1928 and 1962 in Erie, Pennsylvania.

Minor changes in the composition of the product were made from time to time to compensate for changes in raw materials. In 1975, latex binders were added to the product. Both flat and corrugated asbestos papers were packaged in cardboard cartons of varying sizes.

SPONGE FELT LAMINATED INSULATION: PIPECOVERING, SHEET AND BLOCK - Composed of small pieces of sponge imbedded into asbestos felt. They could withstand temperatures up to 750° F.

The percentage of asbestos is not known as GAF's information on this product is very limited. It was discontinued because of lack of commercial demand. To the best of GAF's present knowledge, Ruberoid sponge felt products were manufactured in Erie, Pennsylvania, from 1936 to approximately 1960.

From time to time, minor changes in the composition of this product may have occurred. Because of their weight and bulk, sponge felt laminated products were packed into sections in wooden crates.

IMPERIAL LAMINATED INSULATION PIPECOVERING - Imperial insulation pipecovering consisted of twenty-two layers per inch of one flat and one indented sheet of asbestos paper. It was discontinued because of lack of commercial demand. To the best of GAF's present knowledge, Imperial laminated insulation products were manufactured from 1928 to approximately 1959 in Erie, Pennsylvania. From time to time, minor changes in the composition of this product may have occurred due to changes in the availability of raw materials. Because of their weight and bulk, these products were packed into sections in wooden crates.

85% MAGNESIA AND DIATOMACEOUS EARTH PRODUCTS - At various times, Ruberoid product brochures and/or advertising listed for sale asbestos-containing products not known to have been manufactured by Ruberoid, including 85% magnesia and diatomaceous earth products, but which either were or may have been manufactured for Ruberoid. This defendant is aware of no

sales documents with respect to these products, the year of any sale of any such products or of any specific installation or sale. However, this defendant is aware through litigation of individual Ruberoid labels upon sections of 85% magnesia pipe covering indicating that the material was manufactured for Ruberoid by Plant Rubber and Asbestos Company, and perhaps others. It is believed that this material located in Ohio dates from the late 1930s.

13.

Please state if there is any way known to you that the products listed in Interrogatory #12 can be used, applied or installed without the worker involved inhaling any asbestos dust or fibers.

ANSWER: As manufacturer and seller only, GAF did not have the discretion or control to determine the uses and methods of application or installation of said products. This interrogatory should be directed to the contractors and industrial users who purchased the products and possessed knowledge superior to that of defendant.

14.

Is it possible to distinguish the asbestos products listed by you in Answer #12 from those manufactured or distributed by a competitor?

a. If so, please describe how you contend your product can be distinguished and identify each of your products by trade and generic name.

b. If there are products which, in your opinion, cannot be distinguished from products of a similar kind manufactured by a competitor, please state the name of each such similar product, who manufactured it, as well as the trade name of the product manufactured by your competitor.

ANSWER: GAF objects to this interrogatory on the grounds that it seeks expert scientific opinions which GAF is not qualified to render. Furthermore, GAF only has knowledge regarding its own asbestos-containing thermal insulation products and not those manufactured or sold by any other entity.

15.

For each asbestos product listed by you in Answer #12, state whether the product could be used interchangeably with products of other manufacturers, distributors, or sellers, and if so, please identify such product and manufacturer.

ANSWER: See response to Interrogatory Nos. 13 and 14.

16.

Did you ever stamp or imprint the name of your company, its initials or any identifying logo on any of your asbestos-containing products? If so, please describe the identifying logo or initials and the dates of its inclusion on the product and the product on which it was included.

ANSWER: The GAF trademark is a red or black square with cut-out lowercase initials, gaf, centered. In 1974, the GAF trademark was changed to a red square with cut-out uppercase initials, GAF, centered. Ruberoid packages contained the name Ruberoid in black letters.

17.

As of the date of your answers to these interrogatories, is your company still manufacturing, selling, or distributing any asbestos-containing products? If so, give the brand names of each such product.

ANSWER: No.

18.

For each asbestos product listed by you in Answer #12, state the names and addresses of each West Virginia, Ohio, and eastern Kentucky customer who

purchased the product, each West Virginia, Ohio, and eastern Kentucky job site to which the products were delivered by year, and complete a Worksite/Purchase Sales Information Sheet (Attachment II) for each purchaser or worksite.

ANSWER: GAF objects to this interrogatory on the grounds that it is overly broad and unduly burdensome to the point of being harassing to seek to require GAF to search records concerning what may be hundreds of separate entities, the end result being the generation of voluminous records, much of which will be irrelevant to the present action. Furthermore, this interrogatory is overly broad in that it is unlimited in terms of time. To the extent this interrogatory seeks records which may reflect sales outside that time frame during which these Plaintiffs allege exposure to asbestos-containing thermal insulation products, it seeks information which is in no way relevant to this litigation. If this interrogatory were reasonably limited in terms of purchaser jobsite, city and time frame, GAF would then be able to search its records in order to provide a meaningful response. As written however, this interrogatory is so overly broad and requests such a volume of irrelevant information so as to make a meaningful response impossible.

19.

Identify for the period from 1935 to 1980 each distributor, dealer, wholesaler and contractor who sold, distributed or used your asbestos-containing products in West Virginia, Ohio, and eastern Kentucky. For each such distributor, dealer, wholesaler, and contractor, state:

- a. The name, last known address, and person who you did business with;
- b. The years of your relationship with the distributor, dealer, wholesaler and contractor;
- c. Whether there was a written agreement. If so, identify it (or them) by date, title, signatories and present location;
- d. Whether the relationship was exclusive, i.e., whether the distributor was not allowed to carry competing brands of some or all of the relevant products. If exclusive as to any particular product, identify that product;
- e. The annual volume in pounds and linear feet and dollar amount of each type of asbestos product sold;
- f. The names and ultimate recipients of the asbestos products sold to or through each dealer, distributor, wholesaler, sales agent and contractor.

ANSWER: GAF objects to this interrogatory on the grounds that it assumes facts not in evidence, i.e., that GAF had distributors. GAF never had any distributors for its thermal insulation products. These products were specified and purchased directly by independent contractors, industrial users, the United States Government and its contracting entities.

20.

Identify each of your sales personnel responsible from 1935 to 1980 for sales of asbestos products in West Virginia. For each such person, state the years of such employment, his job title, the last known address, and whether he is still your employee.

ANSWER: GAF objects to this interrogatory on the grounds that it is irrelevant to the subject matter of this litigation and to require GAF to compile such irrelevant information is unduly burdensome to the point of harassment. Subject to the foregoing objections, GAF states that certain of its employees were engaged in the sale of GAF's asbestos-containing thermal

insulation products, some of which may have operated in the territory which may have included West Virginia. No documentation exists in any readily discoverable form, however, which would provide the vast amount of information requested by this interrogatory.

21.

Identify any and all labeling and relabeling agreements in existence since 1925 between you and any other person, including co-defendants, involving asbestos or asbestos-containing products.

ANSWER: GAF believes that The Ruberoid Co. and GAF had three agreements relating to cross-agreements with other companies from time to time between 1930 and 1979: a relabeling agreement with the Grant Wilson Company, apparently in the 1930s generally applicable to the sales of certain products, primarily in the midwestern area of the United States; an agreement under which Baldwin-Ehret-Hill produced 313 and 412 insulating cements nationally for GAF from time to time from 1960 until 1971; and, an agreement with Armstrong Contracting and Supply Company, Lancaster, Pennsylvania, in 1963 under which Ruberoid agreed to sell certain products to the company and attach that Company's labels, as and when directed. Other such arrangements may have been undertaken from time to time; for example, Ruberoid purchased raw asbestos from Johns-Manville and others, for resale, commencing in the early 1950s.

At various times, Ruberoid product brochures and advertising listed for sale asbestos-containing products not

known to have been manufactured by Ruberoid including 85% magnesia and diatomaceous earth products, but which either were or may have been manufactured for Ruberoid. This defendant is aware of no sales documents with respect to these products, the year of any sale of any such products or of any specific installation sale. However, this defendant recently became aware through litigation of the removal from a location in Cincinnati, Ohio, of a section of 85% magnesia pipecovering bearing a Ruberoid label and indicating that the material was manufactured for Ruberoid by Plant Rubber and Asbestos Company. It is believed that this material located in Ohio dates from the late 1930s.

22.

Did you at any time manufacture asbestos-containing products which were sold to another manufacturer for resale by that company under its own name? If so:

- a. Identify each manufacturer to whom such sales were made and the date of such sales;
- b. Identify the product or products involved in each such agreement;
- c. If such sales were made pursuant to any agreement, identify the dates that each such agreement was in effect and produce a copy of the agreement.

ANSWER: See response to Interrogatory No. 21.

23.

Did you ever purchase any asbestos-containing products of any other manufacturer for distribution or sale under your name or trademark? If so:

- a. Identify each manufacturer from whom products were purchased;
- b. Identify the name of each product purchased;
- c. Identify the dates of each such purchase and distribution.
- d. Produce a copy of each purchase agreement.

ANSWER: See response to Interrogatory No. 21.

24.

Did you ever enter into distribution or licensing agreements with any manufacturer of asbestos-containing products? If so:

- a. Identify each manufacturer with whom such agreement was entered into;
- b. State the dates, products and geographical areas involved;
- c. Produce a copy of each such agreement.

ANSWER: GAF objects to this interrogatory on the grounds that the term "distribution or licensing agreement" is vague and undefined and is therefore susceptible to a variety of interpretations, legal conclusions or consequences. Subject to the foregoing objection, GAF has not entered into any "licensing agreement" concerning asbestos-containing thermal insulation products with any other manufacturer of such products.

25.

With respect to each asbestos product (including loose asbestos fiber) you manufactured, mined, refined, processed, sold or delivered, state whether you claim any caution, warning, caveat or other statement about health involved in using the product and/or dust generated by the product was ever given to purchasers of the product or directed to the users of the product. If so, state separately for each product:

- a. The precise wording of each caution or set of instructions and where located on the product or packaging of said product;
- b. For each asbestos product, the exact date you claim each caution was first used on that product;
- c. The inclusive dates you contend any alleged warning was affixed to each of your asbestos-containing products;
- d. Whether the wording of the alleged warning has been altered since its first appearance, and if so, when and how amended;
- e. Specifically what prompted you to first affix such caution, warning, caveat, statement or explanation, and what prompted the amendments, (i.e., if medical reports were relied upon; if so, identify such reports);

f. The name, title, and present address of the author of each such warning and/or instructions;

g. Whether the warning and instructions were physically attached to the product itself when sold and/or delivered by you, and if so, the method of attachment;

h. Whether you have a copy of the warning and/or instructions in your possession at the present time, and if so, where it is located;

i. Whether any studies, evaluations or analyses of any potential hazards of your asbestos product were conducted by you prior to your use of each warning and/or instruction. if so, identify the study by date, author, title and file number and state its present location.

j. State whether any industrial psychologist or human factors engineers were consulted prior to utilizing such warnings, or caution; and

k. State when you first became aware that warnings were placed on products distributed by other defendants.

ANSWER: Subject to the objections set forth in the preliminary paragraphs of this response, GAF responds as follows: In approximately 1964, Ruberoid began placing the following warning label on Calsilite pipecovering and block:

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.**

By 1970, GAF placed the following warning label on asbestos fiber, insulation cements, millboard, rollboard and asbestos paper products, as well as relocating information for Calsilite pipecovering and block from the side to the front of the packaging:

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.

Pursuant to the requirements of the Occupational
Safety and Health Act of 1970, this warning label was changed
to read as follows:

CAUTION

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

In 1978, the above label was also placed on individual
sheets of millboard and asbestos paper products. From 1970 to
1977, the warning label appeared only on the outer-packaging of
these products.

Until 1972, GAF's use of these warnings followed the
lead of other manufacturers in the industry, which used such
cautionary notices after certain opinions were expressed by
members of the medical profession that there might be a health
risk to certain 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. GAF conducted no studies,
evaluation or analyses prior to the use of the warnings.

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

26.

State whether any of your distributors, dealers, contractors and/or customers were provided with any warnings, cautions, caveats or instructions regarding the use of your asbestos-containing products. If so, please state:

- a. By whom and when these instructions were first made;
- b. Whether the instructions were written or oral; if written, attach a copy; if oral, state the contents thereof;
- c. Whether your company carried out follow-up inspections to ascertain whether such instructions were adhered to and if so, please state when, where and by whom such inspections were made and the results of each such inspection.

ANSWER: Yes. See response to Interrogatory No. 25.

27.

State the first time any officers of your Company discussed putting a warning or caution on any asbestos containing product, and as to that first discussion, state:

- a. The names of the persons who were involved in the discussion and the date and place of the discussion;
- b. The identity and location of all documents memorializing the discussion;
- c. The alleged substance of the discussion;
- d. What action, if any, the Company took as a result of the discussion.

ANSWER: Subject to the objections set forth in the preliminary paragraphs of this response, GAF responds as follows: Prior to 1964 or early 1965, Ruberoid officials were not aware of any health hazard related to the use of its thermal insulation products containing asbestos. In approximately 1964 or early

1965, Ruberoid became aware of opinions expressed by certain members of the medical profession that inhalation of asbestos by users of asbestos-containing products could be harmful, although the opinion did not relate to the use of Ruberoid products. At approximately the same time, Ruberoid commenced providing its warnings.

In approximately 1968, GAF received further information that inhalation of asbestos fibers could be harmful but GAF did not receive specific medical information on the results of such exposure. Upon enactment of the Federal Occupational Safety and Health Act of 1970, GAF became aware of tests and examinations made as a result of that legislation.

28.

Do you know of any facts or documents to support a claim that you provided any warnings, instruction or information as to the dangers of asbestos inhalation to any insulator, construction worker, building trades worker or other user of your asbestos products in West Virginia prior to 1972? If so, for each such alleged warning:

- a. Describe in detail each such warning, instruction or information given;
- b. State the exact date of each such warning;
- c. State whether such warning, instruction or information was oral or written;
- d. If oral, identify the substance of the warning, instruction or information given and the date and name of the person to whom given;
- e. If written or printed, attach a copy of each warning, instruction or information, identify it by date given, title, and reference number and state the manner and location whereby it was transmitted to users of the product.

ANSWER: All observers of the packaging, whether purchasers, users, handlers or contractors from West Virginia or otherwise,

would have seen, and thus received, the warnings as set forth in response to Interrogatory No. 25.

29.

Do you claim that you ever recommended to purchasers or users of the asbestos-containing products you manufactured, processed, mined, distributed, or sold, that respirators, protective masks and/or protective safeguards be worn while working with, installing or removing your asbestos-containing product? If so, state separately for each product:

- a. The date or dates when each such recommendation was made;
- b. Who made the recommendation;
- c. When and precisely to whom the recommendations were made;
- d. If oral, the manner and substance of the recommendation;
- e. If written, identify the document by title, date, file designation and author of each such recommendation and the location and present custodian of each such recommendation.

ANSWER: GAF objects to this interrogatory on the grounds that it seeks to improperly shift the burden of proof to GAF Corporation while attempting to require GAF to formulate a legal, medical or scientific conclusion. Subject to the foregoing objections, in 1971, OSHA promulgated a standard requiring that respirators and engineering controls be used in certain circumstances. In response to the OSHA standard, GAF sent a written directive in December 1971, to all operating personnel concerning the OSHA standard on asbestos requirements.

Prior to the implementation of OSHA standards, and as early as 1937, GAF, on its own, required respirators for certain plant operations involving dust, of whatever origin. This

practice was enforced by individual plant managers. After 1972, the respirators which were made available to employees were recommended by NIOSH.

30.

Did you at any time recommend that your own employees use respirators, protective masks or other precautionary safeguards when working with asbestos-containing materials? If so, state:

a. When and precisely to whom such recommendations were made;

b. Whether you ever supplied respirators or face masks to your employees, and if so, the date when first supplied and whether you are supplying them now;

c. From what specific source you have obtained such respirators and face masks (state address of company and dates obtained).

ANSWER: GAF Corporation objects to this interrogatory on the grounds that it is irrelevant to this litigation as plaintiff was not employed by GAF nor was he employed in the same capacity as GAF employees.

31.

Have you stopped producing, distributing and/or selling or has asbestos been eliminated from any of the asbestos products listed in Answer #12? If so, state for each product:

a. The reason and date you stopped producing the product, or eliminated asbestos;

b. The names and titles of each person who recommended and who authorized or directed the action;

c. Whether any studies were conducted before you directed that production and sale of the product be stopped, or asbestos eliminated from the product, and if so, identify each study by date, author, title and subject matter and attach a copy.

ANSWER: Yes. See response to Interrogatory No. 12.

32.

Have any officers or employees of defendant ever discussed or evaluated whether sales of your asbestos

products would be damaged if the public learned of the health hazards associated with asbestos exposure? If so, state the dates and names of participants of each such meeting and identify all documents relating to such meetings.

ANSWER: GAF objects to this interrogatory on the grounds that it is harassing in nature and not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing objection, to the best of GAF's present corporate knowledge, no.

33.

At the time of the development of, and sale of, each of your asbestos products, did you attempt to determine whether the product complied with any allegedly applicable safety standards, orders or rules, regulations or design requirements promulgated by any professional society, association, or government body?

a. If you did not, please state the reasons for not conducting such an analysis and identify the name of the person deciding not to conduct the analysis;

b. If you did, identify the safety standards, safety orders, rules, or regulations which you claim you considered by name, the title, number, page and date of the regulation, and identify the place where a copy of the said regulation can be obtained.

ANSWER: Subject to the objections set forth in the preliminary paragraphs of this response, this defendant states that, from the beginning of manufacture of asbestos-containing industrial thermal insulation products by The Ruberoid Co., such as Calsilite, the standards for manufacture were contained in specifications issued by the U.S. Government and other purchasers as described below, with which specifications Ruberoid complied. Ruberoid's Calsilite was produced to meet these specifications. Further, governmental and industrial

hygienists adopted a safety standard of 5 fibers per cc. for TWA ("time weighted average"), and the government studies indicated that asbestos-containing thermal insulation products such as defendant's products, as used in the shipyard and other work places described by plaintiffs, were in compliance with that standard. Further, the President and U.S. Congress, and executive departments, adopted that safety standard in the Walsh-Healy Act, and perpetuated it in subsequent regulations. In the early 1970s the United States adopted the standards of the Occupational Safety and Health Administration Act, with which the products of this defendant have also complied.

This defendant manufactured its asbestos-containing industrial thermal insulation products in compliance with specifications, including military specifications, of agencies and departments of the United States of America, and GAF so contends by way of affirmative defense.

Government specifications applicable to asbestos-containing products relevant to this litigation were promulgated or approved by various agencies and departments of the United States, including:

- a. General Services Administration, Washington, D.C.;
- b. Department of Defense, Washington, D.C.; and
- c. Department of the Navy, Washington, D.C.

Each such specification set a standard applicable to a group or class of products. Upon meeting the standard, a

manufacturer's product could be placed on a "Qualified Product List", which listed all products in such group or class to which the standard applied. Such products were then eligible for sale, by contract or otherwise, for use in federally-owned and federally-sponsored projects and facilities, including, but not limited to, the construction, outfitting, reconstruction and overhaul of vessels owned and operated by the United States, particularly the Navy.

It was necessary to comply with each such government specification, as well as specifications governing packaging and similar matters, in order for products to be eligible for sale, by contract or otherwise, for use in federally-owned and federally-sponsored projects and facilities.

To the best of this defendant's knowledge, no complete list, compilation, abstract or summary of the documents sought by this interrogatory presently exists in discoverable form. Furthermore, the information sought by this interrogatory is contained in public documents which would be equally available to the shipowner defendants as to GAF. Subject to the foregoing caveat, to the best of this defendant's knowledge, its products conformed to the following specifications, their predecessors, successors and amendments:

1. MIL-I-002819 (SHIPS)
2. MIL-I-24244
3. MIL-I-2781

4. MIL-I-2819
5. MIL-C-2908
6. HH-I-523
7. HH-I-00523
8. HH-I-561

Specifications identified in this response were periodically revised by the United States, its agencies and departments. The dates on which these revisions occurred are contained on the front page of each specification. These specifications are a matter of public record and are equally available to all parties to this action. This defendant has in its possession copies of some specifications. To the extent this defendant has such specifications, they will be made available to the shipowner defendants for copying and inspection, upon reasonable request.

To the best of this defendant's knowledge, government specifications applicable to its industrial thermal insulation products were still in effect and required the use of asbestos at the time this defendant determined to cease, and did cease, manufacture of such thermal insulation products.

In addition to establishing and enforcing mandatory contract specifications for asbestos-containing insulation products, the United States exercised sole supervision and control over the work performed at Navy and contract shipyards and at its other facilities. The United States had the duty and responsibility to provide for the safety and welfare of its workers.

By assisting and encouraging the development and production of asbestos insulation products, by undertaking to specify and approve the nature and content of the product for all purposes, and by contracting for and accepting this defendant's asbestos insulation products, the United States impliedly warranted and agreed that such products were fit and proper for use.

GAF representatives were members, along with representatives of the United States Navy, of standard-setting groups and committees of the American Society for Testing Materials ("ASTM"), Philadelphia, Pennsylvania. Specifically, GAF representatives served on subcommittee C-16, which dealt with high temperature thermal insulation from 1950 until 1971. At various times in this period, GAF representatives on subcommittee C-16 were J.M. High, Thomas J. Walters, Duane A. Davis, and William Schwingen. Any standard or specification recommended or promulgated by ASTM would have been, and was, generally applicable to commercial and industrial applications.

To the extent that such products may be alleged not to have been safe when used at a job site or while being installed in such facilities, the United States violated this implied contractual duty to this Defendant.

34.

Identify and produce pictures of each product and pictures of the actual containers or packages in which said products were sold or distributed.

ANSWER: See enclosed pictures.

35.

Identify all sales literature, including brochures, advertisements, pamphlets, or other material describing each asbestos-containing product manufactured by you beginning in 1925 and coming forward to the current date.

ANSWER: See enclosed advertisements.

36.

Were any brochures, writings, or other materials made available to distributors, dealers, contractors, ultimate users, or the general public concerning the design, manufacture, use, quality and/or properties of the asbestos products referred to in Answer #12? If so, for each such brochure or other material:

a. State the purpose of each brochure and give the name, present address, and telephone number of the person responsible for the preparation and acceptance of the material for distribution on behalf of the company;

b. Identify the brochure or material by author, date and present location and custodian, and attach copies of each.

ANSWER: GAF objects to this interrogatory on the grounds that it is not relevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of relevant admissible evidence. Subject to the foregoing objections, no list or compilation of lists exists in discoverable form of magazines or trade publications in which GAF advertised asbestos-containing thermal insulation products. GAF further responds that The Ruberoid Co. (and later GAF) presented product and technical information in trade and other magazines. In addition, The Ruberoid Co. (and later GAF) maintained entries in Sweet's Catalog Files.

37.

With respect to any product manufactured by you which does not contain asbestos, have you ever included a warning with the product indicating that it may in some way be harmful to human beings? If so, for each such non-asbestos containing product state:

a. The name of the product, its intended use or purpose, and the chemical composition or ingredients of the product;

b. The manner in which it is thought that the product may cause harm to human beings;

c. The size, color and contents of each warning;

d. The date warning was first given to the public;

e. The names, addresses and titles of the people responsible for or participating in the decision to provide the warning; and

f. Identify every document which relates to the making of the decision to provide a warning.

ANSWER: GAF objects to this interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome and seeks information which is irrelevant to the present action and is not reasonably calculated to lead to the discovery of admissible evidence. GAF specifically objects in that this interrogatory is in no way limited, in terms of time frame, scope or product type. As written, this interrogatory tends to seek information concerning a multitude of products, none of which are at issue in this lawsuit, thus making a meaningful response impossible.

38.

Were any of the asbestos-containing products sold by you to private persons or companies (i.e., non-military or non-government sales) the same products you sold to the government pursuant to military or federal specifications? If so, please state:

a. Your name or designation for the product;

b. The military or federal specification you claim is applicable;

c. The person or company to whom sold and the date and amount sold.

ANSWER: GAF's asbestos-containing thermal insulation products were specified and purchased directly by independent contractors, industrial users, the United States Government and its contracting entities. Purchasers of GAF products were "sophisticated purchasers" with knowledge superior to that of GAF.

39.

Do you claim that you did anything prior to 1972 to notify users of asbestos-containing products of the possible dangers of inhalation of asbestos dust and fibers? If so, explain in detail what you did, to whom and give the dates.

ANSWER: GAF objects to this interrogatory on the grounds that it is vague as to the term "users". Subject to the foregoing objection, see response to Interrogatory No. 25.

40.

Had you at any time prior to 1973 performed, participated in, or financed any tests, studies, investigations or analyses to determine the asbestos level in the ambient air when your asbestos products were used, installed or removed from a prior installation?

ANSWER: Subject to the objections set forth in the preliminary paragraphs of this response, GAF responds as follows: No. The jobsites (on which the asbestos-containing industrial thermal insulation products were used) were under the exclusive control of their owners, employers and contractors, who had a legal duty to conduct dust counts and other tests to determine airborne

dust concentrations of asbestos fibers. Furthermore, this defendant was not present at jobsites and did not have a legal duty to conduct dust monitoring at such jobsites where its industrial thermal insulation products were applied.

41.

Had you at any time prior to 1973 performed, participated in, or financed any tests, studies, investigations or analyses to determine the health consequences, if any, of your product on workers using or working with any of your asbestos-containing products?

ANSWER: To the best of GAF's present corporate knowledge, no.

42.

Had you at any time prior to 1973 performed, participated in, or financed any tests, studies, investigations or analyses which had the purpose to prevent, minimize, or eliminate inhalation of asbestos dust or fibers by those using or exposed to your asbestos products?

ANSWER: To the best of GAF's present corporate knowledge, no.

43.

Had you at any time prior to 1973 performed, funded or participated in any investigation, study, test or analysis concerning asbestos-related diseases including, but not limited to, asbestosis, pulmonary diseases or cancer?

ANSWER: No. See response to Interrogatory No. 27.

Furthermore, GAF became aware of medical theories which related asbestos exposure to cancer only during the course of asbestos litigation.

44.

Have you ever performed, participated in, or financed any studies to determine whether any type of

respirator and/or protective mask would either eliminate or reduce asbestos inhalation to what you consider to be safe levels?

ANSWER: No. See response to Interrogatory No. 29.

45.

Have you ever undertaken or financed any tests or studies to determine whether any type of ventilator or ventilating system would eliminate or decrease the number of airborne asbestos fibers in confined spaces?

ANSWER: To the best of GAF's present knowledge, no.

46.

State whether you took any action as a result of any of the studies listed in interrogatories #40, #41, #42, #43, #44 and #45. if so:

- a. Describe the date and action taken;
- b. Identify who authorized or directed the action;
- c. Why the action was taken;
- d. Identify all documents disussing the study, the action considered and the action taken by date, title, subject, author, present custodian, and location and produce the documents;
- e. If you have not taken any action, state in detail why not;
- f. If you have not given any consideration to taking such action, state in detail the reasons why.

ANSWER: Not applicable. See response to Interrogatory Nos. 40 through 45.

47.

From the year 1920 to date, have you supported by gift, grant, direct cash or property payment any kind of medical research concerning asbestos? If so, state:

- a. The date or dates of such support;
- b. The dollar amount paid or contributed;
- c. The identity of the persons and/or organizations carrying out the research study;
- d. The title, name or other identification of each such study;
- e. Identify and produce all documents relating to each such study.

ANSWER: To the best of GAF's present knowledge, no.

48.

Have you, at any time prior to 1975, conducted, financed, or had conducted for you any asbestos inspection or made any dust count in any facility where your asbestos products were used? If so, state the date, place and people involved in each such inspection or test and identify all records.

ANSWER: See response to Interrogatory No. 40.

49.

Had you, at any time prior to 1975, conducted, financed, or had conducted for you any asbestos inspection or made any dust count in any of your own plants which are or were engaged in the manufacture of asbestos products? If so, state the date, place and people involved in each such inspection or test, the results of the tests and identify all records.

ANSWER: GAF Corporation objects to this interrogatory on the grounds that it is irrelevant to this litigation as plaintiff was not employed by GAF nor was he employed in the same capacity as GAF employees.

50.

Does your company recognize that workers in the following trades were foreseeable users of your asbestos products? If so, when did you come to such a recognition?

- a. Pipe Ladders;
- b. Pipe Fitters;
- c. Welders;
- d. Sheet Metal Workers;
- e. Plasterers;
- f. Riggers;
- g. Shipwrights;
- h. Painters;
- i. Boilermakers;
- j. Insulators;
- k. Custodians;
- l. Electricians;
- m. Bricklayers.

ANSWER: GAF objects to this interrogatory on the grounds that it is unfairly phrased in that it seeks to improperly shift the

burden of proof to GAF Corporation while attempting to require GAF to formulate a legal, medical or scientific conclusion. Furthermore, GAF objects to providing information regarding the intended users of its products in that any such information would be based on pure speculation by GAF. Further, as manufacturer and seller only, GAF had no control over the eventual users of its products. Once a product leaves GAF Corporation all control over it is lost.

51.

Does your company recognize that the types of workers listed in Question #50 would be exposed to asbestos in the course of working on jobs where other trades would be using asbestos products?

ANSWER: See response to Interrogatory No. 50.

52.

Does your company recognize that it was foreseeable that people working in the same area where your asbestos products were being used or installed would inhale and/or ingest asbestos fibers emitted from your products?

ANSWER: See response to Interrogatory No. 50.

53.

Does your company recognize that it was foreseeable that tradesmen listed in Question #50 would inhale and/or ingest asbestos fibers released from your asbestos products?

ANSWER: See response to Interrogatory No. 50.

54.

Do you contend that any respirators or other breathing devices would prevent inhalation of the asbestos dust and fibers released from your product? If so, state:

a. When the respirator was sold;

- b. Give the detailed description of such respirator or other breathing device;
- c. The first date you reached the conclusion;
- d. The basis of your claim that use of the respirator will prevent the inhalation of such dust and fibers;
- e. identify any relevant tests performed by date, title, author and number.

ANSWER: GAF objects to this interrogatory on the grounds that it is a contention interrogatory which improperly shifts the burden of proof to GAF Corporation while attempting to require GAF to formulate a legal, medical or scientific conclusion.

55.

- From the year 1930 to the present, identify:
- a. The name of each physician in your employ and/or the employ of your subdivision or contract unit;
 - b. The current and/or last known address for each such individual;
 - c. The dates of employment of each such individual;
 - d. The job duties and/or responsibilities for each such individual identified;
 - e. The duration of each such individual's employment, the office address or duty assignment location held by each such individual, and the dates associated with each such assignment.

ANSWER: GAF objects to this interrogatory for reasons set forth in the preliminary paragraphs of this response and on the grounds that conditions in GAF's facilities, including provisions 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 to the foregoing objections, GAF did not have facilities or equipment for medical testing or research and did not

conduct tests or studies of a medical nature on its employees or on its products. From time-to-time, beginning in approximately 1930, GAF called upon local physicians from surrounding cities or towns near its plants to perform routine physical examinations and to administer routine medical treatment when and if necessary. There are no records presently within the possession, custody or control of GAF which reflect the names of these physicians or the professional services performed by them.

56.

Have you, at any time since 1930, maintained any office or department dealing with medical research? if so, state:

- a. The name and location of such department; and
- b. The name, address and title of each person who has been in charge of the department.

ANSWER: See response to Interrogatory No. 55.

57.

- From the year 1930 to the present, state:
- a. The address of each medical library maintained by you or your subdivisions and/or contract units;
 - b. When each such library came into existence;
 - c. The custodian of each such library facility records, such as individual's dates of employment and last known address or current address.

ANSWER: Neither GAF nor Ruberoid maintained a central library as to occupational safety or health. Any information which did exist was kept by Harry Mesler while he headed corporate safety for the company from approximtaily the early 1960s to 1971. Prior to Mr. Mesler's appointment to this position, Ruberoid and GAF employees may have from time-to-time maintained or possessed

personal files containing periodicals and other literature relating to asbestos, its uses and qualities.

Mr. Mesler died on August 29, 1972, and the whereabouts of any such information is unknown. The only existing materials containing such information are in the possession of GAF's Legal Department and Environmental Engineering Department.

58.

For each facility identified in response to the two preceding interrogatories, state the name or title of each medical journal or periodical subscribed to and the inclusive dates of each such subscription.

ANSWER: Not applicable. See response to Interrogatory Nos. 56 and 57.

59.

Other than the medical library facilities referenced in the answers to the immediately preceding three interrogatories, state the identity of each medical library, from 1930 to date, in which you held a membership, or funded by way of contribution, gift, grant, or any other direct cash or property payments.

ANSWER: To the best of GAF's present corporate knowledge, none.

60.

State the names and addresses of all professional, trade, industrial, safety, hygiene, or health associations and research foundations or organization you have been a member of since 1930 indicating for each association:

- a. The inclusive dates of your membership;
- b. The names of your employees who attended meetings and the dates and designations of such meetings;
- c. The positions held by any of your employees;
- d. The location of all minutes, digests, reports and documents received or concerning such association.

ANSWER: Asbestos Information Association/North American, Suite 509, 1745 Jefferson Davis Highway, Arlington, Virginia 22202; 1971-1977.

National Insulation Manufacturers' Association, Inc., 441 Lexington Avenue, New York, New York 10017; 1958-1981.

Mineral Fiber Products Bureau, f/k/a Asbestos Cement Product Association, New York, New York; 1937-mid-1970s.

American Society of Testing Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103; 1946-1981.

Thermal Insulation Manufacturers' Association, Seven Kirby Plaza, Mount Kisco, New York 10549; 1973-1977.

National Safety Council, 444 N. Michigan Avenue, Chicago, Illinois 60611; prior to 1966 to 1981.

This defendant is aware of documents reflecting that Genral Aniline and Film Corporation was a new member of the Industrial Health Foundation, during the years 1945 to 1947, a period when General Aniline and Film Corporation was under government ownership and not even in any aspect of the asbestos business, and further reflecting that The Ruberoid Co. was a new member for a limited period in 1953-1954. This defendant does not have any internal documents which reflect actual, as opposed to contemplated, membership at any time. Moreover, this defendant knows of no evidence that it ever received any IHF documents at any time.

61.

When did you first learn that there were health hazards associated with the use and/or fabrication of asbestos-containing products? State the date, source, nature and extent of such information.

ANSWER: Prior to 1964 or early 1965, Ruberoid officials were not aware of any health hazard related to the use of its thermal insulation products containing asbestos. In approximately 1964 or early 1965, Ruberoid became aware of opinions expressed by certain members of the medical profession that inhalation of asbestos by users of asbestos-containing products could be harmful, although the opinion did not relate to the use of Ruberoid products. At approximately the same time, Ruberoid commenced providing its warnings.

In approximately 1968, GAF received further information that inhalation of asbestos fibers could be harmful but GAF did not receive specific medical information on the results of such exposure. Upon enactment of the Federal Occupational Safety and Health Act of 1970, GAF became aware of tests and examinations made as a result of that legislation.

62.

Have you knowledge of any deaths or cases of lung disease or lung impairment prior to 1975 among your employees engaged in the manufacture or use of asbestos products which are attributable to, or were alleged to be caused by, the inhalation of asbestos dust or fibers? If so, please give the name and address of each such employee, identify all medical records possessed in relation to the employee, and state whether reports of occupational disease were furnished to any bureau, branch or governmental body of the relevant state; attach copies of the latter.

ANSWER: GAF Corporation objects to this interrogatory on the grounds that it is irrelevant to this litigation as plaintiff was not employed by GAF nor was he employed in the same capacity as GAF employees.

63.

Please state the names and addresses of your medical officers from 1930 until the present time, listing the periods of time each such medical officer was employed by defendant in that capacity. If you did not have a medical officer, please indicate what person or persons performed that function.

ANSWER: GAF did not employ any medical officers.

64.

Please state the names and addresses of all physicians who were employed, retained or otherwise engaged by you at any of your facilities for the years 1930 until the present.

ANSWER: See response to Interrogatory No. 55.

65.

Please state the names and addresses of all persons employed by you from 1930 until the present time who functioned as industrial hygienists. As used in this interrogatory an industrial hygienist is one who performs engineering or health studies to identify and evaluate potential occupational health hazards and suggests methods of dealing with the same.

ANSWER: GAF never employed any industrial hygienists.

66.

For each industrial hygienist listed above, please state:

- a. The facility or office to which that individual was assigned; and
- b. The complete and precise duties and responsibilities.

ANSWER: Not applicable.

67.

Did anyone ever make any recommendations and/or suggestions to you pertaining to the risks and hazards

associated with the manufacturing or use of insulation products containing asbestos?

ANSWER: GAF Corporation objects to this interrogatory on the grounds that it is irrelevant to this litigation as plaintiff was not employed by GAF nor was he employed in the same capacity as GAF employees. Furthermore, see response to Interrogatory No. 25.

68.

If the answer to the above question was "yes", please state:

- a. Where such recommendations or suggestions were made;
- b. Who make such recommendations or suggestions;
- c. To whom were these recommendations or suggestions made;
- d. The substance of the recommendations or suggestions;
- e. What action did you take as the result of those recommendations or suggestions?

ANSWER: See response to Interrogatory No. 67.

69.

If any of your employees or officers have testified at trial or by deposition in any litigation or before any Congressional Committee or administrative agency concerning asbestos exposure, pulmonary or asbestos-related diseases or industrial hygiene relating to asbestos use, state:

- a. The names, address and title of each person who testified;
- b. The date, location and forum of such testimony;
- c. Whether the defendant has a copy of such testimony;
- d. Whether the defendant will voluntarily produce a copy of such testimony.

ANSWER: Subject to the objections set forth in the preliminary paragraphs of this response, GAF responds as follows: Robert H. Beber testified before the Subcommittee on Labor Standards of

the Committee on Education and Labor on June 14, 1983. At the time of his testimony, Mr. Beber was Senior Vice President, General Counsel and Secretary of GAF Corporation. Edward E. Shea testified before a House Subcommittee on H.R. 1626 in 1985. At the time of his testimony, Mr. Shea was Senior Vice President, General Counsel, and a Director of GAF Corporation.

70.

Have you or any employee or agent of yours ever communicated with an agency or department of the United States concerning specifications and/or standards for any asbestos product or thermal insulation product? If so, state separately for each product or set of specifications:

- a. Identify each such product and its military or federal specification or standard;
- b. The intended purpose or use for the product so specified;
- c. The date, time and place of each communication including:
 - (1) The name of each of your agents or employees who participated in each communication;
 - (2) The names, titles, and agencies of each individual with whom such communication was had;
 - (3) The subject of the communication;
 - (4) Whether any notes, minutes or memoranda in any form were recorded of such communication or of any meetings between you and the agency;
 - (5) Whether any documents were submitted to the agency;
 - (6) If (4) or (5) is answered in the affirmative, state the name and location of the custodian of such records.

ANSWER: See response to Interrogatory No. 33.

71.

Does your company recognize that:

- a. Asbestos dust exposure causes asbestosis;
- b. Asbestos exposure leads to an individual contracting asbestosis;
- c. There is a correlation between exposure to asbestos and the occurrence of asbestosis;

- d. Asbestos causes lung cancer;
 - e. There is a correlation between asbestos exposure and the occurrence of lung cancer;
 - f. Asbestos contributes to the development of gastrointestinal cancer;
 - g. That a portion of inhaled asbestos fibers remain in the lungs after being inhaled into the human body and are not destroyed?
 - h. The symptoms of asbestosis and other asbestos-induced lung diseases or cancers may not manifest themselves until many years after the asbestos was inhaled into the body?
 - i. Prolonged use of the asbestos material can cause or contribute to various occupational diseases, including asbestosis, mesothelioma, cancer and other lung and respiratory diseases?
 - j. The occupational use of asbestos insulating products listed in Answer #12 are dangerous and harmful to human health?
 - k. There is a causal connection between the inhalation of asbestos dust and fibers and the disease, mesothelioma?
- If your answer to any part of this question is "Yes", explain when you came to this knowledge and what, if anything, you have done about it to notify the public or users of your products. If your answer is that your products are not harmful, then explain what facts and tests were made upon which you base such conclusion.

ANSWER: GAF objects to this interrogatory as it seeks expert scientific opinion which GAF is not qualified to render.

Subject to the foregoing objections, prior to 1964 or early 1965, Ruberoid officials were not aware of any health hazard related to the use of its thermal insulation products containing asbestos. In approximately 1964 or early 1965, Ruberoid became aware of opinions expressed by certain members of the medical profession that inhalation of asbestos by users of asbestos-containing products could be harmful, although the opinion did not relate to the use of Ruberoid products. At

approximately the same time, Ruberoid commenced providing its warnings.

In approximately 1968, GAF received further information that inhalation of asbestos fibers could be harmful but GAF did not receive specific medical information on the results of such exposure. Upon enactment of the Federal Occupational Safety and Health Act of 1970, GAF became aware of tests and examinations made as a result of that legislation. Furthermore, GAF became aware of medical theories which related to asbestos exposure to cancer and other diseases only during the course of litigation.

72.

Have you at any time since 1930 interchanged results of research tests, medical studies, or experiments regarding the state of the medical knowledge regarding the connection between asbestos exposure and the contracting of pulmonary diseases including, but not limited to, lung cancer and asbestosis with any other person, including any co-defendants in these actions?

ANSWER: To the best of GAF's present corporate knowledge, no.

73.

If the answer to the preceding interrogatory is in the affirmative, please state:

- a. When this interchange took place;
- b. Who participated in these interchanges; and
- c. Summarize the content of these interchanges or studies.

ANSWER: Not applicable.

74.

When was the first time that you received notice that any person was claiming an injury as the result of exposure to asbestos-containing products manufactured and/or sold by your company?

ANSWER: GAF objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant and not likely to lead to the discovery of admissible evidence.

75.

For each injury that you receive notice of or a claim for prior to 1970, please list:

- a. The name and address of each claimant;
- b. The date of the notice of each claim;
- c. A description of the claim (i.e. workmen's compensation or a third-party liability action);
- d. The type of injury allegedly sustained;
- e. The name and address of each attorney who represented individuals making such claims;
- f. The style and the court number of each claim;
- g. The resolution of each claim that has been disposed of; and
- h. 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).

ANSWER: See response to Interrogatory No. 74.

76.

Did you receive any reports or communications from your workers' 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 who has possession of such reports, the location of such reports and the substance of the contents of such reports, listing for each such report the respective insurance company, its address, the agents signing such correspondence and the date of such notice or report.

ANSWER: GAF objects to providing any information concerning Workers' Compensation Claims, as any information concerning GAF employees is completely distinct from and irrelevant to the subject matter of this litigation.

77.

Have you as part of your business ever employed any steam plant operators, boiler repair workers,

insulators, or had a division or unit which installed insulation materials on a contract-by-contract basis? (e.g., a "contract unit")? If so, state:

a. The location where such persons or unit was based;

b. The names of the operators or managers of the contract units;

c. Whether there existed rules, regulations and/or work practices which were to be followed by such employees;

d. Were such employees ever required to wear respirators? If so, please state:

(1) Whether the requirement was by written regulation or oral direction;

(2) The names of the people in your firm originating such a requirement and/or in charge of enforcing it;

(3) The date the requirement was imposed for the first time.

e. Have such former employees ever filed workers' compensation claims due to lung or coronary illness. If so, for each such claim, state the date, jurisdiction, docket number, and outcome of the claims.

ANSWER: GAF never employed any contract units.

78.

State the total number of employees of yours or your contract unit receiving benefits under the Occupational Disease or Workers' Compensation statute for asbestosis, mesothelioma, bronchogenic carcinoma and/or cancer of the stomach, colon or rectum for each year, from the date that you first manufactured, distributed or sold any asbestos-containing products until the present time.

ANSWER: See responses to Interrogatory Nos. 76 and 77.

79.

State by year the total dollar amount paid out by you, your contract unit and/or your insurance carrier as a result of claims under any Occupational Disease or Workers' Compensation statute for asbestosis, mesothelioma, bronchogenic carcinoma and/or cancer of the stomach, colon or rectum.

ANSWER: See responses to Interrogatory Nos. 76 and 77.

80.

Identify any action, other than workers' compensation claims, brought against you by claimants injured as a result of exposure to asbestos and asbestos-containing products prior to 1970, stating the court in which the action was brought, the date of filing, case style, and case number.

ANSWER: See response to Interrogatory No. 74.

81.

State separately for each calendar year for the period 1928 to the present:

- a. The total amount of asbestos mined by your company;
- b. The total pound volume of asbestos fiber purchased by your company;
- c. The total pound volume of asbestos used by your company in its manufacturing processes;
- d. The total pound volume of asbestos sold by your company;
- e. The total pound volume of asbestos acquired by your company in any manner other than mining or purchase, and identify the manner of acquisition for each year;
- f. The total dollar value of asbestos mined by your company;
- g. The total dollar value of asbestos purchased by your company;
- h. The total dollar value of asbestos used by your company in its manufacturing process;
- i. The total dollar value of asbestos sold by your company;
- j. The total dollar value of all asbestos-containing products sold by you;
- k. The total number of pounds or linear feet of each asbestos product sold by you and the dollar value of such sales;
- l. The percentage of sales by dollar value and by linear foot and weight of your asbestos as compared to all asbestos sold in the United States;
- m. The percentage of sales by dollar value and by linear foot and weight of your asbestos-containing material as compared to all asbestos-containing materials sold in the United States.

ANSWER: GAF objects to this interrogatory on the grounds that it is overly broad, unduly burdensome and seeks information

which is not relevant to the subject matter involved in this action and is not reasonably calculated to lead to the discovery of admissible evidence.

82.

Did you direct to be performed, sponsor, finance or receive the results of any studies or tests performed by the Saranac Lake laboratory or the Trudeau Foundation relating to asbestos exposure and its effect on human life? If so, identify:

a. All documents summarizing findings or results of those studies or tests which you have in your possession or control;

b. All communications, oral or written, between answering defendant and Saranac personnel, including but not limited to Gerritt W.H. Schepers, M.D.;

c. All documents relating to Saranac studies received or submitted by you, either directly, through associated or predecessor companies, through other companies or through any trade associations, organizations or entities;

d. All recommendations or findings of such studies in relation to:

(1) Adequacy or inadequacy of the threshold limit values; and

(2) The substitution of material other than asbestos to be used in insulation process;

e. Where the documents and/or communications identified in this interrogatory are presently maintained.

ANSWER: To the best of GAF's present corporate knowledge, no.

83.

Did you in any way finance, assist, participate in or receive the results of:

a. The Metropolitan Life Insurance Company studies of asbestos conducted from 1929-1950;

b. The Trudeau Foundation Saranac Lake studies from 1920-1960;

c. The Quebec Asbestos Mining Association Study of Asbestos and Health between 1940 and 1970.

If so, state what role or action you took and identify all documents relevant to such activities by name, date, title, file number and present location.

ANSWER: To the best of GAF's present corporate knowledge, no.

84.

Has your firm ever been fined, cited, admonished or criticized by any government agency (federal, state or local) for dust levels in excess of any threshold limit value (TLV) or other predetermined number? If so, please state:

- a. The date;
- b. The government agency that fined, cited, admonished, or criticized;
- c. The dust and TLV number involved;
- d. The means of identifying any document related to such an occurrence;
- e. Any action taken by the agency involved.

ANSWER: GAF does not have an independent understanding of "Threshold Limit Value". It first became aware of TLV when OSHA promulgated its regulations in 1972. In addition, to the best of GAF's present corporate knowledge, no.

85.

State whether from 1930 to date you promulgated any rules, written or oral, for the handling of asbestos or asbestos products by your own employees? If so, state:

- a. When such rules were promulgated;
- b. The substance of the rules, if oral, and the name, address and title of the person who disseminated them;
- c. If in writing, either attach a copy of the rules or identify the written rules by date, title, identification number, present location, and the name and address of the custodian thereof;
- d. Whether any such material was provided to any users of your asbestos products and, if so, when and to whom.

ANSWER: GAF Corporation objects to this interrogatory on the grounds that it is irrelevant to this litigation as plaintiff was not employed by GAF nor was he employed in the same capacity as GAF employees.

86.

Have any of your employees been reassigned to other duties because of pulmonary or coronary health problems? If so, please state for each such reassignment:

- a. The date and reason for reassignment;
- b. The jobs prior to and after reassignment;
- c. The age and health problem of the person reassigned.

ANSWER: See response to Interrogatory No. 85.

87.

Prior to 1972, have your employees ever been subject to periodic medical examinations? If so, please state:

- a. Whether the examinations were performed by your firm, its agents, or employees or by outside personnel, either private or governmental;
- b. Whether the examinations were performed as a result of an internal corporate decision or to comply with some governmental rule;
- c. Whether any person was rejected for employment as a result of such examination. If so, state the date and reason for such rejection;
- d. Whether any employee was reassigned, terminated or pensioned as the result of such examination and the date and reason for each such occurrence.

ANSWER: See response to Interrogatory No. 88.

88.

Have you ever removed or had removed any asbestos insulation or other asbestos-containing material from any building, plant or facility which you owned, operated, leased or maintained? If so, identify the building or facility, state the date the asbestos material was removed, who removed the asbestos, and identify all documents relating to or referring to the removal.

ANSWER: GAF Corporation objects to this interrogatory on the grounds that it is irrelevant to this litigation as plaintiff was not employed by GAF nor was he employed in the same capacity

as GAF employees. Furthermore, the conditions in GAF's facilities, including provisions for safety and health are not at issue in this litigation and therefore, this interrogatory is irrelevant and not likely to lead to the discovery of admissible evidence.

89.

If the preceding interrogatory was answered in the affirmative, was the monitoring of dust levels required by any government regulation or rule of any government, agency or insurance company? If so, state the substance of the rule, the source imposing it and the date it was first imposed.

ANSWER: See response to Interrogatory No. 88.

90.

Do you agree that the possibility of exposure to asbestos dust and fibers extends not only to workers actually handling the asbestos products but also to:

- a. Other workers in the area where the asbestos products are being used;
- b. Members of the families of workers.

ANSWER: GAF objects to this interrogatory on the grounds that it seeks expert scientific and medical opinions which GAF is not qualified to render.

91.

Does your company have a record or document "retention" policy, plan or program? If so, please describe such plan. If the plan is different for separate categories of records, please describe the plan for each category. Please include in the descriptions the following:

- a. The name and title of the custodian of the records;
- b. The length of time for which records are retained;
- c. The titles and names of the personnel responsible for determining the policy or plan from 1935 to the present;

d. The titles and names of the personnel responsible for the removal and destruction of any records, pursuant to any such plans from 1935 to the present.

ANSWER: GAF objects to this interrogatory on the grounds that the manner in which GAF's records are retained is neither relevant nor likely to lead to the discovery of admissible evidence. Furthermore, it requests privileged information. Subject to the foregoing objections, the length of time for which records are retained varies according to the operational, financial, and legal requirements of the corporation. The time period for document retention varies according to the type of document. Documents are generally retained for seven years. However, corporate and other documents may be kept for longer periods. Certain operational documents not required to be preserved by applicable regulation are generally not kept for more than two years.

92.

Have you destroyed any documents, records or writing pertaining to:

- a. Health hazards of asbestos;
- b. Workers' compensation claims arising out of asbestos, lung cancer, mesothelioma, cor pulmonale, pneumoconiosis, or pulmonary fibrosis;
- c. Placing warning labels on your products;
- d. Hazardous conditions in your plants or factories;
- e. Funding of studies about health hazards of asbestos;
- f. Lawsuits arising out of injuries alleged to having been caused by asbestos.

If so, list every such document destroyed by author, date and subject matter.

ANSWER: See response to Interrogatory No. 91.

93.

Have you ever had a division or subsidiary engaged in the business of abating, removing or encapsulating asbestos materials? If so, please state:

- a. The name of the unit of all personnel involved;
- b. The location where such persons or units were based;
- c. The dates such person or units functioned;
- d. The sites where such abatement, repair, encapsulation or removal occurred.

ANSWER: To the best of GAF's present corporate knowledge, no.

94.

Identify and produce all Minutes of each meeting of the Board of Directors or of any committee of the Board at which meeting the hazards of asbestos exposure, and/or the possible application of warning labels on asbestos-containing products were discussed.

ANSWER: GAF objects to this interrogatory on the grounds that it is overly broad, unduly burdensome and vague as it is not limited in terms of time period. Furthermore, it is irrelevant and not likely to lead to the discovery of admissible evidence.

95.

If there is any person whom the defendant expects to call as an expert witness at trial, please provide a copy of the witness' curriculum vitae or summary of the witness' qualifications. If there is no vitae, please state for each such expert witness:

- a. The person's identity, giving name, profession or occupation, and address;
- b. The subject matter on which each such expert is to testify;
- c. The substance of all facts and opinions regarding which each such expert is to testify;
- d. A summary of the grounds for each opinion of each such expert;
- e. Whether the facts and opinions listed in (c) above are contained in a written report, memorandum or transcript;

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

g. Whether each such expert intends to base his or her testimony on any book, treatise, article, study, or any other document, and if so, identify all such documents; and

h. Whether the witness has testified at trial or by deposition in other asbestos-related personal injury or wrongful death cases and if so, state for each such case:

- (1) The name and docket number;
- (2) The court in which each such case was pending;
- (3) The party for whom the witness testified.

ANSWER: The identity of witnesses to be called at trial is not known at this time. GAF reserves the right to designate at a later date the witnesses to be used at trial.

96.

Identify the name and address of each nonexpert witness whom you intend to call at trial. Specifically set forth the nature and substance of the matters to which each person will testify and summarize the facts to which such person will testify.

ANSWER: See response to Interrogatory No. 95.

97.

Identify each exhibit that you intend to rely upon at trial.

ANSWER: The documents and/or exhibits which this Defendant intends to rely upon at trial are not known at the present time. As discovery is still ongoing, this defendant reserves the right to designate documents to be used at trial at a later date, and will provide copies of same at that time.

98.

Any time prior to 1972, did you learn of any recommended levels of asbestos proposed by The American Conference of Governmental and Industrial Hygienists (ACGIH)? If so, state:

- a. The exact date you first learned of any ACGIH recommended levels;
- b. How you first learned of it;
- c. Which of your employees or agents first learned of it;
- d. The steps or action you took to advise your sales personnel of the recommendation;
- e. The steps or action you took to advise your customers, dealers, distributors and contractors of the ACGIH recommendation;
- f. Any comment you filed or submitted to ACGIH;
- g. Identify all documents related to ACGIH.

ANSWER: GAF objects to this interrogatory on the grounds that it is irrelevant and not likely to lead to the discovery of admissible evidence.

99.

Do you contend that there is a minimum safe threshold level of exposure to asbestos below which there is no risk in developing mesothelioma or lung cancer? If so, specify the minimum safe threshold level of exposure for each disease, the date you claim the threshold was arrived at, and the precise basis for your contention.

ANSWER: Subject to the objections set forth in the preliminary paragraphs of this response, GAF responds as follows: See response to Interrogatory No. 54. Furthermore, it seeks expert scientific or medical opinion which GAF is not qualified to render.

100.

Do you contend that there is any difference between chrysotile fiber, amosite fiber, crocidolite fiber and/or tremolite fiber in the development of:

- a. Mesothelioma;

b. Lung cancer;

c. Asbestosis?

If so, explain in detail your contention as to the distinction between or among fiber types in the development of each disease and the medical authority you rely on.

ANSWER: See response to Interrogatory No. 99. Subject to those objections, GAF responds that it is aware of epidemiological studies that suggest that there are differences between types of asbestos fibers in terms of their potential for causing asbestos- related disease in humans.

101.

Do you contend that insulation products containing asbestos can be manufactured or treated so as to eliminate some potential asbestos-related health hazards to workers installing the same? If so, please explain in detail what your contentions are and the basis for each contention.

ANSWER: See response to Interrogatory No. 99.

102.

Identify all trade organizations, associations or other entities, including but not limited to ATI, IHF, NAIMA, AIA, NICA, TIMA, MIMA, QAMA, PICA, QAPA, to which you have belonged or in which you have participated since 1925 and the years of your participation.

ANSWER: See response to Interrogatory No. 60.

103.

Identify all persons attending on your behalf any meetings held by any trade organization listed in the preceding interrogatory.

ANSWER: GAF objects to this interrogatory on the grounds that it is overly broad, unduly burdensome and not likely to lead to the discovery of relevant admissible evidence. Subject to the

foregoing objections, in 1964, Mr. William G. Neel attended a meeting of the National Insulation Manufacturers' Association at which it was announced that Johns-Manville was going to place warnings on its asbestos-containing thermal insulation materials. Shortly thereafter, Ruberoid began placing warnings on materials as described in the answer to Interrogatory No. 25. GAF employees also attended a meeting in mid-1968 at which Dr. Irving Selikoff spoke on his research regarding the health of members of an insulation workers' union who had installed thermal insulation materials over an extended period of time. GAF employees have subsequently been present at such meetings, hearings, and the like but it is unduly burdensome and irrelevant to attempt to list all such affairs and all of the other information called for by this interrogatory.

104.

Identify all persons who have testified on your behalf and all documents presented to or utilized in preparation of testimony before the Occupational Safety and Health Administration, the National Institute of Occupational Safety and Health, any U.S. Congressional committee or subcommittee or governmental hearing or investigative proceeding on the subjects of biological effects on human life from exposure to asbestos and the setting, modifications, feasibility and acceptance of allegedly safe or proper levels of such exposure to asbestos and asbestos products.

ANSWER: See response to Interrogatory No. 69.

105.

For all testimony set forth above, please identify:
a. The dates and descriptions of the proceeding;
b. The relationship between the person who testified or responded and you;

c. All studies, test results, or other scientific or medical documents relied upon by said person as a basis for any recommendation made or testimony given

d. Whether at any time prior to or following such testimony you possessed knowledge of documents suggesting that existing or proposed threshold limit values were not safe or proper or that lower threshold limit values were necessary in order to prevent disease; as to this response, please identify the origin of the knowledge and all documents relating thereto; and

e. Whether at any time prior to or following such testimony you were aware that the proper method for determination of safe levels of asbestos dust was to test concentrations of fibers in the air rather than the total number of particles. If your answer is in the affirmative, identify the origin of said knowledge and all documents relating thereto.

ANSWER: See response to Interrogatory No. 69.

106.

What do you understand "threshold limit value" to mean?

ANSWER: See response to Interrogatory No. 84.

107.

What do you understand "dose-response relationship" to mean?

ANSWER: GAF objects to this interrogatory on the grounds that it calls for speculation and seeks expert scientific and medical opinions which GAF is not qualified to render.

108.

What is being measured when you take the measurement of threshold limit value as you define it?

ANSWER: See response to Interrogatory No. 84.

109.

When did you first learn that there were threshold limit values for exposure to asbestos?

ANSWER: See response to Interrogatory No. 84.

110.

When did you first learn of studies by Dreeson, published in the U.S. Public Health Bulletins, establishing threshold limit values for exposure to asbestos?

ANSWER: GAF objects to this interrogatory on the grounds that it is irrelevant and not likely to lead to the discovery of admissible evidence. Subject to the foregoing objections, after a reasonable investigation, unknown.

111.

When did you first have knowledge of a study by Drs. Fleischer and Drinker regarding the occurrence of asbestosis among pipe coverers in Naval shipyards?

ANSWER GAF objects to this interrogatory on the grounds that it is irrelevant and not likely to lead to the discovery of admissible evidence. Subject to the foregoing objections, after a reasonable investigation, unknown.

112.

Does the answering defendant have in its possession a copy of a study by Drs. Fleischer and Drinker regarding the occurrence of asbestosis among pipe coverers in Naval shipyards? If so, state the date on which the answering defendant acquired a copy of this study.

ANSWER Subject to the objections set forth in the preliminary paragraphs of this response, this defendant states that its counsel has a copy of this Fleischer-Drinker study and that it was obtained during the course of litigation.

113.

Did you advertise any of your asbestos-containing products for use on ships or navy vessels?

ANSWER: Subject to the objections set forth in the preliminary paragraphs of this response, this defendant responds, yes.

114.

If the response to preceding interrogatory is in the affirmative, please state:

- a. The name of the product;
- b. In what years you advertised the product; and
- c. The intended purpose of the product.

ANSWER: Subject to the objections set forth in the preliminary paragraphs of this response, this defendant responds that its insulation products were occasionally advertised for use on ships during the mid-1940s.

115.

Did you design any asbestos-containing products for use on ships or navy vessels? If so, please state:

- a. The name of the products;
- b. The year of their design;
- c. The manufacturer; and
- d. The intended use.

ANSWER: See response to Interrogatory No. 33.

116.

Did you sell any asbestos-containing materials to the:

- a. United States Government?
- b. General Services Agency?
- c. United States Navy?
- d. Any naval shipyard?
- e. Any shipyard?

ANSWER: Subject to the objections set forth in the preliminary paragraphs of this response, GAF responds, yes.

117.

Does the answering defendant have policies of insurance that might cover the claims that have been made by plaintiff herein?

ANSWER: GAF Corporation objects to this interrogatory on the grounds that it seeks information not relevant to this litigation and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing objection, GAF's insurance coverage is in dispute and is the subject of litigation and is, therefore, privileged.

118.

If so, please list the name of each insurance carrier who may have coverage, the amount of such coverage, and the dates of each such policy?

ANSWER: See response to Interrogatory No. 117.

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70ASBESTOS

Attorneys for Defendant

IN THE CIRCUIT COURT OF CABELL COUNTY, WEST VIRGINIA

IN RE: ASBESTOSIS CASES

MARY V. CHADWELL, Executrix of
the Estate of WYATT F. CHADWELL,
et al.,

Plaintiffs,

CIVIL ACTION FILE

vs.

NO. 87-C-946, et seq.

OWENS-CORNING FIBERGLAS CORPORATION,
a Delaware corporation, et al.,

Defendants.

CERTIFICATE OF SERVICE

I hereby certify that I have this date served counsel
of record with a copy of DEFENDANT GAF CORPORATION'S ANSWERS TO
PLAINTIFFS' GENERAL SET OF INTERROGATORIES by depositing same in
the United States mail in an envelope with adequate postage
thereon addressed as follows:

Lawrence J. Tweel, Esquire
GREENE, KETCHUM, BAILEY & TWEEL
419 Eleventh Street
Huntington, WV 25724-2389

This 30th day of April, 1990.

Albert H. Parnell
Albert H. Parnell, P.C.

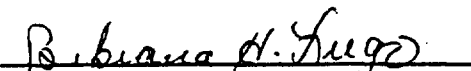
STATE OF NEW JERSEY)
) SS:
COUNTY OF PASSAIC)

A F F I D A V I T

I, ELEANOR CARLSON, being duly sworn according to law,
depose and say that I am an Assistant Secretary of GAF
Corporation, one of the Defendants herein, and that I am
authorized to make this Affidavit in its behalf, and that the
facts set forth in the foregoing Responses are true and correct
to the best of my knowledge, information and belief.


ELEANOR CARLSON

SWORN TO AND SUBSCRIBED
before me this 24th day
of April, 1990.


NOTARY PUBLIC IN AND FOR
SAID COUNTY AND STATE

Bibiana H. Lugo
Notary Public of New Jersey
My Commission Expires Jan 31 1998
AFFID--2