

OCT 13 1993

IN RE: ALL ASBESTOS-RELATED
PERSONAL INJURY OR DEATH
CASES FILED OR TO BE FILED
IN DALLAS COUNTY, TEXAS

§ IN THE DISTRICT COURT OF
§
§ DALLAS COUNTY, TEXAS
§
§ 191ST JUDICIAL DISTRICT

**DEFENDANT THE ANCHOR PACKING COMPANY'S
OBJECTIONS, ANSWERS AND RESPONSES TO
PLAINTIFFS' INTERROGATORIES AND REQUEST FOR PRODUCTION**

TO: **PLAINTIFFS**, by and through their attorney of record, Mr. Russell Budd, Baron & Budd, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219.

Comes now **THE ANCHOR PACKING COMPANY**, one of the Defendants in the above-entitled cause, and files the attached Objections, Answers and Responses to Interrogatories and Request for Production submitted by Plaintiffs, pursuant to Rules 167 and 168 of the Texas Rules of Civil Procedure.

Respectfully submitted,

**PATTERSON, LAMBERTY, STANFORD,
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By:

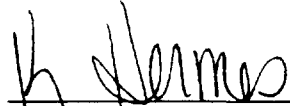


KATHRYN HERMES
SBN: 15156500



CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Objections, Answers and Responses to Interrogatories and Request for Production has been sent to Plaintiffs counsel, Russell Budd, by certified mail, return receipt requested, and the cover page only to all other counsel by regular mail, all on this the 12th day of October, 1993.



KATHRYN HERMES

OBJECTIONS APPLICABLE TO ALL REQUESTS

1. The questions as stated request information going back many years. **THE ANCHOR PACKING COMPANY** has found it difficult, if not impossible, to reconstruct or retrieve much of the information requested. Therefore, the answers given are based on facts presently known by **THE ANCHOR PACKING COMPANY** at the time of its answer.
2. Given these Interrogatories are addressed to multiple Defendants who may be responsible for manufacturing, mining, designing, milling, applying or distributing various products, necessarily many of the questions are objectionable on the grounds of being overly broad, burdensome, vague and ambiguous. In addition, several of the questions are not sufficiently limited in time and/or use terms which do not refer to products manufactured or distributed by **THE ANCHOR PACKING COMPANY**. Defendant accordingly objects on the grounds such Interrogatories are irrelevant and immaterial to the allegations against this Defendant.
3. **THE ANCHOR PACKING COMPANY** is not a manufacturer. Further, **THE ANCHOR PACKING COMPANY** does not now and never has sold asbestos and/or asbestos-containing insulation products as that term is commonly used and understood in this type of litigation. Therefore, **THE ANCHOR PACKING COMPANY** objects to any questions referring to or assuming that such are or have been sold by **THE ANCHOR PACKING COMPANY**.
4. **THE ANCHOR PACKING COMPANY** objects to the "definitions" preceding the Interrogatories to the extent that they attempt to redefine the meaning of the terms listed as found in the Texas Rules of Civil Procedure, and commonly accepted English usage. Defendant has responded to the Interrogatories on the assumption that the terms used therein are to be given their usual and customary meaning and objects to any attempt to force the use of some other standard.
5. These requests assume that the products in question cause asbestos-related disease and, as such, are objectionable in form. **THE ANCHOR PACKING COMPANY** contends that the products it distributed, if at all, release such few fibers that such exposure would not cause or contribute to the development of asbestos-related disease.
6. The majority of the questions call for expert opinion and narrative answers not proper for this request. **THE ANCHOR PACKING COMPANY** asserts that the expert opinions and the basis of the opinions are known to Plaintiff's attorneys from disclosure of such opinions in this case and others. These Interrogatories are therefore calculated to be duplicative and harassing.
7. The answers contained herein are derived in good faith from the little information available to **THE ANCHOR PACKING COMPANY** at this time and the majority of such information would only be available from the manufacturers of products that **THE**

ANCHOR PACKING COMPANY distributed. The wording of these answers has therefore been prepared with the assistance and advice of counsel.

8. Objections made to said answers are also made in good faith, and **THE ANCHOR PACKING COMPANY** requests this Court to rule on said objections and **THE ANCHOR PACKING COMPANY**, by answering in good faith, does not waive its objections.
9. **THE ANCHOR PACKING COMPANY** further objects to these Interrogatories as they are not approved nor Ordered by the any Court and, therefore, are in excess of the total number of Interrogatories Plaintiffs are entitled to serve on any single Defendant pursuant to the Texas Rules of Civil Procedure.

DEFINITIONS

As used in this set of Interrogatories and Request for Production, the following terms mean:

1. The words "Defendant," "You," "Your," "Your company," all mean the corporate Defendant separately answering these Interrogatories, and any of its merged, consolidated, or acquired predecessors, divisions, subsidiaries, foreign subsidiaries, foreign subsidiaries of predecessors, and/or affiliates known to have mined, manufactured, sold, marketed, utilized or distributed asbestos or asbestos-containing products or that incorporated asbestos or asbestos-containing products into ships or other water-going vessels. This definition includes present and former officers, directors, agents, employees, and all other persons acting or purporting to act on behalf of the corporate Defendant or its predecessors, subsidiaries, and/or affiliates known to have mined, manufactured, sold, market or distributed asbestos or asbestos-containing products. "Predecessors" further means any business firm, whether or not incorporated, which had all or some of its assets purchased by you or came to be acquired by you whether by merger, consolidation, or otherwise known to have mined, manufactured, sold, marketed, utilized, or distributed asbestos or asbestos-containing products. "Subsidiaries" further means any business firm, whether or not incorporated, which is or was in any way owned or controlled, in whole or in part by Defendant or its predecessors and which is known to have mined, manufactured, sold, marketed, utilized or distributed asbestos or asbestos-containing products.

Defendant is required to produce a schematic or diagram detailing its subsidiaries, predecessors and divisions that would be included in the above definition. (See Request for Production No. 2)

2. The words "document", "documents", "written materials", or "printed matter" include any written, printed, recorded or graphic matter, photographic or videographic matter or sound reproductions or computer input or output, including but not limited to: contracts, notes, rough drafts, inter-office memoranda, reports, research materials, logs, diaries, calendars, bank statements, tax invoices, diagrams, studies, manuals, minutes, by-laws, articles of incorporation, resolutions, shareholder endorsements, or partnership documents however produced or reproduced, that (1) are now or were formerly in the possession, custody, or control of the Defendant (including documents at any time in the possession, custody or control of their subsidiaries, whether domestic or international, or merged or acquired predecessors), or (2) are known or are believed to be responsive to these Interrogatories regardless of who now has or formerly had custody, possession or control.
3. The words "person" or "persons" include natural persons, firms, partnerships,

associations, joint ventures, corporations, and any other form of business organization or arrangement, and officers, directors, shareholders, employees, agents, and contractors of any business organization or arrangement.

4. The words "meeting" or "meetings" may mean any coincidence or presence of any persons, whether or not such coincidence or presence was pre-arranged, was formal or informal, or was in connection with some other activity.
5. The words "describe" or "description", when referring to a place, thing, or occurrence, mean to identify with sufficient particularity the place, thing, or occurrence so as to enable one to locate, examine and fully comprehend or understand the place, thing, or occurrence described.
6. The words "product containing asbestos fibers," "asbestos-containing products," "asbestos products" all refer to any products or materials prepared in any way for sale and/or distribution that contained any kind of asbestos in any possible form. The words "asbestos materials" refer to any and all materials, substance, or matter used or assembled or fabricated during the manufacture of a product, and that contain at least some asbestos fibers. "Product" includes, but is not limited to, pipecovering, turbines, cement, block, gaskets, packing, plaster, joint compound, floor and ceiling tiles, mastics, boilers, raw fibers, fireproofing, shingles, panels, sheets, boards, millboard, refractory cement, boilers, firebrick, brake and clutch linings, finishing compound, texture, and other construction, building, drywall, lath and insulation materials.
7. The words "design changes," and "modifications" mean alterations in the makeup and/or components of a particular product, including but not limited to, variations in the amount or type of asbestos used in the process of manufacturing the product.
8. The words "releasing products to the public" means selling, distributing, marketing, or otherwise causing the products to be available to the general public and/or resale and wholesale outlets for sale.
9. The words "distribute," "distributed", "distributor," and "distribution" all refer to the sale, marketing, dispersal and/or shipment of asbestos-containing products for purposes of their sale, resale and/or for purposes of filling orders provided by other business concerns. The word "distributor" specifically refers to a company or its sales representatives, whether dependent or independent, responsible for sales or marketing of products.
10. The words "marketed", and "market" mean and include all efforts to assist in the distribution and/or sale of products. More generally, these terms refer to only efforts on your part or the part of manufacturers or distributors to sell or otherwise distribute

products.

11. The words "medical advisory capacity" refer to the duties, abilities or capabilities of any member of Defendant's staff, or any individual or organization who has contracted with Defendant, to provide services of a medical nature, including but not limited to providing medical advice.
12. The words "trade organization," or "trade association" mean any organizations or associations of business or industrial entities that are associated and/or meet for the purpose of achieving common goals and/or exchanging information related to common needs or interests, and/or learning information or facts of interest to the various members of the organization or association.
13. The word "plant" means a manufacturing or assembly facility where products are assembled, manufactured, constructed, fabricated, or where component parts, materials, substances, or matter of such products are fabricated, assembled, or manufactured or are prepared for further fabrication and/or assembly.
14. The word "manufacture," or "manufactured" means to fabricate, to construct, to assemble, prepare for fabrication or assembly, or any other action taken prior to completion of the product or material before the time of its shipment.
15. The word "resale" means the sale of a finished product or products previously purchased by your company from another company, either with or without alterations, changes, or modifications to the product prior to the sale by your company.
16. The words "sales materials," or "written sales materials" mean any and all documents or literature of a promotional nature that were created or printed for the purpose of assisting in the marketing or distribution of the products. Such documentation may include, but is not limited to, sales invoices, order slips, and other written indicia of orders received and sales made.
17. The words "rebranding agreement" mean an agreement of any kind whereby one party to the agreement is provided products by the other party to the agreement and the agreement contemplates that the first party will place the brand name of its choice upon the products, either by repackaging or otherwise, and then proceed to sell, market, distribute and/or place the product in the stream of commerce, utilizing its new brand name.
18. The words "research" and "research department" refer to efforts, whether scientific or otherwise, to develop new and/or different types of products, processes or designs of preexisting products and is meant to incorporate all efforts that specifically

contemplated the possible alteration of products.

19. The words "medical department" refer to an individual or a section or group of individuals working for Defendants, either directly or in a contractual capacity, whose purpose was or is to provide guidance, assistance, or advice concerning any aspects of medical health, including but not limited to, the safety of Defendant's workers and the safety of individuals using products manufactured by the Defendant.
20. The words "industrial hygiene surveys" mean surveys, tests, interviews, or other procedures taken or effectuated for the purpose of determining the possibility or existence of detrimental effects caused by Defendant's products on the health of Defendant's workers and/or potential, anticipated, and/or known end users of Defendant's products.
21. The words "potential health hazards," or "health hazards" refer and relate to any injury, effect, damage, scarring, wound, impairment or disability of any part of the human anatomy, including but not limited to the lungs and lung linings, that is caused by or associated with exposures to asbestos dust and fibers.
22. The terms "test" and "testing" are used in their broadest sense, including but not limited to, studies of atmospheric dust samples, studies of the concentration of asbestos in such airborne test sample, studies of the lung conditions of workers (by x-ray or other means of medical surveillance), pulmonary function studies of workers, animal studies, pathological studies, industrial hygiene studies, risk assessment studies, cost-benefit analyses and any other studies on the product concerning health and safety required by any governmental agency.

ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 1:

State the name, address, job title, length of time employed by Defendant, and a year-by-year list of all other positions, titles, or jobs held when working for Defendant of each person who has supplied any information used in answering these Interrogatories.

ANSWER: The Anchor Packing Company objects to this Interrogatory on the grounds it is overly broad and unduly burdensome to identify each individual supplying information used in answering these Interrogatories or designate specifically the Interrogatories answered by each specific individual. Without waiving the foregoing objection, and in an effort to be responsive, this Defendant states that the information requested goes back many years, therefore, The Anchor Packing Company has found it difficult, if not impossible, to reconstruct or retrieve much of the information requested. The Anchor Packing Company states that over a period of years; information has been obtained and gathered from many sources in order to answer discovery filed in many other jurisdictions. The person verifying these Answers to Interrogatories is Donald O'Keefe, Assistant Secretary of The Anchor Packing Company.

INTERROGATORY NO. 2:

For the time period during which asbestos-containing products were manufactured, assembled, sold or distributed by Defendant, and for the year preceding such activity, identify by date any meetings of the board of directors of Defendant at which the following topics were discussed:

- (a) Asbestos-containing products;
- (b) Asbestosis;
- (c) Other asbestos-related diseases, including but not limited to lung cancer, mesothelioma, pleural plaques; and
- (d) Dust studies that measure asbestos dust and fibers.

ANSWER: Defendant objects to the extent this Interrogatory is overbroad in scope and/or may invade the attorney/client and work product doctrines. Further, The Anchor Packing Company never manufactured any asbestos-containing products. Subject to these objections, and without waiving

same, Defendant responds that is possesses no non-privileged information concerning board of director meetings in which asbestos-containing products, diseases, or studies were discussed.

INTERROGATORY NO. 3:

For the time period during which asbestos-containing products were manufactured, assembled, sold or distributed by Defendant, and for the year preceding such activity, identify by date any safety meetings, or meetings concerning safety issues, at any plant or other facility of Defendant where the following topics were discussed:

- (a) Asbestos-containing products;
- (b) Asbestosis;
- (c) Other asbestos-related diseases, including but not limited to lung cancer, mesothelioma, pleural plaques and
- (d) Dust studies that measure asbestos dust and fibers.

ANSWER: Defendant objects to the extent this Interrogatory is overbroad in scope and/or may invade the attorney/client and work product doctrines. Further, The Anchor Packing Company never manufactured any asbestos-containing products. Subject to these objections, and without waiving same, Defendant responds that is possesses no non-privileged information concerning safety meetings in which asbestos-containing products, diseases, or studies were discussed.

INTERROGATORY NO. 4:

Identify any asbestos-containing products manufactured by other companies that were sold and/or distributed by Defendant, its predecessors and/or subsidiaries. State the time periods during which any such products were sold and/or distributed.

ANSWER: Defendant objects to the extent this Interrogatory is cumulative and redundant. The Anchor Packing Company never manufactured the asbestos-containing sealing products it sold. Therefore, this Defendant's responses to Plaintiffs' previous discovery, filed June 29, 1992, provide sufficient, adequate and complete response to this Interrogatory.

INTERROGATORY NO. 5:

Identify by name and location each plant ever owned, operated, or at any time bought by or under the control of Defendant in which asbestos-containing products were manufactured, assembled, or prepared for sale or marketing, and state the time periods during which that activity took place.

ANSWER: Defendant objects to the term "plant" as defined herein as overbroad and vague. Defendant further objects to the extent this Interrogatory is overbroad in scope in that it requests information concerning distribution locations which are totally unrelated to any claims asserted by Plaintiffs represented by Baron & Budd and as such, request information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. The Anchor Packing Company operated several locations from which it distributed a variety of fluid sealing products, some of which may have contained asbestos.

INTERROGATORY NO. 6:

For each plant identified in Interrogatory No. 5, and for the time periods identified therein, list the dates, if any, on which ventilation systems were installed, or modifications to improve ventilation were made to existing systems. Provide a brief description of the changes made.

ANSWER: Defendant incorporates by reference the objections asserted to Interrogatory No. 5 and further objects on the grounds this Interrogatory requests information which is irrelevant as to this Defendant as there are no allegations that any Plaintiff represented by Baron & Budd in Dallas County, Texas cases ever worked in any Anchor Packing facility. Accordingly, this information will not lead to the discovery of admissible evidence.

INTERROGATORY NO. 7:

For each plant identified in Interrogatory No. 5, and for the time periods identified therein, list the dates, if any, on which respirators were provided to employees.

ANSWER: Defendant incorporates by reference the objections asserted to Interrogatory No. 5 and further objects to this Interrogatory as argumentative, assuming facts not in evidence, and requests information which is irrelevant as to this Defendant as there are no allegations that any

Plaintiff represented by Baron & Budd in Dallas County, Texas cases ever worked in any Anchor Packing facility. Accordingly, this information will not lead to the discovery of admissible evidence. The Anchor Packing Company has never been made aware of any potential adverse health consequences related to the use of its products and states that because it supplied products which were bonded, lubricated and/or encapsulated within other substances that its products pose no health hazards to persons working with or around them and, therefore, respirators were and are not necessary.

INTERROGATORY NO. 8:

For each plant identified in Interrogatory No. 5, and for the time periods identified therein, list the dates, if any, on which warnings about the health hazards of asbestos were issued to employees.

ANSWER: Defendant incorporates by reference the objections asserted to Interrogatory No. 5 and further objects to this Interrogatory as argumentative and assuming facts not in evidence. The Anchor Packing Company has never been made aware of any potential adverse health consequences related to the use of its products and states that because it supplied products which were bonded, lubricated and/or encapsulated within other substances that its products pose no health hazards to persons working with or around them and, therefore, warnings about the health hazards were and are not necessary. However, as stated in Answer to Interrogatory No. 14 to Plaintiffs' First Master Interrogatories to All Defendants, The Anchor Packing Company began affixing warning labels on all of its asbestos-containing products in approximately March, 1975.

INTERROGATORY NO. 9:

Identify by name and location each plant ever owned, operated or at a later date bought or under control of Defendant in which asbestos-containing products were used, and state the time periods during which such products were used at each plant.

ANSWER: Defendant objects to the phrase "plant...in which asbestos-containing products were used" as so overbroad in scope and vague that it is impossible to answer, and on the grounds this Interrogatory is harassing and requests information which is irrelevant and not reasonably calculated to lead to the

discovery of admissible evidence.

INTERROGATORY NO. 10:

For each plant identified in Interrogatory No. 9, and for the time periods identified therein, list the dates, if any, on which ventilation systems were installed, or modifications to improve ventilation were made to any existing ventilation systems. Provide a brief description of the changes made.

ANSWER: Defendant incorporates by reference its objections to Interrogatory No. 9.

INTERROGATORY NO. 11:

For each plant identified in Interrogatory No. 9, and for the time periods identified therein, list the dates, if any, on which respirators were provided to any employees using asbestos-containing products.

ANSWER: Defendant incorporates by reference its objections to Interrogatory No. 9.

INTERROGATORY NO. 12:

For each plant identified in Interrogatory No. 9, and for the time periods identified therein, list the dates, if any, on which warnings about the health hazards of asbestos were issued to employees.

ANSWER: Defendant incorporates by reference its objections to Interrogatory No. 9.

INTERROGATORY NO. 13:

Prior to 1990, did any person file a claim against a Workers' compensation carrier covering Defendant, its predecessors, and/or its subsidiaries, alleging that he/she contracted a disease from inhaling asbestos fibers while employed by Defendant, its predecessors, and/or its subsidiaries? If so, provide:

- (a) a list of the claims, including each claimant's name, address and the date each claim was filed, and including the caption and jurisdiction of the claim;
- (b) the disease alleged in each such claim;
- (c) a brief summary of the disposition of each such claim; and
- (d) the name, address and title of the person having custody of the records pertaining to each such claim.

ANSWER: Defendant objects on the grounds this Interrogatory is overbroad in scope and time, invades the attorney/client and work product doctrines, requests information which is irrelevant to this litigation and is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects on the grounds this Interrogatory is cumulative and repetitive of Interrogatory No. 35 of Plaintiffs' first Master Interrogatories to all Defendants.

INTERROGATORY NO. 14:

State the time periods, if any, during which Defendant was a member of each of the following organizations:

- (a) Asbestos Textile Institute (ATI);
- (b) Quebec Asbestos Mining Association (QAMA);
- (c) National Insulation Manufacturers Association (NIMA);
- (d) Industrial Hygiene Foundation (IHF);
- (e) Air Hygiene Foundation (AHF);
- (f) Asbestos Information Association (AIA); and
- (g) American Conference of Governmental Industrial Hygienists (ACGIH).

ANSWER: Not applicable to this Defendant. This Defendant was not a member of any of the organizations listed above.

INTERROGATORY NO. 15:

State the dates and amounts of any financial contributions that were made by this Defendant to each of the following organizations:

- (a) Asbestos Textile Institute (ATI);
- (b) Quebec Asbestos Mining Association (QAMA)

- (c) National Insulation Manufacturers Association (NIMA);
- (d) Industrial Hygiene Foundation (IHF);
- (e) Air Hygiene Foundation (AHF);
- (f) Asbestos Information Association (AIA); and
- (g) American Conference of Governmental Industrial Hygienists (ACGIH).

ANSWER: Not applicable to this Defendant. No financial contributions were made by this Defendant to any of the organizations listed above.

INTERROGATORY NO. 16:

Has any employee or agent of Defendant ever testified before any governmental entity regarding asbestos, asbestos-containing products or diseases related to the inhalation of asbestos dust or fibers? If so, provide the name of each person so testifying, and the name, date, and location of each hearing.

ANSWER: No.

INTERROGATORY NO. 17:

Before 1974, did Defendant ever furnish any papers, documents, internal memoranda, or other writings concerning asbestos-related diseases and/or the health hazards of inhaling asbestos dust and fibers to the United States Public Health Service or to any other governmental agencies? If so, identify the writings and the dates they were so furnished.

ANSWER: No. Not applicable to this Defendant. In further answer, The Anchor Packing Company has never been made aware of any potential adverse health consequences related to the use of its products and states that because it supplied products which were bonded, lubricated and/or encapsulated within other substances that its products pose no health hazards, potential or otherwise, to persons using them.

INTERROGATORY NO. 18:

Before 1974, did Defendant ever furnish any papers, documents, internal memoranda, or other writings concerning asbestos-related diseases and/or the health hazards of inhaling asbestos dust and fibers, to the United States Navy or United States Naval Facilities? If so, identify the writings and the dates they were so furnished.

ANSWER: No. Not applicable to this Defendant. In further answer, The Anchor Packing Company has never been made aware of any potential adverse health consequences related to the use of its products and states that because it supplied products which were bonded, lubricated and/or encapsulated within other substances that its products pose no health hazards, potential or otherwise, to persons using them.

INTERROGATORY NO. 19:

Did Defendant ever provide any information to a military or other governmental entity concerning the health hazards of inhaling asbestos dust and fibers that was used, or was intended to be used, in the drafting of military specifications for the use of asbestos-containing products?

ANSWER: No. Not applicable to this Defendant. In further answer, The Anchor Packing Company has never been made aware of any potential adverse health consequences related to the use of its products and states that because it supplied products which were bonded, lubricated and/or encapsulated within other substances that its products pose no health hazards, potential or otherwise, to persons using them.

INTERROGATORY NO. 20:

Did Defendant ever provide information to a military or other governmental entity that was used or intended to be used in drafting military specifications for the design of asbestos-containing products? If so, for each entity:

- (a) State the name of the entity;
- (b) Describe the information provided; and
- (c) Give the dates on which the information was provided.

ANSWER: No.

INTERROGATORY NO. 21:

Did any employee or agent of Defendant ever receive a copy of any of the following articles? If so, for each article, state the name of the recipient and the date the article was received:

- (a) WALDEMAR DREESSEN, "A Study of Asbestosis in the Asbestos Textile

Industry," U.S. Treasury Dept. Public Health Bull. No. 241, August, 1938.

- (b) WALTER FLEISCHER, PHILLIP DRINKER, et al., "Health Survey of Pipe Covering operations in Constructing Naval Vessels," Journ. Industrial Hyg. & Tox. 28:9 (1946).
- (c) RICHARD DOLL, "Mortality from Lung Cancer in Asbestos Workers," Brit. J. Industr. Med. 12: 81-86 (1955).
- (d) E.R.A. MEREWETHER, "The Occurrence of Pulmonary Fibrosis and Other Pulmonary Affections in Asbestos Workers," J. Ind. Hyg., Vol. XII (1930).

ANSWER: Defendant objects on the grounds this Interrogatory is overbroad in scope in that it is not limited in time. Defendant further objects that this Interrogatory requests information which is irrelevant to this Defendant and not reasonably calculated to lead to the discovery of admissible evidence and violates the attorney/client and work product doctrines. Subject to these objections, and without waiving same, Defendant responds that, based on information known and reasonably available, it has no knowledge or recollection that any of these referenced articles were received by an agent or employee of Anchor Packing.

INTERROGATORY NO. 22:

Has Defendant ever conducted any tests or studies concerning the effects of the inhalation of asbestos dust or fibers on the animal or human respiratory system? If so, provide the name, date, and location of each test or study and state by whom in the corporation the report of the results was received.

ANSWER: The Anchor Packing Company was not the manufacturer of the asbestos-containing products which it supplied. Therefore, it is unaware of whether any testing was performed by the manufacturer concerning the effects of the inhalation of asbestos dust on the animal or human respiratory system. Furthermore, this Defendant has never been made aware of any potential adverse health consequences related to the use of its products and states that because it supplied products which were bonded, lubricated and/or encapsulated within other substances that its products pose no health hazards, potential or otherwise, to persons using them.

INTERROGATORY NO. 23:

Has Defendant ever litigated the issue of insurance coverage in a case involving exposure to asbestos? If so, for each case state:

- (a) the names of the parties, the court, and the case number;
- (b) the filing date;
- (c) the name and address of the attorneys representing the insurance carrier; and
- (d) whether the case has been settled.

ANSWER: Defendant objects on the grounds this Interrogatory is overbroad in scope and requests information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 24:

Has Defendant ever conducted any tests or studies concerning the health hazards to an individual exposed to both asbestos dust/fibers and tobacco smoke? If so, provide the names and dates of each test or study.

ANSWER: The Anchor Packing Company was not the manufacturer of the asbestos-containing products which it supplied. Therefore, it is unaware of whether any testing was performed by the manufacturer concerning the effects of asbestos dust/fibers and tobacco smoke. As a distributor, The Anchor Packing Company did no testing. Furthermore, this Defendant has never been made aware of any potential adverse health consequences related to the use of its products and states that because it supplied products which were bonded, lubricated and/or encapsulated within other substances that its products pose no health hazards, potential or otherwise, to persons using them.

INTERROGATORY NO. 25:

To date, has Defendant furnished any information to consumers, other users of asbestos-containing products, or to the general public, about the health hazards to an individual exposed to both asbestos dust/fibers and tobacco smoke? If so, state how and when this information was conveyed.

ANSWER: Defendant objects to this Interrogatory as overbroad, argumentative, assuming facts not in evidence, implying this Defendant's products are hazardous, which Defendant denies, and is cumulative and repetitive of Interrogatory No. 14 previously served on this Defendant and answered in Response to Plaintiffs' First Master Interrogatories to All Defendants.

INTERROGATORY NO. 26:

To date, has Defendant ever attempted to recall its asbestos-containing products?

ANSWER: Defendant objects to this Interrogatory as cumulative and repetitive of Interrogatories previously served on this Defendant, specifically Interrogatory No. 53 of Plaintiffs' First Master Interrogatories to All Defendants.

INTERROGATORY NO. 27:

Describe in detail:

- (a) How your documents relating to asbestos, asbestos diseases, and asbestos-containing products are maintained;
- (b) How your documents relating to asbestos, asbestos diseases and asbestos-containing products are organized; and
- (c) Where these documents are kept.

ANSWER: The Anchor Packing Company's documents related to asbestos-containing products, to the extent they are available, are maintained at the sales offices and are organized, primarily, by customer and chronologically. This Defendant maintains no documents relating to asbestosis and asbestos diseases, other than those obtained during the course of the litigation.

REQUEST FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Produce copies of the minutes of any meetings of the board of directors of Defendant at which the following topics were discussed:

- (a) Asbestos-containing products;
- (b) Asbestosis;
- (c) other asbestos-related diseases, including but not limited to lung cancer, mesothelioma, pleural plaques; and
- (d) dust studies that measure asbestos dust and fibers.

RESPONSE: Defendant objects to the extent this Request is overbroad in scope and time and as such, may invade the attorney/client and work product doctrines. Subject to these objections, and without waiving same, Defendant responds: The Anchor Packing Company has no record of any meetings of the Board of Directors at which the above topics were discussed.

REQUEST FOR PRODUCTION NO. 2:

Produce copies of the minutes of any safety meetings or any meetings at any plant or facility of Defendant where the following topics were discussed:

- (a) Asbestos-containing products;
- (b) Asbestosis;
- (c) other asbestos-related diseases, including but not limited to lung cancer, mesothelioma, pleural plaques; and
- (d) dust studies that measure asbestos dust and fibers.

RESPONSE: Defendant objects to the extent this Request is overbroad in scope and time and as such, may invade the attorney/client and work product doctrines. Subject to these objections, and without waiving same, Defendant responds: This Defendant has no record of any meetings at which these topics were discussed.

REQUEST FOR PRODUCTION NO. 3:

Produce copies of the patents obtained for the asbestos-containing products manufactured, assembled, and/or prepared for sale or marketing by Defendant.

RESPONSE: None in Defendant's possession. The Anchor Packing Company did not manufacture the products it sold and did not apply for a patent on the asbestos-containing fluid sealing products it distributed.

REQUEST FOR PRODUCTION NO. 4:

Produce copies of the patents obtained for those asbestos-free products intended to be substitutes for asbestos-containing products manufactured, assembled, or prepared for sale or marketing by Defendant.

RESPONSE: None in Defendant's possession. The Anchor Packing Company did not manufacture the products it sold and did not apply for a patent on the asbestos-free fluid sealing products it distributed.

REQUEST FOR PRODUCTION NO. 5:

Produce copies of the testimony of each and every employee or agent of Defendant at each and every hearing by a governmental entity concerning asbestos, asbestos-containing products, or diseases related to the inhalation of asbestos dust and fibers.

RESPONSE: None.

REQUEST FOR PRODUCTION NO. 6:

Produce copies of every test or study that measured the asbestos fibers or measured the asbestos dust and/or fiber levels at every plant owned, operated, bought by or under the control of Defendant. Provide the dates for each test or study.

RESPONSE: None.

REQUEST FOR PRODUCTION NO. 7:

Produce copies of every test or study received by Defendant that measured asbestos fibers or measured the asbestos dust and/or fiber levels at the Thetford Mines.

RESPONSE: None.

REQUEST FOR PRODUCTION NO. 8:

Produce all documents in the possession, custody, or control of Defendant relating to the Braun & Truan study done for the Quebec Asbestos Mining Association.

RESPONSE: None.

REQUEST FOR PRODUCTION NO. 9:

Produce copies of all documents which contain any reference to tests or studies that found either asbestos dust, or total dust including asbestos, in quantities exceeding 2 million particles per cubic foot of air, at any plant owned, operated, bought by or under the control of Defendant, during the manufacture, assembly, or preparation for sale or assembly, of any asbestos-containing products.

RESPONSE: None.

REQUEST FOR PRODUCTION NO. 10:

Produce copies of all documents which contain any reference to tests or studies which found either asbestos dust, or total dust including asbestos, in quantities exceeding 5 million particles per cubic foot of air, at any plant owned, operated, bought by or under the control of Defendant, during the use of any asbestos-containing products.

RESPONSE: None.

REQUEST FOR PRODUCTION NO. 11:

Produce copies of any and all tests or studies conducted by Defendant concerning the effects of the inhalation of asbestos dust or fibers on animal or human respiratory systems.

RESPONSE: None.

REQUEST FOR PRODUCTION NO. 12:

Produce copies of all documents produced during the course of Defendant's litigation with any insurance carrier concerning exposure to asbestos.

RESPONSE: Defendant objects to this Request on the grounds that it is overbroad in scope, vague, and requests documents which are irrelevant to this litigation and not reasonable calculated to lead to the discovery of admissible evidence. Further, this Request may be invasive of the attorney/client and work product doctrines. Subject to these objections, and without waiving same, Defendant responds: This Defendant has no records which would not fall within the attorney/client privilege.

REQUEST FOR PRODUCTION NO. 13:

Produce copies of all depositions taken by any party during the course of Defendant's litigation with any insurance carrier concerning exposure to asbestos.

RESPONSE: Defendant objects to this Request on the grounds that it is overbroad in scope, vague, and requests documents which are irrelevant to this litigation and not reasonable calculated to lead to the discovery of admissible evidence. Further, this Request may be invasive of the attorney/client and work product doctrines. Subject to these objections, and without waiving same, Defendant responds: This Defendant has no records which would not fall within the attorney/client privilege.

REQUEST FOR PRODUCTION NO. 14:

Produce copies of any tests or studies conducted by, or received by, Defendant concerning the health hazards to an individual exposed to both asbestos dust/fibers and tobacco smoke.

RESPONSE: Defendant objects to this Request on the grounds that it is overbroad in scope and requests documents which are irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Further, this Request may be invasive of the attorney/client and work product doctrines. Subject to these objections, and without waiving same, Defendant responds: This Defendant has not conducted or received copies of any tests/studies on this topic.

STATE OF NEW YORK §
 §
COUNTY OF §

BEFORE ME, the undersigned authority, on this day personally appeared DONALD O'KEEFE, to me well known to be the Assistant Secretary for **THE ANCHOR PACKING COMPANY** in the above-entitled and numbered cause, and being by me duly sworn, stated upon his oath that he is the authorized representative and is duly qualified and authorized to make the attached Answers to Interrogatories pursuant to Rule 168 of the Texas Rules of Civil Procedure, that he has read the answers, and they are true and correct to be best of his knowledge, and that he did execute the answers in his stated capacity.

Affiant

SWORN TO AND SUBSCRIBED BEFORE ME this 11th day of October, 1993, to certify which witness my hand and official seal.

Notary Public of

My Commission Expires:

VERONICA MCCARTAN
Notary Public, State of New York
No. 31 7194225
Qualified in New York County
Commission Expires Aug. 31, 1994