

FILE NAME: Kentile (KEN)

DATE: 1988 Apr 25

DOC#: KEN012

DOCUMENT DESCRIPTION: Legal - Responses of Kentile to Interrogatories
Propounded by Plaintiff Herman Kort

FAX COVER SHEET



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RE: RESPONSE OF DEFENDANT KENTILE FLOORS, INC.

Number of pages (including this page): 46

KENTILE

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5
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 KENTILE FLOORS, INC.
 7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 9 FOR THE COUNTY OF LOS ANGELES

10
 11 DOROTHY ST. JACQUE, etc.,) Case No. C137465
 et. al.,)
 12)
 Plaintiffs,)
 13)
 vs.)
 14)
 15 JOHNS-MANVILLE, etc., et al.,)
 Defendants.)

16
 17 HERMAN KORT,) Case No. C470152
)
 18 Plaintiff,)
 19 vs.) RESPONSES OF DEFENDANT
) KENTILE FLOORS, INC. TO
 20 JOHNS-MANVILLE, etc., et al.,) INTERROGATORIES PROPOUNDED
) BY PLAINTIFF HERMAN KORT
 21 Defendants.)

22
 23 Pursuant to the Court's General Order Approving
 24 Supplemental Standard Pre-Trial Documents dated August 13, 1987,
 25 Defendant Kentile Floors, Inc. ("Kentile") responds to
 26 Plaintiff Herman Kort's ("Plaintiff") First Set of
 27 Interrogatories as follows:
 28

1 INTERROGATORY NO. 1

2 Please state the full name, present business address
3 present residence, and capacity or title of the individual
4 answering and signing these interrogatories on your behalf.

5 RESPONSE TO INTERROGATORY NO. 1

6 Rocco Sergi, Research Manager for Kentile, will
7 respond to these interrogatories on Kentile's behalf.
8 Mr. Sergi's business address is 58 Second Avenue, Brooklyn, New
9 York 11215.

10 INTERROGATORY NO. 2

11 Have you ever, at any time, engaged in the manufacture
12 of floor-covering?

13 RESPONSE TO INTERROGATORY NO. 2

14 Assuming that the term "floor-covering" includes floor
15 tiles and vinyl sheeting, Kentile responds that it has
16 manufactured floor tiles and vinyl sheeting.

17 INTERROGATORY NO. 3

18 If your response to interrogatory #2 is yes, then
19 state:

- 20 a. The trade name of such floor covering;
21 b. The name, address and telephone number of the
22 floor-covering manufacturer, supplier, dealer or
23 other entity to which such products were sold.

24
25 RESPONSE TO INTERROGATORY NO. 3

- 26 a. Reinforced vinyl tile, vinyl composition tile,
27 vinyl asbestos tile, asphalt tile and vinyl sheet
28 flooring.

R. N. Holmer Company
840 W. 19th Street
National City, California 92050

- a. Chrysotile asbestos and chrysotile asbestos backing for vinyl sheet flooring.

b. Johns-Manville Corp.
Asbestos, Quebec, Canada

Union Carbide
Niagara Falls, New York

Carey Canada
East Broughton Station, Canada

Atlas Asbesto Co.
c/o Huxley Development
New York, N.Y.

INTERROGATORY NO. 6

Have you ever, at any time, supplied or distributed asbestos or asbestos-containing products to any company or manufacturer of floor-covering or any other component relative to floor-covering?

RESPONSE TO INTERROGATORY NO. 6

Yes.

INTERROGATORY NO. 7

If your response to interrogatory #6 is yes, then state:

- a. trade name of the asbestos product which was supplied or distributed;
- b. The name and address of each company or manufacturer to which asbestos or asbestos-containing products were supplied or delivered.

RESPONSE TO INTERROGATORY NO. 7

- a. Reinforced vinyl tile, vinyl composition tile, vinyl asbestos tile, asphalt tile and vinyl sheet flooring.
- b. Valley Floor Covering Distributors
9666 East Telstar Avenue
El Monte, California

1 Western Wholesale
2 401 South J Street
3 San Bernardino, California

4 Butler-Johnson Corporation
5 1480 Nocora Avenue
6 San Jose, California 95133

7 Tri-County Wholesale Supply Company
8 2690 Sherwin Avenue
9 Montalvo, California 93020

10 R. N. Holmer Company
11 840 W. 19th Street
12 National City, California 92050

13 INTERROGATORY NO. 8

14 Have you ever purchased asbestos or asbestos-
15 containing products from any company, distributor, manufacturer,
16 or mining concern for the purpose of using it in the manufacture
17 of floor-covering?

18 RESPONSE TO INTERROGATORY NO. 8

19 Yes.

20 INTERROGATORY NO. 9

21 If your answer to interrogatory #8 is yes, then state:

- 22 a. purpose for which such asbestos or asbestos-
23 containing product was purchased;
24 b. The name and address of the company or
25 manufacturer from which such asbestos or
26 asbestos-containing products were purchased.

27 RESPONSE TO INTERROGATORY NO. 9

- 28 a. Product reinforcement, durability and dimensional
stability.
b. Johns-Manville Corp.
Asbestos, Quebec, Canada
Union Carbide
Niagara Falls, New York

Carey Canada
East Broughton Station, Canada

Atlas Asbesto Co.
c/o Huxley Development
New York, N.Y.

INTERROGATORY NO. 10

Have you ever engaged in the use, design, manufacture
formulation, fabrication, sale, or distribution of any asbestos
or asbestos-bearing product in the course of designing,
manufacturing, distributing, or selling floor-covering and/or
any components or parts thereof?

RESPONSE TO INTERROGATORY NO. 10

Kentile has never engaged in the use, design,
manufacture, formulation, fabrication, sale, or distribution of
asbestos per se. Kentile, however, does not understand the
meaning of the term "asbestos-bearing product" so Kentile can
neither affirm nor deny with respect to that term.

INTERROGATORY NO. 11

If your response to interrogatory #10 is yes, then state:

- a. trade names of any asbestos products which were
used, designed, manufactured, formulated,
fabricated, sold or distributed by you;
- b. The trade names of any floor-covering or any
component/part thereof which you designed,
manufactured, distributed or sold, and in which
you used any asbestos or asbestos-bearing
product.

RESPONSE TO INTERROGATORY NO. 11

Not applicable.

1 INTERROGATORY NO. 12

2 Have you ever engaged in the supply, design,
3 manufacture, formulation, fabrication, sale, or distribution of
4 any asbestos or asbestos-bearing product for use in the design,
5 manufacture, distribution, or sale of floor-covering and/or any
6 components or parts thereof?

7 RESPONSE TO INTERROGATORY NO. 12

8 Kentile has never engaged in the supply, design,
9 manufacture, formulation, fabrication, sale, or distribution of
10 asbestos per se. Kentile, however, does not understand the
11 meaning of the term "asbestos-bearing product" so Kentile can
12 neither affirm nor deny with respect to that term.

13 INTERROGATORY NO. 13

14 If your response to interrogatory #12 is yes, then
15 state:

- 16 a. trade names of any asbestos products which were
17 used, designed, manufactured, formulated,
18 fabricated, sold or distributed by you;
- 19 b. The trade names of any floor-covering or any
20 component/part thereof which you designed,
21 manufactured, distributed or sold, and in which
22 you used any asbestos or asbestos-bearing
23 product.

24 RESPONSE TO INTERROGATORY NO. 13

25 Not applicable.

26 INTERROGATORY NO. 14

27 Have you, at any time, engaged in the processing,
28 marketing and sale of products containing asbestos fibers?

1 RESPONSE TO INTERROGATORY NO. 14

2 Yes.

3 INTERROGATORY NO. 15

4 If your response to interrogatory #14 is yes, then
5 state:

- 6 a. trade or brand name of each such product mined,
7 manufactured, and/or marketed.
- 8 b. The dates each of such products were placed on
9 the market.
- 10 c. The date each of such products were withdrawn
11 from the market.
- 12 d. A description of the physical (the chemical)
13 composition of each such product including the
14 type of asbestos contained in each such product
15 (i.e., amosite, shrysotile or crocidolite) and
16 the quantitative percentage of asbestos in each
17 product.
- 18 e. A description of the physical appearance of each
19 such product.
- 20 f. A detailed description of the intended use of
21 each such product.
- 22 g. The name of the manufacturer of each such
23 product.
- 24 h. The mining or milling concern from which the raw
25 asbestos fiber was obtained.
- 26
- 27
- 28

1 RESPONSE TO INTERROGATORY NO. 15

- 2 a. Reinforced vinyl tile, vinyl composition tile,
3 vinyl asbestos tile, asphalt tile and vinyl sheet
4 flooring.
5 b. Tile - 1906
6 Vinyl sheet flooring - 1966
7 c. Tile - 1986
8 Vinyl sheet flooring - 1969
9 d. Product is composed of 75% filler and 25% binder.
10 Chrysotile asbestos is 10-15% of total product.
11 e. 9x9 or 12x12 solid squares in various colors.
12 f. Floor covering.
13 g. Kentile Floors, Inc.
14 h. Johns-Manville Corp.
15 Asbestos, Quebec, Canada
16 Union Carbide
17 Niagara Falls, New York
18 Carey Canada
19 East Broughton Station, Canada
20 Atlas Asbesto Company
21 c/o Huxley Development
22 New York, N.Y.

20 INTERROGATORY NO. 16

21 Have any of the products listed in interrogatory #15
22 above been altered in chemical composition or asbestos type or
23 content since first being marketed?

24 RESPONSE TO INTERROGATORY NO. 16

25 Yes.

26 INTERROGATORY NO. 17

27 If so, please state:
28

- 1 a. trade name of each such product.
- 2 b. The date each such product was altered.
- 3 c. The nature of the alteration.
- 4 d. The reason for the alteration.

5 RESPONSE TO INTERROGATORY NO. 17

- 6 a. Resilient floor tile.
- 7 b. July 1986.
- 8 c. Product no longer contains asbestos.
- 9 d. Anticipated revisions to OSHA regulations
- 10 regarding asbestos in the work place.

11 INTERROGATORY NO. 18

12 For each of the products identified in interrogatory
13 #16 above, please state the gross income realized by your
14 company as a result of all sales within the United States, for
15 each year the product was sold.

16 RESPONSE TO INTERROGATORY NO. 18

17 Not applicable.

18 INTERROGATORY NO. 19

19 For each of the products identified in interrogatory
20 #15 above, please state the gross income realized by your
21 company per year, for all sales to the United States government,
22 and please further state:

- 23 a. gross income realized by your company, per year,
- 24 for sales to the Naval supply system of the
- 25 United States government.
- 26
- 27
- 28

1 RESPONSE TO INTERROGATORY NO. 19

2 Kentile does not maintain records which enable it to
3 respond to this interrogatory at present. In order for Kentile
4 to respond to this interrogatory, Kentile must manually search
5 through its sales records from 1978 to the present. Kentile has
6 no sales records for sales prior to 1978. Kentile, however, has
7 begun a review of its records and will supplement its response
8 to this interrogatory when it has completed its review.

9 INTERROGATORY NO. 20

10 For each of the products identified in interrogatory
11 #15 above, please state the gross income realized by your
12 company, per year, for sales to all contractors with whom you
13 did, or have done business.

14 RESPONSE TO INTERROGATORY NO. 20

15 On information and belief, Kentile denies making any
16 direct sales to contractors. See Response to Interrogatory
17 No. 19.

18 INTERROGATORY NO. 21

19 For each of the products identified in interrogatory
20 #15 above, please state the gross income realized by your
21 company, per year, for sales of the products to entities not
22 identified in previous interrogatories, and identify each such
23 entity.

24 RESPONSE TO INTERROGATORY NO. 21

25 See Response to Interrogatory No. 19.
26
27
28

1 INTERROGATORY NO. 22

2 Do you have any records which reflect sales of each of
3 the products identified by you in interrogatory #15 above for
4 each year said products were sold?

5 RESPONSE TO INTERROGATORY NO. 22

6 Yes. :

7 INTERROGATORY NO. 23

8 If your answer to the preceding interrogatory is yes,
9 please state:

- 10 a. A description of said records or documents
11 sufficient to permit plaintiff to describe such
12 documents for purposes of a notice to produce or
13 a motion for production of documents;
- 14 b. The name, business address and telephone number,
15 employer, and job title of the person or persons
16 having present custody of or control over the
17 original of said documents.

18 RESPONSE TO INTERROGATORY NO. 23

- 19 a. Distributor invoices.
- 20 b. Linda Gawel, Insurance Manager, Kentile Floors
21 Inc., 58 Second Avenue, Brooklyn, New York 11215,
22 (718) 768-9500.

23 INTERROGATORY NO. 24

24 For the period 1930 to January 1, 1978, do you have
25 any written memoranda, specifications, blueprints or other
26 written materials of any kind or character relating to the
27 testing of the health effects of products identified in
28 interrogatory #15 above? If so, please describe with sufficient

1 particularity to satisfy the requirements of a subpoena duces
2 tecum.

3 RESPONSE TO INTERROGATORY NO. 24

4 No.

5 INTERROGATORY NO. 25

6 Did you make any design changes as a result of such
7 tests?

8 RESPONSE TO INTERROGATORY NO. 25

9 Not applicable.

10 INTERROGATORY NO. 26

11 If so, please state:

12 a. nature of the change made, the name, address and
13 job classification of each person in charge of
14 making a change.

15 RESPONSE TO INTERROGATORY NO. 26

16 Not applicable.

17 INTERROGATORY NO. 27

18 Have you, at any time, published and/or distributed
19 any brochures, sales literature, pamphlets or other written
20 materials (aside from any caution labels on containers) of any
21 kind or character that contain any warnings, cautions, caveat,
22 or directions concerning the possibility of injury resulting
23 from the use of the products listed in your response to
24 interrogatory #15?

25 RESPONSE TO INTERROGATORY NO. 27

26 Yes.

27

28

1 INTERROGATORY NO. 28

2 From 1930 until the present, did the asbestos products
3 manufactured or distributed by you, contain any warnings,
4 cautions, caveat or other statement on the product or its
5 packaging?

6 RESPONSE TO INTERROGATORY NO. 28

7 Assuming the term "asbestos products" includes floor
8 tiles and vinyl sheeting containing asbestos, Kentile's response
9 is "yes."

10 INTERROGATORY NO. 29

11 If so, please state:

- 12 a. When did the warning first appear?
- 13 b. What was the precise wording of the warning, when
14 it first appeared?
- 15 c. Was the warning altered, amended or changed in
16 any manner? If so, how and when?
- 17 d. Where was the warning located on the product or
18 packaging?
- 19 e. When did you become aware of warnings placed on
20 products distributed by other manufacturers or
21 suppliers of asbestos or asbestos containing
22 products?
- 23 f. State the manner in which your product is shipped
24 and the type of container it is shipped in to
25 retailers.
- 26 g. State whether any industrial psychologists or
27 human factor engineer were consulted prior to
28 utilizing such warnings, cautions, etc.

1 RESPONSE TO INTERROGATORY NO. 29

- 2 a. 1978 - approximately.
- 3 b. "Warning. Existing resilient flooring may
- 4 contain asbestos fibers. These fibers are locked
- 5 into place. However, sanding resilient flooring,
- 6 backing or lining felt can release asbestos
- 7 fibers into the air. Inhalation of asbestos
- 8 dust may be injurious to your health. Therefore,
- 9 do not sand resilient flooring, backing, or
- 10 lining felt."
- 11 c. No.
- 12 d. Insert in packages.
- 13 e. 1968.
- 14 f. Truck.
- 15 g. No.

16 INTERROGATORY NO. 30

17 When did you first receive notice that any person

18 claimed injury as a result of exposure to asbestos or asbestos

19 containing products manufactured and/or sold by you?

20 RESPONSE TO INTERROGATORY NO. 30

21 Upon information and belief, 1977.

22 INTERROGATORY NO. 31

23 With respect to the claim described in interrogatory

24 #30, please state:

- 25 a. name and address of the claimant.
- 26 b. The date of notice of the claim.
- 27 c. A description of the claim, i.e., worker's
- 28 compensation, products liability, etc.

- 1 d. The type of injuries allegedly sustained.
2 e. The name and address of each attorney who
3 represented the individual making such claim.
4 f. The style and court number of each claim
5 currently pending.
6 g. The resolution of the claim.

7 RESPONSE TO INTERROGATORY NO. 31

- 8 a. George Brandy
9 4459 South Indiana Avenue
10 Chicago, Illinois.
11 b. October 21, 1977.
12 c. Workers' Compensation.
13 d. Cancer of the larynx.
14 e. John P. McAuliff
15 111 West Washington Street
16 Chicago, Illinois.
17 f. Not applicable.
18 g. The claim was settled.

19 INTERROGATORY NO. 32

20 Do you have policies of insurance that cover the
21 claims that have been made by plaintiffs herein?

22 RESPONSE TO INTERROGATORY NO. 32

23 A determination of what coverage is available for this
24 claim cannot be made until after this claim is paid by the
25 carriers. Consequently, Kentile cannot state what policies
26 will cover the claim.

1 INTERROGATORY NO. 33

2 If so, please list the names of each insurance carrier
3 with whom you have coverage, the amount of such coverage, and
4 the date of each such policy.

5 RESPONSE TO INTERROGATORY NO. 33

6 To the extent that this interrogatory requests the
7 identities and amounts of coverage which Kentile expects will
8 afford coverage, see Exhibit "A."

9 INTERROGATORY NO. 34

10 Please describe in detail the type of packages in
11 which you have sold asbestos material, listing the dates each
12 type of package was used, a physical description thereof, and a
13 description of any printed material or trademarks that appeared
14 thereon.

15 RESPONSE TO INTERROGATORY NO. 34

16 Tile was packaged in corrugated cardboard cartons made
17 to hold 45 square feet of tile in various gauges. The name of
18 the company, size of tiles, package handling instructions,
19 style, color and code number appeared on each carton.

20 Vinyl sheet flooring was rolled in brown paper. The
21 pattern, color, length and width were marked.

22 INTERROGATORY NO. 35

23 For the period 1930 to January 1, 1978, did you
24 receive any reports or communications from your workers'
25 compensation insurance carrier or products liability insurance
26 carrier with regard to the hazards incident to use of asbestos-
27 containing floor-covering products? If so, please state who had
28 possession of said reports, the location of said reports and

1 the substance of the contents of said report, listing for each
2 such report the respective insurance company, its address and
3 the agent signing such correspondence.

4 RESPONSE TO INTERROGATORY NO. 35

5 No.

6 INTERROGATORY NO. 36

7 Have you imported asbestos or asbestos materials since
8 1930?

9 RESPONSE TO INTERROGATORY NO. 36

10 Yes.

11 INTERROGATORY NO. 37

12 If the answer to the preceding interrogatory is yes,
13 then state:

- 14 a. From where the asbestos or asbestos materials was
15 imported.
- 16 b. How long you have imported asbestos and asbestos
17 materials.
- 18 c. Whether you have supplied this imported asbestos
19 or asbestos materials to any of the other
20 defendants since 1945, when these transactions
21 took place and where.
- 22 d. Whether any warnings, cautions, caveats or
23 directions accompanied the materials referred to
24 in subpart c and the date thee first appeared.

25 RESPONSE TO INTERROGATORY NO. 37

- 26 a. Johns-Manville Corp.
Asbestos, Quebec, Canada
- 27 Carey Canada Corp.
28 East Broughton Station, Canada

1 b. 1950-61; 1969-86

2 c. No.

3 d. Johns-Manville; October 1, 1968.

4 Carey Canada; upon information and belief, 1977.

5 INTERROGATORY NO. 38

6 If you have discontinued manufacturing and/or selling
7 any asbestos products, please state the reasons therefor.

8 RESPONSE TO INTERROGATORY NO. 38

9 It would not be practical to comply with upcoming
10 revisions to OSHA regulations regarding asbestos in the work
11 place.

12 INTERROGATORY NO. 39

13 Have any other manufacturers or suppliers of asbestos
14 or asbestos containing products ever furnished you with
15 information as to the state of the medical knowledge regarding
16 the connection between asbestos exposure and the contracting of
17 pulmonary diseases including cancer and asbestosis?

18 RESPONSE TO INTERROGATORY NO. 39

19 No.

20 INTERROGATORY NO. 40

21 If the answer to the preceding interrogatory is yes,
22 then state:

- 23 a. What information was furnished to you.
24 b. The date the information was furnished to you.
25 c. The names of all parties who furnished the
26 information to you.
27
28

1 RESPONSE TO INTERROGATORY NO. 40

2 Not applicable.

3 INTERROGATORY NO. 41

4 Since 1930: Have any manufacturers or suppliers of
5 asbestos or asbestos-containing products furnished to you or
6 have you furnished any manufacturers or suppliers of asbestos
7 or asbestos-containing products with the results of any
8 research test, medical studies or experiments regarding the
9 state of the medical knowledge as to the connection between
10 asbestos exposure and the contracting of cancer o asbestosis?

11 RESPONSE TO INTERROGATORY NO. 41

12 No.

13 INTERROGATORY NO. 42

14 If the answer to the preceding interrogatory is yes,
15 then state:

- 16 a. When each took place.
17 b. Who participated in each.
18 c. A summary of the content of each document or
19 communication.

20 RESPONSE TO INTERROGATORY NO. 42

21 Not applicable.

22 INTERROGATORY NO. 43

23 Have you ever conducted or sponsored or contributed
24 financially to any studies or research to determine if the
25 inhalation of asbestos fibers may be harmful? if so, please
26 state:

- 27 a. By whom the research was conducted, giving
28 complete names and addresses.

- b. The dates that each such test was conducted.
- c. The complete results of each test or study.
- d. Whether you will supply copies of reports of the research department pertaining to the corporation's use of asbestos in its manufactured floor-covering products, without the necessity of a formal notice to produce or motion to produce documents, and, if so, please attach said copies to your answers to interrogatories.

RESPONSE TO INTERROGATORY NO. 43

Yes.

- a. SRI, Inc., Menlo Park, California for the Resilient Floor Covering Institute.
- b. 1979.
- c. Results of test indicate that there is no exposure to airborne asbestos fibers in the use and maintenance of the tile, and when recommended procedures are used for its installation and removal, exposure is substantially below the OSHA limit.
- d. No.

INTERROGATORY NO. 44

State the names and addresses of all persons who have served as chief medical officers since 1930, listing the periods of time each was employed by you and in what capacity.

RESPONSE TO INTERROGATORY NO. 44

Not applicable.

1 INTERROGATORY NO. 45

2 Name the person in the corporate structure to whom the
3 chief medical officer reports, also giving that persons'
4 position or job title in the corporation.

5 RESPONSE TO INTERROGATORY NO. 45

6 Not applicable.

7 INTERROGATORY NO. 46

8 Please state the duties and responsibilities of the
9 corporation's chief medical officer.

10 RESPONSE TO INTERROGATORY NO. 46

11 Not applicable.

12 INTERROGATORY NO. 47

13 Please state the names and addresses of all physicians
14 who were employed, retained or otherwise engaged by you at any
15 of its facilities from the year of 1930 until the present time
16 for the purposes of evaluating, diagnosing or treating pulmonary
17 complaints or problems in past, present or prospective
18 employees.

19 RESPONSE TO INTERROGATORY NO. 47

20 Kentile does not maintain records which enable it to
21 respond to this interrogatory at present. In order for Kentile
22 to respond to this interrogatory, Kentile must manually search
23 through all its files for the last sixty years simply to
24 retrieve the information requested. Kentile, however, has begun
25 this arduous task and will supplement this response when it has
26 completed its review.

1 INTERROGATORY NO. 48

2 Please state the names and addresses of all persons
3 employed by you from 1930 through January 1, 1978, who
4 functioned as industrial hygienists. As contemplated by these
5 interrogatories, an industrial hygienist is one that performs
6 engineering or health studies to identify and evaluate
7 potential occupational health hazards and suggests methods of
8 dealing with same. with respect to each person employed by you
9 as an industrial hygienist, please state:

10 a. facility or office to which each was assigned.

11 b. His or her complete and precise duties and
12 responsibilities.

13 RESPONSE TO INTERROGATORY NO. 48

14 See Response to Interrogatory No. 47.

15 INTERROGATORY NO. 49

16 Did your medical officers, physicians or industrial
17 hygienists at any time, ever make any recommendations and/or
18 suggestions to you pertaining to the risks or hazards to
19 persons involved in the manufacturing or use of floor-covering
20 products containing asbestos? If so, please state:

21 a. Where the recommendations were made.

22 b. To whom they were made.

23 c. By whom they were made.

24 d. The substance of each recommendation.

25 RESPONSE TO INTERROGATORY NO. 49

26 No.

27

28

1 INTERROGATORY NO. 50

2 Please state the names of trade association
3 periodicals to which you subscribed from 1928 to January 1,
4 1978. State whether or not during said period, you had any
5 knowledge of any articles being printed in industry trade
6 journals, essays, memoranda, and other similar sources
7 pertaining to the hazardous potential of asbestos and which of
8 such articles were received by you.

9 RESPONSE TO INTERROGATORY NO. 50

10 The Federal Register; Occupational Safety and Health
11 Reporter; Pollution Engineering Magazine; Occupational Safety
12 and Health Magazine; Safety & Health News; 29 CFR; Handbook of
13 Engineering. Kentile had knowledge of articles from the early
14 1970's.

15 INTERROGATORY NO. 51

16 Name those organizations, groups, inter-company or
17 industrial organizations, their committees or subcommittees, to
18 which you belong which conducted studies or researched
19 relationships, if any, between exposure to asbestos fibers or
20 products and asbestosis and lung cancer, from 1945 to 1970 and
21 the years of your membership.

22 RESPONSE TO INTERROGATORY NO. 51

23 Resilient Floor Covering Institute.

24 INTERROGATORY NO. 52

25 Have you received copies of transcribed minutes of the
26 various committee meetings, subcommittee meetings, general
27 meetings and Board of Director meetings of any organization
28

1 listed in answer to interrogatory #51 within one year of such
2 meetings.

3 RESPONSE TO INTERROGATORY NO. 52

4 No.

5 INTERROGATORY NO. 53

6 Please state the amounts you have spent or contributed
7 annually, from 1930 until January 1, 1978, for research
8 specifically directed to the relationship, if any, between an
9 exposure to asbestos-containing floor-covering products and
10 asbestosis, lung cancer or any other pulmonary disease.

11 RESPONSE TO INTERROGATORY NO. 53

12 Unknown.

13 INTERROGATORY NO. 54

14 Please state the amount you have annually contributed
15 through January 1, 1978, to any independent medical research
16 group or groups conducting research into the relationship, if
17 any, between exposure of those employees who work with asbestos-
18 containing products to asbestos and any pulmonary disease.

19 RESPONSE TO INTERROGATORY NO. 54

20 Not applicable.

21 INTERROGATORY NO. 55

22 Please state the names and addresses of the organizations
23 or groups conducting the studies referred to in answer to
24 interrogatories numbered 53 and/or 54.

25 RESPONSE TO INTERROGATORY NO. 55

26 Resilient Floor Covering Institute.
27
28

1 INTERROGATORY NO. 56

2 Have you had a department, division or section devoted
3 to scientific and/or medical research during the period from
4 1930 until January 1, 1978? If so, state its title(s) and when
5 it was first formed.

6 RESPONSE TO INTERROGATORY NO. 56

7 No.

8 INTERROGATORY NO. 57

9 Please state the scientific or medical periodicals to
10 which you, your medical department or industrial hygiene
11 division subscribed during the period between 1930 and 1964,
12 specifying the date such subscriptions were begun.

13 RESPONSE TO INTERROGATORY NO. 57

14 See Response to Interrogatory No. 50.

15 INTERROGATORY NO. 58

16 Please state whether any of your asbestos-containing
17 products were provided with any special instructions, oral or
18 written, in regard to utilizing said products in a manner so as
19 to avoid exposing workers to amounts of dust exceeding
20 threshold limit values. If so, state:

- 21 a. When these instructions were given.
22 b. By whom these instructions were given.
23 c. Whether the instructions were oral or written.
24 d. The precise content of the instructions.
25 e. If the instructions were written, please attach a
26 copy of the instructions.
27
28

1 RESPONSE TO INTERROGATORY NO. 58

2 Yes.

3 a. Approximately 1978 - present.

4 b. Package inserts.

5 c. Written.

6 d. See Response to Interrogatory No. 29(b).

7 e. This is not an interrogatory.

8 INTERROGATORY NO. 59

9 Did any representatives of yours attend the 20th
10 annual meeting of the IHF in November, 1955, in Pittsburgh,
11 Pennsylvania? If so, give the name and current address of each
12 such attendee.

13 RESPONSE TO INTERROGATORY NO. 59

14 Upon information and belief, no.

15 INTERROGATORY NO. 60

16 Have you received a copy or copies of the Industrial
17 Hygiene Digest published monthly by the IHF, and if so, state
18 the date of initial receipt of such publication.

19 RESPONSE TO INTERROGATORY NO. 60

20 No.

21 INTERROGATORY NO. 61

22 Have you ever requested IHF officials to:

23 a. Perform a search of the medical literature to
24 determine whether any scientists or doctors were
25 reporting cases of asbestosis and/or lung cancer
26 in ship workers, mechanics, or others working with
27 or exposed to asbestos containing products, or
28

1 discussing the potential hazards incident to use
2 of asbestos-containing products.

- 3 b. Perform any studies or research into potential
4 health hazards incident to the use of asbestos-
5 containing floor-covering products.
- 6 c. Review governmental publications of Great Britain
7 for determining whether any research was being
8 conducted by the British government into any
9 potential health hazards incident to the use of
10 floor-covering products containing asbestos.
- 11 d. Review governmental publications of Great Britain
12 to determine whether the Chief Inspector of
13 Factories, or any other British government
14 agency, had issued any regulations or published
15 any findings relative to potential health hazards
16 incident to the use of floor-covering products
17 containing asbestos.

18 RESPONSE TO INTERROGATORY NO. 61

19 No.

20 INTERROGATORY NO. 62

21 Did you at any time prior to January 1, 1980 warn any
22 labor union representing ship workers, mechanics, or other
23 working with or exposed to asbestos-containing products, of any
24 potential health hazard from the use of floor-covering products
25 containing asbestos?

26 RESPONSE TO INTERROGATORY NO. 62

27 No.

1 INTERROGATORY NO. 63

2 If the answer to the preceding, interrogatory is yes,
3 then state:

- 4 a. name of the union.
5 b. How said union was informed.
6 c. The date and place of said information or
7 warning.
8 d. The content and nature of said warning.
9 e. The individual or individuals warned.

10 RESPONSE TO INTERROGATORY NO. 63

11 Not applicable.

12 INTERROGATORY NO. 64

13 State the name of all persons who have acted in the
14 capacity of medical librarian for you from 1930 to January 1,
15 1978, give their current address, telephone number, and current
16 position with the company.

17 RESPONSE TO INTERROGATORY NO. 64

18 Not applicable.

19 INTERROGATORY NO. 65

20 State whether you ever subscribed to or received
21 copies of the Asbestos Worker magazine and state the years of
22 subscription or receipt of this magazine.

23 RESPONSE TO INTERROGATORY NO. 65

24 No.

25 INTERROGATORY NO. 66

26 Please state whether you subscribe to the Asbestos
27 magazine and list the inclusive dates of your subscription.
28

1 RESPONSE TO INTERROGATORY NO. 66

2 No.

3 INTERROGATORY NO. 67

4 Please identify all booklets, manuals, journals, and
5 all publications directed from you prior to January 1, 1980 to
6 customers and users of all asbestos-containing products and the
7 dates said information was forwarded regarding proper use and
8 application of your asbestos containing products.

9 RESPONSE TO INTERROGATORY NO. 67

10 Various sales brochures, package inserts and
11 installers' manuals.

12 INTERROGATORY NO. 68

13 Please describe and identify all tests and experiments
14 conducted by your prior to January 1, 1980 to determine whether
15 or not asbestos fibers contained within your asbestos-
16 containing floor-covering products would become airborne upon
17 their being applied by asbestos workers or helpers. Please
18 state the dates of all tests and experiments, the results, and
19 conclusions of each test and/or experiment.

20 RESPONSE TO INTERROGATORY NO. 68

21 Not applicable.

22 INTERROGATORY NO. 69

23 At any time prior to 1964 were any tests or studies
24 conducted or sponsored by you to determine:

25 a. the level of dust o fiber concentrations incident
26 to:

27 i. Cutting or sawing your floor-covering
28 products containing asbestos;

1 ii. Tearing down the product during repair and
2 maintenance functions.

3 b. Whether long term (20 years or more) exposure to
4 floor-covering product containing 15% asbestos or
5 less for work periods less than 8 hours a day,
6 both indoors and outdoors, which resulted in the
7 liberation of asbestos dust or fiber below 5
8 million particles per cubic foot (mppcf) might
9 cause asbestosis or expose such worker to an
10 increased statistical risk of contracting:

11 i. Bronchogenic cancer;

12 ii. Mesothelioma (pleural or peritoneal);

13 iii. Gastrointestinal cancer.

14 RESPONSE TO INTERROGATORY NO. 69

15 No.

16 INTERROGATORY NO. 70

17 State the date and the source form which you received
18 your first notice and awareness of TLV's pertaining to the
19 concentration of airborne asbestos fibers.

20 RESPONSE TO INTERROGATORY NO. 70

21 OSHA early 1970's.

22 INTERROGATORY NO. 71

23 Between 1930 and 1978, did you hear from any source of
24 an alleged association between asbestos exposure and the
25 development of cancer, asbestosis and pulmonary disease?

26 RESPONSE TO INTERROGATORY NO. 71

27 Yes.

1 INTERROGATORY NO. 72

2 State when your knowledge as to the alleged
3 association between the inhalation of asbestos fibers and
4 contraction of cancer an asbestosis was first acquired, and
5 state the source of that information.

6 RESPONSE TO INTERROGATORY NO. 72

7 Early 1970's, OSHA.

8 INTERROGATORY NO. 73

9 Do you subscribe to the United States Public Health
10 Bulletin Service? If so, please state the date when you first
11 so subscribed to the Public Health Service Bulletin.

12 RESPONSE TO INTERROGATORY NO. 73

13 No.

14 INTERROGATORY NO. 74

15 Please state the date when, if ever, you first
16 notified your employees working in your manufacturing plants and
17 factories as to the need to wear and use respirators.

18 RESPONSE TO INTERROGATORY NO. 74

19 1968.

20 INTERROGATORY NO. 75

21 Please state the date when your first notified workers
22 applying your floor-covering products as to the need to wear
23 respirators.

24 RESPONSE TO INTERROGATORY NO. 75

25 Not applicable.

26 INTERROGATORY NO. 76

27 Have you ever published bulletins warning your
28 employees concerning the hazards of inhaling asbestos and

1 coming into contact with your asbestos-containing product? If
2 so, describe sufficiently for purpose of a notice to produce all
3 such bulletins.

4 RESPONSE TO INTERROGATORY NO. 76

5 Yes. Letters on the health effects of asbestos, the
6 need for safe handling of asbestos and the proper use and
7 benefits of dust masks or respirators were posted on plant
8 bulletin boards.

9 INTERROGATORY NO. 77

10 Have any of your officers, agents, servants or
11 employees ever testified before any governmental body regarding
12 the possible harmful effects of asbestos exposure? If so,
13 please state:

- 14 a. When and where such testimony was given.
15 b. A summary of said testimony.
16 c. If said testimony was recorded, and if so, attach
17 a copy to the answer to these interrogatories.

18 RESPONSE TO INTERROGATORY NO. 77

19 No.

20

21 DATE: April 25, 1988

22

BUCHALTER, NEMER, FIELDS &
YOUNGER
A Professional Corporation

23

24

By Steven Jung
STEVEN JUNG
Attorneys for Defendant
KENTILE FLOORS, INC.

25

26

27

28

KENTILE FLOORS INC.

UMBRELLA & EXCESS - EFFECTIVE 1/1/85

PRIMARY - NATIONAL UNION - GLA 1940230

UMBRELLA

TRANSCONTINENTAL - AVRECO

LIMIT

15MM

POLICY #

UMB 1672704

EXCESS UMBRELLA

INDemnITY OF NORTH AMERICA - AVRECO

10MM p/o 15MM

TRANSPORT INDEMNITY - AVRECO

5MM p/o 15MM

(1/1/85-6/15/83)

GRANITE STATE - PACIFIC STARR

5MM p/o 15MM

(6/15/85-1/1/84)

XCP 156662

TEL 01188C

6485-6458

1/1/86-87

PRIMARY - NATIONAL UNION - GLA 1803182

*Heckler
2000*

LIBERTY FLOORS, INC.UMBRELLA & EXCESS REWRALS
EFFECTIVE: 1/1/94

	<u>Limit</u>	<u>Policy #</u>
PRUDANT - NATIONAL UNION - CUA 9436746		
<u>Underwrite</u>		
Transcontinental - AVREDO	\$15,000,000	UD88412089
<u>Excess Underwrite</u>		
<u>Layer \$25,000,000</u>		
Indemnity Insurance Company (AVREDO)	\$10,000,000	XCP145079
Integrity - AVREDO	\$10,000,000	KI208216
Warford	\$5,000,000	10XSL03246
<u>Layer \$10,000,000 excess \$40,000,000</u>		
Barbor	\$10,000,000	H1180038
<u>Layer \$10,000,000 excess \$30,000,000</u>		
Warford Insurance Co.	\$5,000,000	10XSL03245
Barbor (AVREDO)	\$5,000,000	

MENTILE FLOORS, INC.

Umbrella & Excess - 1/1/83 - 1/1/84

PRIMARY - NATIONAL UNION - CLA 9456746RA

UMBRELLA

LIMIT OF LIABILITY

Allianz (Stewart Smith) #UL558313
Underwriter Pat Bernasconi (964-2929)

5,000,000
excess primary

EXCESS UMBRELLA

Layer 10,000 ex 5,000,000

Transcontinental (AVRECO) #RDX 009616542
Allianz (Stewart Smith) #XL559514

8,000,000 PO 10,000,000
2,000,000 PO 10,000,000

Layer 25,000,000 ex 15,000,000

Fireman's Fund #XLX 1481670
Integrity Insurance Co. (AVRECO) #XL203722
Hartford A&I #10XS102116

10,000,000 PO 25,000,000
10,000,000 PO 25,000,000
5,000,000 PO 25,000,000

Layer 10,000,000 ex 40,000,000

Allianz (Stewart Smith) #XLX559529

10,000,000

NEW LAYER 10 ex 50

Hartford 10X5HC0794
Fire Fund XLX1485451

5,000,000
5,000,000

KENTILE FLOORS, INC.

<u>Term</u>	<u>Insurance Company</u>	<u>Policy No.</u>	<u>Limits of Liability</u>
1/1/82-83	National Union Fire Insurance Company of Pittsburgh, PA	GLA9456417RA	\$1,000,000 Combined B.I. & P.D.
<u>1st Umbrella Limits \$5,000,000</u>			
1/1/81-83	Allianz Insurance Company	UL958313	\$5,000,000
<u>2nd Umbrella Limits \$10,000,000 excess of \$5,000,000</u>			
1/1/82-83	Transcontinental Ins. Company	ROX009616542	\$5,000,000 part of \$10,000,000
1/1/82-83	Allianz Insurance Company	XL559514	\$2,000,000 part of \$10,000,000
<u>3rd Umbrella Limits \$25,000,000 excess of \$15,000,000</u>			
1/1/82-83	Firemen's Fund Insurance Company	XLX1481670	\$10,000,000 part of \$25,000,000
1/1/82-83	Hartford Accident & Indemnity Company	LOXSCB6993	\$5,000,000 part of \$25,000,000
1/1/82-83	Integrity Insurance Company	XL203722	\$10,000,000 part of \$25,000,000
1/1/81-82	National Union Fire Insurance Company of Pittsburgh, PA	GLA127716RA	\$1,000,000 Combined B.I. & P.D.
<u>1st Umbrella Limits \$5,000,000</u>			
1/1/81-82	Home Insurance Company	HEC991128	\$5,000,000
<u>2nd Umbrella Limits \$10,000,000 excess of \$5,000,000</u>			
1/1/81-82	Firemen's Fund Insurance Company	XLX1437275	\$10,000,000
<u>3rd Umbrella Limits \$25,000,000 excess of \$15,000,000</u>			
1/1/81-82	Firemen's Fund Insurance Company	XLX1437276	\$10,000,000 part of \$25,000,000
1/1/81-82	Hartford Accident & Indemnity Company	LOXS102116	\$5,000,000 part of \$25,000,000
1/1/81-82	National Union Fire Insurance Company of Pittsburgh, PA	9910486	\$10,000,000 part of \$25,000,000

<u>Term</u>	<u>Insurance Company</u>	<u>Policy No.</u>	<u>Limits of Liability</u>
1/1/80-81	National Union Fire Insurance Company of Pittsburgh, PA	GLA1270628RA	\$1,000,000 Combined B.I. & P.D.
<u>1st Umbrella Limit \$5,000,000</u>			
1/1/80-81	Home Insurance Company	HEC9834171	\$5,000,000
<u>2nd Umbrella Limit \$10,000,000 excess of \$5,000,000</u>			
1/1/80-81	Firemen's Fund Insurance Company	XLX1372347	\$10,000,000
<u>3rd Umbrella Limit \$25,000,000 excess of \$15,000,000</u>			
1/1/80-81	Firemen's Fund Insurance Company	XLX1372348	\$10,000,000 part of \$25,000,000
1/1/80-81	Hartford Accident & Indemnity Company	10XS100895	\$5,000,000 part of \$25,000,000
1/1/80-81	National Union Fire Insurance Company of Pittsburgh, PA	9782437	\$10,000,000 part of \$25,000,000
1/1/79-80	National Union Fire Insurance Company of Pittsburgh, PA	GLA1269100	\$1,000,000 Combined B.I. & P.D.
<u>1st Umbrella Limit \$5,000,000</u>			
1/1/79-80	Home Insurance Company	HEC9802011	\$5,000,000
<u>2nd Umbrella Limit \$10,000,000 excess of \$5,000,000</u>			
1/1/79-80	Firemen's Fund Insurance Company	XLX1369446	\$10,000,000
<u>3rd Umbrella Limit \$25,000,000 excess of \$15,000,000</u>			
1/1/79-80	Aetna Casualty & Surety Company	01XN2095WCA	\$10,000,000 part of \$25,000,000
1/1/79-80	Hartford Accident & Indemnity Company	10XS100747	\$5,000,000 part of \$25,000,000
1/1/79-80	National Union Fire Insurance Company of Pittsburgh, PA	1229374	\$10,000,000 part of \$25,000,000

<u>Term</u>	<u>Insurance Company</u>	<u>Policy No.</u>	<u>Limits of Liability</u>
1/1/78-79	Aetna Insurance Company	CG128612	\$1,000,000 Combined B.I. & P.D.
<u>1st Umbrella Limits \$5,000,000</u>			
1/1/79-79	Home Insurance Company	HEC9655432	\$5,000,000
<u>2nd Umbrella Limits \$10,000,000 excess of \$5,000,000</u>			
1/1/78-79	Firemen's Fund Insurance Company	XLX2199648	\$10,000,000
<u>3rd Umbrella Limits \$25,000,000 excess of \$15,000,000</u>			
1/1/78-79	Aetna Casualty & Surety Company	01XN1570WC	\$10,000,000 part of \$25,000,000
1/1/78-79	Hartford Accident & Indemnity Company	10XS100538	\$5,000,000 part of \$25,000,000
1/1/78-79	Midland Insurance Company	XL148308	\$5,000,000 part of \$25,000,000
1/1/78-79	National Union Fire Insurance Company of Pittsburgh, PA	1229374	\$5,000,000 part of \$25,000,000
1/1/77-78	Aetna Insurance Company	CG569390CC	\$1,000,000 Combined B.I. & P.D.
<u>1st Umbrella Limits \$10,000,000 excess of \$5,000,000</u>			
1/1/77-78	Home Insurance Company	HEC9345894	\$5,000,000
<u>2nd Umbrella Limits \$10,000,000 excess of \$5,000,000</u>			
1/1/77-78	Aetna Casualty & Surety Company	01XN117WCA	\$10,000,000
<u>3rd Umbrella Limits \$5,000,000 excess of \$15,000,000</u>			
1/1/77-78	Hartford Accident & Indemnity Company	01XS100131	\$5,000,000

<u>Term</u>	<u>Insurance Company</u>	<u>Policy No.</u>	<u>Limits of Liability</u>
<u>4th Umbrella Limits of Liability \$20,000,000 excess of \$20,000,000</u>			
1/1/77-78	Aetna Casualty & Surety Company	01XN1339WCA	\$5,000,000 part of \$20,000,000
1/1/77-78	Firemen's Fund Insurance Company	XLX1267210	\$5,000,000 part of \$20,000,000
1/1/77-78	Midland Insurance Company	XL1521511244	\$5,000,000 part of \$20,000,000
1/1/77-78	National Union Fire Insurance Company of Pittsburgh, PA	1224261	\$5,000,000 part of \$20,000,000
1/1/76-77	Aetna Insurance Company	CG876877	\$1,000,000 Combined B.I. & P.D.
<u>1st Umbrella Limits of Liability \$10,000,000</u>			
6/30/74-77	American Home Assurance Company	BE1118800	\$10,000,000
<u>2nd Umbrella Limits \$10,000,000 excess of \$10,000,000</u>			
6/30/74-77	Aetna Casualty & Surety Company	01XN572WCA	\$10,000,000
1/1/75-76	Aetna Insurance Company	CG674030	\$500,000 Combined B.I. & P.D.
1/1/74-75	Aetna Insurance Company	CG299590	\$500,000 Combined B.I. & P.D.
<u>1st Umbrella Limits \$5,000,000</u>			
6/30/71-74	American Home Assurance Company	BE2730735	\$5,000,000
<u>2nd Umbrella Limits \$5,000,000 excess of \$5,000,000</u>			
4/1/73-6/30/74	Aetna Casualty & Surety Company	01XN393WCA	\$5,000,000
1/1/73-74	Aetna Insurance Company	CG230385	\$500,000 Combined B.I. & P.D.

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KENTILE FLOORS

PRIMARY

Liberty Mutual	500,000 CSL	LGL-123-010533-021B	1/ 1/71-72
Liberty Mutual	500,000 CSL	LGL-123-0105330022B	1/72-73
Aetna Ins. Co	500,000 CSL	CG 230385	1/1/73-74
Aetna Ins. Co	500,000 CSL	CG 299590	1/1/74-75
Aetna Ins. CO	500,000 CSL	CG 674030	1/1/75-76

UMBRELLA

INA	5MM	XBC 41938	6/30/68-71
American Home	5mm	BE 2730735	6/30/71-74
National Union	10MM	BE 1118800	6/30/74-77

EXCESS UMBRELLA ✓

Aetna Cas	5MM x 5MM	01207393 WCA	4/1/73-6/30/74
Aetna Cas	10MM x 10MM	0120572 WCA	6/30/74-1/1/77

- 1- Liberty Mutual prior primary carrier-
- 2- Kentile reported directly to Liberty Mutual

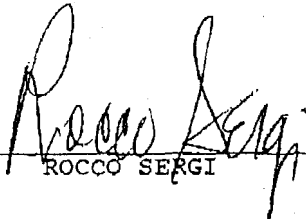
③ Liberty Mutual primary G.L. insured from mid 1930's according to L. Gammel, Risk Mgr. Kentile.

VERIFICATION

I, ROCCO SERGI am an agent of Kentile Floors, Inc. I have read the attached Responses of Kentile Floors, Inc. dated April 25, 1988, to plaintiff Herman Kort's Interrogatories to Kentile Floors, Inc. I am informed and believe that the matters stated therein are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on the 26TH day of April, 1988, in Brooklyn, New York.


ROCCO SERGI

(VERIFICATION - 446 and 2015.5 C.C.P.)

STATE OF CALIFORNIA,

County of _____ } ss.

I, the undersigned, say: I am the _____

in the above entitled action; I have read the foregoing _____

and know the contents thereof; and that the same is true of my own knowledge, except as to the matters which are therein stated upon my information or belief, and as to those matters that I believe it to be true.

I certify (or declare) under penalty of perjury, that the foregoing is true and correct.

Executed on _____ at _____, California
(date) (place)

Type or Print Name

Signature

(PROOF OF SERVICE BY MAIL - 1013a, 2015.5 C.C.P.)

STATE OF CALIFORNIA

COUNTY OF Los Angeles } ss.

I am a resident of/employed in the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address/residence address is:

700 South Flower, Suite 700, Los Angeles CA 90017.

On April 28, 19 88, I served the within RESPONSES OF

DEFENDANT KENTILE FLOORS, INC. TO INTERROGATORIES PROPOUNDED
BY PLAINTIFF HERMAN KORT
on the interested parties

in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the

United States mail at Los Angeles, California,

addressed as follows:

SEE ATTACHED SERVICE LIST

I certify (or declare), under penalty of perjury,* that the foregoing is true and correct.

Executed on April 28, 1988 at Los Angeles, California
(date) (place)

BONNIE BAILEY

Type or Print Name

Signature

SERVICE LIST

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