

IN RE: ALL ASBESTOS-RELATED § IN THE CIVIL DISTRICT COURTS
 PERSONAL INJURY OR DEATH §
 CASES FILED OR TO BE FILED §
 IN DALLAS COUNTY, TEXAS § OF DALLAS COUNTY, TEXAS

**CAPCO PIPE COMPANY, INCORPORATED'S AMENDED
 DESIGNATION OF EXPERT AND GENERAL FACT WITNESSES**

COMES NOW CAPCO PIPE COMPANY, INCORPORATED ("Capco") and hereby designates the following expert and general fact witnesses on whom it may rely at the trial of this matter. Capco reserves its right to designate further expert and fact witnesses as further discovery is conducted.

**I.
 EXPERT WITNESSES**

1. All individuals designated or to be designated as expert witnesses by Plaintiff(s), whether live or by deposition testimony.
2. All individuals designated or to be designated as an expert witness by any other party to this action, whether live or by deposition testimony, and without regard to that party's presence at the time of trial.
3. All physicians or other health care practitioners who have treated Plaintiff(s) at any time and for any condition and whose names, addresses, and qualifications are already known to Plaintiff(s), may be called to testify whether live or by deposition testimony.
4. All physicians who have prior to trial examined Plaintiff(s) and or Plaintiff(s)' medical records, hospital records, laboratory test results, x-ray or other diagnostic imaging films and/or any other information of whatever kind relating to the health of Plaintiff(s), on behalf of

any party, without regard to that party's presence at the time of trial, who will testify as to the Plaintiff(s)' clinical course and causation of any illness either live or by deposition testimony.

5. Allen R. Gibbs, M.D., Department of Pathology, Llandough Hospital, South Glamorgan, Penarth CF, 61XX, United Kingdom, is a pulmonary pathologist who received his medical degree from Newcastle Upon Tyne. He is a Fellow of the Royal College of Pathologists. He is a consultant pathologist to South Glamorgan Health Authority and is an honorary clinical teacher to the University of Wales College of Medicine. Dr. Gibbs is also an honorary consultant to the MRC external staff team on occupational lung diseases at Llandough Hospital. He was a senior lecturer in pathology at the University of Wales College of Medicine. He has special expertise in the diagnosis of asbestos-related diseases and the pathogenicity of the various forms of asbestos for pulmonary and pleural diseases and has reviewed over 1,000 lung samples involving asbestos-related changes. Additionally, Dr. Gibbs has authored or co-authored over 45 articles, papers and chapters in the field of pathology, many of which relate to asbestos-related disease.

Dr. Gibbs will review the pathological evidence in this case and testify concerning whether it is diagnostic of asbestos-related disease, including mesothelioma.

On the basis of Dr. Gibbs' personal research into issues concerning asbestos-related disease, his knowledge of the medical literature and knowledge of the facts of this case as they are known to date, Dr. Gibbs will testify generally as to the dangers posed by the inhalation of asbestos fibers, the relative risks associated with exposure to low levels of airborne asbestos dust

in the general environment, and the risks posed to Plaintiff(s) from alleged exposure to airborne asbestos dust.

6. Jeremiah Lynch, C.I.H., 25 Waterman Avenue, Rumson, New Jersey. Mr. Lynch is a Certified Industrial Hygienist. Mr. Lynch will testify generally as to his background, training and experience. Mr. Lynch will testify as to the methods and procedures involved in industrial hygiene, the methods and procedures utilized in the collection of airborne asbestos samples, including fiber measurement and counting techniques, and the use of industrial hygiene methods to control worker exposure to airborne asbestos dust. Mr. Lynch will further testify concerning threshold limit values, the various threshold limit values for asbestos exposure, the basis for the original threshold limit value and its subsequent changes. Mr. Lynch will further testify concerning the setting and implementation of asbestos exposure limits by OSHA, and the subsequent changes to those limits, and OSHA regulations pertaining to Plaintiffs' workplace at various times. Mr. Lynch may also testify concerning the industrial hygiene programs implemented by Plaintiffs' employers at various times, and how those programs compared to the industrial hygiene standards at various times. Mr. Lynch may also testify as to the asbestos exposures which Plaintiff(s) would have had at various times during their employment history. Mr. Lynch will also testify with regard to environmental exposures to airborne asbestos experienced by millions of Americans for which there is no epidemiological evidence of disease. Mr. Lynch may offer such other opinions as may become necessary to rebut the opinions of Plaintiffs' experts.

Mr. Lynch will base his testimony on the available medical and scientific literature, applicable statutes and regulations, his own training and experience, the opinions and reports of other experts named or to be named by Capco or any other party, whether live or by deposition, the testimony of all other witnesses named or to be named by Capco or any other party, whether live or by deposition, and any documents introduced into evidence or otherwise used by any party at the time of trial.

7. Ernest Mastromatteo, M.D., 19 Carey Road, Toronto, Ontario, Canada M4S 1N9.

Dr. Ernest Mastromatteo is a medical doctor specializing in occupational and environmental health. He is currently Professor Emeritus, Occupational and Environmental Health, University of Toronto and self-employed as a consultant in Occupational and Environmental Health. Dr. Mastromatteo received his Doctor of Medicine degree from the University of Toronto in 1947. He received a Diploma in Public Health from the University of Toronto in 1950, and a Diploma in Industrial Health from the University of Toronto in 1958. In 1958, Dr. Mastromatteo was certified in Occupational Medicine by the American Board of Preventive Medicine. In 1981, Dr. Mastromatteo was certified in Occupational Medicine by the Canadian Board of Occupational Medicine.

From 1949 to 1952, Dr. Mastromatteo served as the Medical Director of the Virden Local Health Unit, Virden, Manitoba. In 1952, Dr. Mastromatteo commenced employment as a physician and consultant with the Ontario Ministry of Health. In 1968, he became the Director of the Division of Occupational and Environmental Health of the Ontario Ministry of Health. He remained in that position until 1974. From 1966 to 1974, Dr. Mastromatteo also served as a

Consultant in Occupational Diseases to the Ontario Workers' Compensation Board. From 1968 to 1974, Dr. Mastromatteo was a part-time professor at the University of Toronto, and from 1972 to 1974 he was Professor and the Head of the Department of Occupational and Environmental Health of the University of Toronto.

In 1974, Dr. Mastromatteo became Chief of the Occupational Health and Safety Branch of the International Labour Office ("ILO") in Geneva, Switzerland. He remained in that position until 1976. From 1976 to 1985, Dr. Mastromatteo was employed as Director of Occupational Health for Inco Limited, Toronto, Canada. From 1985 to 1994, Dr. Mastromatteo was employed as the Program Director, Occupational and Environmental Health, of ORC Canada Inc., Toronto Canada. During that period, from 1985 to 1990, Dr. Mastromatteo also served as a consultant to the Occupational Health Policy Branch of the Ontario Workers' Compensation Board. From 1976 to the present, Dr. Mastromatteo has served as an Honorary Consultant to the Occupational Health Clinic of St. Michael's Hospital, Toronto, Canada.

Dr. Mastromatteo is a member of the Ontario Medical Association, and Chaired the Section on Occupational Health and the Committee on Public Health. He is a member of the Canadian Medical Association. Dr. Mastromatteo was elected to the Ramazzini Medical Society in 1968 and has been a member of the International Commission on Occupational Health since 1968. Dr. Mastromatteo is an Honorary Lifetime Member of the American Conference of Governmental Industrial Hygienists ("ACGIH"). Dr. Mastromatteo has served as a member of the ACGIH Threshold Limit Value ("TLV") Committee since 1964. He was Chair of the TLV Committee from 1985 to 1990, and President of the ACGIH for the 1969-1970 term. Dr. Mastromatteo has received

numerous honors and awards in the field of occupational medicine. Among his other awards, in 1981 he received the Stokinger Award for Scientific Contributions to Occupational Toxicology in the United States. In 1986, he received the Yant Award for Scientific Contributions to Industrial Hygiene in the United States. In 1987, Dr. Mastromatteo received the Knudsen Award for his contributions to Occupational Medicine in the United States. In 1987, he was also inducted into the Safety and Health Hall of Fame International.

Dr. Mastromatteo will further testify that as a long-standing member of the American Conference of Governmental Industrial Hygienists Threshold Limit Value Committee, he is familiar with that organization's criteria for establishing threshold limit values. In setting those thresholds, the ACGIH examines all of the available evidence and bases its decision on the weight of evidence. As such, the ACGIH examines the studies and evaluates those studies based on their methodology, and scientific reasoning. Based on its review of the best medical evidence, the ACGIH set its first threshold limit value for asbestos in 1946 and has changed it from time to time where the medical evidence has warranted such a change. Dr. Mastromatteo will testify as to the threshold limit value at different points in time and the medical knowledge that was available to the ACGIH concerning the health effects of asbestos.

Dr. Mastromatteo will further testify that the Occupational Safety and Health Administration (OSHA) does not rely on the weight of evidence but sets its PEL based on a different control strategy. OSHA determines a safe level then sets the permissible exposure limit (PEL) by adding factors of between ten (10) and one hundred (100) times. OSHA has set the PEL

for all types of asbestos at 0.1 f/cc. That level of exposure is many times below the level of exposure which one would expect to cause disease in the average worker.

8. Howard E. Ayer, C.I.H., 2812 Linwood Avenue, Cincinnati, Ohio. Mr. Ayer is a Certified Industrial Hygienist and a Certified Safety Professional. He is Emeritus Professor of Environmental Health, Division of Environmental Hygiene and Safety, University of Cincinnati. Mr. Ayer received his Bachelors in Chemical Engineering in 1948 from the University of Minnesota. He received a Masters of Science in Industrial Hygiene Engineering from Harvard University in 1955.

Mr. Ayer was employed by the United States Public Health Service (USPHS) from 1948 to 1972. During that time period he served with the National Institute for Occupational Safety and Health, and its predecessor organizations (Division of Occupational Health, Occupational Health Program and Bureau of Occupational Safety and Health), assigned by the USPHS to the Kansas State Board of Health, the Occupational Health Field Station in Salt Lake City, Utah, and the Occupational Health Field Headquarters in Cincinnati, Ohio. Mr. Ayer was Assistant Chief of the Engineering Section from 1961 to 1964, Chief from 1964 to 1967, and Assistant Director of the Division of Field Studies from 1967 to 1972. Mr. Ayer has been with the University of Cincinnati, Institute of Environmental Health (Kettering Laboratory) as a Professor and Emeritus Professor since 1972. From 1982 to 1983, Mr. Ayer took a sabbatical year in safety engineering at Texas A&M.

Mr. Ayer has served on numerous committees in the field of industrial hygiene. As a member of the ACGIH, Mr. Ayer served on the Air Sampling Instruments Committee, the Energy

Committee, the Ventilation Committee, and the Committee on Environmental Factors in the Pneumoconioses (which he chaired for three years). Mr. Ayer also chaired the ad hoc joint AIHA-ACGIH Committee on Uniform Methods in Impinger Counting. Mr. Ayer has authored over 40 published papers on matters of industrial hygiene.

Mr. Ayer's testimony will be based on his knowledge, training and experience in the field of industrial hygiene as it relates to asbestos and asbestos-containing products. Mr. Ayer will also testify as to the state of industrial hygiene at various points in time.

Mr. Ayer may also testify as to the asbestos exposures which Plaintiff(s) would have had at various times during their employment history. Defendant Capco reserves the right to supplement this information based on documents or testimony concerning exposure levels which to date have not been discovered.

9. Arthur M. Langer, Ph.D., Director, Environmental Sciences Laboratory of the Institute of Applied Sciences, Brooklyn College of the City University of New York, Brooklyn, New York 11210. Dr. Langer received his Bachelor of Arts degree in Geology from Hunter College, City University of New York in 1956. In 1962, Dr. Langer received his Master of Arts in Petrology (geology) from Columbia University. Dr. Langer received his Ph.D. in Mineralogy from Columbia in 1965.

Dr. Langer will testify as to his background, training, experience, fellowships, memberships and other professional activities, honors and awards, editorial board service, appointments, publications in peer reviewed journals, abstracts and symposia proceedings, contributions to books, monographs and reports, national, international and regional committees and consultations, national

and international invited seminars, lectures, meetings and conferences, and his participation in post-graduate education courses as fully set forth on his C.V. Dr. Langer will further testify as to his extensive study and experimentation with regard to the family of minerals commonly referred to as asbestos.

10. Robert Murray, M.D., South Hill, Church Road, Newton Green, Sudbury, Suffolk, C010 0QP, United Kingdom. Dr. Murray is an occupational health consultant. He qualified in medicine in 1939 at Glasgow University. From 1941 to 1946, he served in the R.A.M.C. in West Africa, India and Burma and was mentioned in despatches. Dr. Murray received his Diploma in Public Health in January 1947. In April 1947, he became one of only 12 of Her Majesty's Medical Inspectors of Factories and was assigned to the East Lancashire Division based in Manchester where he remained until 1956. While there, his Chief was E.R.A. Merewether. Dr. Murray regularly visited the asbestos factories within his jurisdiction including Turner Brother's Asbestos, British Belting and Asbestos, and Cape Asbestos.

As a Medical Inspector, Dr. Murray's duties included assisting the District Inspector in the implementation of those parts of the Acts and Regulations dealing with occupational health. This included the Asbestos Industry Regulations of 1931.

In 1949, he received the Diploma in Industrial Health of the Society of Apothecaries and lectured in Professor Lane's Department of Occupational Health in Manchester.

Dr. Murray joined the International Labour Office (ILO) in Geneva in 1956 and remained there until 1961. Dr. Murray then became Medical Advisor to the TUC in London, a post which he held until 1974. During the 1960s and 1970s he assisted the TUC in its actions against

asbestos, which lead to the Asbestos Regulations of 1969. In 1974, Dr. Murray began independently consulting in occupational health. He consulted with a number of firms and organizations including the Asbestos Information Association. He served as the Convenor of the Medical Advisory Panel and Scientific Advisory Panel until 1992. In 1975, he became Secretary-Treasurer of the Permanent Commission on Occupational Health, now known as the International Commission on Occupational Health, and from 1981 to 1987 he was its President.

Dr. Murray's other qualifications include Membership (1963) and later Fellowship (1970) of the Royal College of Physicians of Glasgow, honorary Doctor of Technology of the University of Bradford, honorary Fellowship of the Institution of Occupational Safety and Health, Fellowship of the Faculty of Occupational Medicine of the Royal College of Physicians of Ireland, Fellowship of the corresponding Faculty of the Royal College of Physicians of London, honorary Fellowship of the Royal Society of Medicine, honorary Fellowship of the Institute of Occupational Hygienists and honorary Doctor of Science of the University of Glasgow.

During the last 30 years Dr. Murray has kept in close touch with the increasing amount of literature concerning asbestos. He has assisted the Asbestos Institute in Montreal in its efforts to ensure the safe use of asbestos. He has participated in the ILO discussions in 1985 and 1986 which resulted in the Convention and Recommendation on the Safe Use of Asbestos and has participated in seminars in Turkey, Malaysia, Thailand and Taiwan.

On the basis of Dr. Murray's personal knowledge and experience concerning issues regarding the health hazards of asbestos, and the historical developments relating to the

development of knowledge concerning asbestos-related diseases and his knowledge of the medical literature, Dr. Murray will testify as to the state of knowledge concerning what an employer could have and should have known during particular time periods with regard to both the dangers of asbestos use and methods of minimizing those dangers via proper hygiene measures.

11. Robert Brown, 1169 Pointeview Road, Chapin, South Carolina. Mr. Brown received his B.S in chemical engineering from the University of South Carolina in 1935. In or about 1948 or 1949, he obtained a Master of Public Health Degree from Johns Hopkins University School of Hygiene and Public Health.

Mr. Brown began his career in 1936 as a chemical engineer with the Division of Industrial Hygiene of the South Carolina State Board of Health where he worked with an industrial hygiene physician. Mr. Brown was responsible for performing a complete survey on a large sampling basis, including dust studies, of South Carolina industries and to develop information of any existing or suspected industrial hygiene problems.

In January 1942, Mr. Brown was employed as the Chief of Industrial Hygiene Services for the Health Division of the City of St. Louis, Missouri. In 1949, he accepted a position on the faculty of the School of Public Health at Yale University where he taught public and occupational health. In 1951, Mr. Brown joined the Maryland State Department of Health to facilitate the development of the Maryland Bureau of Industrial Hygiene. Mr. Brown accepted a position with the National Sanitation Foundation in Ann Arbor, Michigan in 1965. In 1967 he

became the president of the National Sanitation Foundation and remained in that capacity until his retirement in 1980.

Mr. Brown was a charter member and organizer of the National Conference of Governmental and Industrial Hygienists (NCGIH), established in or around 1938. This organization later changed its name to the American Conference of Governmental and Industrial Hygienists (ACGIH). Mr. Brown served as a member of this organization's Executive Committee, Constitutional Review Committee and Industrial Hygiene Codes Committee. The latter committee was responsible for establishing maximum allowable concentrations (MAC) and threshold limit values (TLV). In 1946, the Subcommittee on Threshold Limits of the ACGIH recommended a MAC for asbestos of 6 million particles per cubic foot of air.

Mr. Brown was also a member of the American Industrial Hygiene Association (AIHA). This organization also proposed TLVs and MACs which were published as Hygiene Standards in the April 1958 issue American Industrial Hygiene Association Journal and recommended maximum atmospheric concentrations for asbestos over 8 hours of 5 million particles per cubic foot of air. This publication also listed potential hazards of asbestos which noted that in addition to asbestosis there had been reports of an increased risk of lung cancer.

On the basis of Mr. Brown's personal knowledge of the facts surrounding the adoption of asbestos exposure standards, his training and experience in the areas of industrial hygiene and his review of the literature, Mr. Brown will testify, if called, with regard to the composition of the membership of the ACGIH and its predecessor, the NCGIH and the AIHA. Mr. Brown will also testify with regard to the facts and circumstances surrounding the proposal and adoption of the

asbestos standards and his involvement in these processes. In addition, Mr. Brown may testify with regard to the state of industrial hygiene knowledge during the 1930s, 1940s and 1950s.

12. Leonard J. Bristol, M.D. Dr. Bristol received his M.D. in 1944 from the Long Island College of Medicine. From 1944 to 1945, he had a general rotating internship at St. Catherine's Hospital in Brooklyn, New York and from July 1945, to April 1946, was a resident in radiology at the Long Island College Hospital. From 1946 to 1948, Dr. Bristol was a radiologist at the United States Naval Hospital, National Naval Medical Center in Bethesda Maryland. During that period of time he also served as a full-time fellow in the Department of Radiology at the Johns-Hopkins University Medical School. He was certified by the American College of Radiologists in 1949. In 1949, he assumed a full-time position as a radiologist at the Trudeau Sanatorium and the Saranac Lake Laboratory where he remained through the end of 1978. Dr. Bristol has been engaged in the practice of radiology at the General Hospital in Saranac Lake, the Placid Memorial Hospital in Lake Placid, the Alice Hyde Hospital in Malone, New York, and was a member of the Department of Radiology at the Edward L. Trudeau Foundation through 1978.

Since 1949, approximately 50 percent of Dr. Bristol's practice involved chest diseases and 25 to 30 percent of his overall practice involved occupational lung disease. He has reviewed several hundred thousand films of workers with occupational lung disease. Dr. Bristol was instrumental in the development of the ILO/UICC classifications for asbestos-related diseases.

On the basis of Dr. Bristol's knowledge, training and experience as a radiologist and his personal knowledge of the research and experiments conducted by the Trudeau Foundation and

Saranac Laboratories, Dr. Bristol will testify as to the general radiological characteristics and diagnosis of asbestos-related diseases. Dr. Bristol may also testify as to his review of the radiographic evidence in this case as it pertains to the Plaintiff(s).

13. Capco reserves the right to seek leave of court to call experts who are substituted for experts on this list who become unavailable. Capco further reserves the right to call additional expert witnesses for the purpose of rebuttal or impeachment, if necessary at the time of trial.

The general description of the area of expertise of each expert's anticipated testimony is not intended to limit such testimony, but is merely an indication of the broad area in which they may offer testimony. Capco reserves the right to supplement this designation up to the time of trial.

II.

GENERAL FACT WITNESSES

1. All individuals named or to be named as medical witnesses, lay, expert, product identification, liability and other non-medical witnesses by Plaintiffs in this action.

2. All individuals named or to be named as medical witnesses, lay, expert, product identification, liability and other non-medical witnesses by any other defendant in this action.

3. Any individuals named in any party's answers to interrogatories or responses to requests for disclosure, without regard to whether the party is present at trial.

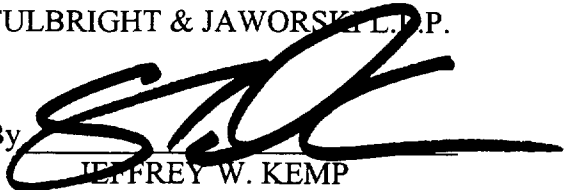
4. Any individuals heretofore named as an expert witness by Capco.

5. All individuals named in any deposition taken or used in this action.

6. William Perrell, P.O. Box 361883, Birmingham, AL 35244; Telephone: 205-697-3269, former Vice-President of Sales for Capco. Mr. Perrell will testify as to Capco's corporate history. Mr. Perrell will also testify as to Capco's manufacture, marketing, sale and distribution of asbestos cement pipe, and the health and safety concerns incident thereto. Mr. Perrell will testify that the only asbestos-containing product that Capco ever manufactured, marketed or sold was asbestos cement pipe. Mr. Perrell will also testify as to the method of installation and use of Capco asbestos cement pipe. Mr. Perrell should only be contacted through counsel for this defendant.

Respectfully Submitted,

FULBRIGHT & JAWORSKI L.L.P.

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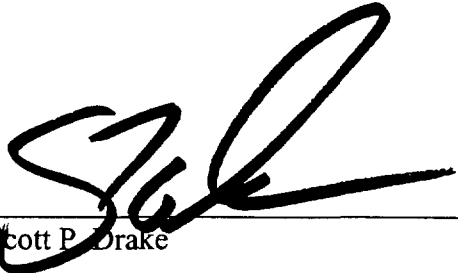
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CERTIFICATE OF SERVICE

This Motion has been sent via certified mail, return receipt requested to all known counsel of record on August 7, 2001.



Scott P. Drake