

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

ANTHONY MARIO GRECO et al.,)

Plaintiffs,)

vs.)

A-BEST PRODUCTS COMPANY, et al.,)

Defendants.)

**IN RE: ALL BARON & BUDD
GROUP 1 ASBESTOS CASES**

CASE Nos.:

323879, 323880, 323882,

323885, 323886, 323890,

323891, 323892, 323893,

323895, 323896, 323897,

323898, 323899, 323900,

323901, 323902, 323903,

323904, 323905, 323906,

323907, 323908, 323909,

323910, 323911

(Hanna, J.)

**DEFENDANT'S RESPONSES TO PLAINTIFFS' MASTER SET OF
INTERROGATORIES PROPOUNDED TO
WESTINGHOUSE ELECTRIC CORPORATION**

The following document is submitted on behalf of defendant CBS Corporation, formerly Westinghouse Electric Corporation. For the convenience of the Court and other parties, this defendant shall hereafter be referred to as "Westinghouse" in these responses.

Preliminary Statement and General Objections

For the reasons set forth below, Westinghouse objects to this discovery, on the grounds that it is unduly burdensome and expensive, and that much of the information sought is not relevant to the pending action or calculated to lead to the discovery of admissible evidence.

The basic premise of every lawsuit is for a plaintiff to state a claim and to pursue discovery on the issues relevant to that claim. Plaintiffs have so far only identified a single Westinghouse product that they believe released respirable asbestos fiber and caused alleged injury. There is no authority for the plaintiffs to seek discovery of Westinghouse products when they have no basis to believe the products are responsible for any alleged injuries. Plaintiffs may not conduct unbridled discovery of every electrical product manufactured or



distributed by Westinghouse that may have contained some asbestos component without showing a link between a specific product and the alleged injury. The plaintiffs should not be permitted to conduct a massive fishing expedition through use of form discovery requests, without any focus on the specific products at issue in this case.

Westinghouse has never mined asbestos fiber or manufactured the block, mud and cement thermal insulation products which have been the focus of asbestos personal injury litigation. Westinghouse is not a member of the asbestos industry as that term is commonly used in asbestos litigation.

Westinghouse is a broadly diversified corporation that has employed upwards of 100,000 people and manufactured thousands of basic products and variations of those products. For over 100 years, Westinghouse has been engaged principally in the manufacture, sale and service of equipment and components for the generation, transmission, utilization and control of electricity. However, especially in recent years, its businesses have changed to include a wide range of products and services that are unrelated to electrical manufacturing.

Westinghouse does not maintain its records according to product content, whether asbestos or otherwise. Documents generated by various Westinghouse divisions and subsequently stored by Westinghouse are not maintained by customer name or purchaser name. These documents are generally stored according to their source and according to certain broad categories. Normally, from public and internal documents, Westinghouse is able to verify the sale of a marine or land-based turbine. As to other products, Westinghouse cannot reasonably respond to those interrogatories which seek confirmation of all specific sales to specific customers or geographic regions. Westinghouse has identified the various locations, including its industrial hygiene department, which it believes had documents potentially responsive for asbestos personal injury cases. Documents were collected from those locations and placed in a repository located in Pittsburgh. The

repository is segregated according to the original locations from which it was collected. It is not organized according to type of product, date or place of sale, customer name or geographic region. Historical sales records are usually unavailable because they were only retained for a limited period of time, generally for a period of less than ten years. Without waiving its objections to this discovery, Westinghouse will produce the documents in the repository to plaintiffs at a mutually convenient time, as the burden of deriving answers to this discovery, from the repository documents, is substantially the same for plaintiffs as for Westinghouse. Upon identification of product(s) alleged to have caused a plaintiffs' injury, Westinghouse will review other potential sources, if any, for responsive information.

Westinghouse also objects to these Interrogatories to the extent that they seek to elicit information that is protected by the attorney-client privilege, the attorney work product doctrine or as trial preparation material, and to the extent that they seek to elicit an expert witness opinion beyond the scope of permissible discovery prior to disclosure of experts.

Without waiving any objections, and subject thereto, Westinghouse responds to Plaintiff's Master Set of Interrogatories as follows:

CORPORATE NAME

1. For each Interrogatory below, please state the name and last known address of each person answering it, including whether he/she is employed by Defendant and if employed by Defendant include 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.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to this Interrogatory to the extent it calls for information protected by the attorney-client privilege or attorney work product doctrine. These answers are derived from numerous sources, persons and documents over an extended period. The person signing these responses does so to satisfy such

requirements as may exist under the applicable rules of civil procedure requiring an officer or employee of the corporation answering the Interrogatories to affix his/her signature. Such signing person does not necessarily have direct knowledge regarding the matters included in these responses. No single officer, employee or agent of Westinghouse has direct knowledge of each and every answer requested. Therefore, as applied to Westinghouse, this Interrogatory is overly broad and unduly burdensome.

1.1 Please identify all documents used, related to, or referred to in connection with the preparation of or answers to these Interrogatories and state the number of the Interrogatory and its subpart to each such document.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory No. 1.

2. Please state whether or not Defendant is a corporation. If so, please state:
- (a) Your correct corporate name;
 - (b) The state of your incorporation;
 - (c) The address of your principal place of business;
 - (d) Your registered agent for service in the state of Ohio;
 - (e) For each Defendant claiming that this Court lacks personal jurisdiction, list year by year the total amount of income received by the Defendant from entities in Ohio, any and all years that Defendant, as defined, has been licensed to do business in Ohio, and any real property owned at any time by Defendant or its present or past subsidiaries.

ANSWER:

- (a) **CBS Corporation**
- (b) **Pennsylvania**
- (c) **51 West 52nd Street, New York, NY 10019**
- (d) **CT Corporation System**
- (e) **Not applicable**

3. State Defendant's complete corporate or business history, including dates of incorporation, mergers, consolidations, reincorporations, and the like. Also provide historical information regarding all predecessors, prior names, asset purchases, acquisitions or spin-offs. In addition:

- a. if defendant or any of its predecessors or subsidiaries at any time purchased, assumed, or in any other manner acquired ANY of the assets and/or liabilities of any corporation or entity at any prior time engaged in any aspect of the placing of asbestos containing products into the stream of commerce or the insuring of asbestos related risks, then please state the following as to each acquisition:
- b. the name or description of each corporation, entity or assets acquired by Defendant, that entity's state of incorporation and principal place of business, its date of incorporation, and the name of Defendant at the time of acquisition;
- c. the manner by which each such corporation, entity or interest therein, was acquired (e.g., merger, consolidation, change of name, stock sale, transfer or purchase of assets or product line);
- d. the date of each such acquisition;
- e. the state in which each such acquisition was effected;
- f. the state law governing each such acquisition if specified by contract;
- g. whether Defendant became legally responsible for the past torts of each such corporation or entity;
- h. identify each document reflecting or related to the history and/or transaction(s) set forth in answer to this Interrogatory.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse Electric Co. was incorporated on January 8, 1886. In 1889, the charter of the Chartiers Improvement Company, which was incorporated in Pennsylvania on April 9, 1872, with a capital of \$50,000, was purchased and the name of Chartiers Improvement Company was changed to Westinghouse Electric & Manufacturing Corporation. On May 10, 1945, the name Westinghouse Electric

Manufacturing Corporation was changed to Westinghouse Electric Corporation. On 12/1/97, the name Westinghouse Electric Corporation was changed to CBS Corporation.

4. Please state whether or not the Defendant has purchased, assumed, or in any other manner acquired any of the assets and/or liabilities of any corporation or entity (such corporations or entities being limited to those engaged in the mining, selling, manufacturing, marketing or distribution of asbestos-containing products.) If so, please state the following:

- a. the name or description of each corporation, entity or assets acquired by Defendant, its state of incorporation and principal place of business, its date of incorporation, and the name of Defendant at the time of acquisition;
- b. the manner by which each such corporation, entity, or interest therein, was acquired (e.g. merger, consolidation, change of name, stock sale, transfer or purchase of assets or product line);
- c. the date of each such acquisition;
- d. the state in which each such acquisition was effected;
- e. the state law governing each such acquisition if specified by contract;
- f. whether Defendant became legally responsible for the past torts of each such corporation or entity;
- g. whether the acquisition concerned asbestos-containing products.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome inasmuch as it is requesting information concerning other assets, liabilities and/or entities not alleged to have contributed to or related to the injuries of plaintiffs. Westinghouse does not oppose reasonably tailored discovery concerning any particular subsidiary whose products are reasonably at issue in a particular case.

Without waiving its objections, Westinghouse states that it is not and never has been a member of the asbestos mining and bulk insulation industry (commonly referred to as the "asbestos industry"). Westinghouse has never mined or milled asbestos ore or sold raw asbestos products. Further, Westinghouse states that none of its present or former subsidiaries has ever been a miner or miller of asbestos fibers.

Without waiving the foregoing objections, Westinghouse states that it has had in the past numerous subsidiaries. Westinghouse never had any controlling interest in any company engaged in the manufacture, distribution or sale of asbestos-containing thermal insulation products as a regular and substantial part of its business. As described more fully below, some of its lines of business may have involved, to a relatively small extent, sales of products which contained asbestos or asbestos-containing components.

This business was generally carried out under the name "Westinghouse," though, from time to time, it may have done business through divisions or subsidiaries with various trade names (for example, its former subsidiary/division, Westinghouse Electric Supply Company or WESCO). WESCO was a subsidiary of Westinghouse with a separate corporate existence until March 1, 1958. After that date, WESCO was continuously a division of Westinghouse Electric Corporation, until it was sold in 1994 to Eaton Corporation. Neither Westinghouse nor WESCO has ever mined or marketed raw asbestos fiber. WESCO offered for sale asbestos-containing wire and cable products manufactured by others. In addition, the Hampton Micarta facility was listed as a subsidiary of Westinghouse when purchased in 1954. However, it soon became a part of the Micarta Division of Westinghouse. As a subsidiary it was known as Plywood-Plastics Corporation of Hampton, South Carolina. Also, in 1968, Westinghouse purchased its West Mifflin Pennsylvania Micarta Production facility from TRW. Although West Mifflin became part of the Insulating Materials division, for a period of time it operated as a subsidiary under the name Electro Insulation.

Westinghouse is unaware of any other subsidiary which, while owned by Westinghouse, sold asbestos-containing products as a regular part of its business. However, given the difficulties set forth in the General Objections above, Westinghouse cannot conclusively foreclose the possibility that such subsidiaries may have existed in the past.

However, Westinghouse may have from time to time owned non-controlling security or ownership interests in various entities which have had some involvement with asbestos. For example, Westinghouse has from time to time had funds invested in U.S. Government securities and it is aware, through its attorneys, that the U.S. Government has, on occasions in the past, sold, supplied, distributed or otherwise placed asbestos-containing products in the stream of commerce through sales of surplus asbestos stocks or otherwise. Westinghouse is unable at this time to state with certainty every interest it ever owned in any entity that may have had some involvement with asbestos, and on that ground objects to any further answer to this Interrogatory.

4.1 For each corporation, other than the answering defendant ("the entity"), that has at any time in the past been involved in the placing of asbestos containing products into the stream of commerce for which officers of the answering defendant's corporation have also served as officers, directors or served in any managerial position while employed by the answering defendant, state:

- a. the name of the entity involved in the placing of asbestos products into the stream of commerce;**
- b. the manner in which the entity was involved in the placing of asbestos containing products into the stream of commerce (i.e., mining, milling, manufacturing, distributing, installing, rebranding, etc.);**
- c. the specific products placed into the stream of commerce by the entity year by year and by brand or trade name;**
- d. the name, positions and a brief description of the responsibilities of the person or persons serving the answering defendant and the entity simultaneously including the positions held with the entity and with the answering defendant.**

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory 4.

EVER SELL ASBESTOS

5. Has Defendant ever engaged in the mining, manufacturing, selling, marketing, installation or distribution of asbestos-containing products? If so, please state the following:

- (a) The name of the company engaged in the activity (whether it is Defendant, Defendant's predecessor, or Defendant's subsidiary);
- (b) As to each product mined, manufactured, sold, marketed, installed or distributed, please state the following:
 - 1. The trade or brand name.
 - 2. Its identification number (model, serial number, etc.).
 - 3. The time period it was manufactured, mined, marketed, distributed or sold.
 - 4. Its physical description including color, general composition, and form.
 - 5. A detailed description of its intended use and purpose.
 - 6. A detailed description of the type package in which it was sold, listing the dates of each type of package used, a physical description of the package, and a description of any printed material or trademarks that appeared thereon.
 - 7. The percent of asbestos which it contained.
 - 8. percent of asbestos by asbestos type (amosite, crocidolite, tremolite, anthophyllite).
- (c) The time period during which each of these products were on the market;
- (d) The material components/ingredients of each such product, giving specific or approximate percentage both by weight and by volume of each material component/ingredient (this interrogatory is not limited to the asbestos component of the product but seeks information as to the nature, weight and volume of non-asbestos ingredients, as well) of each such product;
- (e) How each of these asbestos-containing product can be distinguished from those of competitors;
- (f) A description of the physical appearance of such product;
- (g) A detailed description of the intended uses.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. By way of further objection, Westinghouse states that it is not and never has been a member of the asbestos mining and bulk insulation industry (commonly referred to as the "asbestos industry"). Westinghouse has never mined or milled asbestos ore or sold raw asbestos products. Further, Westinghouse states that none of its present or former subsidiaries has ever been a miner or miller of asbestos fibers. Westinghouse further objects to responding to this Interrogatory concerning any products not alleged to have contributed to the alleged injuries of any plaintiff, on the grounds that the Interrogatory, as applied to Westinghouse, is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence. If a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

Westinghouse further objects to the number and location of the work sites listed in Exhibit A to Plaintiffs' Master Set of Interrogatories Propounded to Westinghouse. Plaintiffs have listed 73 worksites, spanning 5 states. This overwhelmingly overbroad list becomes all the more unreasonable based on the fact that of the 73 work sites, only the Armco-Middletown Plant ("Armco-Middletown") has been identified upon deposition, as more fully discussed below, in connection with any Westinghouse product.

Without waiving any of its objections, and subject thereto, Westinghouse states that upon deposition only two plaintiffs specifically alleged identification of any Westinghouse product, and the product named was Westinghouse turbines which were allegedly located at Armco-Middletown. Therefore, in light of the foregoing,

Westinghouse will provide information responsive to this Interrogatory limited to Westinghouse turbines, specifically those turbines that Westinghouse is aware that it sold to Armco-Middletown.

TURBINES

Westinghouse has manufactured hundreds, if not thousands, of steam turbine-generators during the last one hundred years. Westinghouse has not merely manufactured a single type of steam turbine-generator, and the size and complexity of turbine-generators has increased significantly over time. For their many different applications, including propelling ships, generating electricity and driving machinery, there are a variety of turbine types. To accurately answer the plaintiffs' questions, it is necessary to know at least the alleged situs of the turbine and date of alleged exposure to insulation from the turbine. Even the turbine-generators that have similar characteristics as being within certain design "frames" are not identical to one another.

Nearly every Westinghouse turbine-generator is unique and is manufactured to the specific requirements dictated by the customer or the customer's architect/design engineer. The specific requirements for each turbine-generator generally would have been set forth in the customer's design specifications and/or the contract for the manufacture and sale of the turbine-generator. As a result, the answers to this and other requests would vary depending upon the particular turbine-generator involved. Westinghouse states that the only method through which one could attempt to determine the asbestos-containing components of a specific Westinghouse turbine-generator as manufactured would be to collect and analyze the customer's design specifications for the unit, the contract for the unit, and any relevant Westinghouse documents for each of the individual items on each turbine-generator. The availability of all such documentation, however, is limited as a result of the passage of time. Westinghouse

estimates that even if all of the documentation existed, it could take an engineer several weeks to answer the requests for any single turbine-generator.

Over time, the turbine-generators have grown in size and complexity. Although various Westinghouse turbine-generators may share similar characteristics, each turbine-generator is basically unique. Customarily, one must review such materials as sales contracts, engineering and architectural specifications, and engineering drawings and records for a given unit in order to determine the particular asbestos-containing components that may have been included as part of the sale.

Westinghouse has been manufacturing steam turbine generators for over 100 years. Historically, these were manufactured in Lester, Pennsylvania. In the 1970's, the work began to shift to Charlotte and Winston-Salem, North Carolina. The Lester facility was closed in the 1980's.

The following summarizes the results of the research that Westinghouse conducted with regard to the number and size of its turbines that were present at the Armco/A.K. Steel Middletown Plant. The listing of these turbines as follows does not necessarily imply that all, or any, of these turbines were insulated with asbestos either at the time of their manufacture or at any time thereafter.

**WESTINGHOUSE ELECTRIC CORPORATION
TURBINES AT MIDDLETOWN, OHIO**

ARMCO STEEL CORP. MIDDLETOWN, OH				
Function	Rating	Frame	Serial No.	Ship Date
Condenser Drive	115 HP	2 SNC	1118	1/3/11
Condenser Drive	115 HP	2 SNC	1091	1/3/11
Condenser Drive	75 HP	2 SNC	1092	1/16/11
Unknown	250 HP	2 SNC	1115	12/7/16
Turbine Generator	1500 KW	21 LP	941	1910

ARMCO STEEL CORP. MIDDLETOWN, OH				
Turbine Generator	1500 KW	30 C	587	1908
Turbine Generator	1500 KW	21 LP	837	1910
Turbine Generator	3750 KW	55 CW	3640	1917
Turbine Generator	10,000 KW	125 CW	8436	1921
Turbine Generator	100 KW	2 SNC	902	1/9/11
Pump Drive	30 HP	C 14	1-A-8792-1	8/24/39
Pump Drive	46 HP	C 20	5-A-5094-1	10/1/47
Pump Drive	343 HP	C 25	5-A-5095-1	9/22/47
Fan Drive	44 HP	C-14	5-A-4905-1	9/11/47
Fan Drive	43 HP	C-14	5-A-4024-1 -2 & -3	4/28/47
Pump Drive	30 HP	C-14	5-A-4501-1	3/31/47
Fan Drive	117 HP	C-20	2-A-7506-1	7/15/41
Fan Drive	174 HP	C-20	5-A-4960-1	1947
Pump Drive	46 HP	C-20	5-A-5759-1	10/1/47
Pump Drive	20 HP	E-116	10-A-3540-1 & -2	1952
Fan Drive	44 HP	C-14	5-A-4856-1	9/11/47
Fan Drive	174 HP	C-20	5-A-4622-1 & -2	1947
Unknown	500 HP	C-25	5-A-5289-1	12/5/47
Unknown	230 HP	055 SNC	4246	1916

Westinghouse will make available to plaintiffs the responsive documents it has in its possession with regard to the above-referenced turbines at the law offices of Eckert

Seamans Cherin & Mellott, LLC, 600 Grant Street, 42nd Floor, Pittsburgh, Pennsylvania 15219, at a time mutually convenient to the parties.

6. Does Defendant or any of its subsidiary companies claim that any patent would cover any product listed in answer to Interrogatory No. 5? If so, please state the following:

- (a) The date of each patent;
- (b) The date same was issued;
- (c) The number of each patent application that is pending.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory No. 5. Subject to Westinghouse's response to Interrogatory No. 5, and without waiving any of its objections, Westinghouse states that if a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

7. Have any of the products listed above in answer to Interrogatory No. 5 been altered in chemical composition since first being marketed? If so, please state the following:

- (a) The trade name of each such product;
- (b) The date each such product was altered;
- (c) The nature of the alteration;
- (d) The reason for the alteration.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory No. 5. Subject to Westinghouse's response to Interrogatory No. 5, and without waiving any of its objections, Westinghouse states that if a particular plaintiff will specifically and credibly identify the Westinghouse

product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

8. Have any of the asbestos-containing products listed in response to Interrogatory No. 5 ever been marketed, distributed, packaged, labeled, and/or sold by any other company or business? If so, please state the following:

- (a) The name and address of each such company.**
- (b) The names and address of Defendants distributors in Ohio and Illinois since 1940.**
- (c) The date of each sale.**
- (d) The name of the person at each location with whom you primarily dealt.**
- (e) A list of all asbestos-containing products that you sold to each location from 1945 to 1980.**
- (f) The amount of each asbestos product sold to each location during this period.**
- (g) Please identify all documents relating to this distributor for the particular location.**

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory No. 5.

By way of further response, Westinghouse is unable, based upon presently available information, to determine the names of distributors or dates of sales for all of its products. Westinghouse states that its products have been distributed and sold by various methods through the course of the company's history, including direct sales to customers, sales through outside distributors and sales through Westinghouse Electric Supply Co. (WESCO), formerly a division of Westinghouse. Subject to Westinghouse's response to Interrogatory No. 5, and without waiving any of its objections,

Westinghouse states that if a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

8.01 Has this defendant ever purchased asbestos containing products from any other defendant?

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory Nos. 5 and 8.

8.02 If the answer to the preceding Interrogatory is yes, please state the following:

- (a) name each defendant from whom this defendant purchased any asbestos containing product;
- (b) list each product purchased from each co-defendant;
- (c) list the dates of each purchase of asbestos-containing products from each co-defendant.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its responses to Interrogatory No. 8.01.

8.03 Has this defendant ever sold asbestos containing products to any other defendant?

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its responses to Interrogatory Nos. 5 and 8.

8.04 If the answer to the preceding Interrogatory is yes, please state the following:

- (a) name each defendant to whom this defendant sold any asbestos containing product;
- (b) list each product sold to each co-defendant;

- (c) list the dates of each sale of asbestos-containing products to each co-defendant.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its responses to Interrogatory Nos. 5 and 8.03.

8.05 Has Defendant engaged in the manufacture and/or sale and/or distribution and/or marketing and/or supply and/or purchase and/or use of non-asbestos-containing products for use in connection with temperatures above 125° Fahrenheit since 1930. If so, please state:

- (a) the date such activity began;
- (b) the years during which such activity took place;
- (c) the date when such activity was terminated;
- (d) if such activity was terminated, the reason(s) why;
- (e) the geographical area into which you claim the product(s) were sold, purchased, or used;
- (f) identify the organizational unit of defendant so engaged;
- (g) the site(s) at which each such product was manufactured;
- (h) the material components of each such product, giving specific or approximate percentage both by weight and by volume of each material component of each such product;
- (i) the temperature ranges for which each product(s) was intended to be used;
- (j) the product's generic name;
- (k) the product's trade or brand name;
- (l) the container in which the product was shipped (i.e., paper bags, cardboard boxes) including the size and amount of the container;
- (m) a description of any logos, writing impressions or identifying markings which appeared on the product, as well as a description of the package used, the dates that type of package was used, and any logos, product names, trademarks, etc. which appeared on the package;

- (n) whether the words "non-asbestos" or "asbestos free" were used on the package;
- (o) a detailed description of the intended method of preparation and application of the product;
- (p) a description of the physical appearance of the product, including size, shape, color and texture.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory No. 5. Subject to Westinghouse's response to Interrogatory No. 5, and without waiving any of its objections, Westinghouse states that if a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

8.06 Did Defendant ever market or distribute any asbestos-containing product manufactured in whole or in part by someone else? If so, please state the following for each such product:

- (a) the name and address of the manufacturer;
- (b) the product's trade and brand name;
- (c) the organizational unit of Defendant who did so;
- (d) date(s) beginning, ending and during which the marketing or distributing took place;
- (e) whether the product was distributed through the same channels as those used for products manufactured by Defendant, and if not, please explain the exact channels of distribution;
- (f) identify all documents relating the marketing or distribution.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory Nos. 5, 8, 8.01, 8.02, 8.03 and 8.04.

8.1 Does Defendant have reason to believe that any of the asbestos-containing products listed in response to Interrogatory No. 5 were used at any of the sites listed on Exhibit A, attached hereto. If your answer is "yes", please state:

- (a) The basis of your answer.
- (b) Please state which of Defendant's asbestos-containing products listed in Interrogatory No. 5 were used at each job site listed on Exhibit A.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory No. 5. Subject to Westinghouse's response to Interrogatory No. 5, and without waiving any of its objections, Westinghouse states that if a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

8.2 For each company or business that Defendant knows may have marketed, distributed, installed, and/or sold, those products listed in response to Interrogatory No. 5, please state the following as to each job site listed on Exhibit A.

- (a) The name and address of each such company;
- (b) The date of each sale from Defendant to such other company;
- (c) The name of the person at each other company with whom Defendant primarily dealt;
- (d) Names and quantities of the asbestos-containing products that you marketed, distributed, installed, and/or sold to each such company from 1950 to 1974;
- (e) Please identify all documents relating to the sales to each such company.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory Nos. 5, 8 and 9. Subject to Westinghouse's response to Interrogatory No. 5, and without waiving any of its objections, Westinghouse states that if a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

8.3 If you do not know any business that may have marketed, distributed, installed, and/or sold the products listed in response to Interrogatory No. 5 to any of the job sites listed on Exhibit A, please state the names and last known addresses of those companies who Defendant knows marketed, distributed, installed and/or sold their asbestos-containing products in Ohio from 1950 to 1974. For each of those companies, please state the following:

- (a) Name and address of each such company;
- (b) The dates of each sale from Defendant to such other company;
- (c) The name of the person at each other company with whom Defendant primarily dealt;
- (d) The names of the asbestos-containing products that Defendant marketed, distributed, and/or sold to each such company from 1950 to 1974.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory No. 5, 8 and 9. Subject to Westinghouse's response to Interrogatory No. 5, and without waiving any of its objections, Westinghouse states that if a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

8.4 Does Defendant have records and/or any knowledge that reflects sales of their asbestos-containing products to any of the sites listed on Exhibit A, attached hereto? If so, please state the following as to each job site listed on Exhibit A:

- (a) The names and last known addresses of those people with such knowledge.
- (b) The location of such records.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory No. 5. As stated in Westinghouse's response to Interrogatory No. 5 above, Westinghouse will make available to plaintiffs the responsive documents it has in its possession regarding the turbines identified in Westinghouse's response to Interrogatory No. 5. Subject to Westinghouse's response to Interrogatory No. 5, and without waiving any of its objections, Westinghouse states that if a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

9. Did Defendant or any of Defendant's distributors, as listed in response to Interrogatory Nos. 8.1, 8.2, and/or 8.3 have sales representatives who specifically called on the sites listed on Exhibit A, attached hereto, from 1945 to 1975? If your response is yes, as to each site listed on Exhibit A, please state the following:

- (a) The name and last known address of each such representative and whether they are still employed by Defendant;
- (b) The period of time they acted as your representative;
- (c) Their general responsibility as to each facility;
- (d) Whether that person is still alive; and
- (e) Any documents relating, referring or pertaining thereto.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its objections to Interrogatory Nos. 5 and 8.2. As stated in Westinghouse's response to Interrogatory No. 5 above, Westinghouse will make available to Plaintiffs the responsive documents it has in its possession regarding the turbines identified in Westinghouse's response to Interrogatory No. 5. Subject to Westinghouse's response to Interrogatory No. 5, and without waiving any of its objections, Westinghouse states that if a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

9.1 Identify all managers and sales personnel responsible for your sales or installation of any asbestos-containing products in Ohio from 1930 to the present and state their position, last known address and the local or regional office through which they were employed.

ANSWER:

Westinghouse incorporates its Preliminary Statement and General Objections and its response to Interrogatory Nos. 5 and 9. Subject to Westinghouse's response to Interrogatory No. 5, and without waiving any of its objections, Westinghouse states that if a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

10. Did Defendant ever have any division or subsidiary engaged in the contract business of applying or removing asbestos-containing products? If so, please state:

- (a) The name of each subdivision;
- (b) The full address of the home office and the date such subdivision or subsidiary was engaged in this contracting business; and
- (c) Whether said division or subsidiary conducted such business at any of the sites listed on Exhibit A, from 1940 to 1975? If so, please state the following as to each job site listed on Exhibit A:
 - (1) The dates of such contracts;
 - (2) The specific asbestos-containing products that were used or removed in each contract.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory No. 5. Without waiving the foregoing objections, Westinghouse states that it understands plaintiffs' reference to "contract business of applying asbestos-containing products," which the plaintiffs have not defined, to refer to the contracting with others who install block and pipe insulation. So defined, Westinghouse states that the answer is no.

On November 1, 1983, Westinghouse purchased the assets, but not the stock, of Global Power Company and several affiliated entities. Westinghouse sold its interest in

Global Power on February 13, 1987. Global was in the business of installing and repairing steam generation and power production equipment, and providing and installing replacement parts for steam generation and power production equipment, including boilers and steam turbines, and the prefabricated panels contained asbestos during the 1980's, when it had an interest in Global. Westinghouse likewise has no present information that indicates Global performed asbestos tear out during the time it had an ownership interest in Global.

In addition, Westinghouse had an ownership interest in the following companies during the specified periods of time:

Gangloff Corporation (L.K.A. Heat Engineering, Inc.),
2/22/1980 until 2/13/1987

Senoyuit Corporation (L.K.A. Electric Arc, Inc.),
2/22/1980 until 2/13/1987

LABCO of Louisiana, Inc., 10/12/1983 until 2/13/1987

Moorehead Machinery & Boiler Company,
5/2/1983 until 2/13/1987

Process Mechanical, Inc. 5/2/1983 until 2/13/1987

O'Conner Combustor Company, 1983 until 1990

During the years Westinghouse had an interest in the above-listed companies, they were engaged in activities including boiler maintenance and service; construction and erection of interlocking fiberglass insulated aluminum panels; heater blanket construction and service; electrical product purchasing and supply; and rotating kiln incinerator construction and erection.

Westinghouse has no present knowledge or information that suggests any of the above-listed entities installed or supplied asbestos-containing products on the furnaces, pipes, boilers, or turbines at any site listed in this Interrogatory during the periods of time the companies were affiliated with Westinghouse. Westinghouse objects and is

unable to respond to this Interrogatory to the extent it applies to periods of time during which Westinghouse neither owned nor operated the above-listed companies, and to which it calls for information that is not within Westinghouse's direct knowledge or control.

11. Did Defendant ever have any division or subsidiary engaged in the contract business of applying or removing asbestos-containing refractory? If so, please give the name of each subdivision, the full address of the home office and the date such subdivision or subsidiary was engaged in this contracting business.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its objections and response to Interrogatory Nos. 5 and 10.

Westinghouse further objects to responding to this Interrogatory concerning any products not alleged to have contributed to the alleged injuries of plaintiff(s), on the grounds that the Interrogatory, as applied to Westinghouse, is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving the foregoing objections, Westinghouse states that it has no information which would indicate that it ever had a division or subsidiary engaged in the contract business of applying or removing asbestos-containing refractory.

12. Please identify by location and product produced, each plant in which products listed in your answer to Interrogatory No. 5 have been manufactured and/or assembled and the dates said plants have been in operation.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its objections and response to Interrogatory Nos. 5, 8 and 9.

Westinghouse further objects to this Interrogatory to the extent that it seeks information regarding products other than the turbines listed in Westinghouse's response to Interrogatory No. 5 above. By way of further response, as stated in Westinghouse's response to Interrogatory No. 5 above, Westinghouse will make available to plaintiffs the responsive documents it has in its possession regarding the turbines identified in Westinghouse's response to Interrogatory No. 5. Subject to Westinghouse's response to Interrogatory No. 5, and without waiving any of its objections, Westinghouse states that if a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

13. Has Defendant, at any time, entered into a "rebranding" agreement with any other company, either as a buyer or a seller, concerning any asbestos-containing products and/or materials? If so, please state:

- (a) The name of the company manufacturing the asbestos products under such agreement;
- (b) The trade name affixed to such products;
- (c) The periods of time covered by each such agreement;
- (d) The volume (in dollars amounts) of each such transaction;
- (e) The purchaser of such products;
- (f) Does Defendant currently have in its possession any of the writings or contracts concerning such rebranding agreement?

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Without waiving its objections, Westinghouse states that, upon information and belief, it has never rebranded any product for sale.

13.1 Have you ever owned or operated a business or portion thereof which engaged in construction, erection or tear out of furnaces, pipes, boilers, turbines, lehrs, ovens, kilns, etc.? If so, please state:

- (a) the name of said business;
- (b) the date of commencing business and cessation of business, if applicable;
- (c) type of construction or tear out performed;
- (d) state whether said business installed or supplied asbestos-containing products on the furnaces, pipes, boilers, turbines, lehrs, etc., i.e., gaskets, pipecovering, block, cement, rope, cloth, clothes, etc., containing asbestos, asbestos pipe, board, etc.;
- (e) state the trade name and/or manufacturer of any asbestos-containing product which you installed or supplied to any site on Exhibit A.
- (f) provide the dates for the applicable construction, installation or tear-out project.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its objections and response to Interrogatory Nos. 5 and 10.

13.2 Do you have within your custody, possession, or control any packages that presently or formerly packaged asbestos-containing products or were produced for the purpose of packaging asbestos-containing products contemporaneous with your manufacture sale or distribution of such asbestos-containing products? If so, provide the following:

- (a) a description of each such package;
- (b) the present location and custodian of each such package;
- (c) the date or approximate date on which each such package was produced.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory No. 5. Without waiving its objections,

Westinghouse states that it is not, and has never been, a member of the asbestos mining and bulk insulation industry (commonly referred to as the "asbestos industry").

Westinghouse has never mined or milled asbestos fiber or sold raw asbestos products.

Further, Westinghouse states that none of its present or former subsidiaries has ever been a miner or miller of asbestos fibers.

Westinghouse further objects to this "form Interrogatory" as not being applicable to Westinghouse, and, to that extent, is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and, as applied to Westinghouse, is not reasonably calculated to lead to the discovery of admissible evidence. Subject to Westinghouse's response to Interrogatory No. 5, and without waiving any of its objections, Westinghouse states that if a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

INFORMATION ABOUT DESIGN/TESTING

14. What is the name, address and job title of each individual who participated in design and preparation of manufacturing specifications for each such product listed above in answer to Interrogatory No. 5?

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory No. 5. Without waiving the foregoing, Westinghouse states that, in view of the extensive and complex history of the evolution of turbines discussed in the Response to Interrogatory No. 5, this Interrogatory, as applied to Westinghouse, is overly broad and unduly burdensome. Further, given the length of time over which these Westinghouse products have evolved, Westinghouse

further objects that this Interrogatory seeks ancient information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Subject to Westinghouse's response to Interrogatory No. 5, and without waiving any of its objections, Westinghouse states that if a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

By way of further response, as stated in Westinghouse's response to Interrogatory No. 5 above, Westinghouse will make available to plaintiffs the responsive documents it has in its possession regarding the turbines identified in Westinghouse's response to Interrogatory No. 5.

15. As to each product listed in response to Interrogatory No. 5, please describe how each product was to be cut, shaped, scribed, mixed and applied on the job. (In answering this question, give particular reference as to whether or not the materials were to be sawed or cut on the job, blown into confined areas, mixed with water in a cement or paste.)

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory No. 5. Subject to Westinghouse's response to Interrogatory No. 5, and without waiving any of its objections, Westinghouse states that if a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

16. Based upon the material contents of the asbestos-containing products, the method of manufacturing, and the method of application, please state which products listed in Interrogatory No. 5 could be applied by a worker without creating dust.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory No. 5. Subject to Westinghouse's response to Interrogatory No. 5, and without waiving any of its objections, Westinghouse states that if a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

17. Do any documents, including but not limited to, written memoranda, specifications, recommendations, blueprints or other written materials of any kind or character now exist relating to the design and preparation of the products listed in answer to Interrogatory No. 5? If so, please:

- (a) List each such written material or document;
- (b) Identify the person or persons presently in possession of each such document;
- (c) State where each such document is located.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory No. 5. By way of further response, as stated in Westinghouse's response to Interrogatory No. 5 above, Westinghouse will make available to plaintiffs the responsive documents it has in its possession regarding the turbines identified in Westinghouse's response to Interrogatory No. 5. Subject to Westinghouse's response to Interrogatory No. 5, and without waiving any of its

objections, Westinghouse states that if a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

18. Prior to releasing the products listed in Interrogatory No. 5 for sale and usage, were any tests (either animal or human) conducted on said products to determine potential health hazards involved in the use of, or exposure to, the materials and/or products? If so, please state:

- (a) The name of the products tested and the date of each test.**
- (b) The name, address, and job classification of each individual who conducted such tests;**
- (c) The results of such tests.**

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory No. 5. Without waiving the foregoing, Westinghouse states that it monitored the use of potentially hazardous materials, including asbestos used in the manufacture of its electrical products, to determine whether the manufacturing process in those plants posed a health threat to its workers. Westinghouse did conduct air sampling and other industrial hygiene measures at various times at some Westinghouse facilities, as any large manufacturing employer would have done. Westinghouse had no reason to believe that the use of its finished products posed a hazard related to asbestos and consequently did not test its finished products for release of respirable asbestos fibers.

18.1 Prior to releasing any products for sale and usage (whether asbestos-containing or not), were any tests (either animal or human) conducted on said products to determine

potential health hazards involved in the use of, or exposure to, the materials and/or products?

If so, please state:

- (a) The name of the products tested and the date of each test;
- (b) The name, address, and job classification of each individual who conducted such tests;
- (c) The results of such tests.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory Nos. 5 and 18.

19. Does Defendant have or control any documents, including but not limited to, written memoranda, specifications, recommendations, blueprints or other written materials of any kind or character relating to the testing of the products listed in Interrogatory No. 5 hereinabove?

- (a) Identify each such written material or document;
- (b) Identify each person who presently has possession of each such document;
- (c) State where each such document is located.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its responses to Interrogatory Nos. 5 and 18. Subject to Westinghouse's response to Interrogatory No. 5, and without waiving any of its objections, Westinghouse states that if a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

20. Were any design changes or modifications made as a result of such tests listed in answer to Interrogatory No. 18 hereinabove? If so, please state:

- (a) The trade name of the product changed or modified;
- (b) The nature of the change made and the date of such changes or modifications;
- (c) The name, address, and job classification of each person in charge of making a change.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its responses to Interrogatory Nos. 5 and 18.

21. After releasing for sale, distribution or marketing the products listed in answer to Interrogatory No. 5, did Defendant conduct any tests (either on animals or humans) to determine potential health hazards involved in the use of said materials and/or products?

- (a) The names of the products tested and the dates of said tests;
- (b) The name, address, and job classification of each person and/or agency conducting said tests;
- (c) The results of said tests;
- (d) Whether, as a result of any tests conducted, any products were removed from the market;
- (e) The names of all products removed from the market as a result of said tests.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its responses to Interrogatory Nos. 5 and 18.

22. Has Defendant ever conducted or caused to be conducted any studies concerning the effects of the inhalation of asbestos dust and/or fibers on workers or other persons applying, using and/or working around any of the asbestos products manufactured, sold, distributed and/or relabelled for distribution by you or your predecessor? If so, please state:

- (a) The dates and nature of such studies;

- (b) The names and addresses of persons conducting such studies;
- (c) The purpose of such studies;
- (d) Identify and list those persons to whom such reports were given and the date of such dissemination;
- (e) State any publication or other written dissemination of the results of such studies;
- (f) State the nature of any action to eliminate or minimize the inhalation of asbestos dust fibers; and
- (g) Attach a copy of reports based upon such studies.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its responses to Interrogatory Nos. 5, 18 and 18.1.

INFORMATION ABOUT SAFETY

23. Before placing on the market the asbestos-containing products that Defendant, mined, manufactured, sold, marketed, installed or distributed on the market, did Defendant make or cause to be made, any studies to determine whether their asbestos-containing products would be hazardous to people? If so, please state:

- (a) The date of said studies;
- (b) What studies were done; and
- (c) The titles of each study.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its responses to Interrogatory Nos. 5, 18 and 18.1. Without waiving the foregoing objections, Westinghouse further objects to responding to this Interrogatory concerning any products not alleged to have contributed to the alleged injuries of the plaintiff on the grounds that, as applied to Westinghouse, the Interrogatory is vague, overly broad and unduly burdensome and seeks information which is irrelevant and

immaterial to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence. Westinghouse further objects to this Interrogatory as argumentative to the extent that it implies Westinghouse was under a duty to make or cause made or perform such studies. Westinghouse further objects to the premise underlying this Interrogatory: that Westinghouse asbestos-containing products are hazardous or dangerous. Subject to Westinghouse's response to Interrogatory No. 5 and without waiving any of its objections, Westinghouse states that if a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

24. Please state whether or not Defendant ever conducted or caused to be conducted any tests in the field (where asbestos-containing products were applied, removed or utilized) to determine the nature and extent of asbestos dust and/or fiber exposure to insulators, applicators, fellow employees, or other workers removing and/or tearing out asbestos-containing products, and/or other workers in the vicinity thereof? If so, please identify:

- (a) The date, place and nature of each and every test;
- (b) The particular asbestos-containing products to which each test applied;
- (c) The results of each test with particular reference to the number of asbestos fibers per cubic centimeter of air found at each site; and
- (d) The persons to whom the results said tests were given and the date of such dissemination.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse objects to this interrogatory as argumentative to the extent it

implies that Westinghouse was under a duty to make inspections of work sites, or that any products sold by Westinghouse would expose workers to harmful dust levels. Plaintiffs' employer had complete control over the workplace and responsibility for insuring the safety of the workplace. Plaintiffs' employer could adequately train, supervise, and monitor its employees in proper methods to use and handle products used in the workplace, including asbestos-containing products.

Moreover, Westinghouse objects to responding for any products not alleged to have contributed to the plaintiffs' injuries. Although products were sold directly to jobsites, they were also often sold to contractors and Westinghouse would have no knowledge of the actual location where those materials were used.

If the plaintiffs will identify a specific jobsite and those Westinghouse products which they claim emitted respirable asbestos fibers and contributed to their alleged asbestos-related injuries, Westinghouse will make every reasonable effort to respond to this interrogatory.

25. Please state whether or not Defendant ever obtained any knowledge concerning the likelihood of asbestos being hazardous to human health. If so, please state:

- (a) When Defendant first became aware of the hazardous potential of asbestos dust and asbestos fibers;
- (b) The manner in which the Defendant, Defendant's predecessor, or Defendant's subsidiary companies first obtained this knowledge and became aware of said hazards and from what source this information was obtained;
- (c) What information was disseminated within Defendant's company, or its subsidiary or predecessor regarding such adverse consequences or effects;
- (d) Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form.
- (e) The name, address and job classification of the custodian of such information.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory No. 5. Without waiving its objections, Westinghouse states that it was a member of the Air Hygiene Foundation (AHF), and has learned that the AHF distributed abstracts which summarized articles dealing with industrial hazards including asbestos in the mid 1930's. Westinghouse learned that inhalation of certain types and quantities of asbestos fibers, over significant periods of time, was being associated with increased risks of disease for some people by the early 1940's. The specifics of exactly how or when Westinghouse personnel acquired such knowledge or awareness, or dates for specific diseases, is not reasonably ascertainable, but it is probable that it came from reading government publications or other public documents, reports, studies or journals. Westinghouse obtained this level of knowledge based upon what was published at that time, all of which was based on the relevant work histories, dose, fiber type, length of exposure and other variables involved in the particular study, periodical or journal.

In August 1974, a report titled "Identification and Quantification of Fibrous Dust and Ferruginous Bodies in Lungs of Autopsied Adults" was published by the Industrial Health Foundation, Inc. Westinghouse's name, along with Alcoa and Gulf Oil, appears on the cover of this report. The report was prepared by Paul Gross, M.D., John M.G. Davis, Ph.D. and Russell A. Harley, Jr., M.D. This report studies the mineral fiber (including asbestos) content of human lungs. Westinghouse has no present knowledge of the reason for the appearance of its corporate name on this report.

Westinghouse objects to and cannot answer this Interrogatory in the categorical manner in which it is phrased. Without waiving its objections, Westinghouse states that it has learned that mere exposure to asbestos, without more, does not constitute a health risk. Westinghouse generally has learned that inhalation of certain types and quantities

of asbestos fibers over certain periods of time is associated with increased health risks for some people.

26. Please state when Defendant first became aware of the possible association between inhalation of asbestos dust and/or fibers and the contraction of asbestosis and cancers including, but not limited to gastrointestinal cancer, laryngeal cancer, renal cancer, lymphoma, lung cancer and mesothelioma. As to each disease or condition, please state the source of that information, including a description of all tests conducted relative to the possibility of such a relationship.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to the medical conclusions that are the underlying premises of this Interrogatory; i.e., that inhalation of asbestos dust and/or fibers, without regard to the level of exposure, that type of asbestos fiber, the length of exposure and other variables that are unique to each plaintiff's work experience, can produce the diseases or conditions listed in the Interrogatory, and that some of the diseases listed, including but no limited to gastrointestinal, laryngeal and renal cancer and lymphoma have been medically associated with asbestos exposure. Moreover, Westinghouse relies upon the conclusions of its medical experts regarding issues of medical causation and disease type and, therefore, is unable to provide any further response to this Interrogatory.

27. Please identify all physicians, industrial hygienists, and other employees (including their names and addresses) who were employed, retained or otherwise engaged by Defendant for research, investigation or study concerning asbestos or asbestos-related diseases.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory Nos. 5, 25 and 28. Without waiving the foregoing objections, Westinghouse has had an Industrial Hygiene Department since the early 1930's. A number of industrial hygienists have been employed within the Department since its inception. Records have not been found or are no longer available which would indicate the names and addresses of all such employees.

The following persons are known to have been employed in the Industrial Hygiene Department:

**Edward C. Barnes (deceased)
Corporate Industrial Hygiene, 1933-1949**

**H. Wilbur Speicher (deceased)
Administrator, Industrial Hygiene, 1947-1974**

**Keith A. Bodden (retired)
Manager, Industrial Hygiene, 1974-1976**

**C. Wayne Bickerstaff
Manager, Industrial Hygiene, 1976-present**

The following persons are known to have been employed in the Industrial Hygiene Department.

**George Stewart (deceased)
Wesley E. Piros 1947-1990
Zella Rees Heasley (retired) 1945-1981
John F. Adams 1971-1996
Kathleen Goellner 1984-1989
Ron Sampson (retired) 1952-1989
G. Arsensman
Mark A. Perriello 1974-present
Diane Whittier 1977-1984
Richard J. Wengrzyn 1969-present**

Currently, the Industrial Hygiene and Corporate Product and Safety Departments are within the Department of Environmental Affairs. Corporate Medical is located within the Corporate Human Resources Department.

The title "Industrial Hygiene" defines the department's function. The Industrial Hygiene Department's primary role relates to identifying and reducing conditions in the workplace that are hazardous or dangerous to Westinghouse employees or that in some form threaten worker safety.

Westinghouse states that it has retained plant physicians and nurses at numerous locations over many years. There is no central index identifying such personnel. Westinghouse first employed a medical director in 1920.

The following persons were the principal medical personnel:

Dr. C. H. Westgate, Medical Director
1907-1908 (deceased)

Dr. C.A. Lauffer, Medical Director
1908-1921 (deceased)

Dr. T.L. Hazlett, Corporate Medical Director
1921-1950 (deceased)

Harry Burr, Administrator of Medical Services
1954-1982 (deceased)

E. Carroll Curtis, M.D.
1982-1991

28. As to each person who acted in a medical advisory capacity (as it relates in any way to asbestos) to Defendant, please list their name, the date individual acted in this capacity, and that person's current address and job title.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory No. 27.

29. Please state if any medical officer or industrial hygienist or medical consultant ever made at any time any recommendations and/or suggestions to Defendant pertaining to the risks or hazards to persons involved in the manufacture or use of asbestos products and,

if so, please state when, by whom or to whom such recommendations and/or suggestions were made and the substance of each recommendation.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory Nos. 5, 25 and 26. Westinghouse objects to and cannot answer this Interrogatory in the categorical manner in which it is phrased. Without waiving its objections, Westinghouse states that it has learned that mere exposure to asbestos, without more, does not constitute a health hazard. Westinghouse generally has learned that inhalation of certain types and quantities of asbestos fibers over certain periods of time is associated with increased risks of health hazards for some people. The specifics of exactly how or when Westinghouse personnel acquired such knowledge or awareness is not certain. It is probable that it came from reading government publications or other public written materials.

Westinghouse's Industrial Hygiene Department would have been the most likely source of documents containing such information, if any. Westinghouse opposes unfocused production of documents from this department. However, Westinghouse will make available, in response to specific requests related to the specific issues in this case, relevant documents collected from its Industrial Hygiene Department.

30. Please state the scientific and/or medical periodicals to which Defendant, its medical department, research department, industrial hygiene divisions, engineering department or consulting physicians subscribed between 1945 and 1975.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its responses to Interrogatory Nos. 5, 25, 26 and 29. Westinghouse does not maintain a single, central library. Westinghouse states that it maintains general reference materials and technical libraries throughout the corporation, which may

include various industry periodicals, occupational health and medicine periodicals and other topical reference materials. There is no central indexing system that contains all of the information requested by this interrogatory for all departments within the corporation. Westinghouse's Industrial Hygiene Department would have been the most likely source of documents containing such information, if any. Westinghouse opposes unfocused production of documents from this department. However, Westinghouse will make available, in response to specific requests targeted to issues relevant in this case, certain specific documents collected from its Industrial Hygiene Department.

Westinghouse states that as a member of the National Safety Council, Industrial Health Foundation and American Industrial Hygiene Foundation, Westinghouse probably would have received the publications of those organizations routinely distributed to members of those organizations. Information regarding these publications should be sought from the organizations themselves and not from Westinghouse.

30.1 Please state whether Defendant, its medical officer or industrial hygienist or medical consultant or physicians were ever involved in testing or received literature or correspondence from the Mellon Institute.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Without waiving the foregoing, Westinghouse states that, upon information and belief, and after reasonable investigation, none of its medical officers, industrial hygienists, medical consultants or physicians were ever involved in testing with, or received literature or correspondence from, the Mellon Institute. Westinghouse research regarding this Interrogatory is ongoing, and if Westinghouse discovers that it was involved in any of the above-referenced activities with the Mellon Institute, Westinghouse will supplement its Answer to this Interrogatory, as appropriate.

Without waiving its objections, Westinghouse states that the Konicide Club was formed in January 1932 by a small group of physicians, scientists and engineers. The purpose of the club was to hold informal meetings to discuss research relating to dust, with major emphasis on silicosis. Dr. Drinker served as secretary of the club and came up with its name. "Konicide" means "eliminate the dust." The first official meeting was held at the Saranac Laboratory on April 2-3, 1932. A total of eight meetings were held after the initial formation of the group in January. The 1935 meeting was held at the U.S. Public Health Service Offices in Washington.

The Konicide Club played a leading role in the planning and conduct of two significant meetings in 1936. The first was the 1936 Silicosis conference and the second was the Mellon Institute. The Air Hygiene Foundation (now known as the Industrial Health Foundation) was formed out of the Mellon Institute meeting.

The issue of asbestos was touched upon by the Konicide Club at their November 11-12, 1933 meeting which was held at the University of Pennsylvania in Philadelphia. Dr. Gardner from Saranac Laboratory spoke on "What is Known about Asbestosis." The first meeting devoted to the health problems of the asbestos industry was held on January 22, 1939 at the University of Pennsylvania in Philadelphia.

Due to widening interests by non-members of the Konicide Club and other professions in the work that the Konicide Club was conducting and also due to the organization of the American Industrial Hygiene Association, the Konicide Club decided that it had served its purpose and disbanded. No further meetings were held after 1939.

Members of the Konicide Club included such entities as:

1. The U.S. Bureau of Mines
2. Owens-Illinois
3. Saranac Laboratory
4. Harvard School of Public Health
5. Metropolitan Life Insurance Co.
6. Westinghouse
7. Public Health Service

8. CT State Dept. of Health
9. University of Pennsylvania

Dr. Lyle T. Hazlett and Edgar C. Barnes were the members from Westinghouse. By way of further response, Westinghouse's industrial hygiene department would have been the most likely source of documents containing such information, if any. These documents, to the extent they exist, are within the custody and control of Westinghouse, are available for inspection and copying on a mutually convenient date in Pittsburgh, Pennsylvania.

30.2 Has any engineer, industrial hygienist or physician in your employ been a member in any professional group, trade group or any of the following groups:

Asbestos Textile Institute
National Insulation Manufacturers Association
Thermal Insulation Manufacturers Association
Quebec Asbestos Mining Association
Asbestos Information Association
Industrial Health Foundation
Industrial Hygiene Foundation
Iron and Steel Institute
National Safety Counsel
Refractories Institute
Air Hygiene Foundation of America, Inc.
Sprayed Mineral Fiber Association

If the answer is yes, state the following:

- (a) The name of the group or groups in which the individual(s) were members;
- (b) The name and position individual(s) within the Defendant, as defined, who were members;
- (c) The years the individual(s) were members of the groups;
- (d) Whether the Defendant paid the individual(s) dues or membership fees or reimbursed the individual(s) for dues or membership fees in the group.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Without waiving its objections, Westinghouse states that the Interrogatory, as applied to Westinghouse, is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to Westinghouse's response to Interrogatory No. 5, and without waiving any of its objections, Westinghouse states that if a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

Westinghouse has never been a member of the "asbestos industry" as that term is commonly used in asbestos litigation and therefore, has not been a member of organizations of the "asbestos industry," including the Asbestos Textile Institute; National Insulation Manufacturers Association; National Insulation Contractors Association; National Mineral Wool Association; Asbestos Cement Products Group; Air Hygiene Committee of the Asbestos Textile Institute; Asbestos Information Association; Quebec Asbestos Mining Association.

Westinghouse objects to the incredible burden which would be imposed by reviewing its records to identify organizations to which its thousands of employees (past or present) may have belonged over the past years. There is no central repository of such information. Individual Westinghouse health and safety professional employees have undoubtedly belonged to various professional, trade, industrial and safety, hygiene or health organizations. Westinghouse's records would not include the dates individual memberships were commenced or terminated or who, if anyone, attended meetings.

Westinghouse cannot reasonably determine all of the trade and industry associations, groups and organizations of which it has been a member, even just over

the past twenty-five years. Nevertheless, without waiving these objections, Westinghouse can verify the following memberships:

- (a) Charter member of the National Safety Council.
- (b) The Industrial Health Foundation and its predecessors in name (the Air Hygiene Foundation and the Industrial Hygiene Foundation), from approximately 1936 through 1984.

31. State in detail what test, if any, Defendant ever made with regard to the quantity, quality, or threshold limit values of asbestos dust, fibers or particles to which workers were exposed while using, working with and/or around, installing and/or applying your asbestos-containing products.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory Nos. 5 and 18.1.

Without waiving any of its objections, Westinghouse believes that it would have been aware of and would have adhered to established threshold limit values as a measure of good industrial hygiene practices. Subject to Westinghouse's response to Interrogatory No. 5, and without waiving any of its objections, Westinghouse states that if a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

32. For each test described in Interrogatory No. 31, please give the name of the person conducting the test, the date of the test, and attach true copies of any documents, including but not limited to, reports, findings or memoranda concerning such tests or studies.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its Answer to Interrogatory Nos. 5 and 31.

33. Please state the year that Defendant was first advised of either threshold values or maximum allowable concentrations of both asbestos dust and total dust by the American Conference of Governmental Industrial Hygienists and state the name of the employee/official of the company receiving such advice.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory Nos. 5 and 25. Without waiving its objections, Westinghouse understands that the American Conference of Governmental and Industrial Hygienists (ACGIH) defines threshold limit value-time weighted average (TLV-TWA) as the eight hour time weighted average concentration of a substance to which nearly all workers may be repeatedly exposed (day after day) without adverse effect. Westinghouse probably would have learned of the OSHA TLV standard on or about the time it was promulgated in 1972. Notice of the OSHA regulations was given to all Westinghouse divisions to ensure compliance as necessary. Westinghouse is unable to state the name of any single employee who received such information.

33.1 State whether this defendant at any time caused to be conducted on, any job site, any air sampling, dust counts, tests or other activities to determine air quality or worker safety. If your answer is in the affirmative, please indicate:

- (a) the date of any such air samples, tests, or activities;
- (b) by whom such activities were performed;
- (c) where such activities were performed;
- (d) the results of any such activities.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory Nos. 5 and 18.1. Westinghouse further objects to this interrogatory as argumentative to the extent it implies that Westinghouse

was under a duty to make inspections of work sites, or that any products sold by Westinghouse would expose workers to harmful dust levels. Plaintiffs' employer had complete control over the workplace and responsibility for insuring the safety of the workplace. Plaintiffs' employer could adequately train, supervise, and monitor its employees in proper methods to use and handle products used in the workplace, including asbestos-containing products.

In addition, this Interrogatory is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to the discovery of material or admissible evidence. The investigation necessary to adequately respond to this Interrogatory is oppressive in nature.

Moreover, Westinghouse objects to responding for any products not alleged to have contributed to the plaintiffs' injuries. Although products were sold directly to jobsites, they were also often sold to contractors and Westinghouse would have no knowledge of the actual location where those materials were used. Subject to Westinghouse's response to Interrogatory No. 5, and without waiving any of its objections, Westinghouse states that if a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

34. Does Defendant maintain a library dealing with industrial hygiene, medicine, safety and engineering and/or research? If so, state:

- (a) The date each such library was established;
- (b) The location of each library;
- (c) The name(s) of the librarian(s) since 1930;

- (d) List all journals subscribed to by you concerning asbestos, industrial hygiene, medicine, safety, and/or engineering;
- (e) List all books and articles dealing with asbestos and asbestos-related diseases and the date acquired.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its responses to Interrogatory Nos. 18, 18.1, 25, and 30. Westinghouse further objects to this Interrogatory, as applied to Westinghouse, on the grounds that it presupposes that Westinghouse is a member of the "asbestos industry" (i.e., an asbestos mining or bulk insulation manufacturing operation). Westinghouse is not and has never been a member of the asbestos mining and bulk insulation industry. Westinghouse has never mined or milled asbestos fiber or sold raw asbestos fiber products. Westinghouse further states that none of its present or former subsidiaries has ever been a miner or miller of asbestos fiber. Therefore, as applied to Westinghouse, this Interrogatory is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence.

By way of further response, and without waiving its objections, Westinghouse states that it does not maintain a single, central library. Westinghouse states that it maintains general reference materials and technical libraries throughout the corporation, which may include various industry periodicals, occupational health and medicine periodicals and other topical reference materials. There is no central indexing system that contains all of the information requested by this Interrogatory for all departments within the corporation. Westinghouse's Industrial Hygiene Department would have been the most likely source of documents containing such information, if any. Westinghouse opposes unfocused production of documents from this department. However, Westinghouse will make available, in response to specific requests targeted to

issues relevant in this case, certain specific documents collected from its Industrial Hygiene Department.

Westinghouse states that, as a member of the National Safety Council and Industrial Health Foundation, Westinghouse probably would have received the publications of those organizations routinely distributed to members of those organizations. Information regarding these publications should be sought from the organizations themselves and not from Westinghouse.

35. Did Defendant in the 1920's or 1930's commission, or participate in the arrangements with Metropolitan Life Insurance Company for studies at the Trudeau Foundation at Saranac Lake, New York, concerning the effect of inhalation or ingestion of asbestos fibers upon human and/or animal bodies.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Without waiving the foregoing, Westinghouse states that, while it may have become aware of Saranac studies through published material, Westinghouse, upon information and belief, did not commission or participate in the studies performed by the Saranac Lake Laboratory relating to asbestos exposure.

36. When was Defendant first aware of reports of studies of the Trudeau Foundation at Saranac Lake, New York, entitled "Effects of the Inhalation of Asbestos Dust in the Lungs of Asbestos Workers" by A.J. Lanza, Assistant Medical Director published in the J. Public Health Report, Vol. 50, No. 1, dated January 4, 1935 ("Lanza Report")?

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Without waiving the foregoing, Westinghouse states that it cannot state exactly when it may have first become aware of this study, which is related to asbestos

manufacturers and the asbestos industry of which Westinghouse is not, and never has been, a member.

36.1 Did you ever contract with Saranac Laboratories to study the hazards of any dust producing product manufactured by you (whether asbestos containing or not)? If so, identify by date and author all documents concerning or any way related to such study.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its responses to Interrogatory Nos. 5, 25 and 27. Without waiving any of its objections, Westinghouse states, upon information and belief, that it never contracted with Saranac Laboratories to analyze asbestos dust in general or any Westinghouse product (whether asbestos-containing or not).

36.2 Did you ever contract with Saranac Laboratories to analyze dust or products? If so, identify by date and author all documents concerning or any way related to such analysis.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory Nos. 5 and 36.1.

37. Please state whether the Defendant at any time has been a member of any "trade organization" or "trade association" composed by other manufacturers, miners, distributors, and/or sellers of asbestos-containing products and, if so, please identify the name and address of each such association or organization, the dates of membership, and the names of any publications issued or written by such association or organization.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its responses to Interrogatory Nos. 5, 30.1 and 30.2. Without waiving the foregoing, Westinghouse states that it has never been a member of the "asbestos

industry" as that term is commonly used in asbestos litigation, and, therefore, has not been a member of organizations of the "asbestos industry," including, for example, the Asbestos Textile Institute; National Insulation Manufacturers Association; National Insulation Contractors Association; National Mineral Wool Association; Asbestos Cement Products Group; Air Hygiene Committee of the Asbestos Textile Institute; Asbestos Information Association; Quebec Asbestos Mining Association.

Westinghouse further states that at the present time, it has not identified any information indicating that it was a member of the Asbestos Research Council of England; Refractories Institute, the 1964 N.Y Academy of Sciences, Institute of Environmental Health.

Westinghouse cannot reasonably determine all of the trade and industry associations, groups and organizations of which it has been a member over the past twenty-five years. Nevertheless, without waiving these objections, Westinghouse can verify the following memberships.

- (a) National Electrical Manufacturers Association ("NEMA"), 2101 L Street Northwest, Washington, D.C. NEMA is a trade organization for the electrical manufacturing industry, and includes companies that manufacture equipment used for the generation, transmission, distribution control and utilization of electrical power. Westinghouse has been a member of NEMA since its inception in 1926. Before that, Westinghouse was a member of a predecessor organization since about 1915.
- (b) The American Society for Testing and Materials ("ASTM"), 1016 Race Street, Philadelphia, PA. ASTM is an organization of engineers, scientists, professionals and others representing business firms, government agencies, educational institutions and laboratories. ASTM

established voluntary consensus standards for various products, materials and services.

- (c) Electronic Industries Association ("EIA"), Eye Street, N.W., Washington, D.C. EIA is an organization representing manufacturers of all types of electronic products which monitors and reports on regulatory and legislative events and provides informational services to its customers.**
- (d) American National Standards Institute ("ANSI"), 1430 Broadway, New York, New York. ANSI is a certification authority and clearing house for nationally coordinated voluntary safety, engineering and industrial standards.**
- (e) Charter member of the National Safety Council.**
- (f) The industrial Health Foundation and its predecessors in name (the Air Hygiene Foundation and the Industrial Hygiene Foundation), from approximately 1936 through 1984.**
- (g) The American Industrial Hygiene Association, in 1978.**
- (h) American Ceramics Society, 1935.**

Westinghouse objects to the incredible burden which would be imposed by reviewing its records to identify organizations to which its thousands of employees (past or present) may have belonged over the past years. There is no central repository of such information. Individual Westinghouse health and safety professional employees have undoubtedly belonged to various professional, trade, industrial and safety, hygiene or health organizations such as the American Industrial Hygiene Association, Health Physics Society, and the Society of Safety Engineers. Westinghouse's records would not include the dates individual memberships were commenced or terminated or who, if anyone, attended meetings.

38. With respect to each trade organization or association listed in answer to Interrogatory No. 37, please state whether the minutes of the group's meetings and any correspondence between the members of such groups concerning the hazards of asbestos exposure are available.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory Nos. 5 and 37.

39. Please identify by name the technical and trade association periodicals to which the Defendant subscribed, and state whether Defendant had knowledge of any articles being printed, or withheld from printing, in said periodicals pertaining to the potential hazards of asbestos. If so, please state the following:

- (a) The title of each such article;
- (b) The periodical in which each such article was published;
- (c) The date each such article was published;
- (d) A detailed explanation of the reason for withholding any such article for printing;
- (e) Produce documentation which refers, alludes or mentions articles which were withheld for publication.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its responses to Interrogatory Nos. 5, 30, 34 and 37.

40. Please state whether, prior to 1975, the Defendant sponsored, or attended any meeting, seminar, conference, convention or legislative hearing where the subject of occupational health and exposure to asbestos was discussed and, if so, please state the date and place of such meeting and the name and address of any speakers or participants.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its responses to Interrogatory Nos. 5, 30.1 and 30.2. Westinghouse further objects that it would be an unreasonable burden upon Westinghouse to review its records to determine which, if any, of its thousands of employees attended any meetings, conferences, conventions, etc. There is no central repository for such records.

WARNINGS/SALES PROMOTION

41. As to each product listed in response to Interrogatory No. 5, please state whether Defendant, at any time, published and/or distributed any printed materials, including but not limited to brochures, pamphlets, catalogs, packagings or other written materials of any kind or character that contain any warnings, cautions, caveats or directions concerning the possible health effects of the products on a person. If so, please state as to each product:

- (a) The name of each relevant product;
- (b) The wording of each such warning;
- (c) A description of each such printed material;
- (d) The method used to distribute the warning to persons who are likely to use the products;
- (e) The date each such warning was issued;
- (f) Whether any warning accompanied any of your asbestos-containing products' sales literature, handout or pamphlets;
- (g) Please attach a copy of the warning and date said warning was issued;
- (h) The name, address, and job classification of each person who presently has possession of the above-described documents;
- (i) The name or names and addresses of the company who provided, produced, or manufactured the boxes or containers on which the warning appeared and dates these boxes with the warnings appeared.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its responses to Interrogatory Nos. 5 and 18.

Westinghouse further objects to this Interrogatory as being argumentative to the extent that it implies that any Westinghouse product was or is unsafe, or that Westinghouse had or now has any duty to warn any purchaser or user as to the dangers of asbestos. To the contrary, Westinghouse states that Plaintiffs' employers were in the best position to monitor Plaintiffs' exposure to any asbestos, if any, present at the worksites where plaintiffs worked.

Without waiving the foregoing, Westinghouse states that most of its involvement with asbestos arose from situations where one small component of a complex product had some asbestos content. Many of these components were installed in a way that they would never be disturbed by, or visible to, buyers or users of the product. As applied to such products, the Interrogatory is overly broad, unduly burdensome and irrelevant, particularly in the absence of evidence that the products gave off respirable fibers affecting particular plaintiffs and in the absence of evidence that warnings were practicable on such products or would have been visible to an affected plaintiff. If plaintiffs will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in plaintiffs' presence, and for which plaintiffs may have seen the packaging, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

Westinghouse further objects to this Interrogatory as argumentative to the extent it implies that Westinghouse was under a duty to provide warnings for its products, or that any products sold by Westinghouse would expose workers to harmful dust levels. Plaintiffs' employers had complete control over the workplace and responsibility for insuring the safety of the workplace. Plaintiffs' employers could adequately train, supervise, and monitor their employees in proper methods to use and handle products used in the workplace, including asbestos-containing products. Furthermore, Westinghouse objects to this Interrogatory on the grounds that it is argumentative,

conclusory, and without foundation to the extent that it implies that all levels of asbestos exposure can result in development of health disorders. Without waiving its objections, Westinghouse states that it has learned that mere exposure to asbestos, without more, does not constitute a health risk.

Subject to Westinghouse's response to Interrogatory No. 5, and without waiving any of its objections, Westinghouse states that if a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

42. Has sales material been prepared by Defendant or its agents for purposes of marketing or advertising the asbestos products listed in answer to Interrogatory No. 5? If so, please state:

- (a) The name and address of each person or entity who prepared same;
- (b) The name, address and job title of each person who presently has possession of same;
- (c) The date same was prepared;
- (d) The media used to disseminate the sales material.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory No. 5. Subject to Westinghouse's response to Interrogatory No. 5, and without waiving any of its objections, Westinghouse states that if a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

By way of further response, Westinghouse states that it does not maintain its documents on the basis of products or the asbestos content of products. Consequently, this Interrogatory is overly burdensome, oppressive and requires an unreasonable effort from Westinghouse.

Without waiving any of its objections, Westinghouse has prepared and published various sales or promotional literature relating to the products it has manufactured over the years. Westinghouse brochures, pamphlets, catalogs, or other advertising materials are contained in the Pittsburgh document repository, as described in the Preliminary Statement. In addition, it is probable that Westinghouse brochures, pamphlets, catalogs, or other advertising materials might be located at almost every Westinghouse office in the world. Thus, Westinghouse objects to further responding to this overly broad and unduly burdensome Interrogatory.

43. Has any written material of any kind or character been prepared by Defendant, Defendant's predecessor or any of Defendant's subsidiary companies or their agents indicating how the products listed in answer to Interrogatory No. 5 should be used or maintained by the ultimate user or those working in facilities or at job sites where the product was used, installed or removed, including, but not limited to, those sites listed on the job site list attached as Exhibit A. If so, please state the following:

- (a) The name, address and job classification of each person who prepared same;
- (b) The name, address and job classification of each person who presently has possession of same;
- (c) The dates and manner in which said material was distributed to purchasers of the products in answer to Interrogatory No. 5.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory Nos. 5, 41 and 42. Subject to Westinghouse's response to Interrogatory No. 5, and without waiving any of its objections, Westinghouse states that if a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

44. Was any written material of any kind prepared by Defendant and distributed to those individuals listed in response to Interrogatory No. 9? If so, please state the following:

- (a) Identify the material by content and date;
- (b) To whom was it delivered.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory Nos. 5, 9, 41 and 42. Subject to

Westinghouse's response to Interrogatory No. 5, and without waiving any of its objections, Westinghouse states that if a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

45. Does Defendant contend that asbestos-containing products can be manufactured so as to eliminate all potential health hazards to persons working with or around, installing or applying same? If so, please state the following:

- (a) The date that Defendant first determined that another product could be used in place of asbestos;
- (b) The chemical of the substitute;
- (c) Whether the substitute is suitable for the purpose for which they are to be used;
- (d) Whether Defendant used the substitute for asbestos to 1971;
- (e) Whether Defendant ever used the substitute for asbestos for high or low heat insulation.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory No. 5. Westinghouse further objects to this Interrogatory on the grounds that it calls for medical and scientific opinions, which Westinghouse is not competent to render. Westinghouse further objects to this Interrogatory as it is argumentative and conclusory to the extent that it presumes that Westinghouse asbestos-containing products are hazardous without regard to variables including, without limitation, types of asbestos fiber and/or levels frequency of exposure. Subject to Westinghouse's response to Interrogatory No. 5, and without waiving any of its objections, Westinghouse states that if a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off

respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

Without waiving these objections, Westinghouse contends that some asbestos-containing products can be safe depending upon their low potential, if any, to release loose, friable fibers; or, because the asbestos ingredient in them does not become airborne due to its location and how the product is used.

Only loose, friable asbestos fibers are capable of being hazardous to a person. Products which are encapsulated by the manufacturing process, or encapsulated asbestos which is located in the internal components of a particular piece of equipment, or which, because of the nature of the product loose, friable fibers are not normally released, do not present a health risk.

Similarly, a product which might contain some amount of asbestos does not present a health risk to a particular worker unless that particular worker breathes sufficient quantities of fibers from that product.

46. Did Defendant give any warnings to any individuals at the sites listed on Exhibit A, including any individuals who owned, operated, or managed the facilities at the sites listed on Exhibit A, regarding the potential health hazards of any product listed in response to Interrogatory No. 5. If yes, please state:

- (a) Name of person most knowledgeable about this communication.
- (b) Name of person at the sites listed on Exhibit 1, attached hereto most knowledgeable about this communication.
- (c) Dates of each communication.
- (d) Contents of each communication.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory No. 5. Westinghouse further objects to this Interrogatory as argumentative to the extent that it implies that Westinghouse is now or had been under a duty to provide warnings for its products, or that any products sold by Westinghouse would expose workers to harmful dust levels. Plaintiffs' employers had complete control over the workplace and responsibility for insuring the safety of the workplace. Plaintiffs' employers could adequately train, supervise, and monitor its employees in proper methods to use and handle products used in the workplace, including asbestos-containing products.

KNOWLEDGE OF PREVIOUS INJURIES

47. Did any person prior to 1970, file a claim against any Workers' Compensation carrier covering Defendant alleging that he or she contracted a disease as a result of exposure to asbestos? If so, please state the following:

- (a) A list of each such claim by claimant's name, date filed, the caption and jurisdiction involved;
- (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 job classification of the person or persons having custody of the records pertaining to each such claim.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory No. 5. Westinghouse objects to this Interrogatory on the ground that it is overly broad, unduly burdensome, and seeks information that is irrelevant and immaterial to these proceedings and that is not reasonably calculated to lead to the discovery of relevant, material or admissible evidence. Westinghouse further objects to this Interrogatory to the extent that the attorney client privilege and/or work product doctrine is applicable.

Without waiving any of its objections, Westinghouse states, upon information and belief, that its earliest claim for asbestos-related illness occurred in 1975.

47.1 Please identify all documents concerning or in any way related to any decisions made by you to cease manufacturing asbestos-containing products.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory Nos. 5 and 45. Subject to Westinghouse's response to Interrogatory No. 5, and without waiving any of its objections, Westinghouse states that if a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

Without waiving its objections, Westinghouse states that, upon promulgation of OSHA regulations in 1972, Westinghouse undertook to review its manufacturing operations to determine whether asbestos substitution was necessary or appropriate. Westinghouse objects to plaintiffs' request for production of the OSHA regulations because they are public records, and, as such, are equally available to plaintiff at a substantially similar burden and expense as it would be for Westinghouse to locate and produce them.

47.2 Has any person or company from which you purchased asbestos containing products ever issued a recall of their products or taken any action to take those products off the market after said products were in your possession? If so, provide:

- (a) the date of said recall;**
- (b) the name of the company which issued the recall;**
- (c) a copy of the recall.**

ANSWER:

Westinghouse incorporates its Preliminary Statement and General Objections and its response to Interrogatory No. 5. Westinghouse further objects to this Interrogatory as being overbroad and irrelevant to the extent that any Westinghouse products were recalled for reasons totally unrelated to their asbestos content. Without waiving its objections, and based on information and belief, Westinghouse is not aware of any asbestos-containing products -- which Westinghouse must have necessarily purchased from another company -- having been recalled for any reason associated with asbestos or otherwise.

47.3 State what action, if any, you have ever taken since 1930 to minimize or eliminate any risk of occupational disease or pneumoconiosis to those at any time engaged in the manufacture or production of asbestos-containing products.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory No. 5. Without waiving its objections, Westinghouse states that its Industrial Hygiene and Safety personnel have endeavored at all times to keep generally abreast of developments pertaining to a wide range of industrial health issues, including asbestos. Individual plants are responsible for taking appropriate measures to reduce hazards in the workplace. Those measures would include, among others, providing adequate ventilation for Westinghouse employees to reduce plant dust, regardless of its characteristics. Process specifications included some warnings. In 1953 Westinghouse suggested the use of respirators in certain circumstances. Warnings related to asbestos exposure appeared on material cards and process specifications. Upon promulgation of the OSHA regulations in 1972, Westinghouse undertook to review its manufacturing operations to determine whether asbestos substitution was necessary or appropriate.

47.4 State what action, if any, you have ever taken since 1930 to minimize or eliminate any risk of occupational disease or pneumoconiosis to those at any time engaged in the use, as distinguished from the manufacture, or exposed to the use of asbestos-containing or industrial insulation products or who were otherwise exposed to asbestos-containing or industrial insulation products.

- (a) describe such action;
- (b) state when such action was taken;
- (c) state what written material exists related to such action;
- (d) state the names, job titles and last known address of the individuals who undertook such actions.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its responses to Interrogatory Nos. 5, 46 and 47.3. Subject to Westinghouse's response to Interrogatory No. 5, and without waiving any of its objections, Westinghouse states that if a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

48. Did Defendant receive notice prior to 1968 that any person was claiming injury as a result of using asbestos products manufactured, sold, installed, and/or distributed by Defendant? If so, please state:

- (a) The name and address of each claimant;.
- (b) The date of notice of each claim;
- (c) A description of the claim;
- (d) The type of injuries allegedly sustained;
- (e) The name and address of each attorney representing the individuals making such claims;

- (f) The style and court number of each such claim;
- (g) The resolution of each claim.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory Nos. 5 and 47. Westinghouse objects to this Interrogatory on the grounds that the information sought is irrelevant, unduly burdensome, vague and overly broad, and not reasonably calculated to lead to the discovery of admissible evidence. It also seeks information protected by the attorney/client privilege and the attorney work product doctrine. Without waiving its objections, and subject thereto, the first asbestos personal injury lawsuit against Westinghouse was filed in 1976. Westinghouse has been named as a defendant in state and federal actions in which the plaintiffs alleged that they have been injured as a result of being exposed to asbestos products sold by many companies, including Westinghouse.

48.1 Describe the method by which you have maintained records concerning the manufacture, sale, supply, distribution, use, advertising, delivery and/or installation or tear-out of each of asbestos-containing products. For each description provide the following:

- (a) each present and former company or corporate department, division or subdivision responsible for maintaining such records;
- (b) the manner in which the records are kept (e.g., boxes, computer tape, microfilm, etc.);
- (c) the inclusive dates of any such manufacturer, sale, supply, distribution, use, advertising, delivery, and/or installation or tearout which such record keeping system covers;
- (d) the present location at which all such records are maintained;
- (e) the identity of each person employed by you at any time from 1930 to the present who is or was responsible for the collection and maintenance of such records.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory No. 5. Subject to Westinghouse's response to Interrogatory No. 5, and without waiving any of its objections, Westinghouse states that if a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

Without waiving its objections, Westinghouse states that the corporate records policy is contained in the Controllers Manual. Part 7 of this manual deals with records management, and contains the general policies and operating procedures of the corporation in this area. They provide general guidance to the business units within the corporation, in determining the retention life of specific categories of documents. There has been no single length of time for which Westinghouse records have been retained. The various retention periods for different types of documents are determined by many factors, including: regulations and statutes in various jurisdictions; contractual requirements; types of documents; litigation requirements and available space. Documents have generally not been stored or retained according to supplier or customer name, nor by product or product component.

William P. McElravy, a corporate records manager for Westinghouse, has been deposed as the Westinghouse designee knowledgeable about the maintenance, retrieval and disposal of corporate records. A copy of that deposition will be made available upon request.

48.2 State whether any records concerning the manufacture, sale, supply, distribution, advertising, delivery, use or installation or tear-out of asbestos-containing products have been destroyed or discarded and if so, indicate:

- (a) the date and location of such destruction or discard;
- (b) the custodian and location of such records prior to their destruction or discard and the identity of each employee, representative, official or agent who ordered, authorized or supervised such destruction or discard.

ANSWER:

Westinghouse incorporates its Preliminary Statement and General Objections and its response to Interrogatory Nos. 5 and 48.1.

48.3 For all documents, other than invoices, work orders and/or purchase orders, which relate to matters relevant to the all the preceding interrogatories:

- (a) Is there any kind of index for the documents?
- (b) How many pages is the index of documents?
- (c) How many documents are referred to in the index?
- (d) Is the index maintained in electronic format (i.e. database, word processing or other computerized format)?
- (e) What manner of electronic format is used?

ANSWER:

Westinghouse incorporates its Preliminary Statement and General Objections and its response to Interrogatory No. 48.4.

48.4 For all invoices, work orders and/or purchase orders, which relate to matters relevant to the all the preceding interrogatories:

- (a) Is there any kind of index for the documents?
- (b) How many pages is the index of documents?
- (c) How many documents are referred to in the index?
- (d) Is the index maintained in electronic format (i.e. database, word processing or other computerized format)?
- (e) What manner of electronic format is used?

ANSWER:

Westinghouse incorporates its Preliminary Statement and General Objections and its response to Interrogatory No. 5. By way of further response, as stated in Westinghouse's response to Interrogatory No. 5 above, Westinghouse will make available to plaintiffs the responsive documents it has in its possession regarding the turbines identified in Westinghouse's response to Interrogatory No. 5.

PLAINTIFF/DECEDENT

49. Has Defendant obtained statement from any witnesses including the Plaintiffs?

If so, please:

- (a) list each witness who has given a statement and the name, address, and job title of each person having custody of any such statement.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory No. 5. Westinghouse further objects on the basis that this Interrogatory seeks information protected by the attorney-client privilege and/or the attorney work product doctrine. Without waiving these objections, Westinghouse states that to the extent Westinghouse may possess such statements, if any, the same would have been furnished to Westinghouse by plaintiffs' counsel.

50. Do you contend that the Plaintiff/Decedent improperly used those products listed in response to Interrogatory No. 5? If so, please set out in detail in what respect the product was improperly used.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory No. 5 and 55.1. Subject to Westinghouse's response to Interrogatory No. 5, and without waiving any of its objections, Westinghouse states that if a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or

her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

Without waiving the foregoing, Westinghouse states that discovery is on-going and Westinghouse reserves its right to raise any of its defenses to Plaintiffs' claims at time of trial.

51. As to the sites listed on Exhibit A, and as to each Plaintiff/Decedent, please state whether Defendant contends that there was any substance other than asbestos which contributed or caused Plaintiff/Decedents injuries. If your answer is yes, please state the following:

- (a) The facts upon which you rely;
- (b) The identity of the sources upon which you rely which substantiate these facts.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory Nos. 5 and 50. Westinghouse further objects to this Interrogatory to the extent that it seeks information regarding products other than the turbines listed in Westinghouses response to Interrogatory No. 5 above. By way of further response, as stated in Westinghouse's response to Interrogatory No. 5 above, Westinghouse will make available to plaintiffs the responsive documents it has in its possession regarding the turbines indentified in Westinghouse's response to Interrogatory No. 5.

By way of further response, Westinghouse states that its investigation and its discovery are ongoing. At such time as Westinghouse has obtained information regarding other possible sources of Plaintiffs' injuries, Westinghouse will supplement this response.

52. Would any respirator, mask or other breathing devices prevent inhalation of the asbestos dust and fibers contained in products listed in answer to Interrogatory No. 5? If so, state:

- (a) When the respirator was sold;
- (b) A detailed description of such respirator or other breathing devices, including name of manufacturer and model number;
- (c) The basis of your claim that such respirators or other breathing devices will prevent the inhalation of such dust and fibers;
- (d) Identify any tests performed regarding the efficaciousness of such respirators and other breathing devices in preventing the inhalation of asbestos dust and fibers including date, title, author and number,
- (e) List all documents which mention, allude or refer to tests performed on breathing devices which prevented the inhalation of asbestos dust and/or fibers.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory Nos. 5 and 46. Subject to Westinghouse's response to Interrogatory No. 5, and without waiving any of its objections, Westinghouse states that if a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

Westinghouse further objects to the Interrogatory as argumentative, in that it suggests Westinghouse products were in any way unsafe and/or that Westinghouse had or does have some duty to provide respirators and/or suggest that respirators be worn around any Westinghouse product. Plaintiffs' employers were in the best position to monitor the asbestos levels in plaintiffs' work areas; and, as such, the duty, if any, to provide or suggest the use of respirators was on plaintiffs' employers, and not on Westinghouse.

53. Does Defendant expect to call expert witnesses at the trial of this case? If so, please state the following:

- (a) Their identity, last known address;
- (b) The subject matter on which the expert is expected to testify;
- (c) The expert's specific conclusion and specific opinions and the specific basis therefore;
- (d) The expert's qualifications to render the opinions set forth above;
- (e) Whether any person identified in sub-paragraph (a) above has provided a report or other documentation to you, and if so, identify such document or report;
- (f) Identify all documents that you have provided to each person identified in response to sub-paragraph (a) above; and
- (g) Describe in detail, the education and work history of, and identify any books, treaties, article, published and unpublished reports, studies or other scholarly works authored by any individual identified in response to subparagraph (a) above. Alternatively, in lieu, of said response, attach a copy of a resume or curriculum vitae and a list of publications to your answer.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects on the basis that this Interrogatory seeks information protected by the attorney-client privilege and/or the attorney work product doctrine. Without waiving these objections, Westinghouse states that it has not yet determined what expert(s), if any, it will rely upon with regard to these cases. Westinghouse will furnish such information to plaintiffs' counsel in accordance with the requirements of the applicable procedural rules of this jurisdiction and/or the provisions of this Court's pretrial orders.

54. Please state the name and last known address of each expert witness who is not retained or employed for that purpose who is an employee of Defendant and will render an opinion within his expertise at the time of trial.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory No. 53.

55. Does Defendant admit that service of process was properly had on it in these cases? If not, please state why.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to the form of this Interrogatory as it is clearly a Request for Admission and not an Interrogatory.

Without waiving the foregoing objections, Westinghouse does not admit that it was properly served in the above-captioned cases and reserves its right to assert this defense at a subsequent point in this litigation.

55.1 For each and every affirmative defense asserted in the answering defendant's Answer to Plaintiffs' Complaint, the Cross-Claims or Counter-Claims of any party against this answering defendant state:

- (a) the facts upon which the answering defendant relies for each and every affirmative defense;**
- (b) each and every document which will be offered to prove each and every affirmative defense; and**
- (c) each and every witness who will testify in support of each and every affirmative defense.**
- (d) the substance and subject matter of the anticipated testimony of each witness identified in the preceding response.**

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory No. 5. Without waiving the foregoing, Westinghouse states that, at present, it is unable to answer this Interrogatory. Discovery is ongoing, and once Westinghouse is able to fully respond to this

Interrogatory, Westinghouse will supplement this answer, as appropriate. Westinghouse further states that it reserves its right to assert any and all affirmative defenses set forth in its timely-filed Answer.

56. Does Defendant have policies of insurance that might cover the claims that have been made by the Plaintiffs herein?

- (a) If so, please list the name of each insurance carrier who may have coverage, the amount of such coverage, and the dates of each such policy.**

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Without waiving its objections, and subject thereto, Westinghouse responds that it has and has had numerous policies of insurance, both primary and excess (or umbrella policies), covering claims for alleged bodily injury. Coverage under the various policies may depend on a plaintiff's alleged dates of direct exposure, exposure in residence, manifestation, or other pertinent dates. Westinghouse states that it is either insured or is self-insured and has assets sufficient to respond to a judgment in this action.

It would be extremely burdensome, and very likely impossible, for Westinghouse to provide information relating to the numerous insurance policies which might apply to each individual plaintiff involved in this complex asbestos litigation.

56.1 Have you ever been involved in any litigation concerning potential insurance coverage for asbestos products liability matters? If so, please state:

- (a) the case caption, court and date of filing of each case in which you have been involved;**
- (b) whether you were plaintiff or defendant;**
- (c) a brief statement of the issues;**
- (d) identify by date, author and recipient(s), (including recipients of carbon copies) all documents listed as exhibits by either party in this litigation;**

- (e) identify by deponent and date all individuals who were deposed in these cases;
- (f) identify by date, author and recipient(s) all documents that have been placed on a protective order in such litigation;
- (g) identify all expert witnesses retained for use at trial in any of the above litigation by name, address and telephone number.

ANSWER:

Westinghouse incorporates its Preliminary Statement and General Objections and its response to Interrogatory No. 5. Westinghouse further objects to this Interrogatory as over-broad, unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings. Westinghouse further states that the information sought in this Interrogatory would only become tangentially relevant if Westinghouse were to be found liable for Plaintiffs' alleged asbestos-related injuries and Westinghouse were then unable to pay the amount fixed by the Court upon the jury's verdict.

57. Please state the name and address of each person who has knowledge of relevant facts regarding claims and defenses of this lawsuit.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory No. 5. Westinghouse further objects to this Interrogatory as being overly broad, unduly burdensome, and so vague as to be unanswerable. Westinghouse further objects to this Interrogatory to the extent that it seeks information protected by the attorney-client privilege and/or the attorney work-product doctrine. Without waiving the foregoing objections, if plaintiffs will reasonably tailor this Interrogatory to specify some discernable subject matter, which is both relevant and material to the pending action, Westinghouse will endeavor to answer it to the extent Westinghouse can reasonably do so.

58. State the last date that this Defendant sold, distributed, manufactured, installed, and/or otherwise placed asbestos-containing products into the stream of commerce.

ANSWER:

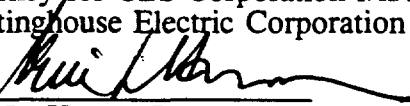
Westinghouse incorporates by reference its Preliminary Statement and General Objections and its response to Interrogatory Nos. 5 and 47.1. Subject to Westinghouse's response to Interrogatory No. 5, and without waiving any of its objections, Westinghouse states that if a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

Respectfully submitted,

Robin E. Harvey, Esq. (0014183)

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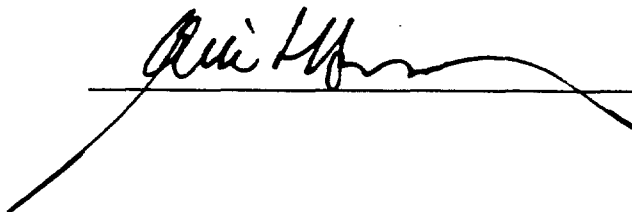
Dated: May 18, 1998

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Defendant's Responses to Plaintiffs' Master Set of Interrogatories Propounded to Westinghouse Electric Corporation**, were served to the following by deposit in First Class U.S. Mail, postage prepaid, this 18th day of May, 1998:

STEVEN D. WOLENS
Baron & Budd, A Professional Corporation
The Centrum, Suite 1100
3102 Oak Lawn Avenue
Dallas, TX 75219

BRUCE CARTER
Baron & Budd, A Professional Corporation
43-B New Garver Road
Monroe, OH 45050



COMMONWEALTH OF PENNSYLVANIA)
)
COUNTY OF ALLEGHENY) SS:

Before me, the undersigned authority, a Notary Public in and for said Commonwealth and County, personally appeared Janice A. Fall, who, being duly sworn according to law, deposes and says that she is Assistant Secretary of CBS Corporation, formerly known as Westinghouse Electric Corporation, and that she signs the foregoing CBS CORPORATION'S RESPONSE TO PLAINTIFFS' INTERROGATORIES TO DEFENDANT on behalf of that defendant and is duly authorized to do so; that the matters stated in the foregoing document are not necessarily within the personal knowledge of deponent and that deponent is informed that there is no officer of CBS Corporation, formerly known as Westinghouse Electric Corporation, who has personal knowledge of all such matters; and that the facts stated in the foregoing document have been assembled by authorized employees and counsel of defendant and deponent is informed by those authorized employees and counsel that the facts stated in the foregoing document are true.



Janice A. Fall
Assistant Secretary

Sworn to and subscribed
before me this 14th day
of May, 1998.



Notary Public

