

ABATE, et al., * IN THE
Plaintiffs * CIRCUIT COURT
v. * FOR
CandS, et al., * BALTIMORE CITY
Defendants * CONSOLIDATION NO. 89236704

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SUPPLEMENTAL RESPONSE OF GAF CORPORATION TO
PLAINTIFFS' SUPPLEMENTAL INTERROGATORIES

GAF Corporation ("GAF") hereby supplements its Response to Plaintiffs' Supplemental Interrogatories ("the Interrogatories") only pursuant to, under the protection of and to the extent that such requests comply with the Maryland Rules as follows:

GENERAL OBJECTIONS

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

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

3. GAF objects to these Interrogatories to the extent that they seek to require it to respond other than in accordance with the applicable Maryland Rules. Thus, GAF declines any obligation to (a) locate or interview former employees or any other person not presently employed or engaged by GAF; (b) generate documents not presently existing; (c) describe its unsuccessful efforts to answer.

Subject to the foregoing objections, GAF supplements its Response to Plaintiffs' Supplemental Interrogatories without waiver and with preservation of:

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

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

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

SUPPLEMENTAL INTERROGATORIES

SUPPLEMENTAL INTERROGATORY NO. 57:

Please state the total number of your present or former employees, categorized by manufacturing plant, contract unit or other business division, who are now receiving or who have ever received benefits under any Occupational Disease or Workmen's Compensation Statute for each year from 1930 until the present time for each of the following:

- (a) Asbestosis;
- (b) Lung Cancer;
- (c) Mesothelioma;

(d) Any other pulmonary disorder;

(e) Gastrointestinal System Cancer.

SUPPLEMENTAL RESPONSE TO SUPPLEMENTAL INTERROGATORY NO. 57:

This defendant objects to this interrogatory for the reasons set forth in the preliminary paragraphs of this response and on the further grounds that, because the plaintiffs were not employees of this defendant, the interrogatory is irrelevant and immaterial and seeks information not reasonably calculated to lead to the discovery of admissible evidence. Subject to these objections, and without waiver thereof, this defendant states that it has received some workers' compensations claims which might relate to one or more of the sub-categories inquired into by this interrogatory. Often, where a worker's complaints relate to the lungs, the claim is described as simply "pulmonary," which is not sufficiently specific to permit a more detailed response, or even to determine whether the claim is in any way applicable to this question. Furthermore, GAF has no compilation of the information requested by this interrogatory. It could not respond without searching through voluminous workers' compensation files which it maintains. Since that review could be accomplished with equal ease by plaintiffs, this defendant is prepared to make mutually agreeable arrangements for plaintiffs to inspect such files, from which the information herein sought, if any, may be gleaned.

SUPPLEMENTAL INTERROGATORY NO. 60:

Please state whether you exported asbestos-containing products to a country without attaching warning or caution labels regarding

defendant does not now have any original documentation of this claim in its possession. Furthermore, it is not aware of any earlier such claims alleged to have been filed by mine employees.

SUPPLEMENTAL GAF-SPECIFIC INTERROGATORY NO. 4:

Please state for each of the following asbestos product manufacturing facilities whether you ever received a workers' compensation claim filed by an employee therein alleging that he suffered from asbestos-related lung disease or whether you ever received notice that an employee therein was claiming he suffered from asbestos-related lung disease:

- (a) South Bound Brook, N.J.
- (b) Gloucester, N.J.
- (c) Linden, N.J.
- (d) Erie, Pa.
- (e) Mobile, Al.
- (f) St. Louis, Mo.
- (g) Baltimore, Md.

SUPPLEMENTAL RESPONSE TO SUPPLEMENTAL GAF-SPECIFIC INTERROGATORY NO. 4:

Defendant objects to this Interrogatory on the grounds stated in the preliminary paragraphs. GAF also objects to the Interrogatory on the grounds that it is irrelevant, immaterial, unduly burdensome and not calculated to lead to admissible evidence. Without waiving these objections, this defendant states that it has received some workers' compensation claims which might relate to "asbestos-related lung disease." Often, where a worker's

complaints relate to the lungs, the claim is described as simply "pulmonary," which is not sufficiently specific to permit a more detailed response, or even to determine whether the claim is in any way applicable to this question. Furthermore, GAF has no compilation of the information requested by this interrogatory. It could not respond without searching through voluminous workers' compensation files which it maintains. Since that review could be accomplished with equal ease by plaintiffs, this defendant is prepared to make mutually agreeable arrangements for plaintiffs to inspect such files, from which the information herein sought, if any, may be gleaned.

SUPPLEMENTAL GAF-SPECIFIC INTERROGATORY NO. 5:

If you answered any subpart to the preceding interrogatory in the affirmative, please state for each such manufacturing facility:

- (a) each claimant's name and occupation;
- (b) each claimant's date of diagnosis;
- (c) the date you first became aware of each claimant's allegation and/or workers' compensation claim;
- (d) the disease alleged by each claimant;
- (e) the name of the Court in which it was filed; and
- (f) the judgment rendered, if any.

SUPPLEMENTAL RESPONSE TO SUPPLEMENTAL GAF-SPECIFIC INTERROGATORY NO. 5:

Defendant objects to this Interrogatory on the grounds stated in the preliminary paragraphs. GAF also objects to the Interrogatory on the grounds that it is irrelevant, immaterial, unduly burdensome and not calculated to lead to admissible

evidence. Without waiving these objections, this defendant states that it has received some workers' compensation claims which might relate to "asbestos-related lung disease." Often, where a worker's complaints relate to the lungs, the claim is described as simply "pulmonary," which is not sufficiently specific to permit a more detailed response, or even to determine whether the claim is in any way applicable to this question. Furthermore, GAF has no compilation of the information requested by this interrogatory. It could not respond without searching through voluminous workers' compensation files which it maintains. Since that review could be accomplished with equal ease by plaintiffs, this defendant is prepared to make mutually agreeable arrangements for plaintiffs to inspect such files, from which the information herein sought, if any, may be gleaned.

SUPPLEMENTAL GAF-SPECIFIC INTERROGATORY NO. 6:

As to K.H. Behre, please identify:

(a) all his job titles, corporate positions and responsibilities while employed by you and/or on your Board of Directors;

(b) the dates of each of his jobs referenced above; and

(c) when he first became aware of the potential health hazards of asbestos exposure.

SUPPLEMENTAL RESPONSE TO SUPPLEMENTAL GAF-SPECIFIC INTERROGATORY NO. 6:

Subject to the preliminary objections, and without waiver hereof, this defendant states: Mr. Behre joined a division of Beroid as a salesman in 1938. He moved in 1939 to New York,