

RECEIVED
JUN 19 1987

NO. 86-G-2460

ERMA FAYE HARRIS, INDIVIDUALLY \$
AND AS NEXT FRIEND OF WESLEY \$
HARRIS, A MINOR, BETTY HARRIS \$
ALLEN, PHYLLIS HARRIS KIRBY \$
AND JAMES HARRIS, \$
ADULT CHILDREN \$

VS. \$

THE DOW CHEMICAL COMPANY, \$
ET AL \$

ROBERT C. FLOYD
IN THE DISTRICT COURT OF

BRAZORIA COUNTY, TEXAS \$

151ST JUDICIAL DISTRICT \$

DEFENDANT, W. R. ZANES & COMPANY OF LOUISIANA, INC.'S
ANSWERS TO PLAINTIFFS' INTERROGATORIES

TO: Plaintiffs, by and through their attorney of record, J. Ronald
Tucker, J. Ronald Tucker & Associates, 1100 Leeland, Houston,
Texas 77002-7697

Pursuant to Rule 168 of the Texas Rules of Civil Procedure,
the Defendant, W. R. Zanes & Company of Louisiana, Inc., by and
through its attorney of record, hereby submits its answers to
the written interrogatories propounded to it by the Plaintiffs
and their attorney of record.

Respectfully submitted,

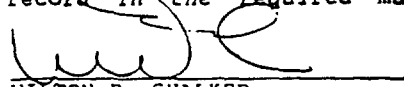
LORANCE & THOMPSON


WILTON F. CHALKER
TBN: 04059600
303 Jackson Hill, Suite 300
Houston, Texas 77007
(713) 868-5560

ST0010499

CERTIFICATE OF SERVICE

That on this the 16th day of June, 1987, I hereby certify
that a true and correct copy of the foregoing instrument has been
forwarded to all counsel of record in the required manner.


WILTON F. CHALKER

ST0010500

1. Does your company manufacture asbestos insulation or asbestos containing materials? If the answer is yes, please describe in full, exact and precise detail what products you manufacture of have ever manufactured in the past, giving the dates that those products were manufactured and the brand name under which those manufactured asbestos containing products were marketed.

ANSWER: W. R. Zanes does not manufacture asbestos insulation or any other product. We are a service organization.

2. Please state the beginning date on which your company began manufacturing asbestos and/or asbestos containing products and list each year after that date which your company manufactured asbestos and/or asbestos containing products, giving the brand names under which the products were marketed in each year and if your company has stopped manufacturing such products, give the date on which said products were last manufactured or produced.

ANSWER: Not applicable.

3. Please state your name, official title, address, and the capacity in which you are answering these interrogatories.

ANSWER: Don L. Downing, Chairman of the Board, W. R. Zanes & Company of Louisiana, Inc.

4. Please state the name, address and occupation of any and all parties who contributed any information to the answering of these interrogatories.

ANSWER: William St. John, Jr., President, W. R. Zanes & Company of Louisiana, Inc.

5. Did this Defendant, between the years of 1951 and present, manufacture and/or sell and/or furnish asbestos containing products for use by Dow Chemical Company and/or Dow Badische and/or Badische Corporation? If the answer is yes, please list the dates upon which such products were furnished and/or sold to Dow Chemical Company, Dow Badische, and/or Badische Corporation and attach any and all sales invoices for asbestos containing products to these companies.

ANSWER: No

6. Give the name and trade name of all types of asbestos containing materials manufactured or sold by you, giving the dates that you began to manufacture or sell such materials. Include for each a description of the materials, including the asbestos and silica content.

ANSWER: W. R. Zanes & Company of Louisiana, Inc. does not manufacture or sell any asbestos containing materials.

7. Before placing your asbestos containing products on the market, did you make, or cause to be made, any studies to determine whether your products would be hazardous to persons who would be handling them? If so, please state what study, or studies were done, by whom and what dates.

ANSWER: Not applicable.

8. When was your company first aware that asbestosis could occur among workers who were exposed to the inhalation of asbestos fibers from products manufactured or sold by you?

ANSWER: Not applicable.

9. What steps were instituted to prevent damage or further damage to the workers exposed to asbestos?

ANSWER: Not applicable.

10. Has your company been sued prior to this occurrence for any claim related to asbestos damage? If so, state:

- a. Cause number and style of the case
- b. City, county and state where filed
- c. List all parties to the suit
- d. List all attorneys involved in the suit
- e. The result of the suit
- f. The dates of such filings

ANSWER: See attached sheet.

ST0010501

11. Have you ever been fined or otherwise forced to take corrective action regarding asbestos hazards as a result of an inspection by OSHA or any other governmental agency? If so, state when and by what agency.

ANSWER: No

12. a. How many current and previous employees of your company have made a claim or claims for damages as a result of exposure to asbestos prior to 1987?

ANSWER: None.

- b. List each employee or former employee and give the date of such claim and the disposition of the claim.

ANSWER: Not applicable.

13. In accordance with Rule 166b2(d)(1), please state the name, address and telephone number of any expert witness(es) whom you intend to call upon to testify in your behalf in the trial of this cause and for each such expert, a brief synopsis of the expected testimony and subject matter said expert(s) will be testifying to.

ANSWER: Not known at this time.

14. Do you maintain an OSHA log at your facility? If so, how many years do you keep such logs? In answering this interrogatory, please attach copies of all such logs as you have in your possession or under your care, custody and/or control.

ANSWER: Logs are kept a minimum of five (5) years.

ST0010502

15. Please list your chief safety engineers or other type safety officers for the years 1951 to present with complete addresses for each such person.

ANSWER: None.

16. What type of warnings regarding the dangers inherent in working around asbestos were disseminated to your employees from the time your company first became aware of the dangers of asbestos through the present? In answering this interrogatory, please attach true, correct and complete copies of all such warnings.

ANSWER: Our employees do not work with asbestos.

17. What safety measures and devices such as respirators, were implemented to protect your employees and required after your company first became aware of the dangers of asbestos and what years such measures and devices were required.

ANSWER: Not applicable.

18. What type of decontamination procedures were instituted, and when, to reduce the risk of exposure to asbestos of your employees?

ANSWER: Not applicable.

19. Please list your workers compensation carrier and address of same for each year from 1951 through the present.

ANSWER: Our insurance has historically been placed with Trinity Companies.

ST0010503

20. Has your company ever been a member of any of the below listed organizations or associations? If yes, give the dates in which your company was a member of each organization.

- a. Thermal Insulation Manufacturer Association, Inc.
- b. National Insulation Manufacturers Association, Inc.
- c. Asbestos Insulation Association
- d. Asbestos Textile Institute
- e. Industrial Hygiene Foundation of America or its successor, Industrial Health Foundation

ANSWER: No

21. Prior to 1960, did you or your predecessor ever have any labor inspectors or anyone from your company whose job it was to go into areas where your products were being used or installed, to make a dust level count? If so, state when this procedure started, the purpose of such procedure, and what action, if any, was taken in response to these findings.

ANSWER: Not applicable.

22. Please state whether or not any division of your company or subsidiary engaged in any activity involving the use of asbestos or asbestos products, had any claims for lung diseases or death from lung disease attributable from asbestosis, mesothelioma, lung cancer, broncogenic cancer or metastatic carcinoma. If the answer is yes, give the name of such employees and attach copies of such claims.

ANSWER: Not applicable.

23. Has your company, or its predecessor, ever conducted any studies concerning the effects of the inhalation of asbestos dust fibers on one using or being exposed to any of the asbestos materials manufactured, sold, or distributed by you. If your answer is yes, give the date and nature of such studies, the name of the persons conducting such studies, the purpose of the study(ies), and attach a copy of any report based upon studies.

ANSWER: Not applicable.

ST0010504

24. State the year that this Defendant, or any predecessor, was first advised of either threshold limit values, or maximum allowable concentrations of both asbestos dust and total dust by the American Conference of Governmental Industrial Hygienist, and state the name of the employee-official of the company receiving such advice and attach copies of the instrument communicating such advice.

ANSWER: Not advised.

25. When do you contend the state of the medical literature was such that you had a duty to warn persons exposed to asbestos containing products or asbestos dust that such exposure could cause severe, disabling lung disease, including but not limited to, chronic obstructive pulmonary disease, asbestosis, mesothelioma, carcinoma and/or chronic bronchitis?

ANSWER: Not applicable.

26. Does Defendant contend that asbestos products can be manufactured so as to eliminate all potential health hazards to workers working with them? If yes, explain fully.

ANSWER: Not applicable.

27. Is it possible for a layman to distinguish your asbestos containing products from those manufactured or distributed by your competitors when such products have been removed from their container or containers? If so, please describe how you contend your product can be distinguished from those of a competitor.

ANSWER: We do not have any asbestos containing products.

28. Was such threshold limit value or maximum allowable concentration inquired about in Interrogatory Number 25 total dust or just asbestos dust?

-----ANSWER: Not applicable.-----

ST0010505

29. Please state what percentage of the total market for asbestos and/or asbestos containing products, including asbestos insulation your company has realized from the date which your company first began manufacturing and marketing asbestos containing products and each year thereafter, until the present date or until the date that you last manufactured these products. In answering this Interrogatory, answer first on the basis of nationwide sales and secondly, on the basis of sales within the State of Texas, either direct sales, or sales through distributors and/or retailers.

ANSWER: We are not in this market.

30. What relationship has existed since 1951 and continuing to the present, between your company and Dow Chemical Company and/or Dow Badische and/or Badische Corporation? In answering this Interrogatory, give the information for each year from 1951 to 1987.

ANSWER: W. R. Zanes & Company of Louisiana, Inc. has been and still is a customs house broker for these companies.

ST0010506

Answer to Interrogatory No. 10

1. (a) Cause No. H-84-606, George Knowles vs. Lykes Bros. Steamship Co., Inc., et al vs. ACandS, Inc., et al.
(b) United States District Court for the Southern District of Texas, Houston Division.
(c) Plaintiff, George Knowles; all other Defendants in this suit are a matter of public record.
(d) Plaintiff's attorney is Stephen M. Vaughan, Mandell & Wright, 712 Main Street, Suite 1600, Houston, Texas 77002. All defense counsel are a matter of public record.
(e) Dismissed as to us.
(f) 2-3-84
2. (a) Cause No. H-82-3713, Mary E. Thierry, Widow of Frank G. Thierry, Deceased, Mary Ann Wilson, Juanita Thierry, Kenneth Wayne Thierry and Frank G. Thierry, Jr. vs. Lykes Bros. Steamship Co., Inc., et al vs. ACandS, Inc., et al.
(b) United States District Court for the Southern District of Texas, Houston Division.
(c) Plaintiffs, Mary E. Thierry, Widow of Frank G. Thierry, Mary Ann Wilson, Juanita Thierry, Kenneth Wayne Thierry and Frank G. Thierry, Jr.; all other Defendants in this suit are a matter of public record.
(d) Plaintiffs' attorney is Stephen M. Vaughan, Mandell & Wright, 712 Main Street, Suite 1600, Houston, Texas 77002. All defense counsel are a matter of public record.
(e) Dismissed as to us.
(f) 2-6-84
3. (a) Cause No. H-83-1039, John Wesley Harris vs. Lykes Bros. Steamship Co., Inc., et al vs. ACandS, Inc., et al.
Relative? (b) United States District Court for the Southern District of Texas, Houston Division.
(c) Plaintiff, John Wesley Harris; all other Defendants in this suit are a matter of public record.
(d) Plaintiff's attorney is Stephen M. Vaughan, Mandell & Wright, 712 Main Street, Suite 1600, Houston, Texas 77002. All defense counsel are a matter of public record.
(e) Dismissed as to us.
(f) 3-12-84
4. (a) Cause No. 86-CV1030, Leroy Wilkes vs. City of Galveston, Texas d/b/a Galveston Wharves, etc., et al.
(b) 212th Judicial District Court of Galveston County, Texas.
(c) Plaintiff, Leroy Wilkes; all other Defendants in this suit are a matter of public record.
(d) Plaintiff's attorney is Robert D. Rapp, Mandell & Wright, 712 Main Street, Suite 1600, Houston, Texas 77002. All defense counsel are a matter of public record.
(e) Pending.
(f) October, 1986.
5. (a) Cause No. H-82-2386, Sandra Jean Randolph, Independent Executrix of the Estate of Philip R. Trevilion vs. Lykes Bros. Steamship Co., Inc., et al.
(b) United States District Court for the Southern District of Texas, Houston Division.
(c) Plaintiff, Sandra Jean Randolph; all other Defendants in this suit are a matter of public record.
(d) Plaintiff's attorney is Atreus M. Clay, 5643 Turtle Creek, Houston, Texas 77017. All defense counsel are a matter of public record.
(e) Dismissed as to us.
(f) 2-1-84

ST0010507

6. (a) Cause No. H-83-4564, Roger D. Caldwell vs. Lykes Bros. Steamship Co., Inc., et al vs. ACandS, Inc., et al.
(b) United States District Court for the Southern District of Texas, Houston Division.
(c) Plaintiff, Roger D. Caldwell; all other Defendants in this suit are a matter of public record.
(d) Plaintiff's attorney is Atreus M. Clay, 5225 Allendale, Houston, Texas 77017. All defense counsel are a matter of public record.
(e) Dismissed as to us.
(f) February, 1984.
7. (a) Cause No. H-83-4015, Dollie Mae Richard, Representative of the Estate of Murphy Richard, Deceased, Individually, and Brenda Richard DeRouselle and Michael W. Richard vs. Lykes Bros. Steamship Co., Inc. vs. ACandS, Inc., et al.
(b) United States District Court for the Southern District of Texas, Houston Division.
(c) Plaintiffs, Dollie Mae Richard, Brenda Richard DeRouselle and Michael W. Richard; all other Defendants in this suit are a matter of public record.
(d) Plaintiffs' attorney is Stephen M. Vaughan, Mandell & Wright, 712 Main Street, Suite 1600, Houston, Texas 77002. All defense counsel are a matter of public record.
(e) Dismissed as to us.
(f) 2-2-84
8. (a) Cause No. H-83-196, Dorothy A. Moses, Widow of A. C. Moses, Deceased, Individually and as Natural Guardian of Daphne Elaine Moses, Stephanie Delane Moses and Permelia Felice Moses, Children vs. Lykes Bros. Steamship Co., Inc., et al vs. ACandS, Inc., et al.
(b) United States District Court for the Southern District of Texas, Houston Division.
(c) Plaintiffs, Dorothy A. Moses, Daphne Elaine Moses, Stephanie Delane Moses and Permelia Felice Moses; all other Defendants in this suit are a matter of public record.
(d) Plaintiffs' attorney is Stephen M. Vaughan, Mandell & Wright, 712 Main Street, Suite 1600, Houston, Texas 77002. All defense counsel are a matter of public record.
(e) Dismissed as to us.
(f) 5-1-84
9. (a) Cause No. H-83-124, Isiah Allen, Jr., et al vs. Lykes Bros. Steamship Co., Inc., et al vs. ACandS, Inc., et al.
(b) United States District Court for the Southern District of Texas, Houston Division.
(c) Plaintiffs, Isiah Allen, Jr. and numerous others; all other Defendants in this suit are a matter of public record.
(d) Plaintiffs' attorney is Stephen M. Vaughan, Mandell & Wright, 712 Main Street, Suite 1600, Houston, Texas 77002. All defense counsel are a matter of public record.
(e) Dismissed as to us.
(f) 2-7-84

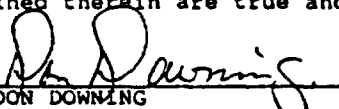
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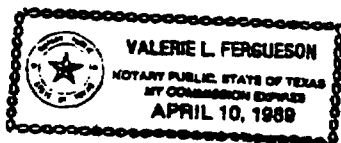
STATE OF TEXAS
COUNTY OF HARRIS

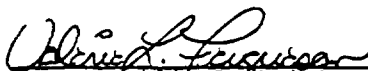
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BEFORE ME, the undersigned authority, on this day personally appeared Don Downing, who after being duly sworn, did on his oath depose and say that he has signed the foregoing ANSWERS TO INTERROGATORIES and that the facts contained therein are true and correct.


DON DOWNING

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this
27th day of May, 1987.




Notary Public In And For
The State of Texas
My Commission Expires:

ST0010509

LAW OFFICES
LORANCE & THOMPSON

a professional corporation

303 Jackson Hill at Memorial Drive
Suite 100
Houston, Texas 77007

713-888-5580

TELEX 751048 L-T HOU UD

PHILIP C. SUMMERS
RONALD L. BAIR
DOUGLAS C. CLARK
LYNNE D. LANNING
RICHARD L. ELLISON
VICKI F. BRAHN
DEAN R. OLSON
GLENN J. FAHL
LANCE OLINDE, JR.
DAVID W. PRASIFKA
MARK D. FLANAGAN
JOHN A. MALLIN, III
GWEN W. DOBROWSKI

CONROE OFFICE
NORTH THOMPSON
SUITE D
CONROE, TEXAS 77301
808-758-8144

TOM LORANCE
LARRY D. THOMPSON
WAYNE ADAMS
FRANK B. STAHL, JR.
WILLIAM K. LUTTIES
CLIFFORD A. LAWRENCE, JR.
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TEXAS BOARD OF LEGAL SPECIALIZATION

June 18, 1987

RECEIVED

JUN 19 1987

Ms. Frances Bennett
District Clerk-Brazoria County
400 N. Velasco
Angleton, Texas 77515

ROBERT C. FLOYD

Re: Cause No. 86-G-2460

Erma Faye Harris, et al vs. The Dow Chemical Company, et al
151st Judicial District Court of Brazoria County, Texas

Dear Ms. Bennett:

Please find enclosed Defendant, W. R. Zanes & Company of Louisiana, Inc.'s Answers to Plaintiffs' Interrogatories in the above numbered and captioned cause. Please file same among the papers and documents in this cause.

Please acknowledge receipt by file stamping the enclosed copy of the front sheet and return to me in the enclosed self-addressed stamped envelope.

By copy of this letter, I am forwarding a copy of said document to all counsel of record.

Thank you for your assistance in this matter.

Sincerely yours,

LORANCE & THOMPSON

Wilton F. Chalker

WFC/vlf

Enclosures-

cc: All counsel of record
Client

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