

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND
FOR DADE COUNTY, FLORIDA

IN RE: ASBESTOS LITIGATION

GENERAL JURISDICTION DIVISION

CASE NO.: 91-80,000 (42)

RESPONSE OF DEFENDANT ACandS, INC. TO
PLAINTIFFS' MASTER PRELIMINARY INTERROGATORIES
AND REQUESTS FOR PRODUCTION TO DEFENDANTS

Preliminary Statement

The information used in answering these interrogatories and document requests was assembled by authorized employees and counsel for ACandS, Inc. ("ACandS") and was derived primarily from an ongoing review of ACandS' records and information compiled from past and ongoing discussions with ACandS' past and present employees. Because much of the information asked about is of, or relates to, events of years ago, it is difficult, if not impossible, for ACandS to retrieve or reconstruct some of it. Therefore, ACandS reserves the right to amend these responses if new or more accurate information becomes available, or if errors are discovered. Furthermore, these responses are given without prejudice to ACandS' right to rely at trial on subsequently discovered information or on information inadvertently omitted from these answers as a result of mistake, error or oversight.

Many of these interrogatories and document requests appear to be form questions directed to the activities, organization and structure of companies which are or were engaged in the mining and/or manufacture of asbestos or asbestos-

containing products and facts and issues relevant to claims against such companies. Unlike the vast majority of defendants in asbestos-related litigation, ACandS was not a miner or manufacturer of asbestos or asbestos-containing products. The Company is, and has been since it began operation in 1958, a contracting company primarily engaged in the installation of thermal insulation materials. The Company utilizes and provides various thermal insulation materials as they are called for by contract requirements/specifications.

During the period from January 1, 1958 through 1973, some of those materials contained asbestos. To the extent that these interrogatories and document requests are not designed to inquire about the facts and issues relevant to claims against such a company, they are vague, ambiguous and potentially misleading.

By January, 1974 the Company's policy was that it would not furnish, handle, use or install products containing asbestos except for products in which the asbestos fibers were encapsulated or coated, such as mastics and vinyl asbestos tile. Each interrogatory and document request is overbroad, unduly burdensome and seeks irrelevant information to the extent it relates to periods after 1974. Unless otherwise stated in an individual response, all responses relate to the time period 1958, when the Company began operation, to 1974.

ACandS objects to each interrogatory and document request to the extent that it uses argumentative terms or otherwise implies facts which ACandS denies. The use of phrases

such as "your asbestos-containing products," "your products" or "asbestos-containing products manufactured by you" make the interrogatories and document requests misleading because they imply or assume that ACandS manufactured asbestos-containing products, which it did not. Obviously, such interrogatories and document requests are not directed to ACandS and are not applicable to it. In responding to these interrogatories, ACandS has attempted to give words their usual, commonly understood meanings.

ACandS does not waive any objections by providing responses to individual interrogatories or document requests or by raising additional objections to individual interrogatories or document requests. This statement is incorporated by reference in each response set forth below.

ACandS objects to each interrogatory and document request on the ground that plaintiffs have attempted to impose upon ACandS the form that its answer should take. The Florida Rules of Civil Procedure do not allow the party seeking discovery to dictate the form of answer from the responding party. Rather, the responding party has the right to frame its answers in any manner and form that will supply information to non-objectionable interrogatories. For example, Rule 1.340(c) of the Florida Rules specifically permits the responding party to produce or specify documents in lieu of providing a written answer.

ACandS objects to these interrogatories and document requests to the extent that they seek disclosure of information

generated by persons other than ACandS that has come into the possession of ACandS' attorneys during the course of discovery and trial preparation in asbestos-related litigation.

ACandS objects to each of these interrogatories and document requests on the grounds that this identical discovery has been stayed in the purported national class action -- the Linscomb case. Although ACandS denies that this discovery is appropriate, necessary or proper in the Linscomb case, this discovery attempts to obtain information about national class issues and thus is totally inappropriate, overly broad, and irrelevant to the instant case. Moreover, principles of comity dictate that this Court adhere to the Linscomb court's decision to stay this discovery.

ACandS objects to these interrogatories on the ground that they violate Rule 1.340(a) of the Florida Rules of Civil Procedure since the number of questions requires more than thirty answers.

ACandS objects to these instructions and definitions to the extent that they are vague and ambiguous and seek to impose on ACandS any obligations greater than those imposed by the Florida Rules of Civil Procedure.

Interrogatories

Data Sources

1. Please identify each person with whom you consulted or who provided information used in answering these Interrogatories on behalf of Defendant. Additionally, provide the subject matter category that each person provided information for from the following categories if appropriate:

1. Corporate History
2. Product Information
3. Warnings/Knowledge of Potential Danger/State of the Art/Testing/Medical of Scientific

Identify each person's:

A. Address;

B. Position with the Defendant;

ANSWER: These interrogatories are signed on behalf of ACandS, Inc. by E.P. Avery, Secretary-Treasurer of ACandS, Inc., 120 N. Lime Street, Lancaster, PA 17603.

The information used in answering these interrogatories was assembled by authorized employees and counsel for ACandS and was derived primarily from an ongoing review of ACandS' records and information compiled from past and ongoing discussions with ACandS' past and present employees. Since the information was gathered in a cumulative fashion for the overall purposes of litigation rather than on an individual question-by-question basis for this particular set of interrogatories, it is not possible to identify each person who could be said to have provided the information used in these answers.

Corporate Information

2. Please state the following:

- a. The defendant's correct corporate name;
- b. The state of your incorporation;
- c. The address of your principal place of business;

- d. The dates and time period during which defendant held a certificate of authority to do business in the State of Florida;
- e. The dates and time period during which defendant regularly conducted business in Florida.

ANSWER: (a): ACandS, Inc. (formerly Armstrong Contracting and Supply Corporation).

(b): Delaware

(c): 120 N. Lime Street, Lancaster, PA.

(d) and (e): December 18, 1957 to the present.

Corporate History

3. Describe in detail defendant's complete corporate or business history for all associated business entities that were involved, in any manner, in the sale, manufacture, distribution, and/or mining of asbestos and/or asbestos containing products, 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 for all associated business entities that were involved, in any manner, in the sale, manufacture, distribution, and/or mining of asbestos and/or asbestos containing products. In addition:

A. If defendant or any of its predecessors or subsidiaries at any time purchased or assumed any of the assets and/or liabilities of any corporation or entity at any prior time engaged in the manufacturing or sale of asbestos-containing products, then please state the following as to each acquisition:

1. The name or description of each corporation, entity or assets acquired by Defendant, that entity's state of incorporation and the principal place of business, its date of incorporation, and the name of Defendant at the time of acquisition;

2. 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),

3. The date of each such acquisition;

4. The state in which each such acquisition was effected;

5. The state law governing each such acquisition if specified by contract; and

6. How the business or financial interest in that corporation or entity ended, if it ended. (e.g. dissolved the company, sold all stock, placed subsidiary in bankruptcy, etc.)

7. List all states where entity is or was registered to do business, including the dates of registration for each state.

ANSWER: ACandS objects to this interrogatory on the grounds that it is overbroad and seeks the discovery of information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence, since it is not limited to the relevant time period or geographic area. Without waiving any objections, ACandS was incorporated November 26, 1957 under the laws of the State of Delaware. When incorporated, the Company's name was Armstrong Contracting and Supply Corporation, a wholly-owned subsidiary of Armstrong Cork Company (now Armstrong World Industries). The Company's name was changed in June of 1969 to ACandS, Inc. On August 1, 1969, Armstrong Cork Company sold all the issued and outstanding shares of stock in the Company to its present ownership. ACandS has not acquired any assets or liabilities of any corporation relevant to this

action or which have ever done business in the State of Florida. ACandS does not have any predecessors.

Asbestos/Mining

4. Did Defendant, prior to 1980, engage in the mining, milling and/or subsequent sale of asbestos fiber? 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 why;
- E. Within the United States was there any geographic limitation which you claim was applicable to the sales of your asbestos (Yes or No)?
- F. Identify the organization unit of Defendant so engaged.
- G. Type of asbestos mined.
- H. Managers of each mine and years of service.
- I. Identify sales and shipment records for each mine.

ANSWER: No.

5. Asbestos/Manufacture

Has Defendant at any time, engaged in the manufacture of any asbestos containing product which generic product type has been previously identified in exposure sheets in this circuit? 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 why;

E. Within the United States was there any geographic limitation which you claim was applicable to the sales of your asbestos containing products (Yes or No)?

If Yes state the geographical area into which you claim your asbestos containing products were sold; and

F. Identify the organizational unit of Defendant so engaged.

ANSWER: No.

6. Asbestos/Sales

Has Defendant at any time, engaged in the marketing and/or sale of any asbestos containing product which generic product type has been previously identified in exposure sheets in this circuit? 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 why;

E. Within the United States was there any geographic limitation which you claim was applicable to your sales of asbestos containing products (Yes or No)?

If Yes state the geographical area into which you claim you sold asbestos containing products; and

F. Identify the organizational unit of Defendant so engaged.

G. Identify all sales managers and the years during which they served.

ANSWER: ACandS objects to this interrogatory on the grounds that it is overbroad, unduly burdensome and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence since it

is not limited to the relevant time period, geographic area, or to products to which plaintiffs were allegedly exposed. Further, ACandS was not a marketer of asbestos-containing products. Also, ACandS has not now and has not in the past engaged in the business of directly selling asbestos-containing products. However, and without waiver its objections, since it began operations on January 1, 1958, ACandS has been a contracting company primarily engaged in the installation of thermal insulation materials. During the period from January 1, 1958 through approximately 1973, ACandS utilized and provided various thermal insulation materials containing asbestos at different times and locations when they were called for by contract requirements/specifications. Those materials were manufactured by others. In connection with its contracting business, ACandS sold some of those products directly to other entities, but the sales were minor and not the primary business activity of the Company.

7. Asbestos/Distributor

Has Defendant, at any time, engaged in the marketing and/or sale of any asbestos containing product, which generic product type has been previously identified in exposure sheets in this circuit, manufactured in whole or in part by an unrelated business entity? If so, please state:

- A. The name and address of the unrelated business entity;
- B. The product's trade and/or brand name;
- C. The years during which such activity took place;
- D. Identify the organizational unit of Defendant, or the associated business entity so engaged.
- E. Within the United States was there any geographic limitation which you claim was applicable to each distributor and/or wholesaler (Yes or No)?

If Yes state the geographical area which you claim was applicable to each distributor and/or wholesaler; and,

- F. Whether there was a written distributorship agreement;
- G. Whether the distributorship was exclusive;
- H. Identify all documents pertaining to the distributor or wholesaler relationship and the custodian thereof;
- I. The ratio of sales to distributors compared to direct sales to consumers.
- J. List of sales records or shipments to each distributor or wholesaler.

ANSWER: ACandS incorporates its objections and response to Interrogatory No. 6. Further, ACandS did not have distributors.

8. Asbestos/Rebranding

Has Defendant at any time, engaged in the rebranding of asbestos containing products, which generic product type has been previously identified in exposure sheets in this circuit, manufactured in whole or in part by an unrelated business entity? If so, please state:

- A. The name and address of the unrelated business entity;

- B. The product's original trade and/or brand name;
- C. Who performed the physical rebranding and where it was accomplished;
- D. The years during which such activity took place;
- E. Brand name and/or trade name after the product was rebranded;
- F. User or seller of the product after rebranding;
- G. Identify the organizational unit of Defendant so engaged.

ANSWER. ACandS objects to this interrogatory on the grounds that it is overbroad, unduly burdensome and seeks irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence since it is not limited to the relevant time period, geographic area or to the products to which plaintiff were allegedly exposed. Without waiving its objections, at different times, in the course of its operations as a contracting company, and while it was a subsidiary of Armstrong Cork Company, ACandS dealt with products which were purchased by it under trade names owned by Armstrong Cork Company and utilized by the Company. Effective August 1, 1969, Armstrong Cork Company transferred certain of the trade names to ACandS. A few of the products purchased by ACandS under those trade names contained asbestos. They were not manufactured, designed or developed by ACandS, nor did ACandS play any part in specifying the composition

or content of the products. The products were the standard pipe covering, block or cement products of the manufacturers identified below. As a result of ACandS' document retention program, the Company does not have available complete documentation concerning relabelled products. Further, although certain manufacturers sold some asbestos-containing products to ACandS under private trade names, ACandS did not relabel any asbestos-containing products for others. Based upon the information discovered by ACandS to date, the following is a list of "private" label products that contained asbestos, the type of product involved, the manufacturer and the approximate years the product was sold to ACandS under a private label agreement with ACandS (to the date the product became asbestos free) or was made by the listed company.

<u>RELABELLED NAME</u>	<u>TYPE OF PRODUCT</u>	<u>MANUFACTURER</u>	<u>YEAR/PERIOD OF TIME</u>
LK Pipe- covering & Block	Light Weight Molded Hydrous Calcium- Silicate	Keene Corp. (its former subsidiary companies) Owens-Corning	April 1963 to November 1972 1960 to 1964 (with certain contracts t December 31, 1965)
		Ruberoid/GAF	End of 1963 to October 1971
		Atlas Asbestos Fibreboard	Late 1960's to 1973 December 1964 to September 1971
Armatemp Cement No. 10	Mineral Wool Insulating & Finishing	Keene Corp. Eagle-Picher Industries, Inc.	Never April 1962 to August 1971

	Cement	Rockwool Mfg. Co.	July 1966 to 1970
		Ryder Industries	1964 to 1974
Armatemp Cement No. 166	Mineral Wool Insulating Cement	Keene Corp.	April 1963 to February 1971
		Eagle-Picher Industries, Inc.	April 1962 to August 1971
		Rockwool Mfg. Company	July 1966 to 1970
		Ryder Industries	1964 to 1971
Armabestos		Atlas Asbestos	1964 to 1968

9. Asbestos/Sales to Manufacturer

Has Defendant at any time, engaged in the sale of asbestos containing products, which generic product type has been previously identified in exposure sheets in this circuit, to an unrelated business entity that was engaged in the manufacture of asbestos containing products? If so, please state:

- A. The name and address of the unrelated business entity;
- B. The product's trade and/or brand name that was sold;
- C. The years during which such activity took place;
- D. Identify the organizational unit of Defendant so engaged.
- E. List each sales office of your asbestos-containing products and for each please state:
 - (1) Name and address;
 - (2) Geographical areas for which each sales office was responsible;
 - (3) Identify all managers and the years during which they served;
 - (4) Identify all sales personnel and the years during which they served, and describe each

person's sales jurisdiction or responsibility;

- (5) Identify sales records or shipment records for each sales office and the custodian thereof.

ANSWER: Without waiving its objections, ACandS incorporates its objections and response to Interrogatory No. 6.

10. Asbestos/Sales to Government or Government Agencies

Did this Defendant ever sell or cause to be sold any of its asbestos-containing products, identified on exposure sheets filed in this circuit, to (1) the United States Government; (2) the United States Air Force; (3) Army Air Force; (4) United States Army; (5) United States Navy; (6) United States Marine Corps; (7) General Services Administration; (8) Department of Defense; or (9) or any other agency operated by the United States Government? If so, please provide the following:

- A. The names and last known address of the governmental agency;
- B. Whether there was a written contract or sales agreement;
- C. Identify all documents pertaining to the governmental contracts or agreements and custodian of said documents;
- D. Whether the formula used for the manufacture of the product was the same as the formula used for the manufacture, sale or distribution of the product to non-governmental customers;
- E. The extent to which sales to governmental agencies were handled through distributors or wholesalers as opposed to direct sales by Defendant;
- F. The extent to which the physical appearance of the product sold or distributed to a governmental agency differed from the physical appearance of the product sold or distributed to non-governmental customers;

- G. The extent to which the packaging and/or labelling of the product sold or distributed to a governmental agency differed from the packaging or labelling of the product sold or distributed to non-governmental customers;
- H. Identify Sales and shipment records for each governmental agency and the custodian thereof.

ANSWER: ACandS objects to this interrogatory on the grounds that it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence since, among other things, it is not limited to the relevant time period, geographic location, sites relevant to the plaintiffs' claims or to the products to which plaintiffs allege their exposure. ACandS also objects to the phrase "cause to be sold" because it is vague and ambiguous. Without waiving its objections, ACandS is unable to respond to this interrogatory because plaintiffs have failed to identify periods of time or sufficient information regarding the specific location and/or description of jobsites within the United States government if in fact plaintiffs claim to have been exposed to asbestos-containing products allegedly attributable to ACandS at a government installation. Further, ACandS incorporates herein its response to Interrogatory No. 6.

11. Asbestos/Sales Through Licensees

If any of this Defendant's asbestos-containing products, which generic product type has been previously identified in exposure sheets in this circuit, reached the consumer through licensees, please provide the following:

- A. The names and last known address of licensees;
- B. The years each licensee was licensed to sell distribute or manufacture this Defendant's asbestos-containing products;
- C. Within the United States was there any geographic limitation which you claim was applicable to each licensee (Yes or No)?

If Yes state the geographical areas for which each licensee was permitted to sell, manufacture or distribute this Defendant's asbestos-containing products; and

- D. Describe the terms and conditions of each licensee agreement entered into between this Defendant and licensee insofar as manufacture, sale, and distribution of asbestos-containing products;
- E. List of products each licensee was permitted to sell or manufacture;
- F. Identify all documents pertaining to the licensee relationship and the custodian thereof;
- G. Whether or not sales to consumers in each area were made exclusively through licensee.

ANSWER: Not applicable. Use of the phrase "Defendant's asbestos-containing products" and the text of this interrogatory indicates that it is directed to parties other than ACandS which did not manufacture asbestos products. Further, this interrogatory is irrelevant to ACandS. However, and without waiver of its objections, from December, 1962, until mid-1967, in connection with and as a very minor part of its contracting business,

ACandS was involved with the sublicensing of a process for forming coatings by spraying mineral fibers. In so responding, ACandS does not suggest or concede that its activities in this regard are relevant to any plaintiffs' claims.

12. Asbestos/Facilities

For the period 1920 to date, or during the period that Defendant mined, manufactured, sold or distributed asbestos containing products, whichever period is less, state the following regarding each facility that was used by you as a mining, milling, manufacturing, processing, distribution or marketing facility for asbestos containing products.

- A. The name and address of the building, mine, mill or facility;
- B. The inclusive dates the facility was in operation; and,
- C. The function of the facility (e.g., manufacturing, warehousing, mine, sales office, etc.)
- D. Plant managers and years of management;
- E. Name and type of asbestos-containing products manufactured or processed at each facility;
- F. Identify shipment records for each facility and the custodian thereof;
- G. If asbestos was mined and sold to any other entity besides this Defendant, please provide list of those entities.

ANSWER: This interrogatory is not applicable to a contracting company such as ACandS, which did not have, own or operate any such facility for the purposes described in this interrogatory. Further, ACandS was not a manufacturer or miner of asbestos-containing products

and objects to this interrogatory on the ground it is misleading in so far as it assumes and/or implies that ACandS engaged in each of the listed activities. ACandS also objects to this interrogatory on the grounds that it is overbroad, vague, ambiguous and misleading in its application to ACandS' operations as a contracting company which has had branches operating at different locations throughout the country since 1958. Without waiving its objections, ACandS conducts its activities as a contracting company through branch offices.

13. Provide the following information for each asbestos-containing product, which generic product type has been previously identified in exposure sheets in this circuit, with which this answering defendant was involved:

- A. The name of the associated business entity so involved;
- B. The Product Trade Name of the asbestos product(s) with which you were involved (See the definition of "Product Trade Name" at interrogatory number 14(B));
- C. The type(s) of involvement the entity had with asbestos-containing products (See the definition of "involvement" at interrogatory number 14(E));
- D. Identify the inclusive years of each type of product involvement (e.g., If you manufactured and distributed the product, list both types of involvement and the years that correspond to such involvement).

ANSWER: ACandS objects to this interrogatory on the grounds that it is overbroad, unduly burdensome and seeks irrelevant information not reasonably calculated to

lead to the discovery of admissible evidence since it is not limited to the relevant time period, geographic area, or to products to which plaintiffs were allegedly exposed. Without waiving its objections, ACandS did not exist before November 26, 1957 and did not start business operations until January 1, 1958. ACandS is, and always has been, a contracting company primarily engaged in the installation of thermal insulation materials. ACandS never was a manufacturer of asbestos-containing products. During the period from January 1, 1958 through approximately 1973, thermal insulation materials containing asbestos were among the many different types of thermal insulation materials which were utilized and provided by ACandS at specific sites at different times pursuant to contract requirements/specifications. Those materials were manufactured by others. In connection with its contracting business, ACandS sold some of those asbestos-containing products directly to other entities, but the sales were minor and not the primary business activity of the Company. Also, from December, 1962 until mid-1967, in connection with and as a very minor part of its contracting business, ACandS was involved with the licensing of a process for forming coatings by spraying mineral fibers.

As a contracting company, ACandS used a variety of asbestos-containing products at different times and locations when it was required to do so, including products from virtually every major manufacturer of asbestos-containing thermal insulation products as well as from other companies. The particular product used on a given job varied according to the specific requirements and specifications of that contract. Due to its record retention program and the fact that ACandS has had branches operating at different specific sites across the country since it began operation in 1958, ACandS is not able to identify each and every asbestos-containing product it used in the course of its contracting operations. Among the variety of insulation materials and products the Company used were such general types of asbestos-containing materials as: 85% magnesium pipe covering and block insulation; asbestos-containing calcium silicate pipe covering and block insulation; asbestos insulation and finishing cements; asbestos-containing spray applied insulation products and a variety of other material which contained asbestos, including mastics, cloth and fire resistant jackets. Included in the list of manufacturing companies from which ACandS obtained asbestos-containing products were: 1) Atlas Asbestos Company and its predecessors and successors; 2) Keene

Corporation and its predecessors; 3) Philip Carey/Celotex and its successors; 4) Eagle-Picher Industries; 5) Flintkote Co.; 6) Forty-Eight Insulations; 7) Benjamin Foster Co.; 8) Johns Manville; 9) Armstrong Cork Co.; 10) Rockwool Manufacturing Co.; 11) G.A.F./Ruberoid; 12) Turner & Newall and its subsidiary and related companies; 13) Ryder Industries; 14) Owens-Corning Fiberglas Corp.; 15) Pittsburgh Corning Corp.; 16) Raybestos-Manhattan, Inc.; 17) Southern Asbestos Co.; 18) Amatex; 19) UNARCO; 20) Standard Insulation; 21) Fibreboard/Pabco; 22) Keasbey & Mattison Co.; 23) H.K. Porter; 24) U.S. Gypsum; and 25) Nicolet. By so responding, ACandS does not represent that it utilized all the products manufactured by each of the listed companies or that the listed companies were the only companies from which it obtained asbestos-containing insulation materials.

Since ACandS did not manufacture the asbestos-containing products which it used, the Company does not have sufficient information to respond to interrogatories that seek detailed product information with the specificity requested. Such interrogatories are more appropriately directed towards the manufacturers of the products.

Some of the product-specific information requested may be contained in the descriptive pamphlets or

brochures provided to ACandS by the manufacturers and/or distributors of the various asbestos-containing products. To the extent that those documents have been retained by ACandS, they are available for inspection by the plaintiffs, at plaintiffs' expense, at a mutually agreeable time in Philadelphia, Pennsylvania. In so responding, ACandS does not represent that it used each of the products described in those materials.

14. Product Information

- A. The name of the business entity as identified in the previous Interrogatory that had any involvement (as defined in Subpart E) with the asbestos-containing product.

ANSWER: ACandS objects to this interrogatory on the grounds that it is overbroad, unduly burdensome and seeks irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence since it is not limited to the relevant time period, geographic area or to entities involved with asbestos-containing products to which plaintiffs allege exposure. Without waiving its objections, ACandS incorporates by reference its responses to Interrogatory Nos. 3 and 13.

- B. The full name of the asbestos-containing product by which it was marketed. Generally, this would be the name of the product as it appeared on the product, its packaging or its promotional

material. Where all, or part of the product name is trademarked, that name should be included in the product trade name.

ANSWER: ACandS objects to this interrogatory on the grounds that it is overbroad, unduly burdensome and seeks irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence since it is not limited to the relevant time period or to the products to which plaintiffs allege exposure. Without waiving its objections, ACandS incorporates by reference its response to Interrogatory No. 13.

C. The name by which this type or species of product was routinely called. Generally, this name would be the generic name of a product (without the name of the entity most closely associated with that generic product).

ANSWER: ACandS objects to this interrogatory on the grounds that it is overbroad, seeks irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence since it is not limited to the relevant time period or to the products to which plaintiffs allege exposure. Without waiving its objections, ACandS incorporates by reference its response to Interrogatory No. 13.

D. The name by which this group of products was most routinely called.

ANSWER: ACandS objects to this interrogatory on the grounds that it is vague, ambiguous, overbroad, seeks irrelevant information and is not reasonably calculated

to lead to the discovery of admissible evidence since it is not limited to the relevant time period or to the products to which plaintiffs allege exposure. Without waiving its objections, ACandS incorporates by reference its response to Interrogatory No. 13.

E. Any involvement, association, or relationship you had with an asbestos-containing product as a miner of asbestos, manufacturer of an asbestos-containing product, seller of an asbestos-containing product, distributor of an asbestos-containing product, rebrander of an asbestos-containing product, rebrandee of an asbestos-containing product, labeler of an asbestos-containing product, labelee of an asbestos-containing product, or some other relationship.

ANSWER: ACandS objects to this interrogatory on the grounds that it is overbroad, unduly burdensome and seeks irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence since it is not limited to the relevant time period, geographic area or to the products to which plaintiffs allege exposure. ACandS also objects on the grounds that the terms "distributor" and "other relationship" are vague and ambiguous in the context of these interrogatories and the insulation contracting business because they can mean various different things and plaintiffs have failed to identify the types or extent of the activities those terms are intended to encompass. Furthermore, ACandS objects on the ground that this interrogatory is misleading insofar as it assumes and/or implies that ACandS engaged in each of

the listed activities. Without waiving its objections, ACandS incorporates by reference its responses to Interrogatory Nos. 8 and 13.

F. Approximate asbestos content by weight.

ANSWER: ACandS objects to this interrogatory on the grounds that it is overbroad, seeks irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence since it is not limited to the relevant time period or to the products to which plaintiffs allege exposure. Moreover, the type of information that this interrogatory seeks is not the type of information a contracting company such as ACandS has or would have about each or any of the various thermal insulation products it utilized in the course of its contracting activities, including those asbestos-containing products that it used. Without waiving its objections, ACandS incorporates by reference its response to Interrogatory No. 13.

Type of asbestos.

ANSWER: ACandS objects to this interrogatory on the grounds that it is overbroad, seeks irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence since it is not limited to the relevant time period or products to which plaintiffs allege exposure. Moreover, the type of information

that this interrogatory seeks is not the type of information a contracting company such as ACandS has or would have about each or any of the various thermal insulation products it utilized in the course of its contracting activities, including those asbestos-containing products that it used. Without waiving its objections, ACandS incorporates by reference its response to Interrogatory No. 13.

G. Product years.

ANSWER: ACandS objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, seeks irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence since it is not limited to the relevant time period or products to which plaintiffs allege exposure. Without waiving its objections, ACandS incorporates by reference its responses to Interrogatory Nos. 8 and 13.

H. Intended Uses.

ANSWER: ACandS objects to this interrogatory on the grounds that it is vague, overbroad, unduly burdensome, seeks irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence since it is not limited to the relevant time period, jobsite or products to which plaintiffs allege exposure. Without waiving its objections, as a contracting company, the uses "intended" for products it installed

were dictated by contract specifications or requirements.

I. Manufacturing sites.

ANSWER: Not applicable. ACandS did not manufacture asbestos-containing products.

J. Sizes.

ANSWER: ACandS objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, seeks irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence since it is not limited to the relevant time period or products to which plaintiffs allege exposure. Without waiving its objections, the sizes of products it installed were dictated by contract specifications or requirements.

K. Product color(s).

ANSWER: ACandS objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, seeks irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence since it is not limited to the relevant time period, jobsites or products to which plaintiffs allege exposure.

Without waiving its objections, ACandS incorporates by reference its response to Interrogatory No. 13.

L. Product Packaging.

ANSWER: ACandS objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, seeks irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence since it is not limited to the relevant time period, jobsites or products to which plaintiffs allege exposure. Without waiving its objections, ACandS incorporates by reference its response to Interrogatory No. 13.

M. Within the United States was there any geographic limitation which you claim was applicable to the sale of this product (Yes or No)?

Shipments

- a. Northeast;
- b. Mideast;
- c. Southeast;
- d. Southwest;
- e. Midwest;
- f. West
- g. East
- h. Other.

ANSWER: ACandS objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, seeks irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence since it is not limited to the relevant time period, jobsites or products to which plaintiffs allege exposure. Without waiving its objections, ACandS incorporates by reference its response to Interrogatory No. 13.

N. Product Literature

ANSWER: ACandS objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, seeks irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence since it is not limited to the relevant time period, jobsite or products to which plaintiffs allege exposure. Without waiving its objections, ACandS incorporates by reference its response to Interrogatory No. 13.

O. Product picture(s).

ANSWER: ACandS objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, seeks

irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence since it is not limited to the relevant time period, jobsite or products to which plaintiffs allege exposure.

Without waiving its objections, ACandS incorporates by reference its response to Interrogatory No. 13.

P. Package picture(s).

ANSWER: ACandS objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, seeks irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence since it is not limited to the relevant time period, jobsite or products to which plaintiffs allege exposure. Without waiving its objections, ACandS incorporates by reference its response to Interrogatory No. 13.

Q. Product sample.

ANSWER: ACandS objects to this interrogatory on the grounds that it is overbroad, seeks irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence since it is not limited to the relevant time period, jobsite or products to which plaintiffs allege exposure. Without waiving its objections, ACandS does not have any such product samples.

R. Trademark name(s).

ANSWER: ACandS objects to this interrogatory on the grounds that it is overbroad, seeks irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence since it is not limited to the relevant time period or products to which plaintiffs allege exposure. Without waiving its objections, ACandS incorporates by reference its responses to Interrogatory Nos. 13 and 14(E).

S. Patent number(s).

ANSWER: ACandS objects to this interrogatory on the grounds that it is overbroad, seeks irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence since it is not limited to the relevant time period, jobsite or products to which plaintiffs allege exposure. Without waiving its objections and after reasonable investigation, ACandS does not have sufficient information to answer this interrogatory. It has not itself applied for or obtained any patents.

T. Product Alteration

ANSWER: ACandS incorporates herein its objections and responses to Interrogatory No. 13. Further, the manufacturers or distributors of the products in question have personal

knowledge of any such changes, alterations or modifications and this interrogatory should be directed to those entities. ACandS did not manufacture or design any asbestos-containing products and did not alter the chemical composition of the products it used.

15. Asbestos Free Products

For each asbestos containing product whose trade name is listed in Answer No. 14. state :

- A. Was the product, or a substitute for that product, ever manufactured and/or sold by you without asbestos; if so, when did the sale of the product commence;
- B. Brand name of the asbestos free product;
- C. The reason product was manufactured without asbestos;
- D. Was the asbestos-containing counterpart of said product sold while the asbestos-free counterpart was being manufactured; if so, provide the time periods;

ANSWER: ACandS objects to this interrogatory on the grounds that it is not relevant to a contracting company such as ACandS, which utilized products manufactured by others and as they were specified by contract. Since ACandS did not manufacture the asbestos-containing products that is used, the Company does not have sufficient information to respond to this interrogatory which is more appropriately directed to the manufacturer of the products. Without waiving its objections, and by way of further response, the Company discontinued the use of asbestos-containing thermal

insulation products as manufacturers of the products eliminated the asbestos from them, specifications for contracts performed by ACandS stopped requiring the use of such products and as various company employees developed an increasing awareness that there could be potential occupational health hazards associated with the use of asbestos-containing insulation products. By 1972, the Company was moving to eliminate the use of insulation products which contained asbestos and was encouraging its customers to specify asbestos-free materials to the extent that they were available. Those efforts continued through 1973 and by January, 1974 the Company's policy was that it would not furnish, handle, use or install products containing asbestos except for products in which the asbestos fibers were encapsulated or coated such as mastics or vinyl asbestos tile.

16. Product Development/Design

For each asbestos product referred to in Answer No. 14, or which was sold to any other defendant, state separately:

- A. Was the product manufactured or sold to any entity prior to its being placed on the commercial market;
- B. The date and place where the product was designed and developed;
- C. The identity and last known address of the person or persons responsible for the design or development of the product;

- D. Was the product ever tested prior to its being sold for use by the consumer? If so, provide the identity and present location of all records dealing with these tests (including testing concerning use, application, durability, toxicity, etc.) and the custodian of said records.

ANSWER: ACandS objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, seeks irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence since it is not limited to the relevant time period, jobsite or products to which plaintiffs allege exposure. Further, ACandS was never a developer or designer of asbestos-containing products. Without waiving its objections, ACandS incorporates by reference its responses to Interrogatory Nos. 6 and 13.

17. Sales Documents

Please state whether you have any documents of any kind indicating or reflecting past sales of one or more asbestos-containing products listed in response to interrogatory 14 including, but not limited to, invoices, orders, purchase records, sales records, confirmations, bills of lading, annual or other periodic summaries of sales or orders, accounts payable to accounts receivable records, etc. If so, describe in detail the different types of documents that you have for each such asbestos-containing product, and state the following as to each type of document:

- A. The items of information contained on it (e.g., date of sale, product, quantity, purchaser, shipment location, price, etc.);
- B. The years of sale encompassed by documents still in existence;

- C. The current location of the documents;
- D. Identify the current custodian of the documents, as well as the current employee most familiar with the codes or system used on the documents.

ANSWER: ACandS objects to this request on the grounds that it is overbroad, unduly burdensome and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence since, among other things, it is not limited to the relevant time period or to the sites at which plaintiffs allege exposure or to those products, if any, used by ACandS at the sites where the plaintiffs were allegedly exposed. Without waiving its objections, ACandS incorporates by reference its responses to Interrogatory Nos. 6 and 13.

18. Sales Offices

Did you ever have any sales offices in Florida that were responsible for distribution and/or sales of asbestos and/or asbestos-containing products listed in responding to interrogatory 14? If so, please state as to each such sales office:

- A. Its address and years of operation;
- B. Identify all managers from 1930 through the present and the years during which they served.

ANSWER: ACandS objects to this interrogatory on the grounds that it is overbroad, unduly burdensome and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence since it is not limited by time or geographic area. Without

waiving any objections, ACandS did not have "sales offices" as that term is understood, but as a contracting company, ACandS did business at one time or another in each of the United States except for Hawaii. By way of further reply, ACandS incorporates by reference its responses to Interrogatory Nos. 6 and 13.

19. Fiber Purchases

Please state the name and address of each business entity from whom the Defendant, Defendant's predecessors, Defendant's subsidiaries have ever bought or received raw asbestos fiber.

ANSWER: Not applicable. ACandS never "bought or received raw asbestos fiber." ACandS was not a manufacturer of asbestos-containing products.

20. Insurance

For all policies of insurance affording general liability or products liability coverage, including primary policies, excess policies, policies of reinsurance, program of self-insured retention (SIR) and/or policies in which defendant was additionally insured, applicable to injuries allegedly caused by exposure to asbestos and/or asbestos-containing products state:

- A. Insurer: Specify exactly as named in the insurance policy or other evidentiary document of coverage.
- B. Insured: The insured named in the policy.
- C. Policy Period: Refer to the actual period for which the insurance policy is and/or was in effect.
- D. Policy Type: Specify whether primary, excess or self-insured, etc.

- E. Per Occurrence/
Accident Limits: Refer to the limit for any one occurrence or any one accident.
- F. Product
Aggregate: Refer to the aggregate limit applicable to products bodily injury liability coverage. Certain insurance policies may contain a combined aggregate for bodily injury, property damage and other covered perils; if so, refer to the combined limit and so indicate.
- G. Products
Aggregate
Consumption: The function of the Aggregate Consumption Summary is to track the consumption of total products liability aggregate limits claim. List such consumption. If applicable the date upon which the policy limits were paid out in full or exhausted.
- H. Policy Number: Specify exactly as contained on the insurance policy or other evidential document of coverage the policy number. Additionally provide the custodian of the policy and/or document.
- I. Insurer
Objection: Specify the bases upon which the relevant insurer refuses to fully pay claims upon demand. If the insurer has not objected to payment or is paying, note N/A.

ANSWER: Since its formation, ACandS has purchased and maintained primary and excess insurance. Since that insurance provides protection against false and fraudulent claims as well as meritorious claims, it would cover claims of the type made by plaintiff here. The Company's primary general liability carriers are:

1) Traveler's-January 1, 1958 to January 1, 1963,

2) AETNA Casualty and Surety Company-January 1, 1963 to December 31, 1980, 3) American Home Assurance Company-January 1, 1981 to January 1, 1982. The amount of coverage varied from year to year. Policies are available for inspection at a mutually convenient time in Philadelphia, PA.

21. Asbestos/Consultant

Has any person ever served as a consultant (excluding experts retained during the course of litigation), full, or part-time, to defendant in any manner regarding the potential medical, toxicological, or industrial hygiene aspects of asbestos or any asbestos containing product? (the term consultant is meant to include any specialist in the above areas who was at least in part retained for his expertise and opinions in other than a full-time salaried position). If so, please state the following as to each such person:

- A. Identify the person;
- B. The beginning date, ending date, and period of service for the person;
- C. The job duties and/or responsibilities for the person, as well as a summary of the work performed;
- D. The plant address, office address, or duty assignment location for the person for each part of the consultancy;
- E. The reason for retaining the person;
- F. Identify the company official responsible for retaining the person, as well as identify the company officials with whom the person met during the period of the employment of consultancy; and,
- G. State whether documents relating to the employment or consultancy in any way, including contracts, correspondence, publications, reports, status reports, studies, etc., exist and whether or not said documents mention asbestos. Additionally if

said documents exist provide the name of the records custodian of said documents.

ANSWER: Not applicable. ACandS, as a contracting company, does not have and has not had a corporate structure concerning medical, toxicological or industrial hygiene consultants. ACandS objects to this interrogatory to the extent that it implies a contracting company, such as ACandS, had an obligation to have such consultants.

22. Physician/Consultant

Please state whether or not Defendant ever employed, engaged or retained any physician as a consultant, plant physician or otherwise (excluding experts retained during the course of litigation), in connection with asbestos-related business activities. If so, please state the following as to each such physician.

- A. Identify the physician and give complete dates and places of employment of service;
- B. State the physician's duties and responsibilities;
- C. Identify the company person to whom the physician reported;
- D. State the purpose for which the physician was employed, engaged or retained; and,
- E. State whether documents pertaining to the physician's professional activities involving asbestos and/or individuals exposed to asbestos exist and the custodian of said documents.

ANSWER: ACandS incorporates by reference its objections and response to interrogatory No. 21.

23. Safety/Consultant

Please state whether or not any industrial hygienist, toxicologist, safety director, occupational medical director, physician or consultant in any of the foregoing areas previously identified (excluding experts retained during the course of litigation), ever made at any time any statements, recommendations and/or suggestions to the Defendant pertaining to or relating to asbestos or health hazards from dust or any product. If so, state the following as to each such occasion:

- A. Identify who made the recommendation and/or suggestions;
- B. State the date of the recommendation and/or suggestion;
- C. Identify all company officials who received the recommendation and/or suggestion;
- D. State the substance of the recommendation and/or suggestion; and
- E. State whether any documents and/or records of oral conversations embodying or pertaining to the recommendation and/or suggestion exist and if so the custodian of said records.

ANSWER: ACandS objects to this interrogatory on the ground that it is vague and ambiguous is overbroad and lacks reasonable specificity and particularity. Further, ACandS did not have a medical department or director, nor did it employ industrial hygienist, toxicologist or a physician.

24. Tests/Asbestos

Please state whether Defendant ever conducted or caused to be conducted any tests (whether laboratory or field tests) on any of their or anyone else's asbestos-containing products, including measurements of exposure levels during installation, removal and/or after installation after they had degenerated or decomposed from use, to determine

potential or likely asbestos exposure levels during conditions of intended use of the product. If so, please state the following as to each such test:

- A. Identify the person who directed that the test and/or measurement be made and/or conducted;
- B. Identify the person or organization who conducted the test and/or measurement;
- C. Identify where, when and for how long the test and/or measurement was conducted, including the department of the plant or facility involved, as well as its owner and operator.
- D. State the product(s) tested and describe the conditions of the test, including the measurement methodology;
- E. Describe whatever efforts, if any, were used in the test to simulate the various conditions of possible or probable use of the product, such as in confined spaces or tunnels;
- F. State the asbestos exposure levels measured including the ranges measured, median measurement and average measurement;
- G. Identify to whom the test results were reported; and,
- H. Identify all documents pertaining to the test and the custodian thereof.

ANSWER: The text of this interrogatory indicates that it is directed towards manufacturers of asbestos-containing products rather than towards a contracting company such as ACandS. ACandS also objects to this interrogatory on the grounds that it is overbroad and seeks irrelevant information because, among other reasons, it is not limited to the relevant time period or to any identified products. Nevertheless, and without waiver

of its objections, as a contracting company, ACandS relied upon the manufacturers of the products it used to test and warn of any problems or deficiencies with the products.

25. Financial Support/Measurement/Tests

Has Defendant ever conducted, caused to be conducted or financially supported through a least a 10% contribution towards the total cost, any asbestos-related epidemiologic, toxicologic, animal, medical, scientific tests, reviews, investigations, analysis, research or studies of any kind (hereafter termed "studies")? If so, please state as to each such study:

- A. Identify who directed or authorized that the study be done;
- B. Identify the person or organization that conducted the study;
- C. State the dates and over what time period the study was done;
- D. Describe the study design and protocol;
- E. State the complete results of the study, including any conclusions or recommendations contained therein;
- F. Identify all company officials who received notice of the existence of the study and/or its results;
- G. Identify all documents relating to the study and the custodian thereof; and,
- H. State whether the study was ever published, and if so, state the study title and citation.

ANSWER: ACandS objects to this interrogatory on the ground that it is overbroad and seeks irrelevant information since, among other things, it is not limited to the relevant time period. Furthermore, ACandS objects to the use of

the phrase "caused to be conducted" as vague and ambiguous. ACandS also incorporates herein its objections and responses to Interrogatory Nos. 24. Without waiving its objections and as this interrogatory is understood, no. ACandS is and was a contracting company. It relied upon the manufacturers of the products it used to test and warn of any problems or deficiencies with the products.

26. Literature Review

Has Defendant ever conducted, caused to be conducted, or financed through at least a 10% contribution towards the total cost, any effort to monitor or review the professional literature regarding the clinical, epidemiologic, toxicologic, industrial hygiene, medical and/or scientific aspects of asbestos and/or products containing asbestos (excluding for the purposes of litigation)? If so, please state the following as to each effort:

- A. Identify who directed or authorized that the effort be done;
- B. Identify the person or organization that conducted the effort;
- C. State the dates and over what time period the effort was done;
- D. Describe the effort design and protocol;
- E. State the complete results of the effort, including any conclusions or recommendations contained therein;
- F. Identify all company officials who received notice of the existence of the effort and/or its results;
- G. Identify all documents relating to the effort and the custodian thereof; and,

- H. State whether the effort was ever published, and if so, state the effort title and citation.

ANSWER: ACandS incorporates by reference its objections and response to Interrogatory No. 25.

27. Specific Studies/Participation

Did Defendant at any time in any way participate in any of Metropolitan Life Insurance Company's studies of asbestos (conducted approximately between 1929-1940), any Trudeau Foundation/Saranac Lake studies (between 1929-1960), or any Industrial Hygiene Foundation studies (between 1938-1968)? If so, identify each such study in which you were involved and state as to each:

- A. What role or action you took in regard to the study;
- B. Identify all documents related to your involvement in the study and the custodian thereof;
- C. Identify each of your facilities in which an part of the study was conducted and reference your facility to the data reported in the study; and,
- D. Identify each of your officers, supervisors, managers or employees who assisted, participated in or directed your involvement in the study.

ANSWER: No.

28. Asbestos Hazard/Notice

Did Defendant at any time prior to 1980 receive, have notice of, acquire or possess any advice, publication, statement, warning, order, directive, letter, memorandum, recommendation or document, written or oral, in any way related to asbestos and health hazards, or which implicitly or explicitly refers to asbestos and health issues. If so, state the following as to each such document and oral conversation, and each such occasion prior to 1980:

- A. When any of this knowledge was first acquired, how it was acquired, identify by whom it was acquired, and state the substance of the knowledge acquired.

- B. Identify all documents pertaining to the advice, publication, statement, warning, order, directive, letter, memorandum, or recommendation and the custodian thereof;
- C. Identify all company officials and directors who received notice of the existence of the document or oral conversation. For each such oral conversation state the approximate date of said conversation and the parties to said conversation; and,
- D. What actin, if any, was taken by you as a consequence of the document or oral conversation.

ANSWER: ACandS objects to this interrogatory on the ground that it is vague and ambiguous and seeks irrelevant information not reasonably calculated to lead to the discovery of admissible evidence. Further, since ACandS began operations in 1958, it has been a contracting company with branches operating at different locations throughout the United States; in light of the size and geographic scope of those contracting operations, it is virtually impossible to respond to this interrogatory with the specificity and in the manner requested. However, and without waiving any objections, in the mid to late 1960's and into the 1970's, various company employees were developing an increasing awareness that there might be potentially serious health hazards to insulation workers as a result of the occupational inhalation of asbestos fibers in asbestos-containing insulation products, although there was (and the Company understands still is) some dispute and lack of understanding about the

exact hazards and extent of inhalation required to create them. Among the factors contributing to the increasing awareness were "word of mouth" within the trade, the attendance of Mr. Liddell (then president of ACandS) at a seminar held in New York on May 14, 1968 at which Dr. Selikoff spoke, and the actions of the manufacturers in removing asbestos from their insulation products.

29. Knowledge/Asbestosis

Please state whether Defendant obtained, prior to 1980, any knowledge concerning the association, if any, between the inhalation of asbestos fibers and a lung disease known as asbestosis, in users, consumers and/or persons exposed to asbestos, in users, consumers and/or persons exposed to asbestos and/or asbestos containing products. If so, please state:

- A. When any of this knowledge was first acquired, how it was acquired, identify by whom it was acquired, and state the substance of the knowledge acquired;
- B. As to each such occasion thereafter in which your knowledge as to asbestosis increased either relative to the types of exposures (i.e. trades and occupations, etc.) and/or types of products which became associated with the development of asbestosis state:
 - (1) when was this additional knowledge acquired;
 - (2) how was this additional knowledge acquired;
 - (3) identify by whom it was acquired;
- C. Identify all documents relevant to your acquisition of knowledge concerning the disease asbestosis and the custodian thereof; and,
- D. If any of the foregoing knowledge was acquired through an oral conversation, identify each such oral conversation, the approximate date of said conversation and the parties to said conversation.

ANSWER: ACandS incorporates by reference its objections and response to interrogatory No. 28. Further, without factual or scientific foundation, this interrogatory assumes a relationship between mere exposure to asbestos dust and the listed disease.

30. Knowledge/Lung Cancer

Please state whether Defendant, prior to 1980, ever obtained any knowledge concerning the association, if any, between the inhalation of asbestos fibers and lung cancer, in users, consumer and/or person exposed to asbestos and/or asbestos containing products. If so, please state:

- A. When any of this knowledge was first acquired, how it was acquired, identify by whom it was acquired, and state the substance of the knowledge acquired.
- B. As to each such occasion thereafter in which your knowledge as to lung cancer increased either relative as to lung cancer increased either relative to the types of exposures (i.e. trades and occupations, etc.) and/or types of products which became associated with the development of lung cancer state:
 - (1) when was this additional knowledge acquired;
 - (2) how was this additional knowledge acquired;
 - (3) identify by whom it was acquired;
 - (4) state the substance of the additional knowledge acquired;
- C. Identify all documents relevant to your acquisition of knowledge concerning lung cancer and the custodian thereof; and,
- D. If any of the foregoing knowledge was acquired through an oral conversation, identify each such oral conversation, the approximate date of said conversation and the parties to said conversation.

ANSWER: ACandS objects to this interrogatory on the ground that it improperly assumes a causal relationship between mere exposure to asbestos dust and cancer. Furthermore, ACandS objects on the ground that this interrogatory improperly assumes that ACandS had knowledge of cancer hazards at relevant times. Finally, ACandS objects to this interrogatory on the grounds that it is overly broad and seeks information not reasonably calculated to lead to the discovery of admissible evidence since it is not limited to the relevant time period. Without waiving its objections, ACandS incorporates by reference its response to Interrogatory No. 28.

31. Knowledge/Mesothelioma

Please state whether Defendant, prior to 1980, ever obtained any knowledge concerning the association, if any, between the inhalation of asbestos fibers and mesothelioma, in users, consumers and/or person exposed to asbestos and/or asbestos containing products. If so, please state:

- A. When any of this knowledge was first acquired, how it was acquired, identify by whom it was acquired, and state the substance of the knowledge acquired
- B. As to each such occasion thereafter in which your knowledge as to mesothelioma increased with relative to the types of exposures (i.e. trades and occupations, etc.) and/or types of product was which became associated with the development of mesothelioma state:
 - (1) when was this additional knowledge acquired;
 - (2) how was this additional knowledge acquired;

- (3) identify by whom it was acquired;
- (4) state the substance of the additional knowledge acquired;
- C. Identify all documents relevant to your acquisition of knowledge concerning lung cancer and the custodian thereof; and,
- D. If any of the foregoing knowledge was acquired through an oral conversation, identify each such oral conversation, the approximate date of said conversation and the parties to said conversation.

ANSWER: ACandS incorporates by reference its objections and responses to Interrogatory Nos. 28 and 30.

32. Knowledge/Cancer of the Gastrointestinal Tract

Please state whether Defendant ever obtained any knowledge concerning the association, if any, between the inhalation of asbestos fibers and cancer of the gastrointestinal tract (i.e. colon, stomach, etc.), in users, consumers and/or persons exposed to asbestos and/or asbestos containing products. If so, please state:

- A. When any of this knowledge was first acquired, how it was acquired, identify by whom it was acquired, and state the substance of the knowledge acquired.
- B. As to each such occasion thereafter in which your knowledge as to cancer of the gastrointestinal tract increased wither relative to the types of exposures (i.e. trades and occupations, etc), and/or types of products whether became associated with the development f cancer of the gastrointestinal tract state:
 - (1) when was this additional knowledge acquired;
 - (2) how was this additional knowledge acquired;
 - (3) identify by whom it was acquired;

- (4) state the substance of the additional knowledge acquired;
- C. Identify all document relevant to your acquisition of knowledge concerning cancer f the gastrointestinal tract and the custodian thereof; and
- D. If any of the foregoing knowledge acquired through an oral conversation, identify each such oral conversation, the approximate date of said conversation and the parties to said conversation.

ANSWER: ACands incorporates by reference its objections and response to Interrogatory Nos. 28 and 30.

33. Warning/Description

Please provide the following information as to each caution, warning or hazard statement or explanation involving asbestos alleged to have been placed on the products or packaging of asbestos containing products by you?

- A. What was its precise wording;
- B. Where was it located on the product or packaging, an what was the size and color of the lettering.
- C. Has the wording or its presentation ever been altered, and if so, how and when;
- D. The years during which each version of a caution, warning or hazard statement appeared on each individual product identified in responding to interrogatory 14A3
- E. Identify all company officers and/or committees who participated in the decision to affix each version participated in the decision to affix each version of the caution, warning or hazard statement to a product or its packaging, and in particular, identify the prime decision-maker, if any; and
- F. Identify all documents related in any way to each caution, warning or hazard statement and the custodian thereof.

ANSWER: ACandS objects to this interrogatory on the grounds that it is overbroad, seeks irrelevant information and is not reasonably calculated to lead to the discovery of admissible evidence since, among other things, it is not limited to the relevant time period, jobsite or products to which the plaintiffs allege exposure. Without waiving its objections, ACandS states that it was not a manufacturer of asbestos-containing products. To the extent that the manufacturers of the products utilized by ACandS affixed warnings or cautionary labels to their products, such labels would have accompanied the products at the time of its delivery at the job site or to ACandS. Further, in compliance with OSHA requirements, ACandS provided warning tags and/or labels for use on asbestos-containing products and waste materials. The OSHA required warning read:

CAUTION: CONTAINS ASBESTOS FIBERS
AVOID BREATHING DUST
BREATHING ASBESTOS MAY CAUSE
SERIOUS BODILY HARM

ACandS does not have sufficient records to enable it to recite or produce the warning labels affixed by the manufacturers of the asbestos products it used. The warning tags and/or labels mandated by OSHA and used by ACandS were worded in accordance with the applicable OSHA regulations and were first made available within the Company in 1972.

34. Warning/Insert

Has Defendant ever placed any form of package insert or informative brochure in a container of an asbestos-containing product, listed in response to interrogatory 14, explaining the hazards of asbestos? If so, state as to each such insert or brochure:

- A. When was it first placed in containers and for what years thereafter;
- B. What products had the insert or brochure included
- C. Describe the size, shape, color and text of the insert or brochure;
- D. Identify all persons involved in the decision to include the insert or brochure; and,
- E. Identify all company officers and/or committees who participated in the decision to include an insert or brochure, and in particular, identify the prime decision-maker, if any; and
- F. Identify the insert and/or brochure itself and the custodian thereof.

ANSWER: The subject matter of this interrogatory suggests that it is directed to parties other than ACandS, which did not manufacture asbestos-containing products. Further, ACandS incorporates by reference its objections and response to Interrogatory No. 33.

35. Warning/Customer

State whether you published and/or otherwise provided any of your distributors and/or customers with any instructions in regard to the asbestos hazards, if any, presented by use of Defendant's asbestos-containing products, other than (sic) inserts or labels (i.e. promotional pamphlets, product manuals, specification sheets, sales brochures, etc.) If so, please state:

- A. When such instructions were first given;
- B. By whom and when were these instructions made;

- C. State the specific instructions provided; and
- D. Identify all oral communications and documents related to these instructions. If oral identify the approximate date of said communication and the parties involved, if written provide the custodian of said documents.

ANSWER: Not applicable. Use of the phrase "Defendant's asbestos-containing products" and the text of this interrogatory indicates that it is intended for entities other than ACandS, which was not a manufacturer of asbestos-containing products. ACandS is and was a contracting company, which did not have "distributors". ACandS operated its contracting business in Florida through its branch offices. Without waiving its objections, ACandS incorporates by reference its objections and response to Interrogatory No. 33.

36. Warning/Mask

Has Defendant ever placed any form of disposable face mask or respirator in a container of an asbestos-containing product for later use by persons who would handle and/or be exposed to the product? If so, please state:

- A. The products covered by the practice;
- B. The year this practice began and the years it was implemented;
- C. Describe the type of face mask or respirator included in the container; and,
- D. Identify all oral communications and documents related to this practice. If oral identify the approximate date of said communication and the

parties involved, if written provide the custodian of said documents.

ANSWER: The text of this interrogatory indicates that it is directed to manufacturers and is not applicable to a contracting company such as ACandS. To the extent that this interrogatory might be deemed to be applicable to a contracting company, ACandS incorporates by reference its objections and response to Interrogatory No. 33.

37. Sales Material

Has Defendant at any time, published and/or distributed any sales brochures, promotional pamphlets, product manuals, specification sheets or other written sales materials or documents of any kind or character? If so, please:

- A. Identify each such document and the custodian thereof;
- B. State for what period of time you published and/or distributed sales brochures, promotional pamphlets, product manuals, specification sheets, or other written sales material or documents without any form of warnings, cautions, hazard statements or explanations concerning asbestos.

ANSWER: ACandS objects to this interrogatory on the grounds that it is overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence since, among other things, it is not limited to the relevant time period, jobsites or to the products to which plaintiffs allege their exposure. ACandS also objects to the use of the phrase "other written sales materials" which incorrectly implies or

assumes that ACandS was in the business of selling asbestos-containing products. Again, ACandS is not now and has not in the past engaged in the business of directly selling asbestos-containing products. However, and without waiver of its objections, ACandS received product data sheets, brochures and descriptive materials from manufacturers and others. Such materials, to the extent they have been retained by ACandS, are available for inspection by the plaintiffs' at a mutually convenient time and place. In so responding, ACandS does not represent that it used each of the products in those materials.

38. Advertisement

If you advertised any of your asbestos-containing products, listed in response to interrogatory 14, in newspapers, magazines, or other publications at any time from 1930 to the present, please state for each such advertisement that contained a warning regarding your products:

- A. The name of the publication in which it appeared, including the date and page number;
- B. A complete transcript of the advertisement and a description of any pictures accompanying it;
- C. The name and address of the person or agency that was responsible for approving each such advertisement;
- D. The name and address of whoever has current custody of the above-described advertising literature; and,
- E. Identify all documents relating to such advertisements and the custodian thereof.

ANSWER: Not applicable. Use of the phrase "Defendant's asbestos-containing products" indicates that this interrogatory is directed to parties other than ACandS which did not manufacture asbestos products. Further, this interrogatory is irrelevant to ACandS. However, and without waiver of its objections, ACandS states that as a contracting company, ACandS primarily engaged in the advertisement of its contracting services, as opposed to individual products. To the extent that ACandS had brochures or pamphlets relating to the asbestos-containing products used by ACandS in its contracting operations, these materials consisted primarily of product data sheets, brochures or descriptive materials provided by manufacturers or were derived from such materials. ACandS also submitted such information for publication in Sweet's Insulation Catalog, a privately printed publication targeted at industrial and commercial general building contractors and suppliers. In addition, the Company participated in C.S.M.F., the microfile counterpart of Sweet's, had listings in both white and yellow pages of telephone directories and, in isolated incidents, placed advertisements in trade directories. To the extent that such materials have been retained by ACandS, they are available for inspection at a mutually convenient time and place.

39. Product Usage/Documents

Has any written material of any kind or character been prepared by Defendant or its agents indicating how your asbestos-containing products should be used and/or maintained (other than information in regards to the hazards, if any, presented by use of the defendant's asbestos containing products)? If so, please state as follows:

- A. Identify all such material and the custodian thereof;
- B. The name, address and job classification of each person who prepared same; and;
- C. The dates and manner in which said material was distributed to purchasers of Defendant's products.

ANSWER: Not applicable. Use of the phrase "your asbestos-containing products" indicates that this interrogatory is directed to parties other than ACandS which did not manufacture asbestos products.

40. Notice/Asbestos Injury

Did Defendant receive notice, prior to 1975, that any person was claiming injury as a result of using asbestos-containing products mined, manufactured, sold and/or used by you? If so, please state as to each such claim.

- A. The name of the claimant;
- B. The date of notice of the claim;
- C. A description of the claim including the type of exposure experienced by the claimant (e.g., mining, milling, manufacturing, insulating, etc.);
- D. The type of injuries allegedly sustained;
- E. The caption and court, address of the court or workers' compensation file number of the claim;

F. Identify all documents relating to the claim and the custodian thereof.

ANSWER: ACandS objects to this interrogatory on the ground that it appears to be intended for entities other than ACandS which is and was a contracting company and did not engage in the manufacture of asbestos-containing products. Also, ACandS objects to this interrogatory's use of the term "notice" which is vague and ambiguous and calls for a legal opinion. Without waiving its objections, ACandS is not aware of having been named as a defendant in any such third-party action prior to 1969. The Company was, however, named as a respondent in workers' compensation actions by individuals seeking to recover for alleged asbestos-related injuries, some of which claims were filed before 1969. Claims against the Company were handled by the Armstrong Cork Company before 1969; therefore, ACandS does not have sufficient records which would enable it to completely and accurately respond to this interrogatory.

41. Specific Trade Association

Please state whether Defendant has ever been a member of the following business groups (or group with similar name), and if so, answer the following as to each group:

(1) The address of the group;

- (2) The years during which you were a member;
- (3) Identify all documents in your possession relating in any way to the group, including documents before, during and after the period of your membership and the custodian thereof.

- A. Industrial Health Foundation (or one of its predecessors);
- B. Asbestos Textile Institute;
- C. Asbestos Information Association of North America;
- D. National Mineral Wool Producers Association;
- E. Asbestos Cement Pipe Producers Association;
- F. Magnesia Insulation Manufacturers Association;
- G. American Industrial Hygiene Association;
- H. Brake Lining Manufacturers Association;
- I. Friction Materials Standards Institute, Inc.;
- J. Asbestos Brake Lining Manufacturers Institute;
- K. Quebec Asbestos Mining Association;
- L. Institute of Occupational and Environmental Health of Quebec Asbestos Mining Association;
- M. American Society for Testing and Materials;
- N. Grinding Wheel Institute;
- O. Trudeau Foundation;
- P. National Safety Council;
- Q. National Insulation Manufacturers Association; and,
- R. The Refractories Institute.

ANSWER: ACandS objects to this interrogatory in its reference to groups with "similar names." Without waiving its objection: A-R: No.

42. Library

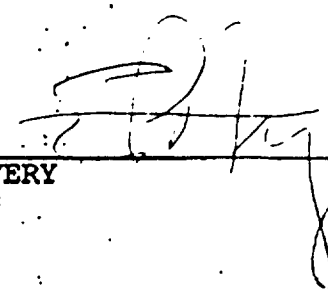
Please state whether Defendant ever maintained any form of library or collection of books and publications. If so, state the following as to each such library:

- A. The original location of the library, including the building in which it was located;
- B. The years during which the library was in operation;
- C. The offices, plant facilities, departments or other organizational units serviced by the library;
- D. Identify each custodian of the library or librarian as well as the years of his service as librarian.

ANSWER: ACandS objects to this interrogatory in that it is not limited to books and publications relevant to these cases. ACandS further objects to this interrogatory as overbroad, ambiguous and unduly burdensome in its referenct to "any...collection of books and publications." Taken literally, two books or publications could be deemed a "collection." Without waiving its objections, ACandS has no "library" as suggested in this interrogatory.

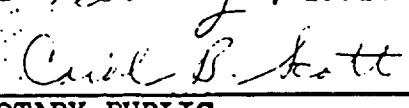
COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF LANCASTER :

E. P. AVERY, being duly sworn according to law, deposes and says: I am Secretary-Treasurer of ACandS, Inc. and am authorized to take this Affidavit on its behalf; I have read the foregoing Responses of ACandS, Inc. to Plaintiffs' Master Preliminary Interrogatories and Requests for Production and know their contents; the facts stated therein are true and correct to the best of my knowledge, information and belief.



E. P. AVERY

Sworn to and Subscribed
before me this 28th day
of February, 1992.



NOTARY PUBLIC

NOTARIAL SEAL
CAROL B. SCOTT, Notary Public
Lancaster, Lancaster County, PA
My Commission Expires June 20, 1994

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the following, this 2nd day of March, 1992:

J. Michael Fitzgerald, 2701 Museum Tower, 150 West Flagler Street, Miami, Florida 33130

James L. Ferraro, Esquire, One Southeast Financial Center, Suite 3520, 200 Biscayne Blvd., Miami, FL 33131-2331

Reed A. Bryan, Esquire, Post Office Box 2466, Ft. Lauderdale, Florida 33303-2466

Louis Robles, Esquire, 100 South Biscayne Boulevard, 9th Floor, Miami, Florida 33131

Alan K. Petriner, Esquire, 2910 New World Tower, 100 N. Biscayne Blvd., Miami, Florida 33132

PATTILLO & MCKEEVER, P.A.
Attorneys for ACandS, Inc.
Post Office Box 1450
Ocala, FL 32678
(904) 732-2255

By: 

Jean A. Bice
Florida Bar No: 209945
John R. Dorrough
Florida Bar No: 216348
Betty D. Marion
Florida Bar No: 651036
Stephanie L. Mullins
Florida Bar No: 784753