

DEC 30 1994

IN RE: ASBESTOS LITIGATION

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IN THE DISTRICT COURTS OF
DALLAS COUNTY, TEXAS

**DEFENDANT MAREMOUNT CORPORATION'S
OBJECTIONS AND RESPONSES TO PLAINTIFFS' MASTER
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

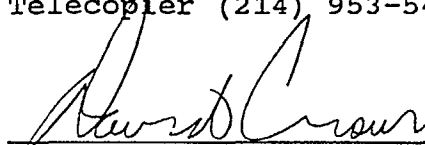
COMES NOW, Defendant Maremount Corporation, and makes and
files its Objections and Responses to Plaintiff's Master
Interrogatories and Requests for Production of Documents.

PLAINTIFF'S EXHIBIT

MAR-23

Respectfully submitted,

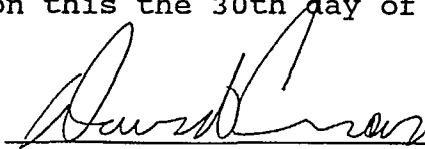
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DAVID W. CROWE
State Bar No. 05164250
BRENT M. KARREN
State Bar No. 00784371

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above
and foregoing document has been forwarded to counsel for
Plaintiff, by hand delivery, on this the 30th day of December,
1994.



DAVID W. CROWE



IN RE: ASBESTOS LITIGATION

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IN THE DISTRICT COURTS OF
DALLAS COUNTY, TEXAS

**RESPONSES OF MAREMONT CORPORATION TO PLAINTIFFS'
MASTER INTERROGATORIES AND REQUESTS FOR PRODUCTION**

Pursuant to the Texas Rules of Civil Procedure, defendant Maremont Corporation ("Maremont"), hereby responds to Plaintiffs' Master Interrogatories and Requests for Production as follows:

GENERAL OBJECTIONS

A. Maremont objects to any interrogatory or request that purports to impose upon Maremont any obligations not expressly set forth in the Texas Rules of Civil Procedure.

B. Maremont objects to plaintiffs' interrogatories and requests to the extent that they request information and identification of documents which are protected by any privilege, including but not limited to the attorney-client privilege, the joint-defense privilege, and the work product doctrine, and Maremont and its counsel hereby assert such privilege with respect to such documents.

C. Maremont objects to plaintiffs' interrogatories and requests on the grounds that they have been propounded indiscriminately to every defendant without any attempt to tailor them to any individual defendant and, as such, are vague, ambiguous, overbroad and unduly burdensome.

**RESPONSES OF MAREMONT CORPORATION TO PLAINTIFFS'
MASTER INTERROGATORIES AND REQUESTS FOR PRODUCTION**
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Page 1

D. Maremont objects to plaintiffs' interrogatories and requests on the grounds that many of these interrogatories are repetitive, redundant or overlapping as to subject matter. The repeated requests for substantially identical information serves no useful purpose and causes Maremont unnecessary burden and expense.

E. Maremont objects to plaintiffs' interrogatories and requests on the grounds that plaintiffs have failed to identify any Maremont products to which plaintiffs were exposed. Without any identification by plaintiffs of specific products, Maremont cannot adequately determine what interrogatories and requests are proper and relevant to these actions. In addition, Maremont objects that plaintiffs' interrogatories and requests are overly broad and irrelevant as the information sought is not in any way limited in time or to activities which transpired in Texas or to the exposure of these plaintiffs to any product of Maremont.

F. Maremont objects to plaintiffs' interrogatories and requests on the grounds that many of the interrogatories and requests are so broad, vague, ambiguous or uncertain that Maremont cannot determine the precise nature of the information sought and, therefore, is required to respond or cannot respond without an unreasonable risk of inadvertently providing a misleading, confusing, inaccurate, or incomplete response.

G. Maremont does not concede that any of its answers to plaintiffs' interrogatories or responses to plaintiffs' requests are or will be admissible evidence at a trial of this action, and Maremont does not waive any objection, on any ground, whether or not asserted herein, to the use of any such answer or response at trial.

H. Maremont states that these responses are accurate as of the date made. However, Maremont's investigation of information that may be responsive to plaintiffs' interrogatories and requests is continuing and Maremont reserves the right to supplement these responses when its investigation is complete.

I. The foregoing General Objections are hereby explicitly incorporated into each and all of the responses hereinafter provided.

OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

A. Maremont objects to the instructions and definitions supplied by plaintiffs with regard to these interrogatories and requests on the grounds that the definitions are overly broad, vague, and often inconsistent with the normal usage and meaning of such words. These definitions constitute an unreasonable expansion of the interrogatories and requests themselves. Maremont has therefore responded to the interrogatories in the manner consistent with a normal understanding of the language

used in the response and to the extent necessary to fairly and fully respond to the interrogatories and requests.

B. Maremont objects to plaintiffs' definitions and instructions to the extent those definitions and instructions request Maremont to make any inquiry beyond that which is required by the Texas Rules of Civil Procedure or to the extent they seek to include documents not within Maremont's custody or control.

PRELIMINARY STATEMENT

Maremont Corporation ("Maremont") a Delaware corporation, was (and is currently via its wholly owned subsidiaries) primarily engaged in the manufacture and distribution of automotive exhaust systems, shock absorbers, MacPherson struts and related hardware and parts.

On or about December 15, 1953, Maremont purchased the assets of a company known as Grizzly Manufacturing Company ("Grizzly"), located in Paulding, Ohio. Grizzly manufactured friction products, to include brake linings, clutch facings and lined brake shoes. Such products were distributed within the automotive replacement parts market.

Grizzly, Maremont's brake product operating division, was sold on or about June 30, 1977 to Nuturn Corporation, a wholly owned subsidiary of Turner and Newell, Ltd. Maremont retained a 20% interest for several years thereafter.

Soon after the purchase of Grizzly by Nuturn, the Paulding, Ohio manufacturing facility was closed and the operation transferred, by Nuturn, to a facility in Smithville, Tennessee.

At this time Maremont (nor any of its subsidiaries) has in its employ any person or persons who previously worked at the Paulding facility. Further, it appears that very few Maremont employees continued employment with Nuturn following the transfer of operations to Tennessee.

Very little documentation exists within the files or records of Maremont concerning the former Grizzly operation. Remaining or existing documentation pertaining to the Grizzly facility which was not discarded by Nuturn upon the move or relocation to Tennessee would presumably be under the custody and control of Nuturn corporation (now known as Ferodo America, Inc.).

INTERROGATORIES

INTERROGATORY NO. 1:

State the name, address, job title, length of time employed by Defendant, and a year-by-year list of all other positions, titles, or jobs held when working for Defendant of each person who has supplied any information used in answering these interrogatories.

ANSWER:

Tim A. Grogg, One Noblitt Plaza, Columbus, Indiana 47202; Secretary and Counsel for Maremont Corporation since 1988; Not an employee of Maremont Corporation at any time.

INTERROGATORY NO. 2:

State whether or not you are a corporation. If so, state your correct corporate name, the state of your incorporation, the address of your principal place of business, the name and address of the person or entity authorized to accept service of process on your behalf, and whether or not you have ever held a Certificate of Authority to do business in the State of Texas.

ANSWER:

Defendant objects to this interrogatory in that its request for "the name and address of the person or entity authorized to accept service of process on your behalf" is unduly burdensome, vague and ambiguous because it fails to indicate the geographical location to which the request applies. Defendant further objects to the foregoing phrase as irrelevant and beyond the scope of admissible discovery because the request is not limited in time. Defendant also objects to that portion of this interrogatory inquiring "whether or not you have ever held a Certificate of Authority to do business in the State of Texas" as vague, ambiguous and seeks the discovery of irrelevant information. Defendant likewise objects to the foregoing phrase because it seeks information which is a matter of public record; which is equally available to all parties, thereby making the request beyond the scope of permissible discovery. Subject to the foregoing objections and without waiving same, Defendant responds as follows: Yes. Maremont Corporation, Delaware; Primary mailing address is One Noblitt Plaza, Columbus, Indiana 47202; Maremont Corporation, from time to time, may have held a Certificate of Authority to do business in the State of Texas.

INTERROGATORY NO. 3:

Has Defendant or any of its predecessor or subsidiary companies at any time engaged in the mining and subsequent sale of material containing asbestos fibers? If so, identify the location of the mine(s), the years of its operation, the type of asbestos mined and whether you sold any asbestos to any Defendants in the Dallas County asbestos litigation.

ANSWER:

See Preliminary Statement. Answering Defendant has never been engaged in the mining of material containing asbestos fibers.

INTERROGATORY NO. 4:

Identify by name each product containing asbestos fibers that Defendant or any of its predecessor or subsidiary companies at any time manufactured or sold.

ANSWER:

Brake linings, clutch facings and lined brake shoes.

INTERROGATORY NO. 5:

Identify by name each product containing asbestos fibers that Defendant or any of its predecessor or subsidiary companies at any time marketed or sold.

ANSWER:

Brake linings, clutch facings and lined brake shoes.

INTERROGATORY NO. 6:

If the answer to one or more of the last three interrogatories is in the affirmative or lists any products, state as to each named product the following:

- (a) As to each product, state whether such product was mined, manufactured, marketed, and/or sold.
- (b) The names of the companies mining, manufacturing, marketing, and/or selling each product mined, manufactured, marketed, and/or sold.
- (c) The trade or brand name of each of those products mined, manufactured, marketed and/or sold.
- (d) The date each of the named products was placed on the market.
- (e) A description of the physical (chemical) composition of each of the named products, including the type of asbestos contained in the product and the percentage of asbestos put in each product.

- (f) The date each of the products was removed from the market and no longer sold or distributed and the reason or reasons therefor.
- (g) The date asbestos was removed from such products, if ever, and the reasons therefor.
- (h) A description of the physical appearance of each of the named products.
- (i) A detailed description of the intended uses of the named products.
- (j) Identify the last year that you sold each asbestos-containing product.

ANSWER:

- (a) Answering Defendant never engaged in mining. The subject products were manufactured and sold.
- (b) Answering Defendant does not possess sufficient records or documents to respond.
- (c) Known tradenames or brand names include: Grizzly Ultra; Hyper; DD Silvertip; All-in-One; Over the Counter; Leland Products and Saftigrin.
- (d) From 1954 to June 30, 1977 Answering Defendant was engaged in the manufacture and sale of such products. Thereafter Answering Defendant distributed brake products manufactured by third parties which may have contained asbestos until approximately 1980.
- (e) Type and percentage of asbestos put in each product are unknown. Based upon available information components of at least a portion of such products were:

Asbestos, 5R	Linseed Oil
Asbestos, 6D	Mineral Spirits
Asbestos, 7D	Oxide, Brown
Asbestos, 7M	Oxide, Red
Asbestos, 8T	Resin, Bakelite 5095
Barium ferrite	Resin, Borden 774-113
Barytes, Bleached	Resin Monsanto 6823
Barytes, Unbleached	Resin, Schenectady 868
Carbon, Black	Resin, Varcum 6019A

Cashew Particles	Rubber Dust
Cast Iron Dust	Seacoal
Emery Flour	Silica
Hexamethylenetetramine	Sulfur
Lime	Talc

- (f) See Preliminary Statement: unknown
- (g) See Preliminary Statement: unknown
- (h) The generic name of the described products is self explanatory.
- (i) Defendant objects on the grounds that this request is unduly burdensome in that it requests a "detailed description". Defendant also objects as this portion of Interrogatory No. 6 is overly broad, vague and ambiguous in that it does not indicate by whom uses of product may have been "intended". Subject to the foregoing and without waiving same, Defendant states the products were intended to be used as replacement parts for automotive vehicles.
- (j) See answer to (d) above.

INTERROGATORY NO. 7:

Do any documents, including but not limited to written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the design, preparation, or introduction into the market of the products listed in Interrogatory No. 6 still exist? If so, state:

- (a) A description of each such document.
- (b) The name, address, and job title of each person who currently has possession of each document, and where the documents are currently located.

ANSWER:

Defendant objects to this interrogatory on the grounds that it is overly broad, vague and ambiguous in that it uses the phrases "introduction into the market" and "written materials of any kind or character" and requests a "description" without defining the term. Similarly, Defendant objects to the phrase

**RESPONSES OF MAREMONT CORPORATION TO PLAINTIFFS'
MASTER INTERROGATORIES AND REQUESTS FOR PRODUCTION**

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"the products listed in Interrogatory No. 6" and the request's failure to designate a specific time period as overly broad, vague, ambiguous, and not reasonably calculated to lead to the discovery of admissible evidence. Additionally, Defendant objects this interrogatory seeks information not reasonably calculated to lead to the discovery of admissible evidence.

Subject to the foregoing objections and without waiving same, Defendant responds as follows:

- (a) • 1977 Grizzly Rebuilder's Guide: Drum Brakes and Disc Brakes
- 1977 Grizzly Disc Brakes: Service and Installation Manual
- 1963 Grizzly Hydraulic and Power Brake Service Manual Supplement
- October 1978 Friction Materials Work Practices Guide Nuturn Corporation Training Manual, Smithville, Tennessee
- Material Safety Data Sheets
- April 3, 1972 letter from David R. Carlson, Vice President of Sales for the Brake Systems Division of Grizzly/Leland Brake Systems, to Mr. Leon Settle of Welden Industries
- February 11, 1976 inter-office correspondence from E. Michaelis to All Zone Managers/V. Larham
- July 11, 1983 Nuturn Corp. internal memorandum from R.M. Grisham to R.L. Armer and J.W. Murray
- Grizzly Brake Systems Products Master Distributor Sales Policy
- Grizzly Brake Systems Distributor Sales Policy Supplement - Quantity Shipment Program with "Revised 5/1/72"

- July 1, 1971 Contract for the sale of lined brake shoe sets between Maremont Corporation, Seller, and Sears, Roebuck and Co., Buyer and Accompanying Schedule A
- Document starting with "Sears New Brake Program" (5 pages)
- August 1, 1970 Leland/Grizzly Heavy Duty National Accounts - White Motor Sales Policy (Form No. 120-1)
- January, 1971 (Revised: May, 1972) Grizzly Distributor Price Sheet : Heavy Duty and Light Truck Sets (Form 7265D)
- May 23, 1972 Interoffice correspondence from D.W. Robins to K. Cornelius
- April 4, 1972 correspondence from David R. Carlson to Mr. H.P. Blay, Jr.
- April 3, 1972 correspondence from David R. Carlson to Mr. Leon Settle
- August 1, 1970 Leland & Grizzly Heavy Duty Original Equipment Sales Policy (Form No. 130)
- August 1, 1970 Leland Heavy Duty National Accounts - other sales policy (Form No. 120)
- Maremont Corporation Quotation 1969-1972
- February 1974 Brake Parts - Price Comparison (Leland-B.W.P.)
- March 22, 1976 letter from Beverly Zeromsky to John D. Mueller re: Trailmobile
- January 1971 (Reissued May, 1972) Grizzly Master Distributor Confidential Cost Sheet: Heavy Duty and Light Truck Sets (Form 7175C)
- January 1974 Brake Parts - Price Comparison (Leland-Euclid)

- September 1974 Leland/Grizzly Friction Material Master Distributor Confidential Cost Sheet (Form 7175C)
- December 1970 Heavy Duty Parts Master Distributor Sales Policy (Form No. 350)
- May 20, 1973 Maremont Corp. - Automotive Group Sears Brake Program Cost Structure and Profitability
- June 5, 1972 Leland Sales Bulletin to all Leland distributors re: Reissue of 1971 Price Sheets and Leland additions
- July 1975 (Supersedes Sept. 1974) Leland suggested resale - fleets (Form 13430T)
- July 1975 (Supersedes Sept. 1974) Leland suggested jobber price schedule (Form 13250J)

(b) See answer to Interrogatory No. 1.

INTERROGATORY NO. 8:

Before distributing, selling, or placing the products listed in your responses to Interrogatory Nos. 3-6 into the streams of commerce, were any tests conducted to determine potential health hazards involved in the use of, or exposure to, the materials such as asbestos, contained in those products? If the answer is affirmative, state:

- (a) The names of the products tested and the date of each test.
- (b) The name, address, and job title of each person conducting the tests or involved with conducting the tests.
- (c) The results of the tests.

ANSWER:

- (a) Answering Defendant does not possess sufficient information to respond to this interrogatory. See Preliminary Statement.
- (b) See answer to (a) above.

(c) See answer to (a) above.

INTERROGATORY NO. 9:

Do any documents, including but not limited to written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the testing of the products referred to in Interrogatory No. 6 now exist? If so, state:

- (a) A description of each such document.
- (b) The name, address, and job title of each person who currently has possession of each document, and where it is presently located.

ANSWER:

See answer to Interrogatory No. 8(a).

INTERROGATORY NO. 10:

Did Defendant or any of its predecessor or subsidiary companies make any design changes or modifications as a result of those tests described in responses to Interrogatory No. 8? If the answer is affirmative, state:

- (a) The trade names of the products changed.
- (b) The nature of the changes made and the date of such changes or modifications.
- (c) The name, address, and job title of each person responsible for having caused a change to be made, or having made a change or modification.

ANSWER:

See answer to Interrogatory No. 8(a).

INTERROGATORY NO. 11:

After releasing the products listed in Interrogatory No. 6 to the public, were any tests conducted on them to determine potential health hazards resulting from the use of or exposure to

the materials, such as asbestos, contained in those products? If the answer is affirmative, state:

- (a) The names of the products tested and the dates of such tests.
- (b) The name, address, and job title of each person who conducted those tests.
- (c) The results of those tests.
- (d) Whether, as a result of the tests, any products were removed from the market.
- (e) The names of all products removed from the market as a result of these tests.

ANSWER:

See answer to Interrogatory No. 8(a).

INTERROGATORY NO. 12:

Do any documents, including written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the potential health hazards of the products listed in Interrogatory No. 6 now exist? If so, state:

- (a) The name of each product.
- (b) A description of each document and how it relates to each product.
- (c) The name, address, and job title of each person who currently has possession of each document, and where it is presently located.

ANSWER:

Defendant objects to this interrogatory on the grounds that it is overly broad, unduly burdensome and amounts to harassment. Defendant further objects on the grounds that the information sought is neither relevant to the subject matter of the pending

action nor reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 13:

Did Defendant or any of its subsidiary companies make any design changes as a result of the tests discussed in your response to Interrogatories No. 10 or 13? If the answer is affirmative, state:

- (a) The names of the products changed or modified.
- (b) The name, address, and job title of each responsible for having made a change or modification.
- (c) The nature of the hazard or defect which resulted in such change or modification.

ANSWER:

See answer to Interrogatory No. 8(a).

INTERROGATORY NO. 14:

Has Defendant or any of its predecessor or subsidiary companies at any time published or distributed any printed material, including brochures, pamphlets, catalogs, packaging or other written material or any kind or character containing any warnings concerning the possibility of injury resulting from the use of the asbestos-containing products listed in Interrogatory No. 6? If so, state:

- (a) The names of each relevant product.
- (b) The exact wording of each warning statement on each printed material.
- (c) A description of the printed material other than the warning statement.
- (d) The method used to distribute the warning to persons likely to use the product.

- (e) The date each warning was issued, distributed, or placed on packaging.
- (f) The name, address, and job title of each person responsible for having drafted or issued the warning.
- (g) The current location of any such printed material and the custodian thereof.
- (h) The form in which such literature or printed material can be accessed, i.e., the manner in which such literature is indexed or stored.

ANSWER:

- (a) Based upon available information the appropriate prescribed OSHA warning accompanied brake products.
- (b) Caution
Contains Asbestos Fibers
Avoid Creating Dust
Breathing Asbestos May Cause Serious Bodily Harm
- (c) Not Applicable
- (d) Based upon available information such warning appeared on the box containing the product or inside of the box.
- (e) 1973
- (f) Answering Defendant does not possess sufficient information to respond to this interrogatory.
- (g) See answer to 7(b) above.
- (h) See answer to 7(b) above.

INTERROGATORY NO. 15:

Before 1970, had you received notice that any individual or individuals, other than those Plaintiffs who have filed personal injury actions in Texas State Courts is or are claiming or has or have claimed an injury as a result of using asbestos products manufactured and/or sold by your company or any of its predecessors or subsidiaries before 1970? If so, state:

- (a) The name and address of each claimant.

- (b) The date of notice of each claim.
- (c) A description of the claim.
- (d) The type of injuries allegedly sustained.
- (e) The name and address of each attorney who represents each individual making a claim.
- (f) The style and court number of each claim.
- (g) The disposition of each claim that has been settled or taken to judgment.

ANSWER:

- (a)-(g) Answering Defendant does not possess sufficient information to respond to this interrogatory.

INTERROGATORY NO. 16:

Were your asbestos products distributed, marketed, packaged, labeled and/or sold by companies other than your own? If the answer is affirmative, list the names and addresses of each of those companies, and the products in question.

ANSWER:

Yes. Answering Defendant is aware that products were sold to Sears, Roebuck & Company, Hoffman Estates, Illinois. Answering Defendant has no records concerning sales or potential sales to other entities.

INTERROGATORY NO. 17:

Did you or any of your predecessors, successors, or subsidiaries have any distributors or sales representatives of asbestos products in the States of Alabama, Florida, Mississippi, Oregon, Washington, Georgia, Tennessee, Arkansas, Texas and Virginia? if so, state:

- (a) The name and address of each such distributor or sales representatives.

- (b) The years in which such company or person distributed, marketed, or sold your products.
- (c) What products were distributed, marketed, or sold in what years.

ANSWER:

- (a)-(c) Answering Defendant does not possess sufficient information to respond to this interrogatory.

INTERROGATORY NO. 18:

List each employee (including any physicians and/or hygienists) who has acted in a medical advisory capacity to your company at any time during the past 40 years, including, but not limited to, physicians and industrial hygienists, and the current address, telephone number and job title of each of those individuals and who has, had or may have had any knowledge regarding the hazards of asbestos.

ANSWER:

Defendant objects to this interrogatory on the grounds that it seeks information not reasonably calculated to lead to the discovery of admissible evidence and outside the scope of permissible discovery. Additionally, Defendant objects to this interrogatory in that it is unduly burdensome, unnecessarily expensive, harassing, annoying, overly broad, vague and ambiguous. Subject to the foregoing objections and without waiving same, Defendant answers as follows: Defendant believes that a physician (name unknown) was retained at the Paulding, Ohio facility for the purposes of general examinations and first-aid for two days per week as of an unknown time in 1969. Other physicians are believed to have visited the Paulding, Ohio facility on or after 1969 to take x-rays of plant personnel. An Industrial Hygienist, a Debbie Henderson, was employed or attended the Paulding, Ohio facility at an unknown time in 1977. The current address, telephone number, etc. of such persons are not known by Answering Defendant.

INTERROGATORY NO. 19:

Does Defendant have in its possession any books, pamphlets, memoranda, or written materials of any kind or character that

would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings? If so, state:

- (a) The name of each such publication.
- (b) The date of publication and the names of the author and publisher (if any).
- (c) The date received by Defendant, if known.
- (d) The name, job title, and address of each person who currently has possession of each publication and its present location.

ANSWER:

Defendant incorporates herein by reference all objections Defendant made in response to Interrogatory No. 18.

INTERROGATORY NO. 20:

Has Defendant or any of its subsidiary or predecessor companies at any time been a member of any trade organization or association that published or disseminated any documents or information relating to the hazards of asbestos comprised of other manufacturers, miners, marketers, and/or sellers or asbestos products? If so, state:

- (a) The name and address of each such association or organization.
- (b) The dates during which Defendant or any of its subsidiaries or predecessors were members.
- (c) The names and dates of any publications, minutes, or reports published, written, or disseminated by any of the named associations or organizations.
- (d) Whether any of those publications are still in your possession, and if so:
 - (i) A description of the publication, including the date.
 - (ii) The current location of such publications.
 - (iii) The custodian of such publications.

- (iv) The method or manner in which such publications are maintained.

ANSWER:

Defendant incorporates herein by reference all objections Defendant made in response to Interrogatory No. 18. Subject to the foregoing objection and without waiving same, Defendant responds as follows:

- (a) Friction Materials Standards Institute and North American Asbestos Information Association. Current addresses are not known.
- (b) The dates Answering Defendant was a member of or associated with such entities is not known.
- (c) Defendant has in its possession the following articles from the Friction Materials standard Institute:

Control of Airborne Asbestos Concentrations in the Workplace, 10/12/76.

Friction Materials Work Practices Guide, October, 1978.

Defendant has in its possession the following articles from the North American Asbestos Information Association:

Recommended Practices for Handling Asbestos Fiber, date unknown.

Asbestos: A Natural Substance for Modern Needs, date unknown.

What You Should Know About Asbestos and Health, date unknown.

Asbestos in Water - A Hazard to Health?, date unknown.

These documents are in the possession of Tim Grogg; see answer to Interrogatory No.1 for location.

- (d) See answer to 20(c) above.

INTERROGATORY NO. 21:

RESPONSES OF MAREMONT CORPORATION TO PLAINTIFFS'
MASTER INTERROGATORIES AND REQUESTS FOR PRODUCTION

P:\BMK\ROGMARE

Page 20

Identify by name and location each plant or manufacturing facility in which the products listed in your answers to Interrogatory Nos. 3-6 were manufactured, assembled, or prepared for sale or marketing, specifying which plants produced each item, the dates each plant is or was in operation, and the time span during which each named item was produced or manufactured.

ANSWER:

Defendant incorporates herein by reference all objections Defendant made in response to Interrogatory No. 18. Subject to the foregoing objections and without waiving same, Defendant responds as follows:

Grizzly Manufacturing, Paulding, Ohio
See Preliminary Statement

INTERROGATORY NO. 22:

Have printed sales materials been prepared by Defendant or any of its subsidiary or predecessor companies or their agents for purposes of marketing or advertising products containing asbestos? If so, state:

- (a) The name, address, and job title of each person or entity who prepared such materials.
- (b) The name, address, and job title of each person who currently has possession of such materials and their present location.
- (c) The date the materials were prepared.
- (d) The media used to disseminate the sales materials.

ANSWER:

Defendant incorporates herein by reference all objections Defendant made in response to Interrogatory No. 18. Subject to the foregoing objections and without waiving same, Defendant responds as follows:

- (a) Answering Defendant does not possess sufficient information to respond to this interrogatory.
- (b) See answer to Interrogatory 7(b).

- (c) The publication or distribution date appears on certain documents. The date of distribution or use of materials which are not clearly identified are unknown by Answering Defendant.
- (d) Answering Defendant does not possess sufficient information to respond to this interrogatory.

INTERROGATORY NO. 23:

Have any written or printed materials or instructions of any kind or character been prepared by Defendant or any of its subsidiary or predecessor companies or their agents indicating how asbestos products should be used and maintained? If so, state:

- (a) The name, address, and job title of each person who prepared such materials or instructions or assisted in their preparation.
- (b) The name, address, and job title of each person who currently has possession of such materials or instructions and their present location.
- (c) The dates of distribution or use and the manner in which such materials or instructions were distributed to purchasers of Defendant's products or those of its subsidiaries or predecessors.
- (d) The year each such written material or instruction was prepared and disclosed to potential consumers.

ANSWER:

Defendant incorporates herein by reference all objections Defendant made in response to Interrogatory No. 18. Furthermore, Defendant is unable to answer this interrogatory because "used and maintained" are vague and ambiguous terms.

INTERROGATORY NO. 24:

Does Defendant have insurance policies that might cover the claims made by Plaintiffs in these cases? If so, list the name of each insurance carrier, the amount of initial coverage, amount of coverage remaining at the present time, and the effective dates of each policy. (If properly answered, this Interrogatory need not be supplemented as to the remaining amount of coverage).

ANSWER:

Defendant objects to this interrogatory to the extent it exceeds the scope of permissible discovery under T.R.C.P. 166b(2)(f) and because it seeks information not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing objections and without waiving same, see Exhibit "C".

INTERROGATORY NO. 25:

As to the disease asbestosis, state:

- (a) The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.
- (b) How Defendant became aware of the existence of the disease.
- (c) Who within the company first discovered, recognized or understood the adverse consequences or effects of the disease and/or asbestos exposure.
- (d) What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- (e) Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form.
- (f) Who is the custodian of such information.
- (g) The date on which you first received knowledge or information that asbestosis was caused by inhalation of asbestos fibers.

ANSWER:

Defendant incorporates herein by reference all objections Defendant made in response to Interrogatory No. 18. Defendant also objects to this interrogatory because it requires Defendant to express medical opinions and conclusions which Defendant is not qualified to render.

Subject to and without waiving these objections, Answering Defendant is aware that there is medical literature as well as some medical opinion equating exposure to asbestos with various diseases. Additionally, it was a matter of general knowledge that prolonged exposure to airborne asbestos would possibly be harmful. This initial knowledge pertained to asbestos mining operations. Such information was first acquired in the 1960's.

Defendant became aware of the possible existence of some of these diseases through attendance at trade association conferences and trade journals. Answering Defendant believes that Frank Skelton attended a conference(s) where such information was distributed.

Any documents which Answering Defendant may have containing such information is referenced in Defendant's answer to Interrogatory No. 20(c).

INTERROGATORY NO. 26:

As to the disease lung cancer, state:

- (a) The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.
- (b) How Defendant or its subsidiary or predecessor became aware of the disease and its relationship to asbestos exposure.
- (c) Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- (d) What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- (e) Whether any such information is still maintained by Defendants or its subsidiary or predecessor in a written form.
- (f) Who is the custodian of such information.
- (g) The date on which you first received knowledge or information that lung cancer was caused by inhalation of asbestos dust and fibers.

ANSWER:

- (a) See answer to Interrogatory No. 25 above.

INTERROGATORY NO. 27:

As to pleural disease, pleural thickening or pleural plaques, state:

- (a) The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.
- (b) How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos.
- (c) Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects asbestos exposure.
- (d) What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- (e) Whether any such information is still maintained by Defendant or its subsidiary or predecessor in a written form.
- (f) Who is the custodian of such information.

ANSWER:

- (a) See answer to Interrogatory No. 25 above.

INTERROGATORY NO. 28:

As to the disease mesothelioma, state:

- (a) The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.
- (b) The date on which Defendant first suspected that mesothelioma was caused by inhalation of asbestos dust and fibers.

- (c) How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos.
- (d) Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- (e) What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- (f) Whether any such information is still maintained by Defendants or its subsidiary or predecessor in a written form.
- (g) Who is the custodian of such information.
- (h) Whether Defendant agrees that there is no known medical cure for mesothelioma.

ANSWER:

- (a) See answer to Interrogatory No. 25 above.

INTERROGATORY NO. 29:

As to gastro-intestinal cancer, laryngeal cancer, pharyngeal cancer or lymphatic cancer, state:

- (a) The type of cancer and the date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.
- (b) What cancers has the Defendant or its subsidiary or predecessor become aware can be caused by exposure to asbestos fibers?
- (c) The date on which Defendant first suspected other cancers were caused by asbestos inhalation.
- (d) Who within the company or its subsidiary or predecessor first discovered the adverse consequences or effects asbestos exposure.

- (e) What information was disseminated with Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- (f) Whether any such information is still maintained by Defendant or its subsidiary or predecessor in a written form.
- (g) Who is the custodian of such information.

ANSWER:

- (a) See answer to Interrogatory No. 25 above.

INTERROGATORY NO. 30:

Does Defendant contend that asbestos products can be manufactured or designed so as to eliminate all potential health hazards to persons working with or exposed to them? If the answer is affirmative, explain in detail, and attach any studies or surveys on which this answer is based.

ANSWER:

Maremont objects to responding to this interrogatory on the grounds that it calls for a technical and/or medical conclusion or opinion which Maremont is not qualified to render. Further, this interrogatory assumes that products not containing asbestos can be "manufactured or designed so as to eliminate all potential health hazards to persons working with or exposed to them." No product, with or without asbestos, can be "manufactured or designed so as to eliminate all potential health hazards to persons working with or exposed to them." Without waiver of these objections, Maremont responds: Contentions can only be formulated when discovery is completed. At the present time, Maremont has not conducted discovery or made a review of discovery conducted by other parties. Maremont reserves the right to supplement this response upon completion of this review and of further discovery.

INTERROGATORY NO. 31:

Describe in detail the types of packages or packaging which Defendant or any of its subsidiary or predecessor companies used for asbestos material or products, listing the dates each type of package was used, a physical description of each type of package,

and providing a description of any printed material or trademarks that appeared thereon.

ANSWER:

Boxes containing such products were either white or brown cardboard boxes. The boxes would either have the name Grizzly on the outside of the box or no name or the name of the customer, depending on the arrangement with the customer. It is believed that product provided to Sears, prior to 1973, was in a plain white carton with a label. From 1973 to 1976 there was a running change to the Over-The-Counter carton with a man working on a car. All-In-One products were plain white with a label and a caution. From 1976 to 1977 there was a change to Over-The-Counter products with a stop sign and to the All-In-One products to a stop light on the carton and on brochures. The colors red and black were also contained on the product to connote the stop light.

INTERROGATORY NO. 32:

Has Defendant or any of its subsidiary or predecessor companies at any time entered into a "rebranding" agreement with any other company, either as buyer or seller, concerning asbestos materials or asbestos products? If so, state, as to each such agreement:

- (a) The name of the company manufacturing the asbestos products.
- (b) The trade name affixed to those products.
- (c) The periods of time covered by each such agreement.
- (d) The volume, in dollar amount, of each transaction.
- (e) The initial purchaser of the products.

ANSWER:

Answering Defendant does not possess sufficient information to respond to this interrogatory.

INTERROGATORY NO. 33:

List the name and address of each company from which Defendant or its subsidiary or predecessor purchased materials or

RESPONSES OF MAREMONT CORPORATION TO PLAINTIFFS'
MASTER INTERROGATORIES AND REQUESTS FOR PRODUCTION

F:\BMK\ROGMARE

asbestos products which Defendant sold or distributed in any form, stating the form of the materials, the dates of such purchases, and the ultimate disposal of such materials.

ANSWER:

The primary supplier of raw asbestos fiber was Asbestos Corporation Limited from approximately 1969 through 1976. Other suppliers were Bell Asbestos Mines, Ltd., Cassiar Asbestos Corp., Ltd., Ural Asbestos (purchased from Huxley Development & Corporation). Additional suppliers during 1975 or 1976 are believed to have been Atlas Asbestos Corporation, Hedman Mines, Ltd., Johns-Manville Corporation and Vermont Asbestos Group. Current addresses of such entities are not known; see Preliminary Statement.

INTERROGATORY NO. 34:

Does Defendant or any of its subsidiaries or predecessor currently have possession of any writings or contracts on those rebranding agreements set forth in the answer to Interrogatory No. 32? If the answer is affirmative, state:

- (a) The name, address, and job title of each person having custody of each of those documents and their current location.
- (b) A brief description of each such document, including the dates and the parties signatory.

ANSWER:

Answering Defendant does not possess sufficient information to respond to this interrogatory.

INTERROGATORY NO. 35:

Prior to 1968, did any person file a claim against a Worker's Compensation carrier covering Defendant or any of its subsidiaries or predecessors alleging that he/she contracted a disease from inhaling asbestos fibers? If so, provide:

- (a) A list of the claims, including each claimant's name, address and the date each claim was filed, and including the caption and jurisdiction of the claim.

- (b) The disease alleged in each such claim.
- (c) A brief summary of the disposition of each such claim.
- (d) The name, address and title of the person having custody of the records pertaining to each such claim.

ANSWER:

To Answering Defendant's knowledge and belief the response to this interrogatory is no.

- (a) Not applicable.
- (b) Not applicable.
- (c) Not applicable.
- (d) Not applicable.

INTERROGATORY NO. 36:

Did Defendant or any of its subsidiaries or predecessors maintain written minutes of corporate meetings, either board of directors, departmental, or otherwise, which reflect discussions pertaining to any subject matter related to asbestos, asbestos health hazards of asbestos products? If so, for each such set of minutes, state:

- (a) The dates of each such meeting.
- (b) The general subject matter discussed at each meeting.
- (c) Who was in attendance at each meeting.
- (d) Where and by whom the written minutes are presently maintained.
- (e) By whom the minutes were taken and put into final format.
- (f) Whether the minutes were abstracted and reports disseminated to other individuals, and if so, the names and job titles of those individuals.

ANSWER:

Answering Defendant objects to this interrogatory as being overly broad and burdensome. Subject to and without waiving such objection, Answering Defendant states it is not aware of written records of corporate board of directors meetings responsive to this interrogatory. Any and all written records responsive to this interrogatory have been or will be provided.

INTERROGATORY NO. 37:

Do you or any of your subsidiaries, including foreign business entities, currently manufacture any products containing asbestos? If so, state:

- (a) As to each product, whether such product is mined, manufactured, and/or marketed or sold.
- (b) The names and addresses of the companies mining, manufacturing, marketing, and/or selling each of those products.
- (c) The trade or brand name of each of those products mined, manufactured, marketed, and/or sold.
- (d) The date each of the named products was placed on the market.
- (e) A description of the physical (chemical) composition of each of the named products, including the type of asbestos contained in the product.
- (f) A description of the physical appearance of each product and its packaging.
- (g) A detailed description of the intended uses of each of the named products.
- (h) Whether there are any warning labels on said products or containers regarding potential asbestos-related health hazards.

ANSWER:

No.

INTERROGATORY NO. 38:

State whether you or any of your predecessors and/or subsidiaries maintain, from 1940 through the present or for any portion thereof, copies of invoices, shipping documents, bills of lading, purchase orders, or other documents of a similar nature relating to the mining, manufacture, marketing, sale or distribution of asbestos products. If so, state:

- (a) The location of such documents.
- (b) The name and address of the custodian of the documents.
- (c) The format in which the documents are kept, i.e., hard copy, microfilm, microfiche, etc.
- (d) In what form the documents can be accessed, i.e., by state, by product, etc., and if by product, whether kept according to asbestos or non-asbestos.

ANSWER:

Answering Defendant does not possess sufficient information to respond to this interrogatory.

INTERROGATORY NO. 39:

Will you call company representatives as witnesses at the trial of any of these cases? If so, list:

- (a) The name, address, and job title of each company representative who may be called.
- (b) A summary of the testimony expected to be given by each such witness.
- (c) List any and all previous times that the named witnesses have either given deposition or trial testimony in an asbestos-related case, including the jurisdiction, style of the case, case number, date of testimony, and the name of the attorney taking the deposition for the Plaintiffs in that case.

ANSWER:

Object, discovery is ongoing. Such witnesses, if any, will be identified and disclosed based upon the results of further discovery and inquiry.

INTERROGATORY NO. 40:

Have Defendant or its subsidiaries or predecessors ever acquired through purchase, reorganization, or merger another corporation, company, or business which manufactured, sold, processed, distributed, or contracted or supplied products containing asbestos? If so, for each such entity, state:

- (a) Full and correct name;
- (b) Principal place of business;
- (c) State of incorporation;
- (d) Date of acquisition by Defendant;
- (e) Whether or not the business entity was ever authorized to transact business in the State of Texas;

ANSWER:

See Preliminary Statement.

INTERROGATORY NO. 41:

Was each of your asbestos products generally expected to reach, or packaged to reach, the consumer or user, without substantial change in the condition in which it was sold? If not, with respect to any such product, explain in what way the Defendant claims its products were altered or substantially changed after sale or distribution and before reaching the user.

ANSWER:

Answering Defendant does not possess sufficient information to respond to this interrogatory.

INTERROGATORY NO. 42:

For each asbestos-containing product identified in response to Interrogatory No. 6, identify all foreseeable users such as insulators, helpers, pipefitters, welders, machinists, plasterers, drywall finishers, carpenters, boilermakers, shipwrights and riggers, etc. of any of Defendant's asbestos-containing products.

ANSWER:

Products manufactured or sold by Answering Defendant were intended to be used as replacement parts for automotive vehicles. No such products were intended for uses which Answering Defendant reasonably believed would be used by "insulators, helpers, pipefitters, welders, machinists, plasterers, drywall finishers, carpenters, boilermakers, shipwrights and riggers, etc."

INTERROGATORY NO. 43:

Based upon the material contents of your asbestos-containing products, the method of manufacturing, and the method of application, can such products be generally applied without liberating asbestos fibers into the air?

- (a) If there is a different answer concerning different products manufactured, sold, distributed, or used by your company, then specify the different products by precise manufacturer's name and popular name.
- (b) If there is a difference in your answer depending on the year or years in which a particular product was used, then specify in detail what year or years you are referring to and the specific products you are referring to any year involved.

ANSWER:

It is Answering Defendant's position and belief that the finished product was safe for use and not hazardous.

INTERROGATORY NO. 44:

Was it a foreseeable use of your asbestos-containing products that they may have been removed, stripped, or replaced at some time after installation?

ANSWER:

Pertinent products were intended to be used as replacement parts for automotive vehicles and it would be expected the same would be removed or replaced. Answering Defendant does not believe such products would be "stripped".

INTERROGATORY NO. 45:

Before 1970, did you or your subsidiaries or predecessor(s) ever arrange for any labor inspectors, insurance company

inspectors or anyone from your company to go to job sites where your products were being used or installed to make or take dust level counts? If so, state when this procedure started, the purpose of such procedures, and all results of such procedures.

ANSWER:

Defendant objects on the grounds that this interrogatory is vague and ambiguous, overly broad and unduly burdensome. Subject to and without waiving this objection, Answering Defendant does not possess sufficient information to respond to this interrogatory.

INTERROGATORY NO. 46:

If Defendant performed or had performed any dust level counts, what action, based on the results, did your company take?

ANSWER:

See answer to Interrogatory No. 45.

INTERROGATORY NO. 47:

Has your company or its subsidiaries or predecessor(s) ever conducted or caused to be conducted any studies designed to assist in minimizing or eliminating the inhalation of asbestos dust and fibers by those exposed to the use of your company's products? If so, give the following:

- (a) Name of the person or firm conducting such studies;
- (b) The date the studies began and the date they were completed;
- (c) The nature of any action to eliminate or minimize the inhalation of asbestos dust fibers;

ANSWER:

Answering Defendant does not possess sufficient information to respond to this interrogatory. See Preliminary Statement.

INTERROGATORY NO. 48:

Does your company have, has it ever had, or have your predecessor(s) or subsidiaries ever had, a Research Department?

If so, give the year such Research Department was established, and whether or not such Research Department has operated continuously since being established. State also:

- (a) The amount of time and money expended each year on research concerning asbestos or asbestos-containing products?
- (b) What percentage of gross sales did your company or its predecessor(s) spend on research concerning the health effects of asbestos?
- (c) State in detail the purposes, duties, and responsibilities of such Research Department.

ANSWER:

With respect to its friction products operation, Answering Defendant does not believe that what is commonly referred to, or understood to be, a "Research Department" existed.

INTERROGATORY NO. 49:

Does your company have, has it ever had, or have your predecessor(s) or subsidiaries ever had, a Medical Department? If so, state:

- (a) The year such Medical Department was established;
- (b) Whether or not such Medical Department has operated continuously since being established;
- (c) The name of each director, chief, or head of your Medical Department year by year, beginning with the first year you had a Medical Director or Medical Department, and the last known address and phone number of each;
- (d) State the duties and responsibilities of such Medical Department.

ANSWER:

No.

INTERROGATORY NO. 50:

Did your company or its predecessor(s) or subsidiaries ever place any warning directly on any of its asbestos-containing product or on their packaging. If so, identify the product(s) and year said warning was first applied.

ANSWER:

See answer to Interrogatory 14(b) and 14(e).

INTERROGATORY NO. 51:

Did your company or its predecessor(s) or subsidiaries ever stamp or place the name of the company, its initials, or any identifying logo on any of its asbestos-containing products? If so, please state the name brand names of such products, a description of such stamp or logo and the dates such were placed on the referred products.

ANSWER:

Answering Defendant does not possess sufficient information to respond to this interrogatory.

INTERROGATORY NO. 52:

Has your company, or your predecessor(s) or subsidiaries, ever devised a research plan to develop, or actually developed or had developed, a product which did not contain asbestos and which could be substituted for one or more of your asbestos-containing products? If so, state the date that such research plan was began and when such asbestos-free product was first placed on the market.

ANSWER:

Answering Defendant, with respect to its friction product operation, does not believe that it devised or developed such a plan.

INTERROGATORY NO. 53:

Did your company or its predecessor(s) or subsidiaries ever recall any products containing asbestos from the market or stream of commerce? If so, state:

**RESPONSES OF MAREMONT CORPORATION TO PLAINTIFFS'
MASTER INTERROGATORIES AND REQUESTS FOR PRODUCTION**

F:\BMK\ROGMARE

- (a) All details of such recall;
- (b) The name of the product recalled, including the reason for the recall and the names and current addresses of those individuals who determined that it should take place;
- (c) The dates of recall;
- (d) The purpose for the recall.

ANSWER:

Based upon available information the response to this interrogatory is no.

INTERROGATORY NO. 54:

Before 1970, did you ever manufacture or sell products which did not contain asbestos and which could be substituted for your asbestos-containing products? If so, state the date such asbestos-free products were first placed on the market.

ANSWER:

Answering Defendant does not possess sufficient information to respond to this interrogatory.

INTERROGATORY NO. 55:

Have any products you identified in your response to Interrogatory Nos. 52 and 54 not performed as intended? Please list all such products that have not performed as intended.

ANSWER:

Not applicable.

INTERROGATORY NO. 56:

Did your company or its predecessor(s) or subsidiaries ever make, order, or arrange for any industrial hygiene surveys regarding asbestos or asbestos-containing dust? If so, give the date of such surveys and state who, or what entity, was responsible for completion of such surveys.

ANSWER:

Defendant objects to this interrogatory on the grounds that it is vague and ambiguous. Without waiving such objection, Answering Defendant states that it does not possess sufficient information to respond to this interrogatory.

INTERROGATORY NO. 57:

As to either the threshold limit values or maximum allowable concentrations of both asbestos dust and total dust provided by the American Conference of Governmental Industrial Hygienists, state:

- (a) The year in which Defendant or any predecessor(s) or subsidiaries were first advised of such limits or concentrations;
- (b) The name of the employee or official of the company receiving such advice;
- (c) How Defendant received notice of such limits or concentrations.

ANSWER:

Answering Defendant does not possess sufficient information to respond to this interrogatory.

INTERROGATORY NO. 58:

Were the threshold limit values or maximum allowable concentrations inquired about in Interrogatory No. 63 for total dust, and not asbestos dust alone?

ANSWER:

See answer to Interrogatory No. 57.

INTERROGATORY NO. 59:

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

ANSWER:

Defendant objects to this interrogatory on the grounds that it is vague and ambiguous. Answering Defendant does not understand in what context or potential group of persons the word "workers" refers to or is intended to identify. Subject to and without waiving this objection, see answer to Interrogatory No. 57.

INTERROGATORY NO. 60:

Please state the following with respect to each expert witness you that you may call during trial of these cases. Please designate with specificity the expert witnesses that you may call, including:

- (a) The name, address, and job classification of each such expert witness;
- (b) The subject matter on which the expert is expected to testify;
- (c) The substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion;
- (d) Whether any person identified in subparagraph (a) above has provided a report or other documentation to you, and if so, identify and produce each such document or report;
- (e) Identify all documents that you have provided to each person identified in response to subparagraph (a) above;
- (f) Describe in detail the education and work history of, and identify any books, treatises, articles, published and unpublished reports, studies or other scholarly works authored by any individual identified in response to subparagraph (a) above. Alternatively, in lieu of said response, attach a copy of a resume or curriculum vitae and a list of publications to your answers.

ANSWER:

Defendant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome and is an improper request in a master set of interrogatories as each individual

case is different and will require different and unique witnesses. Subject to and without waiver of these objections:

(a)

1. Dr. Hans Weill, a Board Certified Pulmonary Specialist at Tulane Medical School, 1700 Perdido Street, New Orleans, Louisiana.
2. Dr. Harry B. Demopoulos, Pathologist, Health Maintenance Programs, Inc., P.O. Box 252, Valhalla, New York 10595.
3. Dr. H. Corwin Hinshaw (by deposition), retired Emeritus Professor of Medicine at the University of California School of Medicine, P.O. Box 546, Belvedere, California 94920.
4. Dr. Edward A. Gaensler, Boston University Medical Center, 80 East Concord Street, Boston, Massachusetts 02118.

Drs. Weill, Demopoulos, Hinshaw, and Gaensler, if called to testify, are expected to provide testimony in the following areas:

- a. Anatomy and function of the respiratory and circulatory system;
- b. The nature of asbestos;
- c. The symptomatology, disease process and diagnosis of asbestos and cancer associated with the respiratory system, peritoneum and peritoneal cavity;
- d. The nature and extent of medical and scientific knowledge regarding any association of obstructive pulmonary disease with asbestos fiber exposure;
- e. The effect of exposure to substances other than asbestos on the development and manifestation of obstructive and restrictive conditions and diseases of the respiratory system;
- f. Methods of diagnosis of various diseases particularly means of establishing the differential diagnosis of alleged asbestos-

related diseases with other non-asbestos-related diseases;

- g. Incidence of lung cancer among individuals with asbestosis, compared with non-asbestotic asbestos workers and with the general population;
- h. Cigarette smoking and its effect on the lung;
- i. The relationship of cigarette smoking to cancer of the lung and cancers of other sites with reference to epidemiological studies and physiologic effect;
- j. Difference between impairment and disability;
- k. Effect of asbestosis on disability and life expectancy;
- l. The lack of a relationship between presence of pleural plaques and a later development of any form of cancer; and
- m. The history of evolution and knowledge of asbestos related diseases.

It is also expected that Drs. Weill, Demopoulos, Hinshaw, and Gaensler will testify that the medical community became aware that insulators with prolonged intense exposure might be at risk for asbestos related diseases in the late 1960's or early 1970's. Drs. Hinshaw, Weill, Demopoulos, and Gaensler will not testify concerning the diagnosis or physical condition of these particular Plaintiffs.

- 5. Dr. R. Keith Wilson, Respiratory Consultants of Houston, 6535 Fannin, Fondren Building, Houston, Texas 77030.
- 6. Dr. Peter Heidbrink, a Board Certified Pulmonary Specialist at Southwest Pulmonary Associates, St. Paul Professional Building #2, 5959 Harry Hines Boulevard, Suite 711, Dallas, Texas 75235.
- 7. Dr. George Delclos, Pulmonary Section F907, Methodist Hospital, 6565 Fannin, Houston, Texas.

8. Dr. Gregory Foster, North Texas Pulmonary Associates, 375 Municipal Drive, Suite 140, Richardson, Texas 75080.
9. Dr. Scott R. Donaldson, North Texas Pulmonary Associates, 375 Municipal Drive, Suite 140, Richardson, Texas 75080.
10. Dr. Paul M. Stevens, a Board Certified Pulmonary Disease Specialist and Professor of Medicine at the Baylor College of Medicine in Methodist Hospital in Houston, Texas.
11. Drs. Stevens, Wilson, Heidbrink, Delclos, Foster, and Donaldson will testify concerning their examination and diagnosis of the physical condition of the particular Plaintiffs. It is expected that Drs. Wilson, Heidbrink, Stevens, Delclos and Foster will testify that the Plaintiffs do not have asbestosis and will further testify concerning the overall condition and the relationship of that condition, if any, to Plaintiff's exposure to asbestos. Each doctor will also testify concerning the following areas:
 - a. Anatomy and function of the respiratory and circulatory systems;
 - b. The nature of asbestos;
 - c. The symptomatology, disease process and diagnosis of asbestos and cancer associated with the respiratory system, peritoneum and peritoneal cavity;
 - d. The nature and extent of medical and scientific knowledge regarding any association of obstructive pulmonary disease with asbestos fiber exposure;
 - e. The effect of exposure to substances other than asbestos on the development and manifestation of obstructive and restrictive conditions and diseases of the respiratory system;
 - f. Methods of diagnosis of various diseases particularly means of establishing the differential diagnosis of alleged asbestos-related diseases with other government warnings, smoking, and some areas of state-of-the-art.

- g. Incidence of lung cancer among individuals with asbestos, compared with non-asbestotic asbestos workers and with the general population;
 - h. Cigarette smoking and its effect on the lung;
 - i. The relationship of cigarette smoking to cancer of the lung and cancers of other sites with reference to epidemiological studies and physiologic effect;
 - j. Difference between impairment and disability;
 - k. Effect of asbestosis on disability and life expectancy;
 - l. The lack of a relationship between presence of pleural plaques and a later development of any form of cancer.
12. Dr. Elliott Hinkes, a Board Certified Oncologist and Hematologist at 301 North Prairie Avenue, suite 311, Inglewood, California 90301. Dr. Hinkes will testify concerning the relationship of asbestos and smoking to the development of cancer. Dr. Hinkes will also testify concerning the incidence of lung cancer among individuals with asbestosis or exposure to asbestos-containing insulation products.
 13. Dr. Keith Morgan, who will testify on state-of-the-art and the Saranac papers, to the effect that the Defendants could not have known and users were at risk until approximately the late 1960's.
 14. Dr. Forde A. McIver, Pathology Associates, P.A., 135 Rutledge Avenue, Charleston, South Carolina 29401. Dr. McIver will testify on state-of-the-art and the Saranac papers, to the effect that the Defendants could not have known end users were at risk until approximately the late 1960's.
 15. Dr. Joseph M. Miller, Box 365, New Hampton, New Hampshire. Dr. Miller will testify on state-of-the-art and the Saranac papers, to the effect that the Defendants could not have known end users were at risk until approximately the late 1960's.

16. Dr. Jesse Steinfield, who will testify concerning government warnings, smoking, and some areas of state-of-the art.
17. Dr. Stephen Ayres, Sanger Hall Room 1-014, Box 565, MCV Station, Richmond, Virginia 23298. Dr. Ayres will testify on state-of-the-art and the Saranac papers, to the effect that the Defendants could not have known end users were at risk until approximately the late 1960's.
18. Dr. Elvin Adams, General Conference of SDA's, 6840 Eastern Avenue, N.W., Washington, D.C. 20012. Dr. Adams will testify on asbestos-related diseases' effects, and in particular on smoking's effects.
19. Dr. Thomas Wheeler, The Methodist Hospital, Department of Pathology, 6565 Fannin Street, Mail Station 205, Houston, Texas 77030. Dr. Wheeler will testify regarding general pathology and the pathology of the Plaintiff and/or Plaintiff's decedent.
20. Dr. Robert O'Neal, Route 1, Box 168, Perkinston, Mississippi 39573. Dr. O'Neal will testify regarding general pathology and the pathology of the Plaintiff and/or Plaintiff's decedent.
21. Dr. Andrew Churg, The University of British Columbia, 2211 Wesbrook Mall, Vancouver, B. C. Canada V6T1W5, phone number 604-228-7111. Dr. Churg will testify regarding general pathology and the pathology of the Plaintiff and/or Plaintiff's decedent.
22. Dr. James Robert Shepherd, III, University of Texas Health Center at Tyler, Department of Radiology, P.O. Box 2003, Tyler, Texas 75710. Dr. Shepherd is a B reader and will testify regarding the radiographs of the Plaintiff and/or Plaintiff's decedent.
23. Dr. Sam H. Cade, Jr., Radiology Department, Baylor University Medical Center, 3500 Gaston Avenue, Dallas, Texas 75242. Dr. Cade is a B reader and will testify regarding the radiographs of the Plaintiff and/or Plaintiff's decedent.
24. Dr. Allan Shulkin, Medical City Dallas Hospital, 7777 Forest Lane, Suite 202, Dallas, Texas 75230.

25. Dr. Bobby F. Craft, Industrial Health, Inc., 640 East Wilmington Avenue, Salt Lake City, Utah 84106. Dr. Craft will testify that the medical community became aware that insulators with prolonged intense exposure might be at risk for asbestos related diseases in the late 1960's or early 1970's.
26. Dr. Jeffrey S. Lee, Building 512, University of Utah, Salt Lake City, Utah 84112. Dr. Lee will testify that the medical community became aware that insulators with prolonged intense exposure might be at risk for asbestos related diseases in the late 1960's or early 1970's.
27. Dr. Oscar Auerbach, 158 Long Hill Drive, Short Hills, New Jersey 07078. Dr. Auerbach will testify regarding the pathology of the Plaintiff and/or Plaintiff's decedent.
28. Dr. Donald Greenberg, The Methodist Hospital, Department of Pathology, 6565 Fanning, 2nd Floor, Houston, Texas 77030. Dr. Greenberg will testify regarding the pathology of the Plaintiff and/or Plaintiff's decedent.
29. Dr. Michael D. Henderson, 330 Rittiman Road, San Antonio, Texas 78209. Dr. Henderson will testify concerning the relationship of asbestos and smoking to the development of cancer. Dr. Henderson will also testify concerning the incidence of lung cancer among individuals with asbestosis or exposure to asbestos-containing insulation products.
30. All physicians who have seen, examined, and/or treated Plaintiff and/or Plaintiff's decedent.
31. Dr. John E. Craighead
Chairman, Department of Pathology
A249 Given Medical Building
University of Vermont College of Medicine
Burlington, Vermont 05401
32. A. Mitchell Polinsky, Ph.D.
Stanford University
Stanford, California 94305
33. Dr. Robert Jones
Tulane Medical School
1700 Perdido Street
New Orleans, Louisiana

34. Louis Calvin Solmon
University of California in Los Angeles
Los Angeles, California
35. Mr. Phillip Bettoli, GAF Corporation, 1361 Alps Road, Wayne,
New Jersey 07470. Mr. Bettoli will testify concerning the
utility of asbestos-containing products.
36. Charles Henry Drummond, III
Ceramic Engineering
Ohio State University
2041 College Road
Columbus, Ohio 43210
37. Defendants reserve the right to call as expert witnesses all
physicians who have seen, examined, or treated plaintiff;
reviewed plaintiff's medical records; and/or been designated
as a witness by any other party to this action.
38. Defendants reserve the right to use any affidavit,
deposition, answer to interrogatories, and/or answers to
requests for admissions made by any party to this action.
39. Defendants incorporate by reference, the depositions listed
in Defendants' Designation of Deposition Testimony.
40. Defendants reserve the right to call any witness who may be
necessary for rebuttal testimony.
41. James E. Lockey, M.D., M.S., 3848 Chimney Hill Drive,
Cincinnati, Ohio 45241.
42. Lyle Haack who will testify as to products manufactured by
CertainTeed Corporation.
43. Dr. Phillip Cagle, Pathologist, Baylor College of Medicine,
One Baylor Plaza, Houston, Texas 77030, who will testify
regarding general pathology and pathology of Plaintiff
and/or Plaintiff's decedent.
44. All other expert and factual witnesses listed by plaintiffs
and defendants in this lawsuit.
45. William C. Schwingen, GAF Building Materials Corporation,
1361 Alps Road, Wayne, New Jersey, 07470. Mr. Schwingen is
an employee of GAF Building Materials Corporation. He will
be testifying regarding products manufactured by GAF or The

Ruberoid Co., including the manufacturing process. His testimony may also include the topics referred to in connection with Mr. Bettoli.

46. Dr. H. Corwin Hinshaw, by deposition testimony in "William L. Nicar v. Johns-Manville Sales Corp., et al", No. W-81-CA-8.
47. Dr. H. Corwin Hinshaw, by deposition testimony in "In Re: Related Asbestos Cases", No. C-83-6251-RFP, in the United States District Court for the Northern District of California; "In Re" Related Shipyard and Applicator Cases: Alameda County Asbestos Litigation", in the Superior Court of the State of California, in and for the County of Alameda; Misc. No. 959, "In Re: Shipyard and Applicator Cases" (Clapper & Brayton) Consolidated for Discovery, in the Superior Court of the State of California, in and for the County of Solano; and "In Re" San Francisco Asbestos Complex Litigation", in the Superior Court of the State of California, in and for the City and County of San Francisco.
48. Dr. H. Corwin Hinshaw, by deposition testimony in "Jimmie L. Vaughan v. Johns-Manville, et al", No. CA3-81-0070-F; "William L. Nicar v. Johns-Manville Sales Corp., et al", No. W-81-CA-008; "Donald C. Lanier v. Johns-Manville Sales Corp., et al", No. CA-80-1983; Jesse Cupit v. Johns-Manville Sales Corp., et al", No. CA-81-0082; "Jerry Lynn Coon v. Johns-Manville Sales Corp., et al", No. CA-81-0077; "James L. Bush v. Johns-Manville Corp., et al", No. CA-81-0088; "Charles T. Burrow v. Johns-Manville Corp., et al", No. CA-80-1984; Ernest E. Adams v. Johns-Manville Sales Corp., et al", No. CA-80-1982; "A. E. Jacks v. Johns-Manville Sales Corp., et al", No. CA-80-1981; "Clinton Wayne Barlow v. Johns-Manville Sales Corp., et al", No. CA-80-1985; and "Willard Scott, Jr. v. Johns-Manville Sales Corp., et al", No. CA-81-0081.
49. Dr. Hans Weill, by deposition testimony in "Ernest Howell v. Armstrong World Industries, Inc., et al", No. M-80-169-CA.
50. John B. Sartain, Sartain & Co., Inc., 3811 Turtle Creek Centre, Suite 520, Dallas, Texas 75219. John Sartain is an economist consultant and may testify regarding any economic loss incurred.
51. William Lee Eschenbacher, M.D., F988, Pulmonary Function Laboratory, The Methodist Hospital, 6565 Fannin, Street, Houston, Texas 77030.

52. Dr. Joseph H. Bates
5 Glenridge Road
Little Rock, Arkansas 72207
53. Dr. Russell D. Sherwin
2011 Zonal Avenue, HMR-201
Los Angeles, California 90033-1054
54. Dr. Dala R. Jarolim
12305 S. 14th Street
Jenks, Oklahoma 74037-4903
55. Thomas Howard, M.D.
Osler Medical Center
Suite 300
930 South Harbor City Blvd.
Melbourne, FL 32901
56. Any prior deposition or trial testimony of any witness called by any other party either live or by deposition.
57. Any prior deposition or trial testimony of any physician who has treated, examined, or been consulted regarding the Plaintiff.
58. Any deposition or custodian of records concerning the Plaintiff.
59. Any prior deposition or trial testimony of any Plaintiff represented by Plaintiff's attorney herein.
60. Any deposition taken by any party in this case.
- (b) See answer to Interrogatory No. 60(a).
- (c) See answer to Interrogatory No. 60(a).
- (d) None, unless previously provided to plaintiff's counsel.
- (e) The medical records of individual plaintiffs, as well as any and all documents listed in Defendant's Answer to Interrogatory No. 62.
- (f) Curriculum vitae are attached hereto as Exhibit "A".

INTERROGATORY NO. 61:

Please state the name, present address and present telephone number, along with the experience and qualifications, if applicable, of each and every person, known to Defendant or to Defendant's agents, having knowledge of facts relevant to these cases involving, but not limited to:

- (a) Identification of asbestos-containing products to which each and every individual Plaintiff, separate and distinct from all other Plaintiffs within the group, allegedly was exposed or facts disputing the identification of asbestos-containing products in this case.
- (b) Each and every individual Plaintiff's, separate and distinct from all other Plaintiffs within the group, alleged damages, injuries and/or facts disputing each and every Plaintiff's alleged damages and/or injuries;
- (c) The negligence of any person or entity other than Defendant which Defendant contends was a cause of each and every individual Plaintiff's, separate and distinct from all other Plaintiffs within the group, alleged injuries and/or damages;
- (d) Each of Defendant's defenses enumerated in Defendant's last filed Answer in each of these cases.

ANSWER:

Defendant objects to this interrogatory on the grounds that it is overly broad and unduly burdensome and is an improper request in a master set of interrogatories as each individual case is different and will require different and unique witnesses. Subject to and without waiver of these objections:

- (a) Defendant may call as a witness the Plaintiff and any persons listed by the Plaintiff as his co-workers regarding their knowledge of the facts relevant to the Plaintiff's case.
- (b) See Answers to Interrogatories No. 39 and No. 60(a).
- (c) See Answers to Interrogatories No. 60(a) and 61(a). In addition, Defendant may call the Plaintiff regarding his own actions, including his history of smoking.

(d) See Answers to Interrogatories No. 60(a), 61(a) and 61(c).

INTERROGATORY NO. 62:

Please identify documents which will be used at time of trial, (Exhibit List, Deposition List), which are relevant to each of Defendant's enumerated defenses in Defendant's last filed Answer.

ANSWER:

In addition to Plaintiff's medical records and employment records and all depositions taken in Plaintiff's case, see exhibit list attached hereto as Exhibit "B". Defendant will supplement this answer with further exhibits as they become known to Defendant.

INTERROGATORY NO. 63:

When, if ever, did Defendant or any of its predecessors-in-interest first receive a copy of the article entitled "A Health Survey of Pipe Covering Operations in Constructing Naval Vessels", published in January, 1946 in the Journal of Industrial Hygiene & Toxicology, and authored by W. Fleischer and P. Drinker, et al ("the Fleischer-Drinker Report")?

- (a) Identify the name and position of the employee or officer who received same;
- (b) Please produce all documents generated by Defendant which discuss or in any way reference the "Fleischer-Drinker" study prior to 1968;
- (c) Please produce all documents upon which your responses above are based;
- (d) Please identify the name(s) and address(es) of any person(s) who can verify your above response;
- (e) Did Defendant ever rely on the Fleischer-Drinker Report in whole or in part as a basis that Defendant's asbestos products could be used in the workplace without risk of asbestos-related health impacts to the consumer and/or bystander;
- (f) If so, please produce every document which evidences in any way that Defendant relied on the Fleischer-Drinker

Report in whole or in part for the proposition stated in Interrogatory No. 63(a) above;

- (g) If your answer to 63(e) is yes, when was the first date Defendant relied on the Fleischer-Drinker report in whole or in part for the proposition stated in 63(e) above?

ANSWER:

Based upon available information, Answering Defendant never received the article referred to by this interrogatory.

INTERROGATORY NO. 64:

When, if ever, did Defendant or any of its predecessors-in-interest first receive a copy of the article entitled "A Study of Asbestos in the Asbestos Textile Industry", published in 1938 in Public Health Bill, No. 241, U.S. Public Health Service and authored by W. (c) Dreessen ("the Dreessen Report")?

- (a) Identify the name and position of the employee or officer who received same;
- (b) Please produce all documents generated by Defendant which discuss or in any way reference the "Dreessen" study prior to 1968;
- (c) Please produce all documents upon which your responses above are based;
- (d) Please identify the name(s) and address(es) of any person(s) who can verify your above response;
- (e) Did Defendant ever rely on the Dreessen Report in whole or in part as a basis that Defendant's asbestos products could be used in the workplace without risk of asbestos-related health impacts to the consumer and/or bystander;
- (f) If so, please produce every document which evidences in any way that Defendant relied on the Dreessen Report in whole or in part for the proposition stated in Interrogatory No. 63(a) above;

- (g) If your answer to 63(e) is yes, when was the first date Defendant relied on the Dreessen report in whole or in part for the proposition stated in 63(e) above?

ANSWER:

See answer to Interrogatory No. 63.

REQUESTS FOR PRODUCTION

REQUEST NO. 1:

Please produce a true and correct copy of each photograph of each asbestos-containing product identified in answer to Interrogatory No. 4.

RESPONSE:

No such documents are in Defendant's possession.

REQUEST NO. 2:

Please produce any diagrams or schematics indicating, stating or detailing the existence of any of your subsidiaries, predecessors, or divisions as defined on Page 1 of these Interrogatories and Request for Production.

RESPONSE:

No such documents are in Defendant's possession.