



NO. 92-10123

CHARLES NORMAN WHITE	§	IN THE DISTRICT COURT
and PAULINE WHITE;	§	
HARVEY LEWIS SHADDOX and	§	
MARY SHADDOX; ORVEL	§	
WOODROW FITTS and MAVIS FITTS;	§	
LEO L. DARDEN and RUTH DARDEN;	§	
and DANIEL ALLEN DALTON, SR.	§	
and MARITA DALTON,	§	TRAVIS COUNTY, TEXAS
	§	
Plaintiffs,	§	
	§	
versus	§	
	§	
KEENE CORPORATION, et al.,	§	
	§	
Defendants.	§	353RD JUDICIAL DISTRICT

**WESTINGHOUSE ELECTRIC CORPORATION'S FIRST AMENDED OBJECTIONS
AND RESPONSES TO PLAINTIFFS' INTERROGATORIES
MAILED TO DEFENDANT ON OR ABOUT APRIL 21, 1993**

TO: Plaintiffs, by and through their counsel of record, Russell W. Budd, Baron & Budd, The Centrum, 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219.

Comes now Westinghouse Electric Corporation ("Westinghouse"), by and through its attorneys of record, and files these First Amended Objections and Responses to Plaintiffs' Interrogatories Mailed to Defendant on or about April 21, 1993.

Preliminary Statement and General Objections

Westinghouse has a history of cooperation with plaintiffs' counsel, Baron & Budd, and has produced substantial discovery consisting of documents, witnesses and answers to interrogatories. The current interrogatories request verification of the authenticity of certain documents which presumably were previously produced by Westinghouse to Plaintiffs along with literally thousands of other documents. However, many of these documents were not prepared by Westinghouse and Westinghouse cannot attest to their authenticity. Specifically,

**WESTINGHOUSE ELECTRIC CORPORATION'S FIRST AMENDED OBJECTIONS
AND RESPONSES TO PLAINTIFFS' INTERROGATORIES MAILED TO
DEFENDANT ON OR ABOUT APRIL 21, 1993 - Page 1**

Westinghouse lacks the first hand knowledge necessary to determine whether each of these documents is genuine and authentic. Likewise, the origin of many documents cannot be confirmed as Westinghouse documents because Plaintiffs have supplied copies which do not carry a readable bates number. Furthermore, many of the documents themselves are illegible. Finally, many documents on their face appear to be Westinghouse documents but contain other information either typed or hand written which would not have been found on the original document. Again, without knowing the source of the document or at least the source of this extraneous information, Westinghouse cannot attest to the documents authenticity. In essence, Plaintiffs have failed to provide sufficient information for Westinghouse to provide accurate and meaningful responses.

Westinghouse's responses to these Interrogatories are made without in any way waiving: (1) the right to object, on the grounds of competency, relevancy, materiality, hearsay or any other proper grounds, to the use of any such information for any purpose, in whole or in part, in any subsequent stage or proceeding in this action or any other action; or (2) the right to object on any and all grounds, at any time, to any other discovery procedure relating to the subject matter of these Interrogatories.

Without waiving these objections and subject thereto Westinghouse further responds to the Interrogatories as follows:

INTERROGATORIES

INTERROGATORY NO. 1: For each document listed below, please answer whether such document is a true and correct duplicate of a genuine and authentic document:

ANSWER: See general objection and objections and responses to Interrogatory Nos. 2 and 3 below. Subject to these objections, these documents appear to be copies of materials provided by Westinghouse to Plaintiffs in various cases.

INTERROGATORY NO. 2: For each document listed below, please answer whether such document was kept and/or generated in the regular course of a regularly conducted business activity of any Westinghouse Entity by an employee or representative of any Westinghouse Entity with knowledge of the act, event, condition or opinion recorded.

ANSWER: See general objection and response to Interrogatory No. 1. The attached documents appear to have been produced to Plaintiffs' counsel by Westinghouse. However, because hundreds of thousands of pages of documents have been made available to Plaintiffs from a large variety of sources within Westinghouse, Westinghouse is unable to determine whether all the materials were maintained in the regular course of regularly conducted business activity. Therefore, Westinghouse cannot attest that all these documents were "kept and/or generated in the regular course of a regularly conducted business activity of any Westinghouse entity by an employee or representative of any Westinghouse entity with knowledge of the act, event, condition or opinion recorded." The foregoing is also true with respect to any document produced by Westinghouse which was generated by some source outside the corporation. Subject to the foregoing objections and without waiving same see individual responses below.

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>
a) WH-55	Westinghouse Electric & Manufacturing Company, Purchasing Department specification No. 7305-A. Blanket Insulation over 850 F., Approved December 20, 1934, Revised, February 5, 1934. Bates Nos. 000874-000875.
<u>ANSWER:</u>	Appears to be a document generated by Westinghouse. Also, this document appears to be kept or generated in the regular course of Westinghouse's regularly conducted business activity.
b) WH-57	Materials File Card No. 8407. Re: Cement, Heat Insulating (Plastic Insulations). June 5, 1946. Westinghouse Standards Department. Bates No. 000672.
<u>ANSWER:</u>	Appears to be a document generated by Westinghouse. Also, this document appears to be kept or generated in the regular course of Westinghouse's regularly conducted business activity.

- c) WH-93 Materials File Card (2 pages). No. 46601AA thru AC. Re: Heat Insulating Block, High Temperature. April 5, 1969. Westinghouse Standards Department. Bates No. 000908.

ANSWER: Appears to be a document generated by Westinghouse. Also, this document appears to be kept or generated in the regular course of Westinghouse's regularly conducted business activity.

- d) WH-326 Document titled "Sample Sheets 1951" with attachment.

ANSWER: Appears to be a document generated by Westinghouse. Also, this document appears to be kept or generated in the regular course of Westinghouse's regularly conducted business activity.

- e) WH-327 Document titled "Sample Sheets 1952"

ANSWER: Appears to be a document generated by Westinghouse. Also, this document appears to be kept or generated in the regular course of Westinghouse's regularly conducted business activity.

- f) WH-333 Document titled "Legal Guidelines for Business Writing" with attached "Terms & Definitions Commonly Used"

ANSWER: Appears to be a document generated by Westinghouse.

- g) WH-337 Document titled "Table I, Evaluation of Asbestos Exposure Results of Air Samples"

ANSWER: Appears to be a document generated by Westinghouse. Also, this document appears to be kept or generated in the regular course of Westinghouse's regularly conducted business activity.

- h) WH-338 Memo dated March 27, from Wesley E. Piros, to IN Transportation & Generator, Harry Mower, Safety Engineer.

ANSWER: Appears to be a document generated by Westinghouse. Also, this document appears to be kept or generated in the regular course of Westinghouse's regularly conducted business activity.

- i) WH-339 Photocopy of products used on turbine: Insulation, Flange Cover Insulation, Crossover Pipe Moulded Insulation and Block Insulation.

ANSWER: Source of this document is currently unknown.

- j) WH-340 The Saranac Laboratory for the Study of Tuberculosis of the Edward L. Trudeau Foundation letter dated January 31, 1936 from Leroy U. Gardner, M.D., Director to E. C. Barnes, Westinghouse Electric Company.

ANSWER: This is not a Westinghouse generated document.

- k) WH-341 Letter dated December 23, 1936 from Susy Schu... to Mr. Barnes, Westinghouse Company.

ANSWER: This is not a Westinghouse generated document.

- l) WH-342 Report titled "Intraperitoneal Reactions caused by Dusts, G20, G21 and G22. Preliminary Report" submitted by Susy Schu... (injection September 23, 1936)

ANSWER: This is not a Westinghouse generated document.

- m) WH-345 Statement of Claim, Home v. Westinghouse Electric and Manufacturing Company, Court of Common Pleas of Allegheny County, Pennsylvania, August 1937.

ANSWER: This is not a Westinghouse generated document.

- n) WH-346 Pittsburgh Plate Glass Company letter dated September 16, 1938 from F. R. Holden, Ph.D. Industrial Hygienist to E. Barnes, Westinghouse Electric and Manufacturing Co.

ANSWER: This is not a Westinghouse generated document.

- o) WH-347 Memorandum dated January 11, 1946 from E. C. Barnes, Headquarters Medical Department to South Philadelphia Works.

ANSWER: Appears to be a document generated by Westinghouse. Also, this document appears to be kept or generated in the regular course of Westinghouse's regularly conducted business activity.

- p) WH-348 Memorandum dated April 20, 1948 from E. C. Barnes to 3-B-42 - Trans. & Generator Div., Mr. Paul Edelman.

ANSWER: Appears to be a document generated by Westinghouse. Also, this document appears to be kept or generated in the regular course of Westinghouse's regularly conducted business activity.

- q) WH-349 Memorandum dated May 14, 1948 from E. C. Barnes to Sharon Works, R. L. Miller.

ANSWER: Appears to be a document generated by Westinghouse. Also, this document appears to be kept or generated in the regular course of Westinghouse's regularly conducted business activity.

- r) WH-350 Memorandum dated June 11, 1954 from N. Wilbur Speicher, to South Philadelphia Works, W. E. McKeldin.

ANSWER: Appears to be a document generated by Westinghouse. Also, this document appears to be kept or generated in the regular course of Westinghouse's regularly conducted business activity.

- s) WH-351 Memo dated July 24, 1957 from H. Wilbur Speicher to James McClimans; re: Report of Plant Visit.

ANSWER: Appears to be a document generated by Westinghouse. Also, this document appears to be kept or generated in the regular course of Westinghouse's regularly conducted business activity.

- t) WH-353 Westinghouse memo dated April 16, 1958 from C. F. Ehalt to Office Methods Representatives, Manager of East Pittsburgh Accounting; subject: Revision of Procedure for Preservation and Destruction of Records - East Pittsburgh Departments.

ANSWER: Appears to be a document generated by Westinghouse.

- u) WH-357 Letter dated October 15, 1971 from Pete Rotelli to Hon. George Guenther, OSHA.

ANSWER: This is not a Westinghouse generated document.

- v) WH-358 Owens-Corning Fiberglas letter dated March 1, 1972 from Gerald E. Devitt to H. W. Speicher.

ANSWER: This is not a Westinghouse generated document.

- w) WH-360 Handwritten note concerning Asbestos Cloth with date 8/7/72 and name of Bill Lane.

ANSWER: Appears to be a document generated by Westinghouse.

- x) WH-363 Memorandum dated August 28, 1972 from Zella R. Rees to South Philadelphia Works, W. C. Lane.

ANSWER: Appears to be a document generated by Westinghouse. Also, this document appears to be kept or generated in the regular course of Westinghouse's regularly conducted business activity.

- y) WH-366 Memorandum dated January 29, 1973 from H. Wilbur Speicher to East Pittsburgh, W. G. Craig.

ANSWER: Appears to be a document generated by Westinghouse. Also, this document appears to be kept or generated in the regular course of Westinghouse's regularly conducted business activity.

- z) WH-367 Memorandum dated February 7, 1973 from R. L. Bergquist to East Pittsburgh Works, W. G. Craig, re: Use of Asbestos Material in Soldering Operations.

ANSWER: Appears to be a document generated by Westinghouse. Also, this document appears to be kept or generated in the regular course of Westinghouse's regularly conducted business activity.

aa) WH-369 Memorandum dated February 16, 1973 from H. Wilbur Speicher to East Pittsburgh, W. G. Craig.

ANSWER: Appears to be a document generated by Westinghouse. Also, this document appears to be kept or generated in the regular course of Westinghouse's regularly conducted business activity.

bb) WH-370 Memorandum dated March 19, 1973 from E. J. Hlavaty to D. L. Collier; re: E-4 & 5 Operations involving Asbestos Materials.

ANSWER: Appears to be a document generated by Westinghouse. Also, this document appears to be kept or generated in the regular course of Westinghouse's regularly conducted business activity.

cc) WH-372 Memorandum dated April 16, 1973 from R. L. Bergquist to East Pittsburgh Works 4N5, W. G. Craig; re: Use of Asbestos Material in Soldering Operations P. G. & E. Diablo Canyon #1.

ANSWER: Appears to be a document generated by Westinghouse. Also, this document appears to be kept or generated in the regular course of Westinghouse's regularly conducted business activity.

dd) WH-373 Memorandum dated April 24, 1973 from John F. Adams to East Pittsburgh Works, E. J. Hlavaty; re: Results of Air Samples Taken for Airborne Asbestos Fibers in Section E-5, LRA, East Pittsburgh Works, with attachment.

ANSWER: Appears to be a document generated by Westinghouse. Also, this document appears to be kept or generated in the regular course of Westinghouse's regularly conducted business activity.

ee) WH-374 Memorandum dated May 15, 1973 from John F. Adams to East PGH., F General Office, B. J. Pleunik.

ANSWER: Appears to be a document generated by Westinghouse. Also, this document appears to be kept or generated in the regular course of Westinghouse's regularly conducted business activity.

ff) WH-379 Memorandum dated April 18, 1974 from R. A. Gerbrands to East Pittsburgh - Room 2G46, H. W. Speicher; re: Asbestos Blanket, with handwritten notation.

ANSWER: Appears to be a document generated by Westinghouse.

gg) WH-382 Document entitled Excerpt from "Technological Feasibility and Economic Impact of OSHA Proposed Revision to the Asbestos Standard" prepared by WESTON Environmental Consultants", re: regulation proposed on October 9, 1975.

ANSWER: This is not a Westinghouse generated document.

hh) WH-383 Article titled "The Asbestos Exposure of Insulation Workmen", Insulation Hygiene Progress Reports, by Irving J. Selikoff, M.D., Vol. 6, No. 1, Spring 1975.

ANSWER: This is not a Westinghouse generated document.

ii) WH-384 Memorandum dated January 8, 1975 from Zella R. Heasley to R&D Center - 401-3X9, A. Zervins.

ANSWER: Appears to be a document generated by Westinghouse. Also, this document appears to be kept or generated in the regular course of Westinghouse's regularly conducted business activity.

jj) WH-385 Memorandum dated June 10, 1975 from Dick Wolf to R. C. Boyd, PCB Division.

ANSWER: Appears to be a document generated by Westinghouse. Also, this document appears to be kept or generated in the regular course of Westinghouse's regularly conducted business activity.

kk) WH-393 South Carolina Department of Labor Citation and Notification of Proposed Penalty dated January 12, 1976; re: Westinghouse Electric Corporation - Micarta Division.

ANSWER: This is not a Westinghouse generated document.

INTERROGATORY NO. 3: For each document listed below, please answer whether such document was found in your files in such a condition as to create no suspicion concerning its authenticity.

ANSWER: See general objections and response to Interrogatory Nos. 1 and 2 above. Except as noted below, each of these documents appears in the condition as found in Westinghouse files and in a condition as to create no suspicion.

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>
b) WH-57	Materials File Card No. 8407. Re: Cement, Heat Insulating (Plastic Insulations). June 5, 1946. Westinghouse standards Department. Bates No. 000672.
<u>ANSWER:</u>	This document contains unidentified extraneous information. However, except for this extraneous information, the document appears in a condition as to create no suspicion concerning its authenticity.
d) WH-326	Document titled "Sample Sheets 1951" with attachment.
<u>ANSWER:</u>	This document contains unidentified extraneous information. However, except for this extraneous information, the document appears in a condition as to create no suspicion concerning its authenticity.
f) WH-333	Document titled "Legal Guidelines for Business Writing" with attached "Terms & Definitions Commonly Used"
<u>ANSWER:</u>	This document contains unidentified extraneous information.
i) WH-339	Photocopy of products used on turbine: Insulation, Flange Cover Insulation, Crossover Pipe Moulded Insulation and Block Insulation.
<u>ANSWER:</u>	This document contains unidentified extraneous information. However, except for this extraneous information, the document appears in a condition as to create no suspicion concerning its authenticity.

- j) WH-340 The Saranac Laboratory for the Study of Tuberculosis of the Edward L. Trudeau Foundation letter dated January 31, 1936 from Leroy U. Gardner, M.D., Director to E. C. Barnes, Westinghouse Electric Company.

ANSWER: Because this document was not generated by Westinghouse, Westinghouse can provide little information regarding its authenticity. However, the document as provided appears in a condition as to create no suspicion concerning its authenticity.

- k) WH-341 Letter dated December 23, 1936 from Susy Schu... to Mr. Barnes, Westinghouse Company.

ANSWER: Because this document was not generated by Westinghouse, Westinghouse can provide little information regarding its authenticity. However, the document as provided appears in a condition as to create no suspicion concerning its authenticity.

- l) WH-342 Report titled "Intraperitoneal Reactions caused by Dusts, G20, G21 and G22. Preliminary Report submitted by Susy Schu...

ANSWER: Because this document is not a Westinghouse generated document, Westinghouse is uncertain as to whether this is a complete document and can provide little information regarding its authenticity. However the document as provided appears in a condition as to create no suspicion concerning its authenticity.

- m) WH-345 Statement of Claim, Homa v. Westinghouse Electric and Manufacturing Company, Court of Common Pleas of Allegheny County, Pennsylvania, August 1937.

ANSWER: Not only does this document contain unidentified extraneous information but also it was not generated by Westinghouse and Westinghouse can provide little information regarding its authenticity. Westinghouse is unaware of the basis of this unsubstantiated claim and whether the documents contained herein are a complete copy of the claim. However, the document as provided appears in a condition as to create no suspicion concerning its authenticity.

- n) WH-346 Pittsburgh Plate Glass Company letter dated September 16, 1938 from F. R. Holden, Ph.D. Industrial Hygienist to E. Barnes, Westinghouse Electric and Manufacturing Co.

ANSWER: Not only does this document contain unidentified extraneous information but also this document was not generated by Westinghouse and Westinghouse can provide little information regarding its authenticity.

- t) WH-353 Westinghouse memo dated April 16, 1958 from C. F. Ehalt to Office Methods Representatives, Manager of East Pittsburgh Accounting; subject: Revision of Procedure for Preservation and Destruction of Records - East Pittsburgh Departments.

ANSWER: This document contains unidentified extraneous information.

- u) WH-357 Letter dated October 15, 1971 from Pete Rotelli to Hon. George Guenther, OSHA.

ANSWER: Not only does this document contain unidentified extraneous information but also is a non-Westinghouse generated document and Westinghouse can provide little information regarding its authenticity. However, the document as provided appears in a condition as to create no suspicion concerning its authenticity.

- v) WH-358 Owens-Corning Fiberglas letter dated March 1, 1972 from Gerald E. Devitt to H. W. Speicher.

ANSWER: Not only does this document contain unidentified extraneous information but also is a non-Westinghouse generated document and Westinghouse can provide little information regarding its authenticity. However, except for this extraneous information, the document appears in a condition as to create no suspicion concerning its authenticity.

- w) WH-360 Handwritten note concerning Asbestos Cloth with date 8/7/72 and name of Bill Lane.

ANSWER: This document contains unidentified extraneous information.

- x) WH-363_ Memorandum dated August 28, 1972 from Zella R. Rees to South Philadelphia Works, W. C. Lane.

ANSWER: This document contains unidentified extraneous information. However, except for this extraneous information, the document appears in a condition as to create no suspicion concerning its authenticity.

- z) WH-367 Memorandum dated February 7, 1973 from R. L. Bergquist to East Pittsburgh Works, W. G. Craig, re: Use of Asbestos Material in Soldering Operations.

ANSWER: This document contains unidentified extraneous information. However, except for this extraneous information, the document appears in a condition as to create no suspicion concerning its authenticity.

- bb) WH-370 Memorandum dated March 19, 1973 from E. J. Hlavaty to D. L. Collier; re: E-4 & 5 Operations involving Asbestos Materials.

ANSWER: This document contains unidentified extraneous information. However, except for this extraneous information, the document appears in a condition as to create no suspicion concerning its authenticity.

- cc) WH-372 Memorandum dated April 16, 1973 from R. L. Bergquist to East Pittsburgh Works 4N5, W. G. Craig; re: Use of Asbestos Material in Soldering Operations P. G. & E. Diablo Canyon #1.

ANSWER: This document contains unidentified extraneous information. However, except for this extraneous information, the document appears in a condition as to create no suspicion concerning its authenticity.

- ff) WH-379 Memorandum dated April 18, 1974 from R. A. Gerbrands to East Pittsburgh - Room 2G46, H. W. Speicher; re: Asbestos Blanket, with handwritten notation.

ANSWER: This document contains unidentified extraneous information.

- gg) WH-382 Document entitled Excerpt from "Technological Feasibility and Economic Impact of OSHA Proposed Revision to the Asbestos Standard" prepared

by WESTON Environmental Consultants", re: regulation proposed on October 9, 1975.

ANSWER: Because this document was not generated by Westinghouse, Westinghouse can provide little information regarding its authenticity. However, the document as provided appears in a condition as to create no suspicion concerning its authenticity.

hh) WH-383 Article titled "The Asbestos Exposure of Insulation Workmen", Insulation Hygiene Progress Reports, by Irving J. Selikoff, M.D., Vol. 6, No. 1, Spring 1975.

ANSWER: Because this document was not generated by Westinghouse, Westinghouse can provide little information regarding its authenticity. However, the document as provided appears in a condition as to create no suspicion concerning its authenticity.

ii) WH-384 Memorandum dated January 8, 1975 from Zella R. Heasley to R&D Center - 401-3X9, A. Zervins.

ANSWER: This document contains unidentified extraneous information. However, except for this extraneous information, the document appears in a condition as to create no suspicion concerning its authenticity.

kk) WH-393 South Carolina Department of Labor Citation and Notification of Proposed Penalty dated January 12, 1976; re: Westinghouse Electric Corporation - Micarta Division.

ANSWER: Not only does this document contain extraneous information but also this is not a Westinghouse generated document and Westinghouse can provide little information regarding its authenticity. Furthermore, Westinghouse does not know the basis for the complaint herein or whether this document is complete. However, the document as provided appears in a condition as to create no suspicion concerning its authenticity.

INTERROGATORY NO. 4: Has Westinghouse stipulated or agreed to the authenticity of any of the documents referenced in Interrogatory No. 1 with any person prior to the date of these Interrogatories?

ANSWER: Westinghouse is not aware of any stipulation to the authenticity of any of the documents referred to in Interrogatory No. 1 except to the extent Westinghouse may have stated that the documents were provided by Westinghouse via document production in various cases.

Respectfully submitted,

VIAL, HAMILTON, KOCH & KNOX
1717 Main Street
Suite 4400
Dallas, Texas 75201-4605
(214) 712-4400
FAX (214) 712-4402

By:



MARK A. HENDRIX
State Bar No. 09460500

ROBERT E. THACKSTON
State Bar No. 00785487

B. SCOTT TILLEY
State Bar No. 20032700
McGUIRE, WOODS, BATTLE &
BOOTHE
One James Center
Richmond, Virginia 23219
(804) 775-1000

ATTORNEYS FOR WESTINGHOUSE
ELECTRIC CORPORATION

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Westinghouse Electric Corporation's First Amended Objections and Responses to Plaintiffs' Interrogatories mailed to Defendant on or about April 21, 1993 have been forwarded to counsel for Plaintiffs via hand delivery, and to all other known counsel of record via U.S. Mail, regular delivery, on this the 4th day of October, 1993.

A handwritten signature in black ink, appearing to read 'MAH', is written over a horizontal line.

Mark A. Hendrix
ATTORNEYS FOR DEFENDANT

F:\NS\CJH\DISC\149630.1