

IN RE: ALL ASBESTOS-RELATED PERSONAL § IN THE DISTRICT COURTS OF
INJURY OR DEATH CASES FILED §
BY BARON & BUDD, P.C. OR TO § DALLAS COUNTY, TEXAS
BE FILED BY BARON & BUDD, P.C. §
IN DALLAS COUNTY, TEXAS § 191ST JUDICIAL DISTRICT

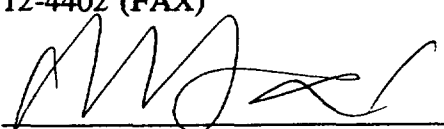
**DEFENDANT WESTINGHOUSE ELECTRIC
CORPORATION'S OBJECTIONS AND RESPONSES TO PLAINTIFFS'
INTERROGATORIES SERVED ON OR ABOUT SEPTEMBER 28, 1993**

TO: Plaintiffs, by and through their attorneys of record, Russell W. Budd, Baron & Budd, 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 Objections and Responses to Plaintiffs' Interrogatories served on or about September 28, 1993.

Respectfully submitted,

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

By: 

MARK A. HENDRIX
State Bar No. 09460500

ROBERT E. THACKSTON
State Bar No. 00785487

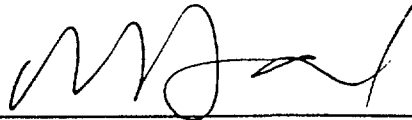
B. SCOTT TILLEY
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ATTORNEYS FOR DEFENDANT WESTINGHOUSE ELECTRIC CORPORATION



CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Westinghouse Electric Corporation's Objections and Responses to Plaintiffs' Interrogatories served on or about September 28, 1993 has been forwarded to counsel for Plaintiffs via hand delivery and to all other known counsel of record via U.S. regular mail on the 28 day of October, 1993.



MARK A. HENDRIX

Objection Pursuant to Rule 168(5)

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 Texas Rules of Civil Procedure provide, however, that the questions in a set of interrogatories, including subsections, may not require more than thirty answers. TEX. R. CIV. P. 168(5). The present set is divided into four questions. Each of the first three, however, requires separate answers regarding information on 24 different documents. Thus, responding to this set of interrogatories would require 73 separate answers. Westinghouse, therefore, objects to the number of answers required by this set of interrogatories in excess of the first thirty.

Preliminary Statement and General Objections

The current interrogatories request verification of the authenticity of certain documents, some of which presumably were previously produced by Westinghouse to Plaintiffs, along with thousands of other documents. While some of these documents were produced by Westinghouse, Westinghouse cannot answer how they arrived in the files, who placed them there or under what circumstances they came to the files. Many of these documents were not prepared by Westinghouse, and Westinghouse cannot attest to their authenticity. Specifically, Westinghouse lacks the first-hand knowledge necessary to determine whether each of these documents is genuine and authentic. Likewise, many of the documents cannot be confirmed as originating from Westinghouse, because Plaintiffs have supplied copies that do not carry a readable bates number, appear to be missing pages or contain pages that do not appear to be part of the original documents. Furthermore, many of the documents themselves are illegible. Finally, many

documents on their face appear to be Westinghouse documents, but contain extraneous typed or hand-written information that 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 more specific responses. For these reasons, Westinghouse objects to these interrogatories pursuant to Texas Rule of Civil Procedure 166b(4).

All responses to these interrogatories are made without waiving: (1) the right to object on the grounds of competency, relevancy, materiality, hearsay or any other proper grounds; (2) the right to object 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 (3) 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, 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 Objection Pursuant to Rule 168(5) and the Preliminary Statement and General Objections (above). Responses indicating that a document appears to be a copy of material provided by Westinghouse refer only to the underlying document, as the source of extraneous markings cannot be determined. Subject to these objections, see individual responses below.

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>
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a)	WH-716 Westinghouse memo dated January 20, 1956 from George F. Sutton to D. E. Baldwin; subject: Customer Order Development D-8-56 Moore-McCormick.
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<u>ANSWER:</u>	This document appears to be a copy of material provided to Plaintiffs by Westinghouse.
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b)	WH-717 File No. M 20403 AA through AK, Asbestos Fiber
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<u>ANSWER:</u>	The source of this file and the materials contained in it is currently unknown.
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c)	WH-718 Westinghouse Process Specification 600916
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<u>ANSWER:</u>	This document appears to be a copy of material provided to Plaintiffs by Westinghouse.
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d)	WH-719 Brochure titled "Westinghouse Micarta . . . the industrial plastic" No. B-3184-D.
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<u>ANSWER:</u>	This document appears to be a copy of material provided to Plaintiffs by Westinghouse.
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e)	WH-720 Instruction Book No. 1430-C95 "600 Kw Turbine Generator Units"
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ANSWER: This document appears to be a copy of material provided to Plaintiffs by Westinghouse. It does not, however, appear to be a true and correct copy, as it appears to contain extraneous pages and some pages are illegible.

- f) WH-728 Memo dated February 21, 1958 from T. B. Gettys to Steam Supervisors' Letter #58-10, Mailing List 6-A; re: Field Application of Turbine Insulation.

ANSWER: It is unclear whether this document is a copy of material provided to Plaintiffs by Westinghouse. It also does not appear to be a true and correct copy.

- g) WH-732 Westinghouse letter dated August 7, 1959 from D. E. Baldwin to A. J. Steiner.

ANSWER: This document appears to be a copy of material provided to Plaintiffs by Westinghouse.

- h) WH-733 Westinghouse Wire Message dated August 7, 1959 from Crest to Dement.

ANSWER: This document appears to be a copy of material provided to Plaintiffs by Westinghouse.

- i) WH-744 Hopeman Brothers, Inc. memo dated November 11, 1965 from B. C. Hopeman to A. L. Peters (sic).

ANSWER: This document does not appear to have been produced by Westinghouse.

- j) WH-746 Westinghouse Electric Corporation P D Spec 42331Aa (sic) thru AC Rev Y or 2118. Asbestos Paper, dated June 5, 1968.

ANSWER: This document appears to be a copy of material provided to Plaintiffs by Westinghouse.

- k) WH-747 Hopeman Brothers, Inc. memo dated 1968 from B. C. Hopeman to Wood, Marcus, Beil (sic), Kovasevich.

ANSWER: This document does not appear to have been produced by Westinghouse.

- l) WH-748 Ketchum, MacLeod & Groves (sic), Inc. memo dated August 29, 1969 from Ray Flechenstein (sic) to S. E. Palazzolo (sic); re: Fire Retardant System Publicity.

ANSWER: It is unclear whether this document is a copy of material provided to Plaintiffs by Westinghouse. It also does not appear to be a true and correct copy.

- m) WH-749 Asbestos Cloth Characteristic Material Card dated October 5, 1969 (M 41511BF thru BG Rev B)

ANSWER: This document appears to be a copy of material provided to Plaintiffs by Westinghouse.

- n) WH-750 Brochure titled "Westinghouse Micarta Fire-retardant Wall-paneling System" dated March, 1972.

ANSWER: It is unclear whether this document is a copy of material provided to Plaintiffs by Westinghouse. It also does not appear to be a true and correct copy.

- o) WH-756 Memo dated April 17, 1974 to from R. J. Polk G. T. Laney (sic) re: Fire Retardant Sales.

ANSWER: This document appears to be a copy of material provided to Plaintiffs by Westinghouse.

- p) WH-760 Materials File Card. Re: Fiber, Heat Insulation, Powdered. February 5, 1967. Westinghouse Standards Department. Bates No. 000760.

ANSWER: This document is illegible. However, though illegible, it does appear to be a copy of material provided to Plaintiffs by Westinghouse.

- q) WH-762 Memo dated December 30, 1987 from Law E & AT Gene C. Bartsch (sic) to Bickerstaff; re: Meeting January 5, 1988.

ANSWER: This document appears to be a copy of material provided to Plaintiffs by Westinghouse.

- r) WH-763 Westinghouse note dated March 3, 1988 from Jeffrey J. Bair (discard documents).

ANSWER: This document does not appear to have been produced by Westinghouse.

- s) WH-764 Letter dated March 8, 1988 from Jeffrey J. Bair to S. R. Pitts regarding discarding documents.

ANSWER: This document does not appear to have been produced by Westinghouse.

- t) WH-765 Westinghouse memo dated April 13, 1988 from R&D Center, C. W. Bickerstaff to Pres. Rahe.
- ANSWER: This document does not appear to have been produced by Westinghouse.
- u) WH-766 Westinghouse letter dated August 3, 1988 from R. E. Lowder to Dr. J. W. Fisch with attachment.
- ANSWER: This document does not appear to have been produced by Westinghouse.
- v) WH-767 Hazardous Materials Inventory dated June, 1989.
- ANSWER: This document appears to be a copy of material provided to Plaintiffs by Westinghouse.
- w) WH-770 Westinghouse Southern Bell Yellow Pages Asbestos ad, July 1992-93.
- ANSWER: This document does not appear to have been produced by Westinghouse.
- x) WH-774 MVA, Inc. letter dated December 8, 1992 from James R. Millette to Jennifer Wagner; re: Microscopic Analysis of a Sample of Asbestos Board Cut During Micarta/Marinite Experiment MVA Project No. 0393, with attached report.
- ANSWER: This document does not appear to have been produced by Westinghouse.

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: 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 these materials were maintained in the regular course of regularly conducted business activity. In addition, many of these documents contain extraneous handwritten or typed notations obviously not a part of the original document and whose origin is

unknown. Therefore, Westinghouse cannot attest that these documents as attached, 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 that was generated by some source outside the corporation. See also Objection Pursuant to Rule 168(5) and the Preliminary Statement and General Objections (above). Subject to these objections, see individual responses below.

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>
a) WH-716	Westinghouse memo dated January 20, 1956 from George F. Sutton to D. E. Baldwin; subject: Customer Order Development D-8-56 Moore-McCormick.
<u>ANSWER:</u>	This document 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-717	File No. M 20403 AA through AK, Asbestos Fiber
<u>ANSWER:</u>	The source of this document is currently unknown.
c) WH-718	Westinghouse Process Specification 600916
<u>ANSWER:</u>	This document 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-719	Brochure titled "Westinghouse Micarta . . . the industrial plastic" No. B-3184-D.
<u>ANSWER:</u>	This document 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-720	Instruction Book No. 1430-C95 "600 Kw Turbine Generator Units"

ANSWER: Parts of this document appear to have been generated by Westinghouse, but it does not appear to be a true and correct copy. Therefore, it is unlikely to have been kept in this form in the ordinary course of business.

- f) WH-728 Memo dated February 21, 1958 from T. B. Gettys to Steam Supervisors' Letter #58-10, Mailing List 6-A; re: Field Application of Turbine Insulation.

ANSWER: This document appears to be a document generated by Westinghouse.

- g) WH-732 Westinghouse letter dated August 7, 1959 from D. E. Baldwin to A. J. Steiner.

ANSWER: See Objection Pursuant to Rule 168(5) (above).

- h) WH-733 Westinghouse Wire Message dated August 7, 1959 from Crest to Dement.

ANSWER: See Objection Pursuant to Rule 168(5) (above).

- i) WH-744 Hopeman Brothers, Inc. memo dated November 11, 1965 from B. C. Hopeman to A. L. Peters (sic).

ANSWER: See Objection Pursuant to Rule 168(5) (above).

- j) WH-746 Westinghouse Electric Corporation P D Spec 42331Aa (sic) thru AC Rev Y or 2118. Asbestos Paper, dated June 5, 1968.

ANSWER: See Objection Pursuant to Rule 168(5) (above).

- k) WH-747 Hopeman Brothers, Inc. memo dated 1968 from B. C. Hopeman to Wood, Marcus, Beil (sic), Kovasevich.

ANSWER: See Objection Pursuant to Rule 168(5) (above).

- l) WH-748 Ketchum, MacLeod & Groves (sic), Inc. memo dated August 29, 1969 from Ray Flechenstein (sic) to S. E. Palazzolo (sic); re: Fire Retardant System Publicity.

ANSWER: See Objection Pursuant to Rule 168(5) (above).

- m) WH-749 Asbestos Cloth Characteristic Material Card dated October 5, 1969 (M 41511BF thru BG Rev B)

ANSWER: See Objection Pursuant to Rule 168(5) (above).

- n) WH-750 Brochure titled "Westinghouse Micarta Fire- retardant Wall-paneling System" dated March, 1972.
ANSWER: See Objection Pursuant to Rule 168(5) (above).
- o) WH-756 Memo dated April 17, 1974 to from R. J. Polk G. T. Laney (sic) re: Fire Retardant Sales.
ANSWER: See Objection Pursuant to Rule 168(5) (above).
- p) WH-760 Materials File Card. Re: Fiber, Heat Insulation, Powdered. February 5, 1967. Westinghouse Standards Department. Bates No. 000760.
ANSWER: See Objection Pursuant to Rule 168(5) (above).
- q) WH-762 Memo dated December 30, 1987 from Law E & AT Gene C. Bartsch (sic) to Bickerstaff; re: Meeting January 5, 1988.
ANSWER: See Objection Pursuant to Rule 168(5) (above).
- r) WH-763 Westinghouse note dated March 3, 1988 from Jeffrey J. Bair (discard documents).
ANSWER: See Objection Pursuant to Rule 168(5) (above).
- s) WH-764 Letter dated March 8, 1988 from Jeffrey J. Bair to S. R. Pitts regarding discarding documents.
ANSWER: See Objection Pursuant to Rule 168(5) (above).
- t) WH-765 Westinghouse memo dated April 13, 1988 from R&D Center, C. W. Bickerstaff to Pres. Rahe.
ANSWER: See Objection Pursuant to Rule 168(5) (above).
- u) WH-766 Westinghouse letter dated August 3, 1988 from R. E. Lowder to Dr. J. W. Fisch with attachment.
ANSWER: See Objection Pursuant to Rule 168(5) (above).
- v) WH-767 Hazardous Materials Inventory dated June, 1989.
ANSWER: See Objection Pursuant to Rule 168(5) (above).
- w) WH-770 Westinghouse Southern Bell Yellow Pages Asbestos ad, July 1992-93.

ANSWER: See Objection Pursuant to Rule 168(5) (above).

- x) WH-774 MVA, Inc. letter dated December 8, 1992 from James R. Millette to Jennifer Wagner; re: Microscopic Analysis of a Sample of Asbestos Board Cut During Micarta/Marinite Experiment MVA Project No. 0393, with attached report.

ANSWER: See Objection Pursuant to Rule 168(5) (above).

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 the Objection Pursuant to Rule 168(5) and the Preliminary Statement and General Objections (above).

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>
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| a) | WH-716 | Westinghouse memo dated January 20, 1956 from George F. Sutton to D. E. Baldwin; subject: Customer Order Development D-8-56 Moore-McCormick. |
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ANSWER: See Objection Pursuant to Rule 168(5) (above).

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| b) | WH-717 | File No. M 20403 AA through AK, Asbestos Fiber |
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ANSWER: See Objection Pursuant to Rule 168(5) (above).

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| c) | WH-718 | Westinghouse Process Specification 600916 |
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ANSWER: See Objection Pursuant to Rule 168(5) (above).

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| d) | WH-719 | Brochure titled "Westinghouse Micarta . . . the industrial plastic" No. B-3184-D. |
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ANSWER: See Objection Pursuant to Rule 168(5) (above).

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| e) | WH-720 | Instruction Book No. 1430-C95 "600 Kw Turbine Generator Units" |
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ANSWER: See Objection Pursuant to Rule 168(5) (above).

- f) WH-728 Memo dated February 21, 1958 from T. B. Gettys to Steam Supervisors' Letter #58-10, Mailing List 6-A; re: Field Application of Turbine Insulation.
- ANSWER: See Objection Pursuant to Rule 168(5) (above).
- g) WH-732 Westinghouse letter dated August 7, 1959 from D. E. Baldwin to A. J. Steiner.
- ANSWER: See Objection Pursuant to Rule 168(5) (above).
- h) WH-733 Westinghouse Wire Message dated August 7, 1959 from Crest to Dement.
- ANSWER: See Objection Pursuant to Rule 168(5) (above).
- i) WH-744 Hopeman Brothers, Inc. memo dated November 11, 1965 from B. C. Hopeman to A. L. Peters (sic).
- ANSWER: See Objection Pursuant to Rule 168(5) (above).
- j) WH-746 Westinghouse Electric Corporation P D Spec 42331Aa (sic) thru AC Rev Y or 2118. Asbestos Paper, dated June 5, 1968.
- ANSWER: See Objection Pursuant to Rule 168(5) (above).
- k) WH-747 Hopeman Brothers, Inc. memo dated 1968 from B. C. Hopeman to Wood, Marcus, Beil (sic), Kovasevich.
- ANSWER: See Objection Pursuant to Rule 168(5) (above).
- l) WH-748 Ketchum, MacLeod & Groves (sic), Inc. memo dated August 29, 1969 from Ray Flechenstein (sic) to S. E. Palazzolo (sic); re: Fire Retardant System Publicity.
- ANSWER: See Objection Pursuant to Rule 168(5) (above).
- m) WH-749 Asbestos Cloth Characteristic Material Card dated October 5, 1969 (M 41511BF thru BG Rev B)
- ANSWER: See Objection Pursuant to Rule 168(5) (above).
- n) WH-750 Brochure titled "Westinghouse Micarta Fire retardant Wall-paneling System" dated March, 1972.
- ANSWER: See Objection Pursuant to Rule 168(5) (above).

- o) WH-756 Memo dated April 17, 1974 to from R. J. Polk G. T. Laney (sic) re: Fire Retardant Sales.
ANSWER: See Objection Pursuant to Rule 168(5) (above).
- p) WH-760 Materials File Card. Re: Fiber, Heat Insulation, Powdered. February 5, 1967. Westinghouse Standards Department. Bates No. 000760.
ANSWER: See Objection Pursuant to Rule 168(5) (above).
- q) WH-762 Memo dated December 30, 1987 from Law E & AT Gene C. Bartesch (sic) to Bickerstaff; re: Meeting January 5, 1988.
ANSWER: See Objection Pursuant to Rule 168(5) (above).
- r) WH-763 Westinghouse note dated March 3, 1988 from Jeffrey J. Bair (discard documents).
ANSWER: See Objection Pursuant to Rule 168(5) (above).
- s) WH-764 Letter dated March 8, 1988 from Jeffrey J. Bair to S. R. Pitts regarding discarding documents.
ANSWER: See Objection Pursuant to Rule 168(5) (above).
- t) WH-765 Westinghouse memo dated April 13, 1988 from R&D Center, C. W. Bickerstaff to Pres. Rahe.
ANSWER: See Objection Pursuant to Rule 168(5) (above).
- u) WH-766 Westinghouse letter dated August 3, 1988 from R. E. Lowder to Dr. J. W. Fisch with attachment.
ANSWER: See Objection Pursuant to Rule 168(5) (above).
- v) WH-767 Hazardous Materials Inventory dated June, 1989.
ANSWER: See Objection Pursuant to Rule 168(5) (above).
- w) WH-770 Westinghouse Southern Bell Yellow Pages Asbestos ad, July 1992-93.

ANSWER: See Objection Pursuant to Rule 168(5) (above).

- x) **WH-774** MVA, Inc. letter dated December 8, 1992 from James R. Millette to Jennifer Wagner; re: Microscopic Analysis of a Sample of Asbestos Board Cut During Micarta/Marinite Experiment MVA Project No. 0393, with attached report.

ANSWER: See Objection Pursuant to Rule 168(5) (above).

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?

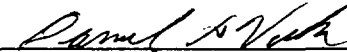
ANSWER: See Objection Pursuant to Rule 168(5) (above).

J:\LIT\LG\DISC\199236.1

COMMONWEALTH OF PENNSYLVANIA)
)
COUNTY OF ALLEGHENY)

SS:

Before me, the undersigned authority, a Notary Public in and for said Commonwealth and County, personally appeared DANIEL D. VICKOVIC, who, being duly sworn, deposes and says that he is ASSISTANT SECRETARY of WESTINGHOUSE ELECTRIC CORPORATION, and that he signs the foregoing OBJECTIONS AND RESPONSES TO PLAINTIFFS' INTERROGATORIES SERVED ON OR ABOUT SEPTEMBER 28, 1993 on behalf of the defendant Westinghouse Electric Corporation ("Westinghouse") and is duly authorized to do so; that the matters stated in the foregoing document are not necessarily within the personal knowledge of deponent and that deponent is informed that there is no person who has personal knowledge of all such matters; and that the facts stated in the foregoing document have been assembled by authorized employees and counsel of defendant and deponent is informed by those authorized employees that the facts stated in the foregoing document are true.



Daniel D. Vickovic
Assistant Secretary

SWORN TO and subscribed
before me this 27th day
of October, 1993.


Notary Public

