

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

BILLY J. TEMPLETON

PLAINTIFF

VS.

NO. ED-C-84-1078

EAGLE-PICHER INDUSTRIES, INC.,
ET AL.

DEFENDANTS

W.R. GRACE & CO.'S ANSWERS AND OBJECTIONS
TO PLAINTIFF'S FIRST SET OF INTERROGATORIES,
REQUEST FOR PRODUCTION OF DOCUMENTS AND REQUEST FOR ADMISSIONS

W.R. GRACE & CO.'s
GENERAL OBJECTIONS

In Paragraph IV of his Complaint, plaintiff alleged that from approximately 1957 to 1972, he used and installed products at the American Oil Company plant, El Dorado, Arkansas that had been produced and sold by W.R. Grace & Co. ("Grace"), and, in so doing, he inhaled and was exposed to asbestos fibers, and that he has been injured as a result of that exposure.

In order to answer these interrogatories, Grace caused the review of all existing sales and shipping records for the period of time during which plaintiff has alleged exposure. In addition, employees of Grace who have knowledge of sales in the El Dorado, Arkansas area were interviewed. No record of a sale to the American Oil Company plant during the relevant time period was found, and no one who was interviewed has a memory of any such sale.

Grace therefore objects to these interrogatories as being irrelevant, immaterial, unduly burdensome, overly oppressive, and



not reasonably calculated to lead to the discovery of admissible evidence.

However, in accordance with the Order of this Court dated August 6, 1985, Grace is providing complete information with regard to thermal insulation products manufactured and sold by it during the relevant time period. This information should not in any way be considered to be an admission that the plaintiff may have been exposed to any or all of these products, particularly since two of the products listed in answer to Interrogatory #1 are spray products and there has been absolutely no claim by the plaintiff or any of his co-workers of exposure to any spray product manufactured or sold by Grace or the Zonolite Company. Furthermore, High Temperature Insulating Cement is white and not brown as was the product mentioned at pages 159-161 of the deposition of Odell Simmons, C.A. No. 84-1170, which is the only description provided by plaintiff or his co-workers of the physical characteristics and use of a Grace or Zonolite product.

The following answers are based upon facts known or believed by Grace at the time of answering these interrogatories. Much of the information is sought from many years ago and is, therefore, difficult or impossible to reconstruct or retrieve. Grace therefore, reserves the right to amend these answers as and if new or better information becomes available to it or if errors are discovered.

Unless otherwise stated in an answer to a specific interrogatory, the answers are limited to thermal insulation products containing commercial asbestos, and to thermal insulation products that do not contain commercial asbestos but contain vermiculite, which were or are used in the construction industry and Grace's activities associated with the manufacture and sale of same in the United States. Products which contain vermiculite may contain trace amounts of asbestiform tremolite as a contaminant. To the extent that these interrogatories call for information beyond the limitations stated above, an objection is made thereto as being irrelevant, immaterial, burdensome and oppressive and/or not calculated to lead to the discovery of admissible evidence and the answers thereto are privileged and/or protected.

Grace further objects to plaintiff's interrogatories insofar as they seek information which is subject to the attorney-client privilege, which evidences or constitutes attorney's work product, or which is otherwise not discoverable under the provisions of Federal Rule of Civil Procedure 26(b).

Any reference to the manufacture, sale or distribution of a product by any entity other than Grace, e.g., by the Zonolite Company, should not be considered an admission that Grace is liable or responsible for injuries alleged to have resulted from the manufacture, sale, or use of such product. Grace reserves the right to object to the admissibility of part or all of any answer to an interrogatory on this basis.

Grace further objects to these Interrogatories and Document Requests insofar as they seek production of any information constituting a trade secret, confidential financial data or other confidential research, development or commercial information.

INTERROGATORY 1

List each asbestos-containing thermal insulation product manufactured, sold or distributed by defendant since 1900 in any country.

ANSWER 1

The following thermal insulation products were manufactured and sold in the United States by Grace or one of its subsidiaries during the relevant time period:

PRODUCTS WHICH CONTAINED COMMERCIAL ASBESTOS

High Temperature Insulating Cement
Zonolite Spra-Insulation (MK-2)

PRODUCTS WHICH DO NOT CONTAIN COMMERCIAL ASBESTOS

Zonolite Plaster Aggregate
Zonolite Masonry Fill (Insulation)
Industrial Fill

INTERROGATORY 2

a. For each product listed above, give the year it was first manufactured, sold or distributed, and if discontinued, the year such manufacture, sale or distribution ceased.

b. For each product in Interrogatory No. 1 that a patent was applied for or received, please identify country, application number, date and when patent was granted.

ANSWER 2

a. See Appendix I(a).

b. See Appendix I(b).

INTERROGATORY 3

If a product listed in response to Interrogatory No. 1 above was discontinued, state why such manufacture, sale or distribution ceased.

ANSWER 3

See Appendix I(c).

INTERROGATORY 4

For each product listed above, give the total dollar and pound volume/amount per year of that product that your company placed into the stream of commerce in any country.

ANSWER 4

Grace objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY 5

For each product listed in response to Interrogatory No. 1, state whether or not said product was ever sold or distributed in Canada or the states of:

Arkansas	Texas	New Jersey	South Carolina
Oklahoma	Tennessee	Illinois	North Carolina
Indiana	New York	Pennsylvania	Kansas
Colorado	Louisiana	Georgia	West Virginia
Missouri	Alabama	California	Ohio
Nebraska	Iowa	Mississippi	Virginia
Michigan			

ANSWER 5

See answer to Interrogatory #4, above.

INTERROGATORY 6

If your answer to any part of Interrogatory No. 5 is in the affirmative, state which years each product affirmatively identified was sold in markets listed in Interrogatory No. 5.

ANSWER 6

Not applicable.

INTERROGATORY 7

For each product listed in response to Interrogatory No. 1, state the total dollar volume and pound volume per year directed to markets listed in Interrogatory No. 5.

ANSWER 7

See answer to Interrogatory #4, above.

INTERROGATORY 8

For each product listed in response to Interrogatory No. 1 above, state the names and addresses, per year, of all customers in the markets listed in Interrogatory No. 5.

ANSWER 8

See answer to Interrogatory #4, above.

INTERROGATORY 9

For each product listed in response to Interrogatory No. 1 above, state the names of your distributors and the years during which they so served in the markets listed in Interrogatory No. 5.

ANSWER 9

See Appendix I(d).

INTERROGATORY 10

For each product listed in Interrogatory No. 1 above, state:

- a. The generic name of the asbestos-containing product;
- b. The brand name of the asbestos-containing product, whether labeled with a name used by Defendant or for any other business the products were sold to;
- c. The chemical composition of that product;
- d. The intended use of the product;
- e. The form in which the product was sold, i.e., bags, drums, boxes.

ANSWER 10

- a. See Appendix I(g).
- b. See Appendix I(e).

c. See Appendix I(f).

d. See Appendix I(g).

e. See Appendix I(h).

INTERROGATORY 11

For each product listed in response to Interrogatory No. 1, identify and produce any and all sales promotional and/or advertising material used with regard to the sales and/or promotion and distribution of such products. If you will do so without a motion to produce, please attach copies of such documents.

ANSWER 11

See Appendix I(i).

INTERROGATORY 12

For each product listed in Interrogatory No. 1, state whether the product could be used interchangeably with products of other manufacturers, distributors, or sellers, and if so, please identify such product and its manufacturers.

ANSWER 12

Grace objects to this interrogatory on the grounds that it is vague and ambiguous and requires Grace to have knowledge of all other companies' products. The use of the term "interchangeably" is meaningless unless other conditions of use are set forth, such as U.L. ratings, the surfaces to which the product was to be applied, and the purposes of application, among others.

INTERROGATORY 13

Describe in detail, for each product listed in the answer to Interrogatory No. 1:

a. The application procedure for such product, including the type of surface to which it is meant to be applied;

b. The manner of forming, shaping or molding such product to the application surface;

c. The type of bonding material, adhesive, and/or any other material used in the course of applying such product;

d. Describe any type of coverings, wrappings, or other materials that are applied in connection with such product, and describe whether or not said materials contained any logo or identifying marks.

ANSWER 13

(a-d). See Appendix I(j).

INTERROGATORY 14

With regard to the products listed in response to Interrogatory No. 1, state the manner in which such products, once they are applied, can be distinguished from those manufactured by any other companies.

ANSWER 14

Grace states that its product can be identified via a variety of scientific analyses, by reviewing sales records and other documents, and by conversations with individuals involved in the design, selection, installation, application and sales processes.

INTERROGATORY 15

State whether any of your distributors and/or customers were provided with any instructions in regard to the use of defendant's asbestos or asbestos-containing products. If so, please state:

- a. By whom and when these instructions were made;
- b. Were the instructions written or oral. If written, please attach a copy; if oral, please state the content thereof.

ANSWER 15

Grace objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. It is also vague and ambiguous in that the term "any instruction" is undefined and capable of various interpretations. Subject to this objection and to the General Objections interposed above, Grace states that it has sales brochures for most of its products. Relevant documents will be made available to plaintiff in Boston, Massachusetts at a mutually agreeable time. Grace states further that certain of its employees would from time to time discuss the use of Grace products with its customers. It is impossible to recreate those conversations.

INTERROGATORY 16

If the answer to the Interrogatory above is in the affirmative, state whether defendant carried out follow-up inspections to ascertain whether or not such instructions were adhered to. If so, please state:

- a. When inspections were made;
- b. Where they were carried out;
- c. Who made the inspections;
- d. The results of such inspections.

ANSWER 16

Grace did not have a policy or program to conduct follow-up inspections.

INTERROGATORY 17

For each asbestos-containing product listed in response to Interrogatory No. 1 above, has defendant at any time affixed any caution, warning, caveat, or other statement or explanation of the product on the product or its package. If so:

- a. When did such caution, warning, caveat, statement or explanation first appear;
- b. What was the precise wording of the caution, warning, caveat, statement or explanation, and when it first appeared;
- c. Has the wording been altered since its first appearance; if so, when and how amended;
- d. State specifically what prompted the defendant to first affix such caution, warning, caveat, statement or explanation and what prompted the amendments, i.e. if medical reports were relied upon, identify such reports.

ANSWER 17

a. Yes, in 1976 or 1977 Grace affixed a caution regarding nuisance dust to its vermiculite-containing products.

- b. CAUTION
AVOID CREATING DUST
BREATHING DUST MAY BE HARMFUL TO YOUR HEALTH
USE WITH ADEQUATE VENTILATION
OR WITH RESPIRATORY PROTECTION

c. No.

d. The caution was a response to the implementation of OSHA regulations regarding many kinds of workplace hazards including dust.

INTERROGATORY 18

Did defendant, at any time, recommend that its employees or any purchasers or users, use respirators, face masks or other precautionary safeguards when working with asbestos-containing materials. If so:

a. When and precisely to whom were such recommendations made;

b. Has defendant-company ever supplied respirators and face masks to its employees; if so, please give date when first supplied and state whether defendant-company is supplying them now;

c. From what specific source has defendant obtained such respirators and face masks - please state address of company and dates obtained.

ANSWER 18

a. Beginning in 1977, Grace, in the form of Material Safety Data Sheets, notified customers of the need to wear NIOSH/MESA-approved respirators when threshold limit values were exceeded. The Material Safety Data Sheets are located at Grace's Construction Products Division in Cambridge, Massachusetts and will be made available there for inspection at a mutually agreeable time. With regard to recommendations to employees, see answer to Interrogatory #18(b&c), below.

b&c. Grace objects to this interrogatory on the basis that plaintiff was not an employee of Grace and, therefore, the interrogatory is irrelevant and immaterial, and seeks information not reasonably calculated to lead to the discovery of admissible evidence. Subject to this objection and the General Objections interposed above, Grace states that the use of respirators at its vermiculite mine and processing plants preceded Grace's acquisition of Zonolite in 1963. At Zonolite's mine in Libby, Montana, respirators were mandatory since about 1954 for all employees working in dusty areas. Respirators were in use at several of Grace's expanding plants prior to 1965, also because of dust.

Grace plants have purchased respirators from many sources, among them American Optical Supply Equipment Co., Mine Safety

Appliance Co., and Minnesota Mining and Manufacturing (3M). The 3M Model 8710 has been used since 1976. This model respirator, which is approved by the National Institute for Occupational Safety and Health (NIOSH), is considered the best available disposable respirator for protection against toxic dust or pneumoconiosis producing dust.

INTERROGATORY 19

Did defendant ever recommend to the purchaser or user of asbestos-containing products listed in response to Interrogatory No. 1 that respirators or face masks be worn when using such products. If so, state dates recommendations first made, who made recommendation, and to whom such recommendation was made.

ANSWER 19

See answer to Interrogatory #18(a), above.

INTERROGATORY 20

Have you undertaken or financed any studies to determine what type of respirator and/or protective face mask would afford maximum protection against the inhalation and/or ingestion of asbestos fibers? If so, state:

- a. Who made the study;
- b. When the study was made;
- c. The results of the study;

ANSWER 20

No.

INTERROGATORY 21

Does defendant-company now or since 1900, have a contract unit(s); if so, state the corporate name and address of the contract unit(s) if other than that of defendant.

ANSWER 21

No.

INTERROGATORY 22

State whether any employee of defendant or any defendant's contract unit has ever made a claim for asbestosis, emphysema, pleurisy, mesothelioma, bronchogenic carcinoma and/or any cancer of the lung, stomach, kidney, colon or rectum under the

occupational disease or workers' compensation statute of any state. If so, state:

a. The date that defendant or defendants contract unit first received notice of such claim;

b. The date that defendant first received notice of such a claim by an insulator and/or pipe coverer.

ANSWER 22

a. In 1955 the California Zonolite Company received notice of a claim by a worker alleging asbestosis.

b. None.

INTERROGATORY 23

State the total number of employees of defendant or defendant's contract unit receiving benefits under any occupational disease or workers' compensation statute for asbestosis, emphysema, pleurisy, mesothelioma, bronchogenic carcinoma, lung cancer, and/or cancer of the colon, stomach, kidney or rectum for each year from date that defendant first manufactured, distributed, or sold any asbestos-containing products (since 1900) until the present time.

ANSWER 23

Grace objects to this interrogatory on the basis that plaintiff was not an employee of Grace, nor did Grace employ persons to perform tasks similar to those which the plaintiff claims to have performed, and, therefore, the interrogatory is irrelevant and immaterial and seeks information not reasonably calculated to lead to the discovery of admissible evidence. Subject to this objection and to the General Objections interposed above, Grace states that to date it has received approximately 78 workers' compensation claims alleging lung related problems. Of these, the number of employees receiving benefits is unknown at this time. Investigation continues.

INTERROGATORY 24

Of the total number of claimants per year listed in response to Interrogatory No. 24, how many were insulators or pipe coverers?

ANSWER 24

Grace objects to this interrogatory on the grounds that it is vague and ambiguous in that no claimants are listed in response to Interrogatory #24. If this interrogatory is intended to refer to Interrogatory #23, Grace states none.

INTERROGATORY 25

State by year the total dollar amount paid out by defendant, defendant's contract unit and/or its insurance carrier as a result of claims under any occupational disease or workers' compensation statutes for asbestosis, emphysema, pleurisy, mesothelioma, bronchogenic carcinoma, lung cancer, and/or cancer of the colon, stomach, kidney or rectum.

ANSWER 25

Grace objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY 26

Of the total dollar amount paid out per year for claimants in response to Interrogatory No. 26 above, how much of that figure was paid out to claimants who were insulators and/or pipe coverers.

ANSWER 26

Grace objects to this interrogatory on the grounds that it is vague and ambiguous in that there is no Interrogatory #26, above. If this interrogatory is intended to refer to Interrogatory #25, Grace states see answer to Interrogatory #25, above.

INTERROGATORY 27

Did the defendant-company at any time manufacture asbestos or asbestos-containing products which were sold to another manufacturer of asbestos-containing products? If so, state:

- a. Manufacturer with whom agreement was made;
- b. Product or products involved;
- c. Dates agreements were in effect.

ANSWER 27

Grace was not in the business of selling its asbestos-containing products to other manufacturers of asbestos-containing products. However, should relevant, non-privileged documents responsive to this interrogatory be discovered during its ongoing investigation, they will be produced Boston, Massachusetts at a mutually agreeable time.

INTERROGATORY 28

Did defendant-company ever purchase asbestos or asbestos-containing products of any manufacturer for distribution? If so, state:

- a. Manufacturer from whom products were purchased;
- b. Names of products;
- c. Dates of such purchase and distribution.

ANSWER 28

No.

INTERROGATORY 29

Did defendant-company ever enter into national distribution agreements with any manufacturer of asbestos-containing products in the United States or Canada? If so, state:

- a. Manufacturers with whom agreement was entered into;
- b. Effective dates of agreements;
- c. Products involved;
- d. Geographic areas where product was distributed.

ANSWER 29

No.

INTERROGATORY 30

Did defendant-company ever purchase asbestos or asbestos-containing products and rebrand the products? If so, state:

- a. Original brand name and manufacturer from whom purchased;
- b. Brand name applied by defendant;
- c. Dates involved in the purchase, rebranding and resale of products.

ANSWER 30

No.

INTERROGATORY 31

Did defendant-company ever enter into licensing agreements with a manufacturer of asbestos or asbestos-containing products? If so, state:

- a. With what manufacturers such licensing contract was entered into; .
- b. Substance of agreement;
- c. Effective date of licensing agreement.

ANSWER 31

Grace objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY 32

From the year 1900 to date, identify:

- a. The name of each physician in the employ of defendant and/or its subdivisions or contract units;
- b. The current and/or last known address for such individual identified in subpart (a) above;
- c. The dates of employment of such individual identified in subpart (a);
- d. The job duties and/or responsibilities for such individual identified in subpart (a);
- e. For the duration of such individual's employment, the office address or duty assignment location held by such individual, and the dates associated with each such assignment.

ANSWER 32

Grace objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to this objection and to the General Objections interposed above, Grace states that in 1982 it employed Jerry H. Berke, M.D. as Medical and Toxicology Director at 62 Whittemore Avenue, Cambridge, Massachusetts. Prior to that, Grace had no physicians in its employ and had always used outside physicians on a fee-for-service basis, with a minimum of one physician being used at each plant, although some plants used many more. Grace also states that it employed Dr. Harold H. Borgstedt, University

of Rochester Medical School, Rochester, New York, in 1977, as a consultant relating to toxicology and related medical matters.

INTERROGATORY 33

From the year 1900 to date, identify:

- a. The address of each medical library maintained by the defendant, its subdivisions and/or contract units;
- b. When each such library identified in subpart (a) came into existence;
- c. Identify the custodian of each such library facility records, that person's dates of employment, and last known address or current address.

ANSWER 33

Grace has never maintained a medical library. Further answering, Grace states that it currently has a library at its Construction Products Division in Cambridge, Massachusetts. The library contains, among other things, a collection of medical information pertaining to the effects of asbestos upon human health. Most of such information has been obtained since the mid-1970's.

INTERROGATORY 34

For each such facility identified in response to Interrogatory No. 33 above, state:

- a. The name or title of each medical journal or periodical subscribed to and the inclusive dates of each such subscription.

ANSWER 34

American Journal of Industrial Medicine: 1973 - present.
British Journal of Industrial Medicine: 1973 - present.
Neurotoxicology: 1979 - present.
Journal of Occupational Medicine; 1975 - present.
New England Journal of Medicine: 1972 - present.

INTERROGATORY 35

Other than the medical library facilities referenced in the immediately preceding interrogatories, state:

- a. The identity of each medical library, from 1920 to date, which you held a membership in, or funded by way of contribution, gift, grant, or any other direct cash or property payments.

ANSWER 35

None to our knowledge.

INTERROGATORY 36

From the year 1900 to date, state:

- a. Whether you have supported by gift, grant, or direct cash or property payment of any kind, medical research studies of any kind, and further;
- b. The date or dates of such support;
- c. The identity of the persons carrying out the research study;
- d. The title, name or other identification of each such study;
- e. The current custodian of all documents relating to each such study.

ANSWER 36

Grace objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY 37

Identify each expert witness which you expect to call at the time of trial and state:

- a. The subject matter on which the expert is expected to testify;
- b. The substance of facts and opinions to which the expert is expected to testify;
- c. A summary of the grounds for each opinion;
- d. The address of each such person and his field of expertise.

ANSWER 37

Information responsive to this interrogatory is being provided under separate cover.

INTERROGATORY 38

Identify the name and address of each non-expert witness which you plan to call at trial, and specifically set forth the nature and substance of the matters as to which each such person will testify.

ANSWER 38 .

See answer to Interrogatory No. 37, above.

INTERROGATORY 39

For the period 1900 to date, state:

a. The address of each facility, building, mine, or location which was used by you as a mining, manufacturing, processing, storage, distribution or sales of asbestos or asbestos-containing products in the United States or Canada; and further state the inclusive dates such facilities were in operation.

ANSWER 39

Grace objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY 40

For each calendar year for the period 1900 to the present, state:

a. The total pound volume of asbestos mined by your company;

b. The total pound volume of asbestos purchased by your company;

c. The total pound volume of asbestos used by your company in its manufacturing processes;

d. The total pound volume of asbestos, in unprocessed form, sold by your company;

e. The total pound volume of asbestos acquired by your company in any manner other than mining or purchase, and identify the manner of acquisition for each year.

ANSWER 40

Grace objects to this interrogatory on the grounds that it is irrelevant, immaterial, overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Subject to this objection and the General Objections interposed above, Grace states that to the best of its knowledge:

a. The total pound volume of commercial asbestos mined by Grace is zero.

b. The total pound volume of asbestos purchased by Grace is unknown, although dollar volume is known or known approximately for the years 1969 through 1973, as follows:

1969	\$165,000
1970	193,000
1971	493,000
1972	129,000
1973	147,000

These figures are for all Grace's expanding plants producing fireproofing and plaster products in the United States.

c. The total pound volume of commercial asbestos used by Grace is unknown, but the amount would be approximately the same as the amount purchased.

d. Grace was not in the business of selling or supplying raw asbestos fibers.

e. Total pound volume of commercial asbestos acquired by Grace other than by purchase is zero.

INTERROGATORY 41

For each of the products identified in the answer to Interrogatory No. 1, state whether at any time your company published a warning that such product or the dust generated by such product might be harmful, and if so, state:

- a. The exact wording of such warning;
- b. The product or products which carried such warning;
- c. The dates during which such warning appeared.

ANSWER 41

Grace objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant, and not

reasonably calculated to lead to the discovery of admissible evidence as it is not limited as to caution, time periods, locations, etc. Subject to this objection and to the General Objections interposed above, Grace states that the 1970 Grace brochure published in Sweet's Catalog of 1971 contained the following paragraphs:

"POLLUTION AND HEALTH: because of the constantly changing conditions involving fireproofing and its relation to pollution and health, we recommend that you contact your Zonolite sales office for the latest data on these subjects. Recent tests at Underwriters' Laboratories, Inc. have provided some fire-ratings on an asbestos-free formula Mono-Kote. Other tests and ratings will follow."

"Existing formulations of Mono-Kote contain minimal amounts of asbestos which are 'locked in' during the mixing process. Mono-Kote is wet mixed, pumped and sprayed, and hardens to a cementitious mass. Job-site tests show air fiber counts well below occupational threshold limit values proposed by governmental bodies."

See also answer to Interrogatory #17, above.

INTERROGATORY 42

If the answer to the preceding interrogatory is other than negative, state:

- a. The date upon which your company first gained knowledge that each product might be harmful;
- b. Identify the source or sources of such information.

ANSWER 42

Grace has never obtained any knowledge that the products listed in the answer to Interrogatory #1 were harmful if applied and used in the proper manner. Further answering, see the General Objections interposed above. Without waiving these objections, Grace states that it cannot identify the precise date or manner in which one or more of its employees might have become aware of any health hazards alleged to be associated with the inhalation of asbestos fibers by human beings. However, from Grace's investigation to date it appears that the Zonolite Company, which Grace did not acquire until 1963, was informed by the Montana State Board of Health in 1956 that inhalation of

asbestos dust had been reported to be associated with the development of pulmonary fibrosis among workers depending upon length of exposure and the nature and concentration of the dust. Grace expressly denies that this information is relevant to the subject matter of this suit or attributable to Grace.

INTERROGATORY 43

From the year 1900 to date, state:

a. Whether you ever employed by salary, contract, retainer, contingency, or otherwise, directly or indirectly, any person(s), law firms, lobbyist, association or other entity to engage in lobbying, educational or informational activities on behalf of yours or any other manufacturer of asbestos-containing products before the United States Congress, or any committee or subcommittee thereof, any agency or department of the federal government, any state agency or legislature, or any insurance company, trade association, delegation or group?

b. Please state the names, addresses and dates when any such person or entity described in subpart (a) was employed or working on your behalf.

c. Please state the times, places, dates and substance of any and all testimony, demonstrations, statements, literature or other education or information data was disseminated by those described in subpart (a).

d. Please state the salaries or fees paid to those persons or entities described in subpart (a).

e. Describe in detail any contribution by you to any study, presentation, testimony, or any other activity to any association or group of two or more asbestos manufacturers, including yourself, that was used or to be used before a person or entity described in subpart (a).

ANSWER 43

Grace objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to this objection and to the General Objections interposed above, Grace states that should relevant, non-privileged documents containing information responsive to this interrogatory be discovered during its ongoing investigation, they will be produced to plaintiff in Boston, Massachusetts at a mutually agreeable time.

INTERROGATORY 44

Please state the total production, by tonnage, of any and all asbestos and asbestos-containing products sold by you through the years 1972-1982.

a. Please state to whom the asbestos was sold, in what amount, in what form and whether any warning labels were attached to the packaging of the same.

b. Please state whether at this time or at any time since 1900, you actively monitored the ultimate use by the consumer of your asbestos products in its final form whether it was insulation products or any other product.

c. Please list all known uses of your asbestos products today including, but not limited to, asbestos insulation products, heating, packaging, etc.

ANSWER 44

Grace objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence in that it is not limited to the time period of the plaintiff's alleged exposure.

INTERROGATORY 45

Please provide a summary and copies of any and all literature and other materials provided by you or any association or group representing you to sales managers, salespersons, distributors, or others regarding asbestos-insulation and other asbestos-containing products for the years 1900 to 1982.

ANSWER 45

Relevant, non-privileged documents containing information responsive to this interrogatory will be produced in Boston, Massachusetts at a mutually agreeable time.

INTERROGATORY 46

Please identify dates of any sales meetings, conventions, seminars or other conferences in which you or your representatives, including associations, discussed the possibility of health hazards attributed to insulation materials containing asbestos.

ANSWER 46

Grace objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving its objections, Grace states that it has been conducting an investigation and document review for some time, which is continuing. Thus far, no information has been obtained which is responsive to this interrogatory. Should any such information be found Grace will produce relevant, non-privileged, non-trade secret documents containing such information in Boston, Massachusetts at a mutually agreeable time.

INTERROGATORY 47

Does your company recognize that asbestos causes asbestosis?

a. If your answer is "yes", when did you come to the realization and what action, if any, did you take in response to it?

b. If your answer is "no", explain the basis for this answer and/or why no studies were made by your company to learn this fact and to thereafter advise those exposed of the danger?

ANSWER 47

Grace objects to this interrogatory on the grounds that it is vague and ambiguous in that it lacks sufficient specificity regarding type of asbestos, and the level, duration, nature and manner of exposure. Further objecting, this interrogatory calls for an expert opinion.

INTERROGATORY 48

Does your company recognize that asbestos causes asbestos-induced lung cancer?

a. If your answer is "yes", when did you come to such realization and what action, if any, did you take in response thereto?

b. If your answer is "no", explain the basis for this answer and/or why no studies were made by your company to ascertain this fact and thereafter to take action to advise those exposed to your products of their dangerous nature?

ANSWER 48

See answer to Interrogatory #47, above.

INTERROGATORY 49

Does your company recognize that there is a connection between the inhalation of asbestos dust and fibers and the disease mesothelioma? If the answer is "yes", state what notices were given to those exposed to your asbestos products of this fact, that dates of such notices and the methods of dissemination or publication of same.

ANSWER 49

See answer to Interrogatory #47, above.

INTERROGATORY 50

Does your company recognize that there is a connection between inhalation of asbestos dust and fibers and other diseases of the lungs and gastrointestinal area? If your answer is "yes", state what disease or diseases you recognized and what notices were given to those exposed to your asbestos products of this fact, the dates of such notices and the methods of dissemination or publication of same.

ANSWER 50

See answer to Interrogatory #47, above.

INTERROGATORY 51

Does your company recognize that the physical and chemical properties of asbestos fibers persist unimpaired after being inhaled into the human body and do not eventually dissipate?

ANSWER 51

Grace objects to this interrogatory on the ground that it calls for an expert opinion.

INTERROGATORY 52

Do you agree that once asbestos fibers or dust are inhaled into the lungs, there is no way to eliminate such dust or fibers from the lungs for the balance of such person's life?

ANSWER 52

See answer to Interrogatory #51, above.

INTERROGATORY 53

Do you agree that the symptoms of asbestosis and other asbestos-induced lung diseases may not manifest themselves until many years after the asbestos was inhaled into the body?

ANSWER 53

See answer to Interrogatory #51, above.

INTERROGATORY 54

Do you recognize that prolonged use of insulation materials containing asbestos can cause or contribute to various occupational diseases, including asbestosis, pleurisy, emphysema, mesothelioma, cancer and other lung and respiratory diseases?

ANSWER 54

See answer to Interrogatory #47, above.

INTERROGATORY 55

Do you recognize that the asbestos insulating products are dangerous and harmful to human health? If your answer to this question is "yes", explain when you came to this conclusion and what, if anything, you have done about it to notify the public. If your answer is that your products are not harmful then explain what facts and tests were made upon which you base such conclusion.

ANSWER 55

Grace objects to this interrogatory on the grounds that it is vague and ambiguous in that the term "the asbestos insulating products" is undefined and capable of various interpretations.

INTERROGATORY 56

Do you agree that the possibility of exposure to asbestos dust and fibers extends not only to workers actually handling the asbestos products but also to:

- a. Other workers in the area where the asbestos products are being used.
- b. Members of the families of workers.

ANSWER 56

See answer to Interrogatory #47, above.

INTERROGATORY 57

If your answer to Interrogatory No. 56 is "no", state whether you are familiar with the testimony of Dr. William H. Steward, former Surgeon General of the United States before the

House Labor Committee that probably three and one-half million construction workers are being exposed to asbestos dust in addition to those workers actually handling the materials containing asbestos?

ANSWER 57

Not applicable.

INTERROGATORY 58

State whether you had knowledge of any deaths or cases of lung disease or lung impairment among your employees which are or may be attributable to the inhalation of asbestos dust or fibers. If so, please give the number, the name and address of such persons, together with the date of treatment and the names and addresses of the doctors who administered treatment to such persons and reports of occupational disease furnished industrial commission of the states and attach copies of the latter.

ANSWER 58

Grace objects to this Interrogatory on the ground that it is irrelevant, unduly burdensome, overly broad, and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff was not a Grace employee nor does Grace employ persons to perform services similar to those which the plaintiff claims to have performed. Grace further objects on the grounds that the term "reports of occupational disease furnished industrial commission of the states" is undefined and therefore vague and ambiguous. Subject to these objections and to the General Objections interposed above, Grace states that to date it has received approximately 78 workers' compensation claims alleging lung related problems. Relevant, non-privileged documents containing information responsive to this Interrogatory will be produced in Boston, Massachusetts at a mutually agreeable time.

INTERROGATORY 59

Do you have any statistical data showing the number of your employees who have been exposed to asbestos dust and fibers for more than ten years who have asbestos-related lung disease or lung impairment. If so, identify the data and provide the figures.

ANSWER 59

Grace objects to this interrogatory on the grounds that it is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, particularly since the plaintiff was never an employee of Grace. Further answering,

Grace states that an epidemiological study has been conducted by J. Corbett McDonald of McGill University, Montreal, Canada, at Grace's Libby, Montana vermiculite mine. Documents related to the results or conclusions, to the extent that they are relevant and responsive to this interrogatory, will be produced in Boston, Massachusetts at a mutually agreeable time.

INTERROGATORY 60

When and where did you first begin monitoring asbestos dust levels in your own plant and manufacturing facilities?

ANSWER 60

During the period 1969 through 1972, a program of air sampling on a routine basis was introduced at Libby and at all Zonolite plants.

INTERROGATORY 61

Was the monitoring of dust levels required by any government regulation or rule of any government, agency or insurance company? If so, state the substance of the rule, the source imposing it and the date it was first imposed.

ANSWER 61

Grace objects to this interrogatory on the grounds that the information sought is a matter of public record and is equally available to the plaintiff as to Grace. Further answering, monitoring of dust levels was not required by any insurance carrier of Grace.

INTERROGATORY 62

What technique, if any, do you use to take dust samplings, explain the technique, when it was commenced, what the purpose was and what action has been taken in response to the findings as to the dust samples.

ANSWER 62

Grace objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Grace further objects in that the term "take dust samplings" is undefined and subject to various interpretations. Subject to this objection and to the General Objections interposed above, Grace states that the following technique was used with regard to those products listed in Answer to Interrogatory #1, above.

Based on its investigation to date, Grace states from approximately 1969 through to the end of the period of plaintiff's alleged exposure, it used the membrane filter method for the collection of asbestos fibers from the ambient air during spraying operations. The method employed was in compliance with NIOSH and OSHA guidelines at the time of use. The purpose of testing was to determine whether or not the Threshold Limit Value of fiber concentrations, as set by the ACGIH, was exceeded for occupational exposures. The results of the testing indicated that Threshold Limit Values were within the then-existing ACGIH standards, therefore no action was required.

INTERROGATORY 63

State whether from 1900 to date you have promulgated any rules, written or oral, for the handling of asbestos products by your own employees? If so, state:

- a. When such rules were promulgated.
- b. The substance of the rules, if oral, and the name, and title of the person who disseminated them.
- c. If in writing, either attach a copy of the rules or identify the written rules by date, title, identification number, present location and the name and address of the custodian thereof.
- d. Whether any such material was provided to GD or any other defendant and, if so when and to whom.

ANSWER 63

Grace objects to this interrogatory on the basis that the plaintiff was not an employee of Grace and, therefore, the interrogatory is irrelevant and immaterial, and seeks information not reasonably calculated to lead to the discovery of admissible evidence. Grace further objects on the grounds that it is vague and ambiguous in that "GD" is undefined. Subject to this objection and to the General Objections interposed above, Grace states that should relevant, non-privileged documents be found during Grace's ongoing investigation and document review, they will be produced in Boston, Massachusetts at a mutually agreeable time.

INTERROGATORY 64

Since 1960, state the names and addresses of any organizations to which you have belonged having anything to do with the setting of standards, regulations, information, lobbying, research, engineering, or use of asbestos products, materials or fibers.

ANSWER 64

Grace objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to this objection and to the General Objections interposed above, Grace states that it has attended annual meetings of the Asbestos Information Association since approximately 1977 and made small annual research donations from approximately 1977 through 1979. Further answering, Grace has been a member of the Perlite Institute from 1977 to the present, a sustaining member of the American Industrial Hygiene Association since 1976, a member of the National Safety Council since approximately 1971, and a member of the American Industrial Health Council since 1978. Grace has been a member of the Association of Walls and Ceilings International since the 1970's and a member of the Vermiculite Institute from 1963 to 1969.

Grace has been a member of the National Fire Protection Association, the Society of Fire Protection Engineers and the Exterior Insulation Manufacturers Association at various times.

INTERROGATORY 65

Does your company recognize that as early as 1900 Dr. H. Montague Murray, a physician in London's Charing Cross Hospital, found spicules of asbestos in the lung tissue? If you agree with this, then state when you learned of this and what action, if any, your company has taken since then to prevent, reduce or eliminate the dangers to those using your asbestos products from inhaling the dust and fibers.

ANSWER 65

Grace recognizes that in 1968 an article was published in the New Yorker magazine which referred to the alleged findings of Dr. Murray and of Dr. Cook, and that said article referred to the 1931 legislation passed by the English Parliament. Grace eliminated commercial asbestos from its construction products no later than 1973. This action on the part of Grace was not taken as a result of knowledge of this or any other specific article.

INTERROGATORY 66

Does your company recognize that in 1924, Dr. W.E. Cook of England, found evidence of asbestosis and that such discovery was published in the British Medical Journal of July 26, 1924, and republished in 1927? If you do, then please state what action, if any, was taken by your company based upon these studies to prevent, reduce or eliminate asbestosis in those using your products. If your answer is that you do not recognize the truth of such statement, then please state what your company has done

in an effort to keep abreast of medical literature concerning the disease produced from the products which you manufacture.

ANSWER 66

See answer to Interrogatory #65, above.

INTERROGATORY 67

Does your company recognize that in 1931, the English Parliament passed legislation making asbestosis a compensable disease and requesting improved methods of exhaust ventilation and dust suppression in asbestos-textile factories, and also instituted periodical medical examinations for workers engaged in particularly dusty processes in the asbestos-textile industry? If you do, state what action, if any, your company took in response to such knowledge in an effort to prevent, reduce or eliminate the effects of asbestos to those using your products. If you do not recognize the truth of such statement, then please state why your company did not keep in touch with legislation and programs adopted to reduce or eliminate the disease of asbestosis in those using asbestos products.

ANSWER 67

See answer to Interrogatory #65, above.

INTERROGATORY 68

Would any respirators or other breathing devices prevent inhalation of the asbestos dust and fibers in your product? If so state:

- a. When the respirator was sold.
- b. Give a detailed description of such respirator or other breathing device;
- c. The basis of your claim will prevent the inhalation of such dust and fibers;
- d. Identify any tests performed by date, title, author and number.

ANSWER 68

Grace objects to this interrogatory on the grounds that it is argumentative and misleading in that it assumes that asbestos dust and fibers would be released during use of the product listed in answer to Interrogatory #1, above. Subject to this objection and to the General Objections interposed above, Grace states see answer to Interrogatory #18(b&c), above.

INTERROGATORY 69

Is your company familiar with the hearing conducted in March, 1967, before the House of Representative of the United States Congress Sub-Committee on Labor concerning asbestos-related occupational illnesses? If so, state what action was taken in response to the information.

ANSWER 69

Grace objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving its objection, Grace states that it has been conducting an investigation and document review for some time, which is continuing. Thus far, no information has been obtained which is responsive to this interrogatory.

INTERROGATORY 70

List and identify by name of insurer, date of issue, term, policy number, and amount of coverage of every policy of liability insurance insuring you against losses as a result of claims for bodily injury or death as a result of use of your asbestos products.

ANSWER 70

The Zonolite Company, the assets of which Grace acquired in 1963, was insured by the Royal Indemnity Co. as follows: 4/1/50 - 4/1/63; 500,000 per occurrence/accident limit; policy numbers RLG 12735, RLG 27635, RLG 31840, RLG 035805, RLG 045762, RLG 045836, RLG 053959, RLG 021629, RLG 621620, RLG 021621.

Further answering, the following companies provided Grace with primary liability insurance coverage: Maryland Casualty: 6/30/62 - 6/30/73, \$250,000 per person, one million per aggregate; policy numbers: 96-224-900, 96-243-400, 96-257-400, 96-269-500, 31-278-301 and 31-911-051.

CNA: 6/30/73 - present; one million dollars per occurrence; 7/1/73 - 6/30/82; two million dollars per aggregate; 7/11/82 - present; one million dollars per occurrence, four million dollars per aggregate; policy numbers: 9023-670 and 2483-440.

INTERROGATORY 71

Have you, at any time, used the services of an industrial health organization? If so, state:

- a. The name of the organization.

b. The dates such services were used.

c. The name of the persons in your company and in the health organization who negotiated the agreement or understanding.

d. Whether any reports or documents concerning the services were prepared and, if so, identify the documents by name, date, title, file number and present location.

ANSWER 71

Grace objects to this interrogatory on the grounds that it is vague and ambiguous in that the term "industrial health organization" is undefined and subject to various interpretations. If the term is intended to refer to a private organization hired on a consultant basis to evaluate Grace's operations for potential health hazards to employees, Grace states no.

INTERROGATORY 72

Did you in any way assist or participate in the 1929 Metropolitan Insurance Company study of asbestos? If so:

a. State what role or action you took.

b. Identify all documents by name, date, title, file number and present location.

ANSWER 72

No.

INTERROGATORY 73

Had you done anything prior to 1972 to notify users of your products of the dangers of inhalation of asbestos dust and fibers? If so, explain in detail what you did and give the dates.

ANSWER 73

Grace objects to this interrogatory on the grounds that it is argumentative and misleading in that it assumes that there were dangers associated with the use of the products listed in answer to Interrogatory #1, above. Subject to this objection, see answer to Interrogatory #41, above.

INTERROGATORY 74

Please state for each calendar year since 1900 the annual earnings, net profits, and dividends per share of stock for your corporation, its predecessor, or successor.

ANSWER 74

Grace objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY 75

a. Admit or deny that (i) defendant maintained offices in Ambler, Pennsylvania and Lancaster, Pennsylvania, at any time since 1900, and (ii) that said offices were used for sales, distribution, marketing, production and/or storage of asbestos or asbestos-containing products manufactured, sold or purchased by defendant.

b. If any part of (a) is denied in whole or in part, please state in detail the exact reasons for said denial and any documents, writings, papers, records or other physical evidence in support of said denial.

ANSWER 75

a. Denied.

b. Grace never maintained offices in Ambler, Pennsylvania or Lancaster, Pennsylvania.

INTERROGATORY 76

a. Admit or deny that defendant sold and shipped products to various contractors, manufacturers, distributors, or other users or purchasers of asbestos or asbestos-containing products with invoices made to third parties.

b. If any part of (a) is denied in whole or part, please state in detail the exact reasons for said denial and any documents, writings, papers, records or other physical evidence in support of said denial.

ANSWER 76

Grace objects to this Request for Admission on the grounds that it is overly broad and vague and ambiguous in that the term "with invoices made to third parties" is undefined and capable of various interpretations.

INTERROGATORY 77

a. Admit or deny that defendant has a contractual relationship or arrangement with Armstrong Cork Company or Armstrong Contracting and Supply, Inc., for the sale and distribution of defendant's asbestos or asbestos-containing products.

b. If any part of (a) is denied in whole or in part, please state in detail the exact reasons for said denial and any documents, writings, papers, records or other physical evidence in support of said denial.

ANSWER 77

a. Denied.

b. Grace has had no such contractual relationship.

INTERROGATORY 78

a. Admit or deny that defendant had a contractual relationship or arrangement with Keasbey & Mattison and/or Robert Keasbey and/or Nicolet, Inc. asbestos companies.

b. If any part of (a) is denied in whole or in part, please state in detail the exact reasons for said denial and any documents, writings, papers, records or other physical evidence in support of said denial.

ANSWER 78

See answer to Interrogatory #77, above.

INTERROGATORY 79

a. Admit or deny that defendant had a supply contract or agreement with Elof Hansson, Inc., New York for Limpet or other asbestos-spray fibre insulation product materials.

b. If any part of (a) is denied in whole or in part, please state in detail the exact reasons for said denial and any documents, writings, papers, records or other physical evidence in support of said denial.

ANSWER 79

See answer to Interrogatory #77, above.

INTERROGATORY 80

a. Admit or deny that defendant has sold asbestos or asbestos-containing products to:

- (1) Johns-Manville Products, Johns-Manville Sales or Johns-Manville of Canada
- (2) Canadian Carey and/or Philip Carey
- (3) Keasbey & Mattison and/or Robert Keasbey
- (4) United States Army or Navy, U.S. Department of Defense, Canadian Army or Navy, or Canadian Department of Defense
- (5) Owens-Corning
- (6) Owens-Illinois
- (7) Mundet Cork, Ehret
- (8) Baldwin, Ehrin-Hill, Keene, or Gale Corp.
- (9) Pittsburgh Corning, Inc.
- (10) Unarco and/or Union Asbestos and Rubber Company
- (11) Armstrong Cork Company and/or Armstrong Contracting & Supply, Co.
- (12) Ruberoid or GAF
- (13) Forty-Eight Insulation
- (14) Standard Asbestos and Manufacturing Co.
- (15) Celotex
- (16) Eagle-Picher
- (17) Raybestos-Manhattan
- (18) Combustion Engineering, Inc.
- (19) Rockwool Mfg.
- (20) Fibreboard or Pabco.
- (21) The M.W. Kellogg Co.
- (22) Ozark Insulation Co.

- (23) The Aber Co.
- (24) B&B Engineering
- (25) J. Graves Insulation
- (26) Bolt Insulation
- (27) Tennessee Valley Authority
- (28) U.S. General Services Administration
- (29) Breeding Insulation
- (30) Temp-Con
- (31) Dodson Insulation
- (32) Tri-State Insulation
- (33) J.W. Sparks United Insulating Company
- (34) United Insulating Company
- (35) Anco Insulation
- (36) North Brothers Insulation
- (37) Insulation Engineers
- (38) Insulation Contractors
- (39) Brand Insulation
- (40) Pederson Insulation
- (41) SPA Insulation
- (42) Fischer Cement & Roofing Co.
- (43) Insulco
- (44) Georgia-Pacific
- (45) United States Gypsum
- (46) R.J. Reynolds Tobacco Co.
- (47) California Shipbuilding Co.
- (48) Bechtel Corp. or Bechtel Power Corp.

(49) Eagle Home & Building Insulators

b. If any part of (a) is denied in whole or in part, please state in detail the exact reasons for said denial and any documents, writings, papers, records or other physical evidence in support of said denial.

ANSWER 80

(a&b). Grace was not in the business of selling asbestos or asbestos containing products to other manufacturers or suppliers of such products. Should relevant, non-privileged and non-trade secret documents be found during Grace's ongoing investigation which are responsive to this interrogatory, they will be produced in Boston, Massachusetts at a mutually agreeable time.

INTERROGATORY 81

Please identify location of all invoices from defendant to Armstrong Contracting and Supply, Inc., Keasbey and Nicolet, Inc.

ANSWER 81

Not applicable. See answers to Interrogatories #77 and #78, above.

INTERROGATORY 82

Please identify any and all United States export number and permit number.

ANSWER 82

Grace objects to this interrogatory on the grounds that it is irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY 83

Please identify each and every state in the United States where a civil lawsuit for damages has been filed against defendant for personal injuries, alleged to be caused by asbestos exposure, including the case styled and file number.

ANSWER 83

Grace objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence. Further objecting, Grace states that the information sought is a matter of public record equally available to plaintiff as to Grace.

INTERROGATORY 84

Please provide plaintiff with a list of all invoices and shipments made to the state of Arkansas since 1900.

ANSWER 84

Grace objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant, immaterial, and not reasonably calculated to lead to the discovery of admissible evidence in that it is not limited to the types of products to which plaintiff claims to have been exposed nor to the time period of his alleged exposure.

INTERROGATORY 85

Please provide plaintiff with a copy of any supply contract or agreement with Elaf Hansson, Inc., New York for the provision of Limpet or other asbestos-spray fiber insulation product materials.

ANSWER 85

Not applicable. See answer to Interrogatory #79, above.

W.R. GRACE & CO.

By its attorney,



John B. Plegge
Plegge & Church
1004 Pyramid Place
Little Rock, AK 72201-2598
(501)374-5612

Dated:

CERTIFICATION

COMMONWEALTH OF MASSACHUSETTS)
) SS.
COUNTY OF MIDDLESEX)

RODGER C. ABERNETHY being first duly sworn, on oath deposes and says he is a Vice President of the Construction Products Division of W.R. Grace & Co., defendant in the above-entitled action; that he has read the foregoing answers to interrogatories and knows the contents thereof; that said answers were prepared by and with the assistance of employees and representatives of the corporation, with the assistance and advice of counsel, upon which he has relied; that the answers set forth herein, subject to inadvertent or undiscovered errors, are based on and therefore necessarily limited by the records and information still in existence, presently recollected and thus far discovered in the course of the preparation of these answers; that consequently W.R. Grace & Co. reserves the right to make any changes in the answers if it appears at any time that omissions or errors have been made therein or that more accurate information is available; and that subject to the limitations set forth herein the said answers are true to the best of his present knowledge, information and belief.

Rodger C. Abernathy
RODGER C. ABERNATHY

Subscribed and sworn to before me
this 20 day of September, 1985.

NCTARY PUBLIC

My Commission Expires 11-25-95

CERTIFICATE OF SERVICE

I have this 5th day of September, 1985, mailed a copy of the foregoing ANSWERS AND OBJECTIONS OF W. R. GRACE & CO. TO PLAINTIFF'S FIRST SET OF INTERROGATORIES, REQUEST FOR PRODUCTION OF DOCUMENTS AND REQUEST FOR ADMISSIONS to the following listed attorneys:

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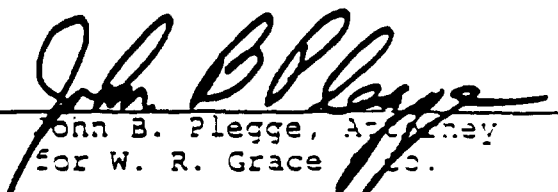
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John B. Plegge, Attorney
for W. R. Grace & Co.

APPENDIX I

PRODUCTS WHICH CONTAINED COMMERCIAL ASBESTOS

1. High Temperature Insulating Cement

a. Produced by Zonolite Company from approximately 1945 until 1963. Produced by Grace from 1963 until approximately 1972.

b. Grace objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving its objection, Grace states that it has been conducting an investigation and document review for some time, which is continuing. Thus far, no information has been obtained which is responsive to this interrogatory.

c. Lack of market.

d. Grace states that based upon its investigation to date it used the following distributors for this product in the Little Rock, Arkansas area: Darragh Company, Little Rock; Fisher Lime Cement, North Little Rock.

e. High Temperature Insulating Cement

f. Chemical Composition: Short fiber chrysotile asbestos, Vermiculite, Bentonite (montmorillinite type), Sodium lauryl sulfate, Sodium Nitrate. Contained approximately 17.11 percent asbestos by weight or approximately 18.69 percent asbestos by weight.

g. High temperature insulating cement.

h. This product was packaged in strong paper bags weighing 25 pounds each.

i. Relevant, non-privileged documents containing information responsive to this interrogatory will be produced in Boston, Massachusetts at a mutually agreeable time.

j. High temperature insulating cement was hand applied; a worker could trowel or darby it to smooth the surface immediately after application. Where appropriate, a waterproofing material or finish coat could be applied.

2. Zonolite Spra-Insulation (MK-2)

a. Produced by Zonolite Company from 1960 to 1963.
Produced by Grace from 1963 until approximately 1973.

b. Grace objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to this objection, and to the General Objections interposed above, Grace states that it held the following patents for spray fireproofing and acoustical plaster products, registered through the U.S. Patent Office:

2,921,862 patented January 19, 1960
2,993,016 patented July 18, 1961
2,993,017 patented July 18, 1961
3,042,681 patented July 3, 1962
3,369,929 patented February 20, 1968
3,719,513 patented March 6, 1973
3,839,059 patented October 1, 1974

Investigation continues to determine which product is covered by which patent, and whether additional patents were obtained.

c. Lack of market.

d. See Appendix I, (1)(d), above.

e. Zonolite Spra-Insulation (MK-2).

f. Chemical Composition: Short fiber chrysotile asbestos, Vermiculite, White Portland Cement, Plaster of Paris, ZOD concentrate. Contained approximately 11.78 percent 7M asbestos by weight.

g. Insulation and acoustical material for application to metal building interiors.

h. This product was packaged in multi-walled, pasted valve bags constructed of two 60 pound plies of natural kraft paper, which is prescribed by the transportation industry, specifically National Motor Freight Classification 100-1.

i. See Appendix I, (1)(i), above.

j. This product was machine applied. In the machine application process, the mixture is pumped under mechanical pressure through a hose to the floor where spraying operations are being conducted. Spraying is done by plasterers standing on stagings or on the floor. The nozzle attached to the rubber hose through which the fireproofing or plaster material is pumped is held by hand or attached to a pole to allow the nozzle

to come within inches of the surface to be sprayed. No adhesives, bonding agents, coverings or wrappings were used in the application process.

PRODUCTS WHICH DO NOT CONTAIN COMMERCIAL ASBESTOS

3. Zonolite Plaster Aggregate

a. Produced by the Zonolite Company from 1942 until 1963. Produced by Grace from 1963 to the present.

b. See Appendix I,(1)(b), above.

c. Not applicable.

d. See Appendix I,(1)(d), above.

e. Zonolite Plaster Aggregate.

f. Chemical Composition: Grace objects to providing the chemical composition of this product because the composition is a trade secret. Further answering, this is a product which contains vermiculite.

g. When used with Gypsum in plaster, it results in a lightweight, insulating, fire resistant plaster for application to surfaces such as masonry metal lathes, gypsum lathes, or monolithic concrete surfaces.

h. See Appendix I,(2)(h), above.

i. See Appendix I,(1)(i), above.

j. See Appendix I,(2)(j), above.

4. Zonolite Masonry Fill (Insulation).

a. Produced by the Zonolite Company from 1958 or 1959 until 1963. Produced by Grace from 1963 until the present.

b. See Appendix I,(1)(b), above.

c. Not applicable.

d. See Appendix I,(1)(d), above.

e. Masonry Fill (also manufactured as Masonry Insulation).

f. Chemical Composition: Grace objects to providing the chemical composition of this product because the chemical composition is a trade secret. Further answering, this product is a fill for concrete blocks which contains vermiculite which is coated to make the fill water repellant.

- g. Used to fill concrete blocks.
- h. See Appendix I, (2)(h), above.
- i. See Appendix I, (1)(i), above.
- j. Masonry Fill is poured directly from the bag or from a hopper, without bridging, to fill cores or cavities. There is no cutting, fitting, or patching. No adhesives, bonding agents, coverings or wrappings are used in the application process.

5. Industrial Fill

- a. Exact dates of manufacture unknown, however the product was produced during the relevant time period.
- b. See Appendix I, (1)(b), above.
- c. Not applicable.
- d. See Appendix I, (1)(d), above.
- e. Industrial Fill.
- f. See Appendix I, (7)(f), above.
- g. Used for thermal insulation among other uses.
- h. Paper bags.
- i. See Appendix I, (1)(i), above.
- j. Unknown, investigation continues.