

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSISSIPPI

IN RE: ASBESTOS PERSONAL INJURY ACTIONS

NOS. 88-5422(1), 89-5088(3), 89-5121(3), 90-5247(2),
 88-5420(2), 89-5252(2), 90-5069(3), 90-5322(2),
 89-5153(2), 90-5352(2), 89-5268(3), 90-5045(3),
 90-5274(2), 88-5181(3)

**WESTINGHOUSE ELECTRIC CORPORATION'S RESPONSES TO
PLAINTIFFS' INTERROGATORIES AND REQUESTS FOR PRODUCTION**

BACKGROUND

This docket arises from the Court's consolidation of the cases of 14 so-called "lead plaintiffs" asbestos personal injury cases. A total of 4,670 individual plaintiffs are included.

During the past several months, liaison counsel for the plaintiffs and the defendant, approved by this Court, negotiated in an attempt to reach an agreement on a case management order and a case administration order. Meanwhile, all discovery previously filed had been stayed, per the April 17, 1991 Order of Judge Maples, in part so that jurisdictional discovery could proceed in order to determine which parties are properly before the Court. This Court continued the non-jurisdictional discovery stay by Order dated October 16, 1991.

On January 31, 1992, this Court entered an Order reopening non-plaintiff specific discovery, and directing that all outstanding non-plaintiff specific discovery heretofore served shall be answered by Monday, March 2, 1992. The plaintiffs had served interrogatories and requests for production on Westinghouse on October 4, 1991. Thus, Westinghouse is responding to these discovery requests "heretofore served" as contemplated by this Court's January 31, 1992 Order.

GENERAL OBJECTION

The plaintiffs have made no attempt to tailor their supplemental interrogatory to the facts or issues in this case. It is not limited to whatever product(s) the plaintiffs believe to be at issue or otherwise. Apparently, the plaintiffs take the position that they are entitled to "go fishing" to see if they can discover something, completely without regard to the burden



imposed on Westinghouse or the relevance of the information sought. Fairly construed, the plaintiffs want the keys to every Westinghouse facility.

It would very likely be impossible to draft one interrogatory more onerous and overreaching than the one filed by the plaintiffs. The plaintiffs do not seek information about asbestos-containing products which were used by the plaintiffs at the Ingalls shipyard; they want all information about any asbestos-containing product regardless of when, where or how it was manufactured, sold or used. It would be unduly burdensome and fabulously expensive for Westinghouse to even attempt to respond this request, which is completely unlimited in time, scope or subject matter.

Unlike some of the other defendants, Westinghouse is not a business with one or two locations and a limited product line. To the contrary, Westinghouse has hundreds of separate business operations throughout the world. This fact does not obviate normal discovery rules concerning fairness, relevance and relative burden.

The basic premise of every lawsuit is for the plaintiff to state a claim and to pursue discovery on that claim. There is no authority for the approach taken by the plaintiffs: to seek discovery completely without regard to whatever Westinghouse products they have any basis to believe were responsible for their injuries. The plaintiffs have had years to discuss the claims with thousands of plaintiffs, to interview co-worker witnesses, and to review countless documents produced by Ingalls and various subcontractors. It would be patently unfair to allow the plaintiffs to conduct a massive fishing expedition without any focus on the products at issue. Westinghouse objects to any discovery which goes beyond the products which the plaintiffs have a basis to believe form a basis for their claims as to Westinghouse.

Westinghouse is a relative newcomer to this litigation, having first been joined in a Jackson County case in 1990. This

is because Westinghouse is not now, nor has it ever been, a miner of asbestos fiber or a seller of the kinds of thermal insulation products which have typically been the focus of asbestos personal injury litigation. Thus, it has never been a member of the "asbestos industry" as that term is commonly used in this litigation. The interrogatories are overbroad and irrelevant because they fail to take into account this key fact.

Westinghouse is a broadly diversified corporation that currently employs over 100,000 people and manufactures in various countries several thousand basic products and several hundred thousand variations of those products. Although Westinghouse is engaged principally in the manufacture, sale and service of equipment and components for the generation, transmission, utilization and control of electricity, its businesses also include a wide range of products and services that are unrelated to electrical manufacturing.

Many of the products that Westinghouse manufactures and sells are very complex and consist of hundreds or thousands of components. Many of the components, as well as materials, are supplied to Westinghouse by other companies. Westinghouse does not have records to identify the composition of each product from each of its suppliers. Similarly, Westinghouse does not know the ultimate destination of each product sold because Westinghouse's sales frequently are not to the end user.

Westinghouse's portfolio of businesses and products changes almost continually. Changes occur when Westinghouse develops new products, discontinues old products, acquires other companies or their product lines, or divests itself of subsidiaries or product lines. Changes also occur when Westinghouse adds suppliers to and deletes suppliers from its product lines. Westinghouse has not and does not maintain its business records according to product content. Therefore, it is not reasonably possible for Westinghouse to answer the interrogatories because of the broad, categorical manner in which they are framed.

The plaintiffs' discovery is not limited to products alleged by plaintiff to have been sold by Westinghouse and to have given off respirable asbestos fibers that were a factor in producing any asbestos-related illnesses which are the subject of this lawsuit. So far, some of these products have been identified only in broad, non-descriptive fashion such as "electrical equipment" or "motors." It would be unduly burdensome for Westinghouse to attempt to respond to the plaintiffs' interrogatories regarding products that bear no relation to the limited product descriptions the plaintiffs have provided.

The plaintiffs also seeks discovery which, if complied with fully, would require Westinghouse to provide responses that are speculative, and to incur unreasonable time and expense searching for documents related to products that the plaintiff is unable or unwilling to identify specifically, or which, if identified, cannot have been a substantial proximate cause of his alleged asbestos-related disorders.

Westinghouse also objects to these interrogatories to the extent that they seek to elicit information that is protected by the attorney client privilege, the attorney work-product doctrine or as trial preparation material and to the extent that they seek to elicit an expert witness opinion beyond the scope of permissible discovery. By responding below, Westinghouse does not waive any of its objections as stated above. In particular, it reserves objections as to the relevance or admissibility of the following information.

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

INTERROGATORIES AND REQUESTS FOR PRODUCTION

INTERROGATORY NO. 1: Identify each person who has supplied information used in responding to these interrogatories and responding to these requests for production. With respect to each such person, state, with specificity, the area(s) of information for which such person acted or is responsible.

ANSWER: Westinghouse objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant, not reasonably calculated to lead to the discovery of admissible evidence, and calls for information protected by the attorney client privilege or attorney work product doctrine. The answers are derived from numerous sources, persons and documents over an extended period of time. Without waiving these objections, please refer to the affidavit appended to these responses. The affiant is Daniel Vickovic, Assistant Secretary, whose office is at Six Gateway Center, Pittsburgh, Pennsylvania 15222. He does not have direct knowledge regarding the matters included in these answers. No single officer or employee of Westinghouse has direct knowledge of all the answers. These Answers are prepared based upon information collected from numerous sources over many years, including past and present employees. David Baldwin, 7611 Patterson Road, Beaufort, South Carolina and James M. Gate, P.O. Box 3499, Sunnyvale, California have provided significant input.

INTERROGATORY NO. 2: Identify any document that you used or referred to in connection with the preparation of your answers to these interrogatories and which said document(s) is not otherwise produced in response to a specific request to do so and further state the following with respect to each such document:

- a. The number of the question and its subpart to which the document relates;
- b. The name and location of the file in which the document was found;
- c. The name and location of the file in which the document is presently located;
- d. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all such documents.

ANSWER: See General Objection and Answer No. 2.

INTERROGATORY NO. 3: Identify the Defendant; and

- a. Identify your predecessor(s) and produce copies of each predecessor's articles of incorporation or other document creating the business entity; and
- b. State the years you conducted business in the states of Alabama, Mississippi, or Louisiana and produce copies of each document granting authority for you to do business in such state(s); and
- c. If you are a corporation, name your state of incorporation, your address of principal place of business and produce copies of your articles of incorporation or other document creating you.

ANSWER: At all relevant times, Westinghouse Electric Corporation Pittsburgh, Pennsylvania has been authorized to transact business in Mississippi and has maintained a registered agent there.

INTERROGATORY NO. 4: State whether you are/were a miner, miller, manufacturer, labeler, labeler, rebrander, rebrandee, seller, supplier, distributor, licensee or licensor of any ACP(s) or an entity which used any ACP(s) as part of a contract or subcontract at Ingalls at any time from 1938 to the present and, if so:

- a. Identify each entity that engaged in each activity which is the subject of your affirmative answer; and
- b. If any such entity is your predecessor, state the beginning and ending dates of your relationship with such predecessor(s); and
- c. State how each predecessor was acquired by you, (i.e., purchase, merger, change of name, purchase or sale of assets, purchase or sale of stock, etc.); and
- d. Describe each and every activity, (whether mining, milling, manufacturing, labeling, rebranding, selling, supplying, distributing, using licensing or otherwise), in which you or your predecessor(s) engaged; and

- e. Describe each ACP(s) mined, milled, manufactured, labeled, rebranded, sold, supplied, distributed, licensed or used by you; and
- f. - With respect to each ACP(s), state the product name, the brand name, the trademark name, the quantitative percentage by weight and volume of asbestos content (by each type of asbestos, separately) and the intended marketable use; and
- g. For each ACP(s), state the beginning and ending dates that you engaged in the activity which is the subject of your affirmative answer; and
- h. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof; and
- i. With respect to Defendant's answer to this interrogatory and each subpart thereof, identify each person(s) who you believe has knowledge about any of the facts addressed in said answer.

ANSWER: See General Objection. If the propounding party will specifically identify product(s) beyond those discussed below which is/are alleged to have been sold by Westinghouse and to have given off airborne asbestos fibers which were a substantial factor in causing the alleged asbestos-related illnesses which are the subject of these lawsuits, Westinghouse will endeavor to answer this interrogatory for such product(s) to the extent Westinghouse reasonably can do so.

Without waiving these objections, Westinghouse states that it sold fire resistant micarta through its exclusive distributor, U.S. Plywood Corporation. As indicated by Hopeman Brothers invoices which have been produced to the plaintiffs and made available to all other parties, this micarta was shipped by Westinghouse from its micarta plant in Hampton, South Carolina to

Hopeman Brothers in Waynesboro, Virginia. The composition of fire resistant micarta is explained in documents which are being produced at this time. Westinghouse fire resistant micarta was developed in approximately 1956 and was last sold in approximately 1973.

Westinghouse also supplied marine turbines pursuant to contracts with owners, the Maritime Administration or the U.S. Navy, for ships being constructed at Ingalls between 1943 and 1974. Upon information and belief, certain parts of these turbines were insulated at Ingalls with various asbestos-containing products manufactured and sold by others, in accordance with specifications promulgated by the ship owners, applicable marine architects such as George Sharp, regulations of the United States Maritime Administration, and the United States Navy. Westinghouse did not normally sell or supply these thermal insulation products used on the exterior of some of the turbines. Plaintiff Leo Fortner has confirmed that these products were manufactured by others and installed by the various insulation sub-contractors at Ingalls.

Some of the turbines contained internal components such as asbestos-containing gaskets or packing material manufactured by others. Most of the gaskets used on Westinghouse marine turbine generators are standard size gaskets, or gaskets cut from sheet on the ship. The original equipment may have contained one set of gaskets that was manufactured by others, not by Westinghouse. Westinghouse did not normally supply standard size gaskets or sheet material as replacement parts.

A very small percentage of gaskets on turbine generator sets was required to be pre-cut and pre-formed by a gasket manufacturer to fit special or unusually shaped openings in the equipment. Westinghouse did not manufacture any of the special, pre-cut gaskets. Westinghouse turbines containing special, pre-cut gaskets may have been accompanied by one set of replacement gaskets, in accordance with American Bureau of Shipping

regulations. Any subsequent replacement gaskets normally were supplied by the gasket manufacturer, and not by Westinghouse.

Likewise, the equipment may have contained original and one set of replacement packing material that was manufactured by others, and not by Westinghouse. Any subsequent replacement packing normally was supplied by the packing manufacturer, and not by Westinghouse. Packing material used in valves and glands is completely encapsulated and is installed in the interior of operating equipment.

A list of the ships constructed at Ingalls between 1943 and 1973 to which Westinghouse supplied steam turbines, upon information and belief, except as protected by the attorney work product privilege, will be provided as soon as possible.

Electrode is a general term used for a conductor used to establish electrical contact as part of a circuit. Thus, Westinghouse cannot be sure what the plaintiffs intend by use of the word "electrodes" in the context of this litigation. Arc welders use a covered metal electrode, sometimes called a welding rod, to carry an electrical current from the power source to the metal being welded. Consumable electrodes have a coating called flux which surrounds the core wire of the electrode. Westinghouse began manufacturing welding electrodes in the mid-1930s. Asbestos was used in the flux material for a very small percentage of electrodes manufactured prior to 1970.

Westinghouse has manufactured hundreds of types of transformers since the 1880s, including power transformers and distribution transformers, for general application and for specific customers. Certain transformers contained components with asbestos. Any asbestos-containing components located within the transformer fluid reservoir were fully encapsulated. The windings for dry type transformers are covered with varnish and baked at extremely high temperatures to avoid moisture infiltration.

Westinghouse is unaware that it ever manufactured or sold asbestos cloth as a product. If the plaintiffs will provide some

explanation of the kind of cloth they believe to be at issue, Westinghouse will endeavor to supplement this response to the best of its ability.

Melamine is a generic term which is used to describe a large family of plastic laminate products. For example, Westinghouse micarta is correctly termed a melamine laminate. To the extent that the plaintiffs are talking about micarta through use of the term melamine, Westinghouse has provided complete information in these answers and the documents it has produced. If the plaintiffs are talking about some other kind of melamine product, if they will provide an explanation of that product, Westinghouse will endeavor to supplement this answer to the best of its ability.

An O-Ring is a synthetic rubber or hard metal material which Westinghouse used in hydraulic lines in rotating machinery, or where a seal is required for hydraulic fluid such as oil.

Upon information and belief, flame resistant kraft is a generic term for a kind of paper known as kraft paper, which is fire retardant due to its having been treated with some other ingredient in the manufacturing process. Regular kraft paper has been used in the manufacture of Westinghouse micarta for many years. At the time Westinghouse was asked to develop a new, more fire-resistant type of micarta in 1956, its employees experimented with kraft paper which had traditionally been used to manufacture micarta, and numerous other ingredients in an attempt to satisfy the inflammability requirements imposed by the United States Coast Guard and its customer U.S. Plywood.

Westinghouse has manufactured many types and sizes of "electric machinery" since the company was founded in the 1800s. The broad, categorical use of this term makes it impossible for Westinghouse to provide a meaningful response. If the plaintiffs will provide a further explanation of what kind of "electric machinery" they believe to be involved in this case, Westinghouse will endeavor reasonably to supplement its answer to the best of its ability.

The same is true for "engines," and "motors." Westinghouse makes many, many, varieties of engines and motors and cannot respond concerning those products in a meaningful way absent further information from the plaintiffs. Since the 1880s, Westinghouse has manufactured a full range of alternating and direct current motors. These motors are used to drive a variety of equipment including, for example, pumps, compressors, fans, blowers, machine tools, and countless other applications. Because of the variety of motors and the period of time in which Westinghouse has manufactured motors, it is not reasonably possible to list with any degree of certainty the specific motor components that may have contained an asbestos ingredient at any point in time. The rotors and stators of certain motors contained thin strips of asbestos-containing micarta, which were dipped and baked in varnish and thereafter covered with a paint.

Circuit breakers are circuit interrupting devices held closed by a mechanical latch, which are opened by electronically tripping the mechanical latch so that gravity or a spring will open a switch. Certain circuit breakers manufactured by Westinghouse have contained asbestos components at various points in time. These components have included neoprene gaskets, laminated core washers, epoxy resin coating and wiring and cable.

Westinghouse has manufactured generators since the late 1880s. Some generators have contained internal components with an asbestos ingredient, including windings, slot wedges and bearing rings. As stated above, based upon reasonable investigation, information and belief, any such asbestos-containing internal components were fully encapsulated within the body of the generator and did not release respirable fibers.

Westinghouse did not manufacture or sell marinite. This product was manufactured by Johns-Manville Corporation and its predecessors, which has held a patent on marinite since the early 1930s.

Westinghouse subsidiary Westinghouse Electric Supply Company (WESCO) has had an office in Jackson, Mississippi since approxi-

mately 1947. Upon information and belief, WESCO may have distributed asbestos-containing wire and cable manufactured by others. Westinghouse did not manufacture asbestos-containing wire and cable.

INTERROGATORY NO. 5: State whether you (i) are or were a labeler, licensee or a rebrandee or (ii) have distributed or sold any ACP(s) which are or were not manufactured by you under your own name or (iii) have distributed or sold any ACP(s) which are or were not distributed or sold under the name of the entity by which it was manufactured. If so, state:

- a. The terms and conditions of all agreements, licenses, arrangements and understandings which relate, refer or pertain to the business relationship under which you conducted any such activity; and
- b. The identity of each person, company, corporation or other business entity whose ACP(s) you have sold or distributed on a product-by-product basis; and
- c. The generic name or identity of each such ACP(s); and
- d. The manufacturer's brand name for each such ACP(s); and
- e. The manufacturer's trademark name for each such ACP(s); and
- f. Your corresponding brand name of each such ACP(s); and
- g. Your corresponding trademark name of each such ACP(s); and
- h. The dates during which you distributed or sold each ACP(s) under your brand name or trademark name, the quantitative percentage by weight and volume of asbestos content (by each type of asbestos, separately) and the intended marketable use of each ACP(s); and
- i. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof; and

- j. With respect to Defendant's answer to this interrogatory and each subpart thereof, identify each person(s) who you believe has knowledge about any of the facts addressed in said answer.

ANSWER: See General Objection and Answer No. 4 above.

If the plaintiffs can specifically identify any product(s) which is/are reasonably alleged to be involved in this case, beyond those identified above, Westinghouse will endeavor to answer this interrogatory for such product(s) to the extent Westinghouse reasonably can do so.

INTERROGATORY NO. 6: If you are or were a contractor or a subcontractor at Ingalls, identify all ACP(s) which you used, applied, supplied, sold, distributed, purchased, worked, mixed, or altered in any way during your work or the performance of any contract or subcontract at or with Ingalls or any Ingalls' subcontractor, at any time from 1938 to the present and state:

- a. Identify the business entity that engaged in each such activity; and
- b. If any such business entity is your predecessor, state the beginning and ending dates of your relationship with such predecessor(s); and
- c. State how each predecessor was acquired by you, (i.e., purchase, merger, change of name, purchase or sale of assets, purchase or sale of stock, etc.); and
- d. Describe each and every activity, (whether using, applying, supplying, selling, distributing, purchasing, working, mixing, or altering or otherwise), in which you or your predecessor(s) engaged; and
- e. Describe each ACP(s), involved; and
- f. With respect to each ACP(s), state the product name, the brand name, the quantitative percentage by weight and volume of asbestos content (by each type of asbestos, separately) and the intended marketable use; and

- g. For each ACP(s), state the beginning and ending dates that you engaged in the activity which is the subject of your affirmative answer; and
- h. - With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof; and
- i. With respect to Defendant's answer to this interrogatory and each subpart thereof, identify each person(s) who you believe has knowledge about any of the facts addressed in said answer.

ANSWER: See General Objection and Response to Interrogatories 4, 5 and 6. Further, Westinghouse was not a contractor or subcontractor at Ingalls as defined by the plaintiffs.

INTERROGATORY NO. 7: State whether you (i) are or were a labeler, licensor or a rebrander or (ii) whether any ACP(s) mined, milled or manufactured by you has ever been distributed or sold by any other person, company, corporation or any other business entity under his or its own brand or trademark name or under your brand or trademark name. If so, state:

- a. The terms and conditions of all agreements, licenses, arrangements and understandings which relate, refer or pertain to same and identify all documents relating to same; and
- b. The identity of each such person, company, corporation or other business entity; and
- c. Your brand name of each such ACP(s); and
- d. Your trademark name of each such ACP(s); and
- e. The corresponding brand name of each such ACP(s) used by the distributor or seller of same; and
- f. The corresponding trademark name of each such ACP(s) used by the distributor or seller of same; and

- g. The dates during which each such ACP(s) was distributed or sold under each of the corresponding brand and trademark names indicated above; and
- h. - With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof; and
- i. With respect to Defendant's answer to this interrogatory and each subpart thereof, identify each person(s) who you believe has knowledge about any of the facts addressed in said answer.

ANSWER: See General Objection. From the development of fire resistant micarta in approximately 1956 until sales ended in approximately 1973, United States Plywood Corporation was the exclusive distributor for Westinghouse micarta. Documents relating to this relationship which have been located are being produced. Since Westinghouse had patents on many of its micarta products, Westinghouse micarta should have been identified as such. Westinghouse is unaware of any trademark or particular brand name for any of the other products discussed above.

INTERROGATORY NO. 8: For each ACP(s) identified in your answer to Interrogatory 4, 5, 6 or 7 that was ever sold, supplied or distributed (i) to Ingalls or (ii) to an Ingalls' subcontractor, or (iii) whether any such ACP(s) was ever used at Ingalls, and if so:

- a. Identify the business entity to whom each ACP(s) as sold, supplied or distributed or by whom each ACP(s) was used at Ingalls, and identify the business entity from whom the ACP(s) was acquired; and
- b. State the beginning and ending dates that each ACP(s) was sold, supplied or distributed to Ingalls or an Ingalls' subcontractor, or was purchased for or used at Ingalls; and

- c. State in appropriate units of measure the amount of sales of each ACP(s) which you sold, supplied or distributed to Ingalls, to any Ingalls' subcontractor or to any other person or firm for use at Ingalls, and, if said ACP(s) was designated for use on a specific hull or in a specific area, state the hull number and hull or vessel name or, if appropriate, state the location by specific area description; and
- d. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof; and
- e. With respect to Defendant's answer to this interrogatory and each subpart thereof, identify each person(s) who you believe has knowledge about any of the facts addressed in said answer.
- f. Produce a representative sample of each ACP(s) identified in your answer to this interrogatory and all laboratory analysis results concerning said ACP(s) for which the sample(s) is representative.

ANSWER: See response to Interrogatories 4, 5, 6, and 7 above. Westinghouse does not have records from which to determine the amount of fire resistant micarta sold by its distributor U.S. Plywood which may have eventually reached Ingalls, or to determine the specific hulls on which any such micarta may have been installed. Records produced by Hopeman Brothers establish that approximately \$58,000.00 worth of fire-resistant micarta was sold for installation on the U.S. Brazil and the U.S. Argentina in approximately 1957. However, Westinghouse does not have and is not aware of other documents from which the amount of fire resistant micarta shipped to Hopeman or installed on other ships constructed at Ingalls, if any, can be verified. Westinghouse is attempting to verify the

ships constructed at Ingalls between 1943 and 1973 to which it furnished steam turbines. Except as protected by the attorney work product doctrine, Westinghouse will provide that information in a supplemental answer.

INTERROGATORY NO. 9: If your answer to Interrogatory 8 was in the negative or if your answer to Interrogatory 8 is any answer other than an affirmative answer:

- a. Identify each document upon which you rely to support such answer; and
- b. Identify each person upon whose knowledge you rely to support such answer; and
- c. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer to or to the subject of the interrogatory and each subpart thereof.

ANSWER: Inapplicable.

INTERROGATORY NO. 10: For each and every one of your predecessors identified in your answer to Interrogatory 4, 5, 6 or 7:

- a. Identify all documents which established any terms or conditions incident to your acquisition or termination of your business interest in the predecessor(s) including, but not limited to, contracts, articles of merger, leases, stock subscriptions, asset purchase agreement(s), or stock purchase agreement(s), etc.; and
- b. Identify each person(s) known to you who acted for any party and the person(s) most knowledgeable with respect to the acquisition or termination of your business interest in the predecessor including, but not limited to, contracts, articles of merger, leases, stock subscriptions, asset purchase agreement(s), or stock purchase agreement(s), etc.; and

- c. Identify all documents which relate to any limitation of your liability for previous acts of the predecessor; and
- d. - With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof; and
- e. With respect to Defendant's answer to this interrogatory and each subpart thereof, identify each person(s) who you believe has knowledge about any of the facts addressed in said answer.

ANSWER: Inapplicable.

INTERROGATORY NO. 11: State whether you ever sold, supplied or distributed any ACP(s) to Ingalls or an Ingalls' subcontractor, or whether you ever used any ACP(s) at Ingalls, and if so:

- a. Identify the business entity to whom each ACP(s) was sold, supplied or distributed or by whom each ACP(s) was used at Ingalls, and identify the business entity from whom each ACP(s) was acquired; and
- b. State the beginning and ending dates that each ACP(s) was sold, supplied or distributed to Ingalls or an Ingalls' subcontractor, or was purchased for or used at Ingalls; and
- c. State, in appropriate units of measure, the amount of sales of each ACP(s) which you sold, supplied or distributed to Ingalls, to any Ingalls' subcontractor or to any other person or firm for use at Ingalls and, if said ACP(s) was designated for use on a specific hull or in a specific area, state the hull number and hull or vessel name or, if appropriate, state the location by specific area description; and
- d. If the ACP(s) was used in conjunction with any other product, even if the other product did not contain

asbestos, state the product name, product brand and how the products were used; and

- e. With respect to Defendant's answer to this
- interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof; and
- f. With respect to Defendant's answer to this interrogatory and each subpart thereof, identify each person(s) who you believe has knowledge about any of the facts addressed in said answer.

ANSWER: Objection, duplicative. See Response to Interrogatories 4, 5, 6, 7, and 8 above.

INTERROGATORY NO. 12: If your answer to Interrogatory 6 was negative or any answer other than an affirmative answer:

- a. Identify each document upon which you rely to support such answer; and
- b. Identify each person upon whose knowledge you rely to support such answer; and
- c. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: Inapplicable.

INTERROGATORY NO. 13: Identify each person who participated in the design or preparation of manufacturing specifications for each ACP(s) identified in your answer to Interrogatory 4 or 6 and, for each such person(s):

- a. The years of his or her participation; and
- b. The nature of his or her participation; and
- c. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the

information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See General Objection and Responses to Interrogatories Nos. 4, 6 and 14.

INTERROGATORY NO. 14: Describe the design, formula, preparation, manufacture, method of application or use, and intended marketable use of each ACP(s) identified in your answer to Interrogatory 4 or 6 and, for each ACP(s):

- a. Every reason you included asbestos as a part of the ACP(s); and
- b. Whether you ever considered not including asbestos as a part of the ACP(s) and, if so state:
 - 1) every reason you continued to place asbestos in the ACP(s); and
 - 2) the date of each such consideration or thought; and
 - 3) the identity of the person(s) involved in each consideration; and
- c. If the ACP(s) has ever changed in its composition or its asbestos content (either by a change in the amount of asbestos or by a change in the type of asbestos used), for each such ACP(s), state:
 - 1) the nature of each such change; and
 - 2) the date of each such change; and
 - 3) identify the person(s) who participated in the decision to make or allow the change; and
 - 4) every reason the change did not occur at an earlier date; and
- d. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: The manufacturing process for fire resistant micarta is described in detail in the documents being produced by

Westinghouse in connection with this request. Mr. Baldwin and others involved in the development of fire resistant micarta in the mid 1950s tried every known material in an attempt to satisfy the Coast Guard requirements for inflammability, but found that nothing would do so except micarta with asbestos-containing tissue sheets as backing paper.

Mr. Baldwin recalls that sales of fire resistant micarta had dropped considerably by the early 1970s. The product was expensive relative to similar products and Westinghouse made a decision to discontinue production of fire resistant micarta. Although this was at approximately the same time as promulgation of the first governmental regulations concerning asbestos products, Mr. Baldwin does not recall those regulations as being the reason for the end of sales of the product.

INTERROGATORY NO. 15: Identify all patents issued, or any applications made therefor, for (i) any ACP(s) named in your answer to Interrogatory 4, 5, 6, or 7, (ii) for any process related to any ACP(s) and (iii) for any product which does not contain asbestos that would have performed the same or similar function as an ACP(s) and, for each such patent or application specify, the number of each patent, the date of application, issuance and renewal, to whom each patent was issued, to whom each patent was assigned, the inventor's name, the current owner or holder of the patent, and the product or process for which each patent was issued.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof; and
- b. With respect to Defendant's answer to this interrogatory and each subpart thereof, identify each person(s) who you believe has knowledge about any of the facts addressed in said answer.

ANSWER: The Westinghouse patent for fire resistant micarta is included in the documents being produced.

INTERROGATORY NO. 16: Identify any trademarks registered for any ACP(s) named in your answer to Interrogatory 4, 5, 6 or 7 and specify the number and date of registration, the language or wording of the trademark, the duration of the trademark, the date of renewal, by whom each trademark is registered and the product for which each trademark was registered.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: None as to micarta. None concerning the other products listed above to the best of Westinghouse's knowledge, information and belief.

INTERROGATORY NO. 17: Identify all trademarks registered by you or on your behalf for any ACP(s) not listed in your answer to Interrogatory 4, 5, 6 or 7, and specify the number and date of registration, the language or wording of the trademark, the duration of the trademark, the date of renewal, by whom each trademark is registered, the product for which each trademark was registered and the reason why each product was not identified in your answer to Interrogatory 4, 5, 6 or 7.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof; and
- b. With respect to Defendant's answer to this interrogatory and each subpart thereof, identify each person(s) who you believe has knowledge about any of the facts addressed in said answer.

ANSWER: See Answer No. 16.

information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: As stated above, U.S. Plywood Corporation was the exclusive distributor for fire resistant micarta. Westinghouse is unaware of whether U.S. Plywood had any offices in Mississippi. WESCO had an office in Jackson, Mississippi, which may have sold asbestos-containing wire and cable products manufactured by others.

INTERROGATORY NO. 20: Identify any written distributorship agreement or any other document relating to the sale or distribution of any product identified in your answer to Interrogatory 4, 5, 6 or 7.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: As established by the literature and documents being produced by Westinghouse, U.S. Plywood Corporation was the exclusive distributor for Westinghouse micarta at all relevant times between 1956 and 1973. Westinghouse is unable to locate a copy of its distributorship agreement with U.S. Plywood Corporation, if any was ever executed.

INTERROGATORY NO. 21: Identify your present home office address and the inclusive dates of its use, the address and the inclusive dates of use for each and every plant, warehouse, distribution center or sales office which was used in your business concerning any asbestos or ACP(s) identified in your answer to Interrogatory 4, 5, 6 or 7.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See General Objection. Without waiving its objections and subject thereto, the address of defendant's principal place of business is Westinghouse Electric Corporation, Gateway Center, Pittsburgh, Pennsylvania 15222. Westinghouse objects to responding to this interrogatory for any plants or products not alleged to have contributed to the injuries of plaintiff. This part of the interrogatory is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to the discovery of relevant, material or admissible evidence.

The Westinghouse Micarta Division has been located in Hampton, South Carolina since prior to the development of fire resistant micarta. The marine turbine division was located in a suburb of Philadelphia, Pennsylvania until 1964 when it was moved to Sunnyvale, California.

INTERROGATORY NO. 22: State whether any of the distributors, wholesalers or suppliers identified in your answer to Interrogatory 20 or any other entity to whom you sold or supplied ACP(s) were provided by you with any instructions, oral or written, in regard to the use of such ACP(s). If so, please state:

- a. When the instructions were given; and
- b. By and to whom the instructions were given; and
- c. Whether the instructions were oral or written; and
- d. The precise content of the instructions; and
- e. If the instructions were written, identify any documents relating to the instructions; and
- f. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: No "instructions" per se were given by Westinghouse to U.S. Plywood or Hopeman Brothers except as

contained by the documents being produced by Westinghouse. U.S. Plywood and Hopeman Brothers were both very experienced in such products and did not request or need any instructions from Westinghouse.

INTERROGATORY NO. 23: Have you or any of your representatives ever visited any of the locations or entities listed in your answer to any Interrogatory for the purpose(s), or as a purpose(s) among others, of promoting, selling, or discussing the use of ACP(s) or for the purpose, among others, of discussing, inspecting or reviewing the use of ACP(s) or for the purpose of discussing, inspecting or reviewing the health and safety aspects of a workplace where ACP(s) are used? If so, state:

- a. The name, address, and title of each person(s) who visited each location or entity; and
- b. The date of each visit; and
- c. The purpose of each visit; and
- d. Who at each location he or she saw and spoke to on each occasion; and
- e. Whether any such person(s) discussed with the management personnel of any such entity the long term effects on health and safety of exposure to asbestos, and, if so, state:
 - 1) The content of such discussions; and
 - 2) The dates of such discussions.
- f. Whether any such person(s) attempted to communicate to the employee(s) of any such entity information respecting health and safety ramifications to employees of long-term asbestos exposure and, if so, state:
 - 1) The results of such efforts; and
 - 2) The content of each communication; and
 - 3) The date of each communication.
- g. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the

information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See Response to Interrogatory No. 5. No such visit is believed to have occurred concerning fire resistant micarta, except an inspection by Mr. Baldwin in the late 1950s or early 1960s in response to a complaint that micarta was delaminating from ships constructed at Ingalls. Westinghouse cannot rule out the possibility that an employee visited Ingalls at some point relating to its marine turbines, but it has no reason to believe that such visit would have included the topics discussed in this interrogatory.

INTERROGATORY NO. 24: Identify all managers, marketing and sales personnel responsible for your sales or marketing of ACP(s) in Alabama, Mississippi and Louisiana and identify the local or regional office out of which they worked.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See General Objection. Without waiving these objections, U.S. Plywood handled all sales of micarta. There was a WESCO office in Jackson, Mississippi.

INTERROGATORY NO. 25: State the following with respect to the packages and containers in which you sold, distributed, supplied or otherwise furnished each of the ACP(s) described in your answer to Interrogatory 4, 5, 6 or 7 on a year-by-year and product-by-product basis:

- a. A description of the package or container in which each product was sold, distributed, supplied or otherwise furnished, including composition, size, shape and color; and
- b. A description of the markings or printed materials which appeared on each package or container(s), including the size and color of each; and

- c. A description of any logo or other design appearing on the package or container; and
- d. A verbatim description of any caution or warning notice appearing on the package or container; and
- e. A verbatim description of any instructions appearing on the package or container; and
- f. If the packages and containers in which you sold, distributed, supplied or otherwise furnished each of the ACP(s) has ever changed, describe each and every change and give the reason(s) for such change(s); and
- g. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.
- h. With respect to Defendant's answer to this interrogatory and each subpart thereof, identify each person(s) who you believe has knowledge about any of the facts addressed in said answer.

ANSWER: See General Objection. Upon information and belief, micarta sheets were shipped on large pallets or crates with brown paper between certain of the sheets. Westinghouse has no information about what may have happened to the micarta after it left Westinghouse, including unpackaging, repackaging or relabelling.

INTERROGATORY NO. 26: With respect to each ACP(s) identified in your answer to Interrogatory 4, 5, 6 or 7:

- a. State whether you have actual packages or containers or photographs of packages or containers in which said products were sold, distributed, supplied or otherwise furnished; and
- b. Identify the custodian of such packages, containers or photographs thereof; and
- c. Produce a sample of each ACP(s) and its packing(s), photographs of the ACP(s) and/or its packing(s) and

other documents visually displaying the ACP(s) and/or its packing(s); and

- d. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See Response to Interrogatory No. 25 above.

INTERROGATORY NO. 27: Describe the method by which you have maintained records concerning the mining, milling, manufacture, sale, supply, distribution, advertising, delivery, marketing, medical or scientific testing or analysis, safety and health, and/or the installation of each of the ACP(s) identified in your answer to Interrogatory 4, 5, 6 or 7 and identify:

- a. Each present and former corporate department, division or subdivision responsible for maintaining the records; and
- b. The manner in which the records are kept (e.g., boxes, computer tape, microfilm, etc.); and
- c. The inclusive dates of mining, milling, manufacture, sale, supply, distribution, advertising, delivery and installation that the record-keeping system covers; and
- d. The locations where the records are maintained; and
- e. Each person presently or formerly employed by you in the highest supervisory capacity who is or was directly responsible for the collection and maintenance of such records.

ANSWER: See General Objection and Responses 4, 5, 6 and 7 above. There is no single length of time for which Westinghouse records are retained. The various retention periods for different types of documents are determined by many factors, including: regulations and statutes of governments in various countries; contractual requirements; types of documents; litigation requirements; available space; and individual employees' predilections. The various corporate locations also

periodically try to purge their files of "dead documents."
Documents were not and are not kept, stored or retained according to product content.

INTERROGATORY NO. 28: State whether any documents concerning the mining, milling, manufacture, sale, supply, distribution, advertising, safety, delivery or installation of ACP(s) have been destroyed, lost or discarded and, if so, indicate:

- a. The date and location of each such event; and
- b. The custodian and location of the records prior to each such event and the identity of each employee, representative, official or agent who ordered, authorized or supervised each such event; and
- c. The reason(s) for each such event; and
- d. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See Response to Interrogatory No. 27.

INTERROGATORY NO. 29: With respect to each ACP(s) identified in your answer to Interrogatory 4, 5, 6 or 7 which were the subject of any type of advertisement or promotional material, state:

- a. The subject matter of the advertisement or promotional material; and
- b. The media in which the advertisement or promotional material was placed; and
- c. When the advertisement or promotional material was so placed; and
- d. The geographic area where the advertisement or promotional material was circulated; and
- e. Whether any photographs or diagrams were included in the copy of the advertisement or promotional material; and

- f. The author, date and present location and custodian of each advertisement or promotional material; and
- g. The exact publication, broadcast, etc., where the advertisement or promotional material was made public; and
- h. The parties involved in the preparation of the copy for the advertisement or promotional material, including their last known addresses; and
- i. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof; and
- j. With respect to Defendant's answer to this interrogatory and each subpart thereof, identify each person(s) who you believe has knowledge about any of the facts addressed in said answer.

ANSWER: See General Objection.

INTERROGATORY NO. 30: Identify all sales brochures, catalogs, advertising literature, diagrams, samples, photographs and other documents pertaining to the products previously identified in your answer to Interrogatory 4, 5, 6 or 7 and any packaging in which it came.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See General Objection.

INTERROGATORY NO. 31: State the name and location of each and every facility ever owned or controlled by you which at any time mined, milled or manufactured any ACP(s) and state for each such facility its years of operation and the products or materials produced.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See General Objection. Without waiving this Objection, fire resistant micarta was produced at the Westinghouse facility in Hampton, South Carolina, between 1957 and 1973. Marine turbines were manufactured in a suburb of Philadelphia, Pennsylvania until 1964 and in Sunnyvale, California thereafter.

INTERROGATORY NO. 32: State your past and present chief or corporate medical officer(s) and state the periods of employment of each such person.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.
- b. If you did not employ a chief or corporate medical officer, identify each such physician or other medical personnel with whom you consulted or who were retained by you from 1938 to the present, listing the periods of time during which each such person was retained or consulted.

ANSWER: See General Objection. During the relevant time period Westinghouse has had a medical department concerned with the health of Westinghouse employees. Westinghouse has retained plant physicians and nurses at numerous locations over many years. There is no central index identifying such personnel and the other detailed information requested in this interrogatory. Westinghouse first employed a medical director in 1920. Westinghouse has had an Industrial Hygiene Department since the early 1930s. A number of industrial hygienists have been employed within the Department since its inception. Records have

not been found or are no longer available which would indicate the names and addresses of all such employees.

Without waiving its objections, and subject thereto, Westinghouse states that the following persons were/are the principal medical personnel:

Dr. T. L. Hazelette, Corporate Medical Director
before 1950 (deceased)

Harry Burr, Administrator of Medical Services,
1954-1982
34 Angelwing Drive
Hilton Head, South Carolina 29995

E. C. Curtis, M.D., 1982 - present
Westinghouse Electric Corporation
Pittsburgh, Pennsylvania 15222

INTERROGATORY NO. 33: State the duties and responsibilities of your chief or corporate medical officer and, if such duties and responsibilities have been changed since 1920, state the date of each such change.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See Response to Interrogatory No. 32. The duty of the medical officer is to provide medical advice to the corporation and/or its employees as needed concerning the safety and health of Westinghouse employees.

INTERROGATORY NO. 34: State the names and addresses of any organizations, groups, trade associations, inter-company or industrial organizations, including but not limited to: (a) American Conference of Governmental Industrial Hygienists (ACGIH); (b) Asbestos Institute (AI); (c) Asbestos Textile Institute (ATI); (d) National Insulation Manufacturers Association (NIMA); (e) Thermal Insulation Manufacturers Association (TIMA); (f) Quebec Asbestos Mines Association (QAMA); (g) Asbestos Information Association (AIA); (h) Industrial Health Foundation (IHF); (i) Industrial Hygiene Foundation (IHF); (j) Iron and Steel Institute; (k) National Safety Council (NSC);

Refractories Institute; (m) Gypsum Association (GA); (n) National Insulation Contractors Association; (o) American Association of Testing Materials (ASTM); (p) International Association of Wall and Ceiling Contractors (IAWCC); (q) Association of Wall and Ceiling Insulators (AWCI); (r) American National Standards Institute (ANSI); (s) American Petroleum Institute (API); (t) Fluid Sealing Association (FSI); (u) Gasket Fabricators Association (GFA); (v) Mechanical Packing Association (MPA); (w) Asbestos Information Association of North America (AIANA); (x) Sprayed Mineral Fiber Manufacturers Association (SMEMA); (y) Asbestos Cement Products Association (ACPA); (z) Mineral Fiber Products Bureau (MFPB); (aa) Gypsum Drywall Contractors International (GDCI); (bb) American Industrial Hygiene Association (AIHA); (cc) National Mineral Wood Association; (dd) Acoustical Materials Association (AMA); (ee) Acoustical Materials and Insulation Association (AMIA); (ff) American Board Products Association (ABPA); (gg) North American Industrial Hygiene Association (NAIHA); (hh) National Lime Association (NLI); (ii) Contracting Plaster and Lathers International (CPLI); (jj) American Standards Association (ASI); (kk) American Society of Safety Engineers (ASSE); (ll) American Industrial Hygienists Association (AIHA); (mm) Employing Plasterers Association (EPA); (nn) Metal Lathe Association (MLA); (oo) Pulp and Paper Institute (PPI); (pp) Hardboard Association (HA); (qq) Asbestos Research Council of England (ARCE), to which you had or have either corporate or individual association or to which you belong or belonged and in so doing state:

- a. Dates of membership as to each; and
- b. Requirements of membership as to each; and
- c. Amount of money you contributed annually to each; and
- d. Identify all studies or investigations of ACP(s) which were performed and/or funded by any of the above named association(s), made available to any of the above named association(s) or known to any of the above named

association(s) at any time either before or while you were a member of such association(s); and

- e. With respect to Defendant's answer to this
- interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See General Objection. Westinghouse has never been a member of the "asbestos industry" as that term is commonly used in asbestos litigation and therefore, has not been a member of organizations of the "asbestos industry," including the Asbestos Textile Institute; National Insulation Manufacturers Association; National Insulation Contractors Association; National Mineral Wool Association; Asbestos Cement Products Group; Air Hygiene Committee of the Asbestos Textile Institute; Asbestos Information Association.

Westinghouse objects to the incredible burden which would be imposed by reviewing its records to identify organizations to which its thousands of employees (past or present) may have belonged over the past years. There is no central repository of such information. Individual Westinghouse health and safety professional employees have undoubtedly belonged to various professional, trade, industrial and safety, hygiene or health organizations such as the American Industrial Hygiene Association, Health Physics Society, and the Society of Safety Engineers. Westinghouse's records would not include the dates individual memberships were commenced or terminated or who, if anyone, attended meetings.

Westinghouse cannot reasonably determine all of the trade and industry associations, groups and organizations of which it has been member over the past twenty-five years. Nevertheless, without waiving these objections, Westinghouse can verify the following memberships.

- (a) National Electrical Manufacturers Association
("NEMA"), 2101 L Street Northwest, Washington, D.C. NEMA is

a trade organization for the electrical manufacturing industry, and includes companies that manufacture equipment used for the generation, transmission, distribution control and utilization of electrical power. Westinghouse has been a member of NEMA since its inception in 1926. Before that, Westinghouse was a member of a predecessor organization since about 1915.

(b) The American Society for Testing and Materials ("ASTM"), 1016 Race Street, Philadelphia, Pa. ASTM is an organization of engineers, scientists, professionals and others representing business firms, government agencies, educational institutions and laboratories. ASTM establishes voluntary consensus standards for various products, materials and services.

(c) Electronic Industries Association ("EIA"), Eye Street, N.W., Washington, D.C. EIA is an organization representing manufacturers of all types of electronic products which monitors and reports on regulatory and legislative events and provides informational services to its customers.

(d) American National Standards Institute ("ANSI"), 1430 Broadway, New York, New York. ANSI is a certification authority and clearing house for nationally coordinated voluntary safety, engineering and industrial standards.

(e) Charter member of the National Safety Council.

(f) The Industrial Health Foundation and its predecessors in name, from approximately 1936 through 1984.

(g) The American Industrial Hygiene Association, in 1978.

INTERROGATORY NO. 35: With respect to each entity named in your response to the preceding interrogatory, identify each person who attended any meeting of each such organization or any of its committees or subcommittees or who was your designated liaison or representative to same, state the dates of attendance for each, and identify all documents which refer, relate or

pertain to the business or proceedings whether formal or informal of each such group or any of its committees, subcommittees or related organizations.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See General Objection and Response to Interrogatory No. 34.

INTERROGATORY NO. 36: Identify all documents in your possession, custody or control and all documents about which you have knowledge which emanated from any one or more of the organizations listed in Interrogatory 35 which relate, refer or pertain in any way to the use of asbestos or ACP(s) or to possible or actual health hazards or problems connected with the use of ACP(s), and identify the custodian of each such document.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See General Objection and Response to Interrogatory No. 34. Although it is unable reasonably to verify the precise publications received from these seven organizations, various Westinghouse employees likely received publications issued by these organizations during the time that Westinghouse was a member of each of them. Because these materials are available to the public and equally available to the plaintiffs, Westinghouse objects to the extreme burden and massive costs which would be imposed upon it by searching its numerous locations to verify which exact publications it has at this time, or may have been received by various employees in the past.

INTERROGATORY NO. 37: Identify each of your past and present directors, managers or chiefs of your Environmental,

Industrial Hygiene, Safety, Research, Development, Medical Department(s) or equivalents, listing as to each the respective time periods each such person was employed by you.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See General Objection. Westinghouse has had an industrial hygiene department since the early 1930s. A number of industrial hygienists have been given employment within the department over the years. The following persons are known to have been management level employees in the Industrial Hygiene department:

H. W. Speicher (deceased)
G. Stewart
W. E. Piros
C. W. Bickerstaff
E. C. Barnes (deceased)
Z. R. Heasley
J. Adams
K. Bodden
K. Goellner
R. Sampson
G. Arsensman
M. A. Perriello
D. Whittier
R. J. Wengrzyn

See also Answer No. 32 above.

INTERROGATORY NO. 38: Identify all journals, periodicals, magazines and other publications to which you or your Environmental, Industrial Hygiene, Safety, Research & Development or Medical Departments or equivalents subscribed to or received from 1920 until the present time, listing as to each the respective time periods each such publication was subscribed to or received.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See General Objection. Westinghouse does not have records readily available from which it reasonably can determine

the journals, periodicals, magazines and other publications to which its environmental, industrial hygiene, safety, research and development or medical departments might have subscribed during the last 72 years. See Response to Interrogatory No. 34. The publications issued by these organizations are equally available to the plaintiffs and, therefore, Westinghouse objects to any suggestion that it should be required to conduct a massive, burdensome search in an attempt to verify precisely which publications were received and by which individuals within the corporation.

Additionally, as explained above, there is no single length of time for which Westinghouse records are retained. The various retention periods for different types of documents are determined by many variables and publications, journals, periodicals and magazines are not routinely kept for any length of time in the ordinary course of business.

INTERROGATORY NO. 39: State whether any of your employees have ever made a claim for occupational disease including pulmonary disease or injury, malignant neoplasm, pneumoconiosis, of any sort, silicosis or asbestosis related to any ACP(s) under the occupational disease or workmen's compensation statute of any state, or any federal compensation statute, including but not limited to, the Longshoremen and Harbor Workers Compensation Act; if so, please state:

- a. The date that any such claim was first filed; and
- b. The date that you first received notice of any such claim; and
- c. On a year-by-year basis, state the total number of such claims that were filed, state the number of claims or cases of pneumoconiosis by type, including silicosis and asbestosis for each year, and for each such year state the number of employees who actually received benefits under any occupational disease or workmen's compensation statute for asbestosis, silicosis or any other lung pathology; and

- d. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See General Objection. Westinghouse objects to this interrogatory on the grounds that it is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Further, the existence of such claims is not relevant because of many variables such as the work history, the product involved, and the fact that in many states the last exposure to asbestos is sufficient to trigger worker's comp benefits without regard to which company or companies might have been responsible for that asbestos. Without waiving these objections, based on presently available information, the first worker's compensation claim relating to asbestos was filed with Westinghouse in 1976.

INTERROGATORY NO. 40: State whether you have been named as a Defendant in any lawsuit previous to this present action by users or persons who actually or allegedly were injured by exposure to your ACP(s). If you answer is in the affirmative:

- a. State the date on which the first such lawsuit was so filed, the style of such lawsuit, the forum in which such suit was filed, and state the style of the action and the docket designation of the suit; and
- b. Commencing with the calendar year in which the lawsuit identified in (a) was instituted, state the total number of any such lawsuits which have been filed against you in each successive calendar year since the year in which the first such suit was instituted; and
- c. If any verdicts have been returned against you in any such action, state the style of each such lawsuit, the court in which each such suit was tried, the docket number or designation of each such suit, the amount of the verdict returned against you in each such suit and state whether the verdict was appealed (if so, give

result and court), settled (if so, give the amount of the settlement) or paid; and

- d. With respect to Defendant's answer to this
- interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See General Objection and Response to Interrogatory No. 39. Westinghouse objects to this interrogatory on the grounds that it is overly broad, burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Westinghouse has been named as a defendant in other cases involving alleged exposure to asbestos-containing products. Upon information and belief, the first such suit was filed in 1976. The facts and circumstances surrounding these other lawsuits differ greatly from case to case, and would be irrelevant to the issues in this case.

INTERROGATORY NO. 41: Identify each expert whom you expect to call as a witness at trial and state the subject matter on which each expert(s) is expected to testify, state the substance of the facts and opinions to which each expert(s) is expected to testify, give a summary of the grounds for each such opinion and state the subject area or areas as to which such expert will give testimony and has previously testified. Additionally, for each expert(s), state whether said expert has ever been disqualified as an expert witness by any court and, if so, identify the court and state the case in which said disqualification occurred.

- a. With respect to Defendant's answer to this
interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: Westinghouse has not yet decided which expert witnesses it may call at trial. Westinghouse will supplement its

response to this interrogatory as required by the rules or by the Court.

INTERROGATORY NO. 42: If you contend that any ACP(s) named in your answer to Interrogatory 4, 5, 6 or 7 was/is not dangerous to the health of persons coming into contact with same, identify each such product, and as to such product(s), identify all documents and any other information upon which you rely, and identify each individual who has knowledge of such facts, opinions, conclusions, and documents and other information.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: Objection; this interrogatory calls for opinion testimony best given by a qualified expert. Without waiving this objection, Westinghouse does not believe that fire resistant micarta is dangerous to persons coming into contact with it. The asbestos tissue sheets which form the backing of fire resistant micarta are treated with a glue-like phenolic resin and subsequently molded under intense heat and pressure to form the end product. This manufacturing process encapsulates the asbestos ingredient in the tissue sheets and prevents sufficient respirable fibers, if any, from escaping so as to be dangerous to persons coming into contact with the micarta. Westinghouse is producing documents relating to tests performed at the factory where micarta is made which support this conclusion. Additional tests have been performed by Dr. Robert Sawyer which support this conclusion.

Only loose, friable asbestos fibers are capable of being hazardous to a person. Products which are encapsulated by the manufacturing process, or which are located in the internal components of a particular piece of equipment, or which because of the nature of the product loose, friable fibers are not normally released, do not present a health risk.

Similarly, a product which might contain some amount of asbestos does not present a health risk to a particular worker unless that particular worker breathes sufficient quantities of fibers from that product.

INTERROGATORY NO. 43: State when you first became aware that asbestos when breathed into the lungs was: (i) alleged to be hazardous to the breather; (ii) acknowledged to be hazardous to the breather; and (iii) from whom you obtained this information; (iv) and what action you took, if any, upon receiving this information.

a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See General Objection. Without waiving these objections, Westinghouse learned that inhalation of certain types and quantities of asbestos fibers, over significant periods of time, was being associated with increased risks of disease for some people by the early 1940s. The specifics of exactly how or when Westinghouse personnel acquired such knowledge or awareness is not reasonably ascertainable, but it is probable that it came from reading government publications or other public documents, reports, studies or journals. Westinghouse obtained this level of knowledge based upon what was published or reasonably available at that time, all of which was based on the relevant work histories, dose, fiber type, length of exposure and other variables of the particular study, periodical or journal.

INTERROGATORY NO. 44: State when you first became aware that ACP(s) or their containers were being labeled with warnings or notices concerning or referring to the risks or dangers of the use of and exposure to ACP(s), identify the person who first obtained such knowledge and identify the product and manufacturer connected with such warning or notice.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See General Objection. Westinghouse is unable to determine when it may have first learned that some asbestos-containing products being manufactured or sold by other companies were labeled with warnings concerning the risks or dangers of asbestos or those products. Westinghouse became aware of the increased concern by government regulators in connection with the OSHA regulations promulgated in the early 1970s. Among other things, these regulations recognized a distinction between loose, friable asbestos products and products whose asbestos fibers were encapsulated.

INTERROGATORY NO. 45: When, if at all, did you first place labels, notices or warnings on each ACP(s) identified in your answers to Interrogatory 4, 5, 6 or 7 regarding or concerning the risks or dangers of the use of and exposure to any ACP(s)?

- a. Describe each such label, notice or warning on each product, including composition, text, size, shape and color; and
- b. If any label, notice or warning has ever changed, describe each change and give the reasons for each change; and
- c. Identify any union, governmental agency or other entity with whom or by whom each label, notice or warning was ever reviewed or discussed and state, in detail, the dates and nature of the action taken; and
- d. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

- e. With respect to Defendant's answer to this interrogatory and each subpart thereof, identify each person(s) who you believe has knowledge about any of the facts addressed in said answer.

ANSWER: Westinghouse first placed warning labels on fire resistant micarta in approximately 1972. Although Westinghouse had not been presented with any information to the effect that the encapsulated asbestos ingredient of micarta presented a health hazard, Westinghouse decided to place a warning label on fire resistant micarta nonetheless. This warning was an adhesive sticker applied to the back of each sheet of micarta, in the language required by the OSHA regulations.

Upon information and belief, Westinghouse first used warnings concerning its welding rods as soon as such warnings were discussed in the early 1950s. Upon information and belief, the warnings were not specifically related to potential asbestos exposure, but rather to the general advisability of ventilation and protection for the worker from the fumes generated by welding.

Upon information and belief, Westinghouse did not place warnings relating to asbestos on any of the other products believed to be involved in this litigation.

INTERROGATORY NO. 46: If you did not place a label, notice or warning on your ACP(s) when you first learned that some other entity was placing a notice or warning on its ACP(s), why did you refrain from doing so?

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See General Objection and Response to Interrogatory No. 45.

INTERROGATORY NO. 47: Did you perform, engage others to perform or become aware of tests of the safety of your ACP(s) or

of products similar in function to your ACP(s), including but not limited to animal studies, fiber release studies or other studies, and, if so, state all facts, opinions, conclusions, and identify all documents and any other information which you assert supports this position, and identify the individuals who have knowledge of such facts, opinions, conclusions and any other information, and identify the applicable documents.

- a. Identify each study or test, describe the protocol used in each study or test and explain in detail the results of each study or test; and
- b. Identify any union, governmental agency or other entity with whom or by whom the study or test was ever reviewed or discussed and state, in detail, the dates and nature of the action taken; and
- c. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.
- d. With respect to Defendant's answer to this interrogatory and each subpart thereof, identify each person(s) who you believe has knowledge about any of the facts addressed in said answer.

ANSWER: Westinghouse is producing copies of the reports based upon air sampling done at the Hampton, South Carolina micarta plant. Beyond these reports, Westinghouse adopts its general objection as if fully set forth here, and objects to the production of other studies or test on grounds that the request is overbroad, burdensome and not reasonably designed to lead to evidence relevant to this case.

INTERROGATORY NO. 48: State all facts, opinions, and conclusions, and identify all documents and any other information which you have concerning warnings which you have given to users of your ACP(s), and identify any individuals who have knowledge

of such facts, opinions, conclusions and other information, and identify the applicable documents.

- a. With respect to Defendant's answer to this
-interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See General Objection. To the extent this interrogatory seeks information about a "warnings expert," Westinghouse states that, at this time, it has not retained any such expert. Because of the nature of its product, Westinghouse believes that it was fairly debatable whether a warning was required concerning fire resistant micarta, but Westinghouse acted properly and carefully in deciding to affix warning labels on each sheet of micarta at the time OSHA regs were promulgated in 1972.

INTERROGATORY NO. 49: State all facts, opinions, and conclusions, and identify all documents and any other information which you have concerning warnings given to users of ACP(s) by other manufacturers and suppliers of ACP(s), and identify any individuals who have knowledge of such facts, opinions, conclusions and other information, and identify the applicable documents.

- a. With respect to Defendant's answer to this
interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See General Objection. Westinghouse has no opinions or conclusions about warnings given by other manufactures or suppliers.

INTERROGATORY NO. 50: State all facts, opinions and conclusions, and identify all documents and any other information which you have concerning protective devices which you recommended be used by persons working with or exposed to ACP(s) and

the actual use of such facts, opinions, conclusions and other information and identify the applicable documents.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: Westinghouse made no recommendations concerning protective devices as to any of the products discussed above.

INTERROGATORY NO. 51: State all facts, opinions, and conclusions, and identify all documents and any other information which you have concerning protective devices recommended by other manufacturers and suppliers of ACP(s) and the actual use of such devices; identify any individuals who have knowledge of such facts, opinions, conclusions and other information and identify the applicable documents.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See General Objection. Westinghouse has no opinion or information concerning protective devices recommended by other manufacturers or suppliers.

INTERROGATORY NO. 52: Do you contend that there was no need or reason or that you did not have to give warnings of the risks and dangers of the use of and exposure to ACP(s) until the adoption of OSHA regulations? If so, state all facts, opinions, and conclusions, and identify all documents and any other information which you assert supports this position, and identify the individuals who have knowledge of such facts, opinions, conclusions and other information, and identify the applicable documents.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all

documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: Objection. This interrogatory calls for a legal conclusion and therefore no answer is required. Further, this interrogatory seeks information protected by the attorney work product doctrine.

INTERROGATORY NO. 53: Do you contend that there now exists or has at some point existed any distinction (with respect to exposure to ACP(s) and the health ramifications thereof) between any one or more of the following: miners, millers, textile workers, asbestos plant workers, construction workers (including but not limited to applicators of spray-on ACP(s)), insulators, shipyard workers or those persons who worked in proximity to such workers? If you do so contend, state all facts, opinions, and conclusions, and identify all documents and any other information which you contend support this position and identify the individuals who have knowledge of same.

a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: Objection. This interrogatory calls for opinions which are properly the subject of expert testimony. Without waiving this objection, and reserving its right to supplement this answer, the distinction suggested by this interrogatory has always existed in the literature concerning asbestos. All competent work on the subject recognizes that the health risk presented by a given asbestos product, if any, is fully dependent upon the type and composition of that product, the type of asbestos fiber present, the way in which the product is used, the proximity of the worker to that product, the potential for fiber release by that product, the frequency and duration of exposure,

if any, to any fibers released by that product, and other variables.

INTERROGATORY NO. 54: Did you ever attempt by written communications to apprise anyone of the health and safety effects of exposure to asbestos? If so:

- a. The date of each communication; and
- b. Identify the author of each such written communication; and
- c. Identify the person who first recommended such communication; and
- d. State the means used by Defendant to transmit same; and
- e. Identify the custodian of all such written communications; and
- f. Identify any person or entity that received such communications or to whom they were directed; and
- g. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See General Objection. Westinghouse had no communication with any of the plaintiffs to apprise them of the health and safety effects of exposure to asbestos. To the extent that health and safety issues were raised by the use of asbestos products at Ingalls, the plaintiffs' unions, employers, supervisors and/or others in control of the workplace at Ingalls were uniquely well situated to appraise the plaintiffs of such health and safety issues.

INTERROGATORY NO. 55: Have you ever maintained a formal or informal library or libraries, or collection of materials which, in any way, deal with or contained information relating (directly or indirectly) to asbestos, industrial hygiene, medicine, safety and/or engineering? If so, state:

- a. The date you established each such library; and
- b. The location of each such library; and

- c. The names and addresses of the librarians of each such library since 1920; and
- d. The title, author and publisher of all journals -subscribed to or acquired by the Defendant concerning asbestos, industrial hygiene, medicine, safety and/or engineering, as well as the dates of subscriptions or acquisitions of each; and
- e. the title, author, publisher and date of publication of all books and articles which were or are in each such library, dealing with asbestos and asbestos-related diseases and the date each was acquired; and
- f. For whose use the library or libraries were established; and
- g. Who, in fact, uses the library or libraries; and
- h. Why, in each instance, the library was established; and
- i. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See General Objection. Westinghouse does not maintain a single, central corporate/medical library. Further, Westinghouse objects to this interrogatory on the grounds that it is subject to various interpretations, and is therefore unduly vague, ambiguous, broad and burdensome. Without waiving its objections, Westinghouse states that it maintains general reference materials and technical libraries throughout the corporation, which may include various industry periodicals, occupational health and medicine periodicals and other topical reference materials. There is no central indexing system that contains all of the information requested by this interrogatory for all departments within the corporation. Thus, Westinghouse objects to this interrogatory on the grounds that it is unduly broad and burdensome, and that it seeks information which is not

reasonably calculated to lead to the discovery of relevant, material or admissible evidence.

INTERROGATORY NO. 56: Have you conducted or had conducted for you or participated in any investigation, study, test, review or analysis (hereinafter referred to as "study"), concerning pneumoconiosis generally and/or asbestos-related diseases, illnesses or injuries and/or the safety aspects concerning the use of ACP(s), if so, for each such study state by:

- a. The date each study was commenced; and
- b. The date each study was concluded; and
- c. The name and address of the person, association, organization or agency authorizing the study; and
- d. The name, address and job title of the person in charge of the study; and
- e. The names, addresses and job titles of the persons participating in the study; and
- f. The title and subject of the study; and
- g. The result of each study; and
- h. The statistical analysis made, stating the results and describing the data and assumptions upon which they were based; and
- i. If in writing, identify the present custodian of same; and
- j. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See General Objection. Westinghouse further objects to this interrogatory as unduly broad, burdensome and oppressive, and as demanding investigation into matters that are irrelevant and immaterial, and which are not reasonably calculated to lead to the discovery of relevant, material or admissible evidence. Westinghouse is presently unaware of having performed, participated in, or having been the subject of any

studies or tests concerning the potential effects of exposure to asbestos dust.

In August 1974, a report titled "Identification and Quantification of Fibrous Dust and Ferruginous Bodies in Lungs of Autopsied Adults" was published by the Industrial Health Foundation, Inc. Westinghouse, Alcoa and Gulf Oil, appear on the cover of this report. The report was prepared by Paul Gross, M.D., John M. G. Davis, Ph.D. and Russell A. Harley, Jr., M.D. This report studied the mineral fiber (including asbestos) content of human lungs. Westinghouse has no present knowledge of the reason for the appearance of its corporate name on this report.

INTERROGATORY NO. 57: Do you have in your possession or have knowledge of any books, pamphlets, memoranda, correspondence, reports, studies, minutes of meetings, articles in newspapers, magazines, periodicals or journals, or other document(s) of any kind or character that would indicate that asbestos when inhaled is or may be dangerous to the health of human beings? If so, please set forth with regard to each such document:

- a. The identity of each such document; and
- b. The date each such document was published and the name of the publisher and author; and
- c. The date Defendant first acquired knowledge of each such document; and
- d. The date Defendant first acquired possession of each such document; and
- e. The name, job title and address of each person who currently has possession of any such documents; and
- f. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See General Objection. Westinghouse objects to this interrogatory to the extent it seeks information protected

by the attorney - client or work - product privileges. Further, Westinghouse objects to this interrogatory on the grounds that it is subject to various interpretations, and is therefore unduly vague, ambiguous, broad and burdensome.

Without waiving its objections, Westinghouse states that it maintains general reference materials and technical libraries throughout the corporation, which may include various industry periodicals, occupational health and medicine periodicals and other topical reference materials. There is no central indexing system that contains all of the information requested by this interrogatory for all departments within the corporation. Thus, Westinghouse objects to this interrogatory on the grounds that it is unduly broad and burdensome, and that it seeks information which is not reasonably calculated to lead to the discovery of relevant, material or admissible evidence.

Without waiving these objections, because of its membership in the organizations described in Answer 34 above, Westinghouse undoubtedly received information concerning the health effects of asbestos from time to time. Similarly, it is likely that certain individual employees in its numerous manufacturing locations received information from a variety of sources concerning the health effects of asbestos, as that information was published in various trade publications, magazines, books, reports and other sources which Westinghouse is unable reasonably to identify.

INTERROGATORY NO. 58: Do you contend ACP(s) can be manufactured so as to eliminate all potential health hazards to those using and in the vicinity of said products? If so, please explain each and every reason in detail why, and state:

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See General Objection. Further, this interrogatory calls for opinion evidence best rendered by a

qualified expert. Without waiving these objections, as discussed in its answers above, Westinghouse contends that asbestos-containing products can be safe depending upon their potential, if any, to release loose, friable fibers, or because of their location and use, the asbestos ingredient in them does not become airborne.

INTERROGATORY NO. 59: Do you contend ACP(s) can be used without causing health hazard? If so, explain each and every reason in detail why, and state:

- a. The methods used to achieve such freedom from health hazards for each use of ACP(s); and
- b. The date each such method named above first came to be known to you and how; and
- c. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See Answer to No. 58 above.

INTERROGATORY NO. 60: Have you at any time required your employees who worked directly with ACP(s) to wear respirators, gas masks or other protective clothing, and/or to utilize dust control equipment or other devices? If so, explain each and every reason why and state:

- a. The date you first required employees to do so; and
- b. Whether your requirement or policy is embodied in any corporate memoranda, employee manual, or stated in any other document and, if so, identify each such document; and
- c. Whether instructions for the proper use of said devices or clothing were communicated to your employees and, if so, how; and
- d. Whether any employees were warned or reprimanded for failure to use such devices or to wear such masks or protective clothing; and

- e. Whether you provided or furnished the devices or protective clothing to your employees and, if so, what devices or protective clothing were provided or furnished, what years was each provided or furnished, and from whom were they purchased or acquired; and
- f. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: Westinghouse has followed good industrial hygiene practices at all relevant times. In its manufacturing operations where dust of any kind is generated at a level which was believed to present a health risk of any kind, the company recommended the adoption of adequate safety procedures including ventilation and protective devices. This was done as a matter of course, whether or not based upon the presence of some asbestos ingredient in any such products. For example, at the Hampton, South Carolina plant where fire resistant micarta was manufactured, a ventilation system has been operating for many years. Because large quantities of the product are produced, thereby generating dirt and dust, Westinghouse installed this system to decrease the amount of ambient dirt and dust in the plant because sound industrial hygiene practices dictated that approach.

INTERROGATORY NO. 61: If you contend there are differences between asbestos types (i.e., chrysotile, amosite and crocidolite or otherwise) with respect to their abilities to cause disease in humans, state all facts, opinions and conclusions relied upon to support your contention, identify all documents relating to same and all persons with knowledge of same.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See General Objection. Westinghouse does not consider itself competent to offer opinions as to "causal relationships," if any, between various substances and alleged disease processes. Westinghouse must defer to the reasoned judgment and opinions of medical expert witnesses on all such questions of human disease, its cause and diagnosis.

Without waiving this objection, Westinghouse believes that all competent experts with experience in asbestos health issues recognize important, fundamental differences between various fiber types and the health risk, if any, presented by those fiber types. This recognition begins with the basic proposition that the type, size and configuration of a fiber has a great deal to do with whether that fiber is likely to be inhaled into the lungs.

INTERROGATORY NO. 62: Identify each and every insurance policy for which you claim or have claimed in the past that said insurance policy provided coverage, in whole or in part, for claims against you based on personal injury alleged to arise from or to be related to exposure to ACP(s) or your activities involving ACP(s) and identify the following for each:

- | | |
|-------------------|---|
| a. Insurer: | Specify exactly as named in the insurance policy or other document evidencing coverage. |
| b. Insured: | the insured named in the policy. |
| c. Policy Period: | Refer to the actual period for which the insurance policy is in effect. |
| d. Policy Type: | Specify whether primary, excess or self-insured. |
| e. Policy Form: | Enter the Codes (1), 2), 3), etc.) that describe the insurance policy form: |
-
- | | |
|----|---|
| 1) | Pre-1966 Standard Form Insurance Policy. (Pre-1966 Standard Form Insurance Policy means an insurance policy containing substantially the same defense of suits clause as the pre-10/1/66 National Bureau of Casualty Underwriters editions of the standard general liability insurance policy). |
| 2) | The insurance policy does not pay allocated expenses following exhaustion of aggregate limits. (Allocated expenses means all fees and expenses incurred for services performed directly |

attributable to the defense and disposition of a particular asbestos-related claim).

- 3) The insurance policy does pay allocated expenses following exhaustion of aggregate limits.
- 4) The insurance policy expressly provides coverage on a specific manifestation basis.
- 5) The insurance policy expressly provides coverage on a claims-made basis.
- 6) The insurance policy expressly provides coverage on a first discovery basis.
- 7) The insurance policy pays allocated expenses and such expenses do not apply against aggregate limits.
- 8) The insurance policy pays allocated expenses and such expenses apply against aggregate limits.
- 9) The insurance policy does not pay allocated expenses.

f. Per Occurrence Accident

Limits: Refer to the limit for any one occurrence of any one accident.

g. Products Aggregate:

Refer to the aggregate limit applicable to products bodily injury liability coverage. Certain insurance policies may contain a combined aggregate for bodily injury, property damage and other covered perils; if so, refer to the combined limit.

h. Products Aggregate Consumption:

The function of the Aggregate Consumption Summary is to track the consumption of total products liability aggregate limits claims. List such consumption.

i. Types of Deductibles and Retentions:

Enter the codes (1), 2), 3), etc.) that describe the type of deductible or retention and thereafter, the amount:

- 1) Per occurrence deductible
- 2) Per claim deductible
- 3) Deductible reduces the aggregate limits of the insurance policy
- 4) Self-insured retention
- 5) Loss Limit
- 6) Other

j. Policy Number:

Specify exactly as contained on the insurance policy or other evidential documents of coverage.

With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: Westinghouse has and has had numerous policies of insurance, both primary and excess or umbrella policies, covering claims for alleged bodily injury. Coverage under the various policies may depend on the plaintiff's alleged dates of direct exposure, exposure in residence, manifestation, or other pertinent dates. Westinghouse states that it is either insured or is self-insured and has assets sufficient to respond to any judgment that may be rendered in this action.

Since there are several thousand plaintiffs in this consolidated action it would be extremely burdensome and very likely impossible for Westinghouse to provide information relating to the numerous insurance policies which might apply to any individual plaintiff. At such time as the Court selects plaintiffs for trial, Westinghouse will endeavor reasonably to determine the policy or policies applicable to those plaintiffs and provide all information required under Mississippi law.

INTERROGATORY NO. 63: With respect to each insurer identified in your answer to the preceding interrogatory, state with specificity whether said insurer or any entity acting for or on behalf of said insurer:

- a. Made or conducted any inspection of your plant(s), building(s), facility(ies), hull(s) or any job site(s) where you were using ACP(s) or where your ACP(s) were being used; and
- b. Performed any tests, inspections, reviews, analysis, examinations or any other process or procedure of any ACP(s); and
- c. Participated in studies, participated in funding studies or provided information concerning studies about ACP(s); and

- d. Identify all communications between you and your insurer or any agent thereof relating to any safety information, safety inspections, tests, reviews, examinations, instructions, mandates, suggestions, observations or any other insurance-related correspondence concerning your ACP(s) or work; and
- e. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See General Objection and Answer 62.

INTERROGATORY NO. 64: Identify all past and present officers, agents, servants, employees, representatives, consultants or independent contractors of this Defendant who have ever testified or been deposed in connection with any claim or lawsuit for asbestos-related disease or exposure and provide a brief summary of the subject matter about which each person testified.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents included but not limited to, deposition(s) and transcription(s) of testimony which are relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See General Objection. Without waiving this objection:

1. Donald E. Anderson
Oswald Dahl, et al. v. Keene Corp. and Westinghouse Electric Corp., No. 19352-76, Superior Court of New York City, New York. Date of deposition: September 13, 1982.

2. Booker Brown
Estate of John I. Jones, Jr., Helen Jones, Executrix v. Johns-Manville Corp. and Pacor, Inc., No. 1726, Court of Common Pleas, Philadelphia County, Pennsylvania. Date of deposition: May 13, 1981.

3. Samuel W. Cota
William Beadling v. Westinghouse Electric Corp., Claim Petition No. 197149365, Bureau of Workers' Compensation, Department of Labor and Industry, Commonwealth of Pennsylvania. Date of deposition: November 9, 1983.

4. Anthony Diana
Raymond Wentworth v. Owens-Corning, No. 85-1907, USDC,
Pennsylvania. Date of deposition: April 14, 1986

5. Duane E. Ferguson
- Estate of Thomas F. Johnson, Mary Johnson,
Administratrix v. Johns-Manville Corp., et al., No. 78-690,
Court of Common Pleas, Delaware County, Pennsylvania. Date
of deposition: July 23, 1979.

6. Steven M. Scherrey
Estate of Thomas F. Johnson, Mary Johnson,
Administratrix v. Johns-Manville Corp., et al., No. 78-690,
Court of Common Pleas, Delaware County, Pennsylvania. Date
of deposition: July 23, 1979.

7. Otto Vincent
Estate of John I. Jones, Jr., Helen Jones, Executrix v.
Johns-Manville Corp. and Pacor, Inc., No. 1726, Court of
Common Pleas, Philadelphia County, Pennsylvania. Date of
deposition: May 16, 1982.

8. Robert Peters
In Re: Asbestos Litigation V.V. Darby, et.ux. v. AC & S
Inc., et.al., No. WDCP-83-1, United States District Court
for the Western District of North Carolina, Charlotte
Division. Date of deposition: March 23, 1990.

9. John Tabbutt
In Re: Asbestos-Related Litigation, No. MDCP-82-1,
United States District Court for the Middle District of
North Carolina. Date of deposition: April 4, 1990.

10. John Morykon
Francisco Adame vs. Abex, et al., No. 898804, Superior
Court for the County of San Francisco; date of deposition:
December 4, 1991.

James McClaskey vs. Abex, et al., No 87-7599, U.S.D.C.
E.D. Pennsylvania: September 27, 1989.

11. Daniel Cannady
Philip Scordino vs. Owens Corning Fiberglas, et al. No
89-5139 (3), March 1, 1991.

12. William Hood
Philip Scordino vs. Owens Corning Fiberglas, et al. No
89-5139 (3), March 1, 1991.

13. David C. Baldwin
Philip Scordino vs. Owens Corning Fiberglas, et al. No
89-5139 (3), September 5, 1990.

14. Robert A. Larson, James McClaskey vs. Abex, et al.,
No 87-7599, U.S.D.C., E.D. Pennsylvania, September 28, 1989.

INTERROGATORY NO. 65: If you are or were a contractor or a
subcontractor at Ingalls, state whether Ingalls supplied,
produced, or distributed asbestos or any ACP(s) to you during the
performance of any contract or subcontract with or at Ingalls.
If so, identify the specific ACP(s) and for each such ACP(s)
state:

- a. Whether any formal or informal distribution system(s) exists or existed at Ingalls for products or materials, including but not limited to ACP(s), used in the performance of any contract or subcontract with or at Ingalls. If so:
- 1) Identify the person or business entity that established, organized, operated, maintained or otherwise was responsible for the distribution system; and
 - 2) Identify the person or business entity that was responsible for ordering, purchasing or otherwise obtaining the products or materials distributed through the system; and
 - 3) State whether Ingalls' subcontractors or any other person or business entity who used the products or materials obtained through the distribution system requested or were permitted to request specific brand name products or specific manufacturer's products. If so, identify the specific products requested or the specific manufacturer whose products were requested; and
 - 4) State the years during which the distribution system was in operation; and
 - 5) State whether any instructions or directions, whether oral or written, were provided to you by anyone with regard to purchasing, requesting, ordering or otherwise obtaining any products or materials through the distribution system. If so, identify all documents establishing or relating to in any way said directions or instructions, and identify all oral communications, including, but not limited to, the date(s) of the communications, the name(s) of the person(s) who gave the instructions or directions, the name(s) of the

person(s) to whom they were given, and the substance of the communication; and

- 6) State whether any warning or notice, whether oral or written was given to you by anyone that any of the products distributed through the system contained asbestos or that the use of or exposure to ACP(s) or the inhalation of asbestos fibers could pose a health hazard. If so, identify all documents establishing or relating in any way to said warning or notice, and identify all oral communications, including but not limited to, the date(s) of the communication(s), the name(s) of the person(s) who gave the warnings or notice, the name(s) of the person(s) to whom they were given, and the substance of the warnings or notices; and

- b. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: Inapplicable. Westinghouse does not believe that Ingalls distributed any "ACP" to Westinghouse.

INTERROGATORY NO. 66: State whether you, Ingalls or any other business entity ever provided any warning or notice, either oral or written, to any person to the effect that ACP(s) were present or being used, installed, abated or otherwise existed at Ingalls or that ACP(s) were upon any of the vessels or hulls being construed, repaired, stored or were otherwise located at Ingalls. If so, identify all documents establishing or relating in any way to said warning or notice, identify all oral communications, state the date(s) of each such warning, notice or communication, the name(s) of the person(s) or entity who gave each warning or notice, the name(s) of the person(s) or entity to whom each warning or notice was or were given and the substance of each warning or notice.

- a. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See General Objection. Without waiving this Objection, Westinghouse states that it has no specific information about the warnings, if any, issued by Ingalls and is not under any obligation to provide that information. Westinghouse did not provide warnings to any of the plaintiffs concerning any of its products, except for the warning label on micarta as discussed above.

INTERROGATORY NO. 67: What steps or actions, if any, did you or Ingalls take or what procedure(s) were established for providing your employees, Ingalls' employees or Ingalls' subcontractors' employees with a safe working environment?

- a. Did you or Ingalls hire, engage, employ or designate any person(s) or entity to be specifically responsible for safety or for providing the workers with a safe workplace? If so, identify each such person(s) or entity and state the years in which each person(s) or entity acted in this capacity, the person's or entity's training, education or qualifications and any instructions provided to them concerning the performance of their job or responsibilities; and
- b. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See General Objection. This question is inapplicable to Westinghouse. Ingalls had unique, exclusive control of the workplace and all requests for information concerning what steps, if any, Ingalls took to protect its

employees or subcontractors with a "safe working environment" should be directed to Ingalls.

INTERROGATORY NO. 68: Did anyone other than you provide safety or health equipment or devices to your employees who worked directly or indirectly with or around ACP(s) at Ingalls? If so:

- a. Identify the person or entity that provided such equipment or devices to your employees; and
- b. Describe the equipment or devices that were provided and state what years each said type of equipment or device was provided; and
- c. Whether the entity(ies) identified in subpart a. required your employees to use the equipment or devices; and
- d. Whether the entity(ies) identified in subpart a. inspected or otherwise took steps to insure the equipment or devices were actually used by your employees; and
- e. If you did not also provide such equipment or devices to your employees, explain in detail why; and
- f. If you did provide such equipment or devices to your employees, explain in detail why; and
- g. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See General Objection. This question is inapplicable as to Westinghouse, which did not have employees at Ingalls.

INTERROGATORY NO. 69: State whether you knew or had notice that any person(s) was applying, removing, abating or otherwise using asbestos or ACP(s) at Ingalls. If so, state with specificity the following:

- a. Identify the person or entity that you knew applied, removed, abated or otherwise used ACP(s); and
- b. The date(s) you knew such person(s) or entity(ies) applied, removed, abated or otherwise used ACP(s); and
- c. The steps you took to protect your employees from exposure to the ACP(s); and
- d. The steps the person(s) or entity(ies) identified in subpart a. above took to protect you or your employees from exposure to the ACP(s); and
- e. If you did not take steps to protect you or your employees from exposure to the ACP(s), explain each and every reason, in detail why; and
- f. If you did take steps to protect you or your employees from exposure to the ACP(s), explain each and every reason, in detail why; and
- g. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: Without waiving its General Objection, Westinghouse knew or had constructive knowledge that asbestos-containing products were commonly used in ship construction, and, thus, were present at Ingalls.

INTERROGATORY NO. 70: Did you provide workmen's compensation coverage, under any state or federal workmen's compensation statute, for your employees during the period(s) of time you performed work or any contact at Ingalls? If so, state:

- a. The years you provided workmen's compensation coverage for your employees; and
- b. Identify the insurer(s) who issued the workmen's compensation insurance and, for each such insurer(s), state the years each provided such insurance; and
- c. Whether you have ever qualified as a self-insurer and, if so, what years were you self-insured; and

- d. Whether Ingalls or any other business entity provided or paid workmen's compensation to your employees and, if so, identify the entity that did so and state the years during which workmen's compensation coverage was provided or paid for your employees, whether this situation was the result of an agreement or contract with Ingalls or any other business entity and, if so, identify the entity and produce copies of the agreement or contract; and
- e. Identify the person or entity that paid the workmen's compensation claims made by your employees who worked at Ingalls; and
- f. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See General Objection. Further, this interrogatory is inapplicable to Westinghouse because it was not a subcontractor with employees at Ingalls as defined by the plaintiffs.

INTERROGATORY NO. 71: Do you know whether Ingalls, any Ingalls subcontractor or any other person or business entity knew you or your employees were applying, removing, abating or otherwise using asbestos or any ACP(s) at Ingalls? If so, state with specificity;

- a. Identify the person or business entity; and
- b. When each such person(s) or entity(ies) attained such knowledge; and
- c. How each such person(s) or entity(ies) attained such knowledge; and
- d. Whether any such person(s) or entity(ies) expressed any concerns, reservations, objections or otherwise commented upon the safety, application, removal, abatement or other use of such products or materials

- and, if so, identify such person(s), and the date, substance and identity of each such communication; and
- e. If you did not inform Ingalls that you were or your employees were applying, removing, abating or otherwise using asbestos or ACP(s) at Ingalls, explain each and every reason for said conduct, in detail; and
 - f. If you did inform Ingalls that you or your employees were applying, removing, abating or otherwise using asbestos or ACP(s) at Ingalls, explain each and every reason for said conduct, in detail; and
 - g. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See General Objection. This question is inapplicable as to Westinghouse, which cannot be expected to express an opinion or speculate as to what Ingalls did or did not know, although it is self-evident that many people at Ingalls knew asbestos products were being used.

INTERROGATORY NO. 72: State whether you have ever planned, supervised, requested, performed or participated in any abatement of ACP(s) either at any facility owned or controlled by you or at any facility owned or controlled by Ingalls? If so, state:

- a. The date(s) of each abatement, the location of each abatement and your role in each abatement; and
- b. The specific process or procedure followed or implemented to accomplish the abatement, including but not limited to, the following:
 - i) The protective clothing or devices were provided or used by those persons participating in the abatement, describing each in detail; and
 - ii) How long each such protective clothing or device had been available prior to the date each was

first used by you at Ingalls during the abatement described in subpart a.; and

iii) The identity of the person or business entity that sold, manufactured, distributed or provided each such protective clothing or device for use during each abatement identified in subpart a.; and

c. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof; and

d. With respect to Defendant's answer to this interrogatory and each subpart thereof, identify each person(s) who you believe has knowledge about any of the facts addressed in said answer.

ANSWER: See General Objection. Some of the many hundreds of Westinghouse facilities may have undergone abatement of some asbestos building materials after promulgation of the OSHA regulations in 1972, if it was determined by the management of those individual locations that such materials were loose or friable, thereby creating any violation of the OSHA regulations or any health hazard to Westinghouse workers. Given the scope of Westinghouse operations, it would be an intolerable burden and expense on Westinghouse, with no relevance to the real issues in this case, to attempt to determine which of its many facilities might have been involved with abatement of asbestos and when.

Westinghouse has no information about any facility owned or controlled by Ingalls and is not required to respond as to that part of the Interrogatory.

INTERROGATORY NO. 73: Other than the person(s) identified in your answer to Interrogatory 1, identify and state the job title of each person(s) or entity(ies) who were contacted in answering these interrogatories and responding to these requests for production who provided information or advice for the

answering of the interrogatories and responding to these requests for production.

ANSWER: See General Objection. Westinghouse objects to this interrogatory to the extent it calls for information protected by the attorney-client privilege or attorney work product doctrine. All answers are derived from numerous sources, persons and documents over an extended period. The person signing these responses does so to satisfy such requirement as may exist under the applicable rules of civil procedure requiring an officer or employee of the corporation answering the interrogatories to affix his signature. Such signing person does not necessarily have direct knowledge regarding the matters included in these responses. No single officer, employee or agent of Westinghouse has direct knowledge of each and every answer requested.

INTERROGATORY 74: State when you were first advised or had knowledge of either threshold limit values (TLV's) or maximum allowable concentrations (MAC's) of both asbestos dust and total dust as published by the American Conference of Governmental Industrial Hygienists (ACGIH) and state:

- a. the identity of each of your employee(s) and official(s) receiving such advice or knowledge; and
- b. the dates when and circumstances by which such knowledge came to your attention; and
- c. any action taken or communication made by you concerning such knowledge; and
- d. with respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See General Objection. Westinghouse would have learned of the OSHA TLV standard on or about the time it was promulgated in 1972. Westinghouse would have learned of the American Conference of Governmental Industrial Hygienists'

standards about the time they were published. Westinghouse is unable reasonably to determine the name of the employee who received such advice.

Westinghouse understands that the American Conference of Governmental Industrial Hygienists (ACGIH) defines threshold limit value-time weighted average (TLV-TWA) as the eight-hour time weighted average concentration of a substance to which nearly all workers may be repeatedly exposed (day after day) without adverse effect.

Notice of the OSHA regulations was given to all Westinghouse divisions to ensure compliance as necessary. Westinghouse objects to the intolerable burden and expense of attempting to determine exactly what actions were taken by each of its many divisions and plants.

INTERROGATORY NO. 75: Identify all spray-on products including but not limited to, fireproofing, soundproofing, acoustical plasters and texture treatments ever manufactured, sold, distributed, licensed and/or rebranded by or for you. For each identified state:

- a. the plant where the product was manufactured;
- b. the dates of manufacture;
- c. intended use for the product;
- d. asbestos fiber type used in each product;
- e. percentage of asbestos fiber in each product;
- f. the person or persons who invented and/or formulated the product;
- g. the reasons why each such product was taken off the market; and
- h. with respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: General Objection. Without waiving these objections, Westinghouse answers that it did not manufacture, sell, distribute or license spray-on asbestos product(s).

INTERROGATORY NO. 76: State whether any insurance carrier or company has denied insurance coverage or has declined to insure you or any of your subsidiaries or divisions because of asbestos dust conditions at your plants, or because of employee lung disease complaints or for any other reason related to ACP(s). If so, identify each such insurance carrier, the reason the coverage was denied or declined, the dates of each denial or declination. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See General Objection. Further, unless one or more of the plaintiffs is alleged to have worked in a Westinghouse-owned facility this information is entirely irrelevant and immaterial to the issues in this case.

INTERROGATORY NO. 77: During the time periods in which you manufactured the spray-on asbestos-containing products identified in answer to Interrogatory 75, state the levels of asbestos dust you anticipated users, including spray-on applicators, would be exposed to in using your spray-on products. Include in your answer any tests performed by you or by others on your behalf - which support your answer and attach copies of all such tests. With respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See Response to Interrogatory No. 75.

INTERROGATORY NO. 78: Identify each of your present, former employees and agents who, between 1938 and today, are the most knowledgeable about each of the following topics:

- a. Marketing of asbestos-containing products;

- b. Sales of asbestos-containing products;
- c. Development of non-asbestos substitutes for asbestos-containing products.
- d. Labelling and warnings for asbestos-containing products;
- e. Research and development of asbestos-containing products;
- f. Research and development of each spray-on product identified in answer to Interrogatory No. 77;
- g. Purchase of asbestos fibers;
- h. Sales of asbestos fibers;
- i. Scientific, medical or trade journals received by you or your employees;
- j. Scientific, trade or industry groups or organizations to which you or your employees belonged;
- k. Asbestos-containing products licensed to or by you;
- l. Purchase or sale of other asbestos product companies and possible successor liability;
- m. Customer or user companies or inquiries about the friability, dusting, flaking, fall out, drop out or separation of your spray-on products; and
- n. Location and authentication of your documents.

ANSWER: See General Objection.

INTERROGATORY NO. 79: Have you or your predecessors or affiliates at anytime required your employees who worked directly or indirectly with asbestos or ACP(s) to undergo medical examinations, to have chest roentgenograms, or pulmonary function tests? If so, explain each and every reason why and state:

- a. whether such examination or tests were required, at least in part, because of the health hazards presented by asbestos inhalation;
- b. the date you or your predecessors or affiliates first required employees to undergo such examinations or tests;

- c. whether this requirement or policy was or is embodied in any corporate memoranda, employee manual, or stated in any other document;
- d. if the examinations or tests were conducted on site by company physicians and the names and current addresses of said physicians;
- e. if the examinations or tests were conducted or analyzed off-site or by an independent physicians, clinic or other health care provider, and the names and current addresses of said health care providers;
- f. whether the Saranac Laboratories, Saranac Lake, New York, were involved in any way in such examinations and testing;
- g. whether the examinations were conducted at the employers' expense;
- h. whether any data [sic] was compiled or retained from such examinations and testing, and if so, the place and manner of its storage, and the identity of the custodian of said data;
- i. whether medical records generated by such examinations and testing were maintained, and if so, the place and manner of its storage, and the identity of the custodian of said records; and
- j. with respect to Defendant's answer to this interrogatory and each subpart thereof, produce all documents relating to, concerning or referencing the information contained in your answer or to the subject matter of the interrogatory and each subpart thereof.

ANSWER: See General Objection. Without waiving these objections, Westinghouse is unaware of ever having required any of its employees to undergo these medical exams because of potential exposure to asbestos fibers.

INTERROGATORY NO. 80: If you assert the defense of insufficiency of process, state:

- a. the legal grounds upon which you base your assertion of insufficiency of process; and
- b. the factual grounds upon which you base your assertion of insufficiency of process; and
- c. the correct legal name and the present address of the home office of the Defendant; and
- d. the identity of each present officer of the Defendant and
- e. the identity of each agent for service of process of the Defendant within the state of incorporation of the Defendant; and
- f. the identity of each agent for service of process of the Defendant within the state of Mississippi; and
- g. the identity of each agent for service of process of the Defendant within the state in which the Defendant principally conducts business and name said state.

ANSWER: Westinghouse does not contest process.

Respectfully Submitted,

WESTINGHOUSE ELECTRIC CORPORATION

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was served, postage prepaid, this ____ day of April, 1992 to all counsel of record.

Roy C. Williams
Roy C. Williams

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF ALLEGHENY)

Before me, the undersigned authority, a Notary Public in and for said Commonwealth and County, personally appeared, Daniel Vickovic, who, being duly sworn, deposes and says that he is ASSISTANT SECRETARY OF WESTINGHOUSE ELECTRIC CORPORATION, and that he signs the foregoing WESTINGHOUSE ELECTRIC CORPORATION'S RESPONSES TO PLAINTIFFS' INTERROGATORIES AND REQUESTS FOR PRODUCTION on behalf of that defendant and is duly authorized so to do; 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 officer of WESTINGHOUSE ELECTRIC CORPORATION 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.

Assistant Secretary

SWORN TO and subscribed
before me this ____ day
of _____, 1992.

Notary Public

My Commission expires:

[SEAL]