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IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

OCT 15 1993

IN RE: ASBESTOS LITIGATION) C.A. No. 77C-ASB-2

**LINCOLN ELECTRIC COMPANY'S RESPONSES
TO PLAINTIFFS' INTERROGATORIES AND REQUEST
FOR PRODUCTION DIRECTED TO ALL DEFENDANTS**

A. GENERAL OBJECTIONS AND PRELIMINARY STATEMENTS

At one time, Lincoln Electric Company (sometimes referred to hereinafter as "Lincoln") manufactured and sold certain welding electrodes which contained a form of asbestos in the covering of the electrodes. Such form of asbestos was encapsulated by a silicate binder and was eventually completely destroyed by the heat of the welding arc. Since there was never any release of respirable asbestos fibers into the environment of the user of any such rods or any bystander, Lincoln has not considered that it either manufactured or sold any asbestos-containing products and it certainly has never considered itself part of the "asbestos product industry". Plaintiffs' use of the term "asbestos-containing product" incorporates an assumed release of asbestos dust and asbestos fibers in the use of a product. Lincoln denies that such release occurred in the use of any of its welding rods and objects to the presumptive

nature of the use of the term "asbestos-containing product" throughout this set of interrogatories.

Further objection to this discovery is made because not a single Plaintiff in this entire litigation has yet to clearly and specifically allege that a specific Lincoln Electric Company welding rod containing asbestos was ever used. Lincoln manufactured a wide variety of welding rods over the years and only some of Lincoln's welding rods contained a small amount of encapsulated asbestos in the covering. This blanket discovery is unduly burdensome and expensive for a company such as Lincoln which did not manufacture or sell what is typically referred to in this litigation as "asbestos-containing products". Plaintiffs should be required to specifically identify which, if any, of Lincoln's welding rods were used. Only then can Lincoln Electric Company determine whether the Plaintiff has identified a welding rod which contained asbestos fibers encapsulated in its coating and that, therefore, Lincoln should provide further responses to this discovery.

Lincoln also objects to this discovery because it is not sufficiently specific as to time of alleged exposure. Requiring Lincoln to respond for the period 1936 to present is unduly burdensome and expensive when there has not been any showing that any Plaintiff was exposed at anytime to any welding rod manufactured by Lincoln Electric Company which may have contained a small amount of asbestos encapsulated in the covering of the rod.

Lincoln objects to being put to the burden and expense involved in responding to this discovery until such time as each and every Plaintiff has not only identified the specific welding rods to

which exposure is alleged, but has also established the period of time when the alleged exposure occurred. Only then can Lincoln reasonably determine what information is relevant to a particular Plaintiff's case. The expanse of information sought by Plaintiffs is not relevant to the subject matter involving Lincoln in the pending action, will not be admissible at trial, and is not reasonably calculated to lead to the discovery of admissible evidence.

Lincoln further objects to this discovery to the extent that it requires Lincoln to produce, furnish, or disclose information or documents protected by the attorney-client privilege, the attorney work product doctrine, and/or the general protection afforded to mental impressions, conclusions, opinions, or legal theories of Lincoln's attorneys and/or representatives of Lincoln concerning this litigation.

It appearing that Lincoln has been made a party in this action as a result of allegations that Plaintiffs either used or were exposed to certain welding rods containing encapsulated asbestos fibers in the coating of the rods which were manufactured or sold by Lincoln, Lincoln objects to interrogatories requesting information regarding any other products manufactured or sold on the grounds that such information is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence and for the reason that such discovery is overly broad, unduly burdensome, and oppressive.

Lincoln objects to this discovery to the extent that it seeks or may be deemed to seek information, materials, or documents that are commercially confidential and/or constitute trade secrets.

Without waiving any of the above-noted objections, in good-faith compliance with Standing Order Number 1 and the Superior Court Civil Rules, Lincoln responds to this discovery as set forth below. Lincoln does not concede that any of its answers to these interrogatories and requests are or will be admissible evidence at a trial in this action and Lincoln does not waive any objection, on any ground, whether or not asserted herein, to the use of any such answer at trial. Lincoln's investigation into these interrogatories is continuing and, therefore, Lincoln reserves the right to supplement or revise its responses if additional information is discovered or becomes available. Each response to the following interrogatories should be understood to incorporate, without further reference, each of the objections stated above. The statement of any information in response to any interrogatory is not intended nor should it be interpreted to be a waiver of any objection stated herein.

B. RESPONSES TO DISCOVERY

1. Describe in detail, with specificity and particularity each product mined, produced, manufactured or sold by the answering defendant or its predecessors in title or subsidiaries which contained asbestos for each year from 1936 until 1980; and for each such product describe:

- (a) Its chemical ingredients;
- (b) State the manner in which it was intended to be used, i.e., in the construction and/or insulation of buildings and/or

equipment, etc.;

(c) For each ingredient contained therein state:

(i) The name or chemical composition of each substance, what harmful effects, if any are known, that it produces in man or mammals and whether it produces its harmful effects through ingestion, inhalation, absorption or a combination of these;

(ii) When you determined and/or learned that the substance produced harmful effects and how such effects were produced;

(iii) Identify each individual who participated in such determination and/or obtained such knowledge;

(iv) Identify each document that refers, reflects or relates to any information pertaining to the properties of each of the ingredients and/or how the harmful effects are produced as well as your determination of those toxic effects and the manner by which they are produced;

(v) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied;

(vi) Which products or ingredients were mined, which were manufactured and which were distributed by answering defendants.

ANSWER:

1. From 1930 to March, 1981, Lincoln Manufacturing Company manufactured and sold electrodes which contained cationic fiber, a form of asbestos, which, however, was encapsulated in the rod in such a fashion that a user or handler could not be exposed to asbestos and

such "asbestos" was consumed in the arc and therefore did not enter the fume or plume and, hence, Lincoln Electric Company has not considered that it either manufactured or sold "asbestos products".

(a) See Exhibit "A" attached hereto. The production of more detailed information is objected to until such time as plaintiffs identify specific products as having been used by them.

(b) Welding of metals.

(c) Objection. Overbroad and burdensome. Without waiving the objection, Lincoln welding rods as manufactured and sold presented no hazards from asbestos. Objection is also made to producing research, literature surveys, and compilations of materials requested in this interrogatory which are in the public domain and are as equally available to Plaintiff as to this Defendant.

(i) Not applicable.

(ii) Not applicable.

(iii) Not applicable

(iv) Not applicable.

(v) Not applicable.

(vi) Not applicable.

2. If any product identified in answer to Interrogatory No. 1 and was produced, manufactured and/or sold under a trade name, identify that trade name(s) and state the time period that each such product was sold under such trade name.

ANSWER:

2. See Exhibit "A" attached hereto.

3. For each product identified in answer to Interrogatory No. 1, state:

(a) The address of each plant where it was manufactured, processed or packaged;

(b) Whether you were the sole producer, manufacturer and/or distributor of the product and, if not:

(i) The name and address of each other person, firm or other entity engaged in the production, manufacture and/or distribution of the product;

(ii) Whether any other manufacturer produced the product by virtue of a franchise or license from you;

(iii) The persons or firms who produced the product for distribution the United States;

(iv) The persons or firms who produced the product for distribution in the State of Delaware.

ANSWER:

3. (a) 1951 to present: 22801 St. Clair Avenue, Cleveland, Ohio 44117. Prior to 1951: 12818 Coit Road, Cleveland 1, Ohio.

(b) producer and manufacturer - yes

Distributor - no

(i) See Answer to Interrogatory No. 4 (b).

(ii) No.

(iii) The Lincoln Electric Company.

(iv) The Lincoln Electric Company.

4. For each product identified in answer to Interrogatory 1 state:

(a) How the product was sold and/or distributed for use in the United States and/or the State of Delaware.

(b) Identify all persons, firms or other entities to whom these products were sold or through whom they were distributed during the period 1936 to 1980;

(c) For each such person, firm or other entity identified in answer to subpart (b) above, state the following:

(1) the specific product sold and/or distributed;

(2) the quantity of the product sold and/or distributed;

(3) the dates which these products were sold, shipped and delivered to each entity;

(d) Identify each individual who has any knowledge of these sales and/or distribution and state with specificity and particularity the substance of each individual's knowledge;

(e) Identify and produce all documents which refer, reflect or relate to all sales and/or distribution of each such product to each such entity identified above.

ANSWER:

4. (a) Direct sales and through distributors.

(b) With respect to sales, see answer to (c) below. Objection to producing a list of all the distributors - burdensome as there are currently over 1500 distributors throughout the United States. Without waiving the objection, attached as Exhibit "B" is a listing of current distributors under contract in the State of Delaware, some of which date back to the period in question. Since cancelled distributor records are kept for only three years, we would have no record of a distributor signed prior to 1980 which has been

cancelled for more than three years.

(c) We have no knowledge of sales made by distributors. With respect to direct sales, sales records are kept for seven years and, accordingly, since all cationic fiber was removed from our electrodes as of 1981, records no longer exist reflecting sales of these products.

(d) Mr. Frank Boucher (deceased), Vice-President Sales; Donald F. Hastings, President (former Vice-President Sales). Mr. Hastings does not possess any knowledge any greater than the information provided in the Answers to Interrogatory No. 3 and Interrogatory No. 4 above and the list of distributors attached hereto as Exhibit "B".

(e) None.

5. For each product identified in answer to Interrogatory 1 state whether you engaged in any advertising program to promote the sale of that product and, if so state:

(a) The name or description of each advertising media that you have used to promote the product during the period 1936 to 1980;

(b) The name of each national magazine or periodical in which you have advertised the product during the period 1936 through 1980.

(c) The date of each issue of such magazine or periodical in which such advertisement appeared;

(d) The name and address of each newspaper in which it advertised the product during the period 1936 through 1980;

(e) The date of each publication of each newspaper in

which the advertisement appeared;

(f) Identify and produce each document which refers, reflects or pertains to each such advertisement which was published in each such magazine, periodical and/or newspaper;

(g) State whether the advertising of the product was handled by an agency and, if so, state the name and address of each advertising agency that handled any portion of the advertising of the product during the period 1936 through 1980.

ANSWER:

5. Lincoln did not specifically advertise asbestos containing products. Objection is made to this interrogatory as seeking irrelevant information and information which will not lead to the discovery of relevant information. Moreover, attempting to answer this irrelevant interrogatory would require a burdensome production effort on the part of answering Defendant.

(a) Not applicable.

(b) Not applicable.

(c) Not applicable.

(d) Not applicable.

(e) Not applicable.

(f) Not applicable.

(g) Not applicable.

6. For each product identified in answer to Interrogatory 1 which was distributed to a company that used said products in Delaware or was a distributor of said products for an area including Delaware, state:

- (a) The name and address of the company;
- (b) Whether the asbestos contained was tremolite, crocidolite, chrysotile, amosite and/or anthophyllite asbestos and state the amount in terms or the percentage of the total asbestos contained in the product.
- (c) The total amount of asbestos contained in the product;
- (d) The exact formulation of the product including the other non-asbestos ingredients thereof;
- (e) The name and address of each individual who participated in the formulation of such product;
- (f) The identity of each document which refers, reflects or relates to any information provided in the answer to this interrogatory;
- (g) The names and addresses of the persons usually communicated with when dealing with said company;
- (h) Identify the living individual most knowledgeable about the answers given above in 6(b), (c) and (d);
- (i) Identify the living individual most knowledgeable about distribution of the above products in Delaware and in an area of which Delaware was a part.

ANSWER:

6. Objection. Vague. Without waiving the objection, see Answer to Interrogatory Nos. 4 and 1. Kenneth L. Brown, Project Research Manager for Lincoln Electric Company is the person most knowledgeable concerning the answer given herein.

7. With regard to each form of asbestos fibers identified in

the answer to Interrogatory 6, state:

(a) Where it was purchased, if it was not purchased, where it was obtained;

(b) From whom it was purchased

(c) The manner in which it was received, stored and used in the production of the product.

ANSWER:

7. (a) Canada.

(b) Hedman Mines, Ltd.

(c) Cationic fiber was encapsulated in the electrode coating.

8. If you manufacture any insulation products which are commonly used by insulators and which contain asbestos;

(a) describe how the products listed in (b) are cut, shaped, mixed and applied on the jobs giving particular reference as to whether or not the materials have to be sawed or cut on the job, blown into confined areas, or mixed with water into a cement or paste;

(b) State if there is any way known to you that the products listed below can be used and applied without the worker inhaling any of the asbestos dust or fibers:

(1) Asbestos cement; Asbestos Finishes;

(2) Asbestos pipe covering;

(3) Asbestos bricks or block;

(4) Asbestos sheeting;

(5) Asbestos insulation used to cover extremes of

heat as well as cold;

(6) Asbestos insulation in loose form which may be blown into homes or buildings;

(7) Asbestos in spray form;

(8) Asbestos mineral in fiber form or particulate form;

(9) Asbestos Millboard, rope, gaskets, paper gloves or blanket.

(c) Did your company buy any products listed in (b) above from other manufacturers and re-label it or have it labeled for your company?

(1) If yes, which products and from whom.

(d) Did your company produce any products within the list in (b) above for other companies?

(e) Whether prior to distributing the product you altered it in any manner from the form in which you received it from the source, and if so what type of alterations or modifications were made by you;

(f) Whether prior to distributing the product you re-packaged or in any way altered the packaging or labelling of the product after receiving it from the source, and if so what alterations were made by you.

ANSWER:

8. Not applicable.

9. For each product listed in answer to Interrogatory No. 1, describe each end use for which each such product was intended to be

discovery of admissible evidence. Without waiving the objection, we do manufacture welding machines.

11. If any piece of equipment identified in answer to Interrogatory No. 9(c) was invented, developed or first made by you or any person associated with you or any related company or association, state:

(a) When it was invented, developed or made;

(b) The identity of each individual who participated therein and describe in detail the extent of his participation;

(c) The identity of each document which reflects, refers or relates to any information set forth in answer to this interrogatory;

(d) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER:

11. Objection. Irrelevant, not calculated to lead to the discovery of admissible evidence inasmuch as the welding machine and electrode holder contain no asbestos.

12. State whether you or any person associated with you or any related company or association invented, developed or made any change and/or improvement in any piece of equipment identified in answer to Interrogatory No. 9(c), and if so:

(a) Describe the change and/or improvement made;

(b) State when it was made;

(c) Identify each individual who participated herein and

describe in detail the extent of his participation;

(d) Identify each document which reflects, refers or relates to any information set forth in answer to this interrogatory;

(e) As to any information received orally in answer to this interrogatory, identify each person who has supplied such information and state the full substance of the information supplied.

ANSWER:

12. Objection. Irrelevant and not calculated to lead to the discovery of admissible evidence. Without waiving said objection, see Answer to Interrogatory No. 11.

13. For each process and/or method identified in answer to Interrogatory No. 9(b), state whether it was developed by you or a parent or subsidiary or related company.

ANSWER:

13. Lincoln Electric Company did not develop or invent the process of joining metals by high temperature fusion.

14. For each process and/or method identified in answer to Interrogatory No. 9(b) developed or first made by you or any person associated with you or any related company or association, state:

(a) When and where it was developed;

(b) The identity of each individual who participated therein and describe in detail the extent of his participation;

(c) The identity of each document which reflects, refers or related to any information set forth in answer to this Interrogatory;

(d) As to any information received orally in answer to

this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER:

14. Not applicable. See Answer to Interrogatory No. 13.

15. State whether you or any person associated with you or any related company or association developed or made any change and/or improvement in any process and/or method identified in answer to interrogatory No. 9(b), and if so:

(a) Describe the change and/or improvement made;

(b) State when and where it was made;

(c) Identify each individual who participated therein and describe in detail the extent of his participation;

(d) Identify each document which reflects, refers or relates to any information set forth in answer to this interrogatory.

(e) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied;

(f) Identify the living person who has the most knowledge of matters discussed herein.

ANSWER:

15. Objection. Overbroad, burdensome, not relevant or calculated to lead to relevant evidence. To provide decades of history on the development of welding equipment and the welding process would be unduly burdensome.

16. For each product identified in the answer to Interrogatory No. 1, describe what, if any, tests were made to determine the safety

of said product and:

- (a) State when and where each such test was made;
- (b) Describe the results of each such test;
- (c) Identify each individual who participated therein and describe in detail the extent of his participation;
- (d) Identify each document which reflects, refers or relates to any information set forth in answer to this interrogatory;
- (e) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER:

16. Objection. Vague and ambiguous. Lincoln believes that use of its welding rods did not release any respirable asbestos fibers and no asbestos-related disease could, therefore, result from such use.

(a-e) Without waiving the objection above, see National Spectrographic Laboratories, Inc. Reports dated April 1976 and September 1977 and Energy Technology Consultants report of June 1987 attached hereto as Exhibit "C".

17. For each process or method identified in answer to Interrogatory No. 9(b), describe what, if any, tests were made to determine the safety of said process or method and:

- (a) State when and where each such test was made;
- (b) Describe the result of each such test;
- (c) Identify each individual who participated therein and describe in detail the extent of his participation;

(d) Identify each document which reflects, refers or relates to any information set forth in answer to this interrogatory;

(e) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER:

17. Objection. Irrelevant and not calculated to lead to the discovery of admissible evidence. Without waiving the objection, see Answer to Interrogatory No. 16, above.

18. For each piece of equipment identified in answer to Interrogatory No. 9(c), describe what, if any tests were made to determine the safety of said equipment and:

(a) State when and where each such test was made;

(b) Describe the results of each such test;

(c) Identify each individual who participated therein and describe in detail the extent of his participation;

(d) Identify each document which reflects, refers or relates to any information set forth in answer to this interrogatory;

(e) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER:

18. Objection. Irrelevant and not calculated to lead to the discovery of admissible evidence.

19. For each label, brochure, or other written material describing or relating to the use of each product identified in answer to Interrogatory No. 1, produced by you or any person

associated with you or any related company or association;

(a) Describe its contents;

(b) State when, where, how, and to whom it was distributed;

(c) State the manner in which it was placed on or in the product container or whether it was separate from the product container, or whether it was separate from the product or container;

(d) State whether any written, printed or graphic matter was present to warn of any harmful ingredient it might contain. If so, state:

(i) Whether a signal word, i.e. "danger", "warning" or "caution" was present;

(ii) Whether the signal word was printed in boldface, capital letters or different colored inks. Which?

(iii) The wording of the statement describing any hazard;

(iv) The wording of all directions and/or instructions pertaining to any method of use to avoid any hazard.

(e) Identify each individual who participated in the writing of the label, brochure or other written materials and describe in detail the extent of his participation;

(f) Identify each document which reflects, refers or relates to the information contained on the labels, brochures, or other written materials and/or the decision to include such information;

(g) As to any information received orally in answer to this interrogatory, identify each person who supplied such

information and state the full substance of the information supplied.

ANSWER:

19. The label used on welding electrode containers and product brochures pertained to the welding process and welding products generally, not to asbestos. See Answer to Interrogatory No. 1.

20. For each product identified in answer to Interrogatory No. 1 state whether warnings of any harmful or potentially harmful effects of the product were printed on the cartons or packing cases in which individual containers were packed and, if so:

(a) State the printed warnings contents;

(b) State when the warning was used;

(c) Describe the manner in which it was placed on or in the product container;

(d) Identify each individual who participated in writing of the label or brochure and describe in detail the extent of his participation;

(e) Identify each document which reflects, refers or relates to the information contained on the cartons or packing cases and the decision to include that information;

(f) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER:

20. See Answer to Interrogatory No. 19.

21. For each label, brochure, or other written material describing or relating to each process or method identified in answer to Interrogatory No. 9(b) produced by you or any person associated

with you or any related company or association; and for each such label, brochure or written material:

(a) Describe its contents;

(b) State when, where, how, and to whom it was distributed;

(c) State whether any written, printed or graphic matter was present to warn of any harmful ingredient it might contain. If so, state:

(i) Whether a signal word, i.e. "danger", "warning" or "caution" was present;

(ii) Whether the signal word was printed in boldface, capital letters or different colored inks, and if so, which one;

(iii) The wording of the statements describing any hazard;

(iv) The wording of all directions and/or instructions pertaining to any method of use to avoid any hazard.

(d) Identify each individual who participated in the writing of the label, brochure or other written materials and describe in detail the extent of his participation;

(e) Identify each document which reflects, refers or relates to the information contained on the labels, brochures, or other written materials and/or the decision to include such information;

(f) As to any information received orally in answer to this interrogatory, identify each person who supplied information and state the full substance of the information supplied.

ANSWER:

21. See Answer to Interrogatory No. 19.

22. For each label, brochure, or other written material describing or relating to equipment identified in answer to Interrogatory No. 9(c), produced by you or any person associated with you or any related company or association; and for each such label, brochure or written material;

(a) Describe its contents;

(b) State when, where, how, and to whom it was distributed;

(c) State whether any written, printed or graphic matter was present to warn of any harmful ingredient it might contain. If so, state:

(i) Whether a signal word, i.e. "danger", "warning" or "caution" was present;

(ii) Whether the signal word was printed in boldface, capital letters or different colored inks, and if so, which one;

(iii) The wording of the statements describing any hazard;

(iv) The wording of all directions and/or instructions pertaining to any method of use to avoid any hazard.

(d) The identity of each individual who participated in the writing of the label, brochure or other written materials and describe in detail the extent of his participation;

(e) The identity of each document which reflects, refers or relates to the information contained on the labels, brochures, or other written materials and/or the decision to include such information;

(f) As to any information received orally in answer to this interrogatory, identify each person who supplied information and state the full substance of the information supplied.

ANSWER:

22. Objection. Irrelevant and not calculated to lead to the discovery of admissible evidence.

23. With regard to the production, distribution, and/or sale of each product identified in answer to Interrogatory 1 state whether you have ever been accused of violating any of the provisions of the Federal Labeling of Hazardous Substances Act, and, if so, state:

(a) The date of each indictment, complaint or information that accused you of such violation;

(b) The court in which the proceedings were instituted;

(c) The plea you entered;

(d) The verdict and/or judgment in each such case;

(e) The date set for trial of any pending case;

(f) Identify each document which reflects, refers or relates to information pertaining to such accusation;

(g) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER:

23. No.

24. For each product identified in answer to Interrogatory 1, state whether you contend it is a "hazardous substance" as defined in 15 United States Code, Section 1261(f) and, if so, state with specificity and particularity the facts which you rely on to support that contention.

ANSWER:

24. No.

25. With regard to each product identified in answer to Interrogatory 1 state whether any quantity of that product has ever been seized by any agency of any government; and if so:

(a) State the date of each such occurrence;

(b) State the name or description of the violations of which you were accused;

(c) State the court in which the action was filed;

(d) Describe the judgment that was rendered;

(e) State the date that has been set for trial of any pending case;

(f) Identify each document which reflects, refers or relates to information pertaining to such seizure;

(g) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER:

25. No.

26. State whether you have ever been the subject of any investigation or accusation by any Governmental Agency concerning the provisions of the Occupational Safety and Health Act of 1970 (P.L. 91596, 29 U.S.C. §651 et seq.). If so state:

(a) The date of such investigation, accusation, or other administrative or judicial procedure or action;

(b) The administrative agency or court in which any proceedings arising from such investigation or accusation were heard or instituted;

(c) The determination and results of any such accusation or action;

(d) The identity of each document which refers or relates to information set forth in answer to this interrogatory;

(e) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER:

26. Objection. Irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving said objection, there were no OSHA investigations regarding any alleged or potential asbestos-related harm to users of welding rods.

27. State what action, if any, you have taken since 1935 to reduce or eliminate any risk of occupational disease or personal injury to those engaged in the manufacture of your asbestos products or to those using your asbestos products which arises from the inhalation of dust and fibers.

ANSWER:

27. Objection is made as to providing any information regarding individuals engaged in the manufacture of Lincoln welding rods. Without said objection, as outlined in the Answer to Interrogatory No. 1, cationic fiber was removed. With respect to users of welding rods, Lincoln Electric Company believes that there is no risk involved as is outlined in the Answer to Interrogatory No. 16.

28. Describe in full and complete detail each of the activities which you have undertaken with the intention of warning the public of the effects or any product identified in answer to Interrogatory

l as to the health of the user or general public and give the inclusive dates of each such activity, and:

(a) Identify each individual who participated therein and describe the nature of his participation;

(b) Identify each document which reflects, refers or relates to information pertaining to such warning;

(c) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER:

28. No activity was undertaken regarding asbestos for the reasons outlined in the Answer to Interrogatory No. 16.

29. Have you or any of your companies conducted any studies concerning the effects of inhalation of asbestos dust or fibers by one using or being exposed to any of the asbestos materials manufactured by you and/or any of your companies? In answer to this question, please state:

(a) The date, nature and location of your studies;

(b) The name or names of the persons conducting the studies and their address and describe in detail the extent of their participation;

(c) The purpose of the studies;

(d) The identity of each document which refers or relates to any information set forth in answer to this interrogatory;

(e) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER:

29. No.

30. Have you or any of your companies conducted any studies designed to minimize or eliminate the inhalation of asbestos dust and fibers by those exposed to the use of any of the products containing asbestos materials manufactured by you or any of your companies? If so:

(a) The date, nature and location of your studies;

(b) The name or names of the persons conducting such studies and their address and describe in detail the extent of this participation;

(c) State what action, if any, was taken based upon such studies in effort to minimize or eliminate the effects of inhalation of asbestos dust or fibers upon those using or being exposed to the dust and fibers contained in such products as manufactured by your company;

(d) Identify each document which refers or relates to any information set forth in answer to this interrogatory;

(e) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER:

30. No.

31. What technique, if any, did and/or do you use to make dust samplings in the manufacturing and packaging production environment or at job sites where your materials are used:

- (a) Set forth in detail the technique used, when it was commenced and when, if ever, it was concluded;
- (b) State the purpose for administering such samplings;
- (c) State the results of such samplings;
- (d) State what action, if any, has been taken in response to the findings as to the dust samples;
- (e) Identify each document which refers or relates to such sampling;
- (f) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied;
- (g) Identify the living person who has the most knowledge of matters discussed herein.

ANSWER:

31. Objection. This inquiry is not relevant and is not calculated to lead to relevant evidence with regard to end users when addressing manufacture. With regard to job sites, no tests were performed.

32. State what, if any safety measures were taken by you as to you employees, during the processing, manufacturing and packaging of products containing asbestos including but not limited to products that have been distributed to the DuPont Company. If any such safety measures were taken, state:

- (a) The reason for the use of such measures, equipment or clothing;
- (b) Identify each document relating to safety procedures taken by employees or plant personnel in the manufacture, processing and packaging of such products;

(c) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information.

ANSWER:

32. See Answer to Interrogatory No. 31.

33. State:

(a) Knowledge as to any respirator or other breathing device which was on the market during the relevant period which would prevent the inhalation of asbestos dust and fibers;

(b) A detailed description of such respirator or other breathing device, together with all information as to how such device prevents the inhalation of asbestos dust and fibers;

(c) What tests, if any, were conducted, by whom and where, with regard to the effectiveness of any such device;

(d) Identify each document in any defendant's possession which refers or relates to the subject matter of this interrogatory.

(e) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER:

33. Objection. Irrelevant and not calculated to lead to the discovery of admissible evidence. See Answer to Interrogatory No. 1.

34. Have you or anyone on your behalf conducted or had conducted any investigation of the statistical and/or epidemiological relationship between the use of any product identified in answer to Interrogatory 1 and the contraction by humans or animals of cancer including but not limited to mesothelioma. If so:

(a) Identify each person participating in such investigation and describe in detail the extent of this participation;

(b) State when the investigation was conducted;

(c) Identify the person or persons who authorized the investigation;

(d) Identify each document which refers or relates to any information set forth in answer to this interrogatory;

(e) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER:

34. No.

35. Have you or anyone on your behalf conducted or had conducted any investigation of the statistical and/or epidemiological relationship between the use of any product identified in answer to Interrogatory 1 and the contraction by humans of pulmonary asbestosis. If so:

(a) Identify each person participating in such investigation and describe in detail the extent of his participation;

(b) State when the investigation was conducted;

(c) Identify the person or persons who authorized the investigation;

(d) Identify each document which refers or relates to any information set forth in answer to this interrogatory;

(e) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER:

35. No.

36. Describe in detail all written and oral reports including those reports originating from users of any of the products identified in answer to Interrogatory 1, including doctors, and employees and agents of the defendants concerning any relationship between the use of these products and the development of pulmonary asbestosis in humans or animals;

(a) Identify all persons making said reports and to whom said reports were made;

(b) State whether any report or series of reports initiated changes and/or reevaluation of the production, sale or use, or recommendations for use, of any of those products;

(c) Identify each document which refers or relates to any information set forth in answer to this interrogatory;

(d) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER:

36. None.

37. Describe in detail all written and oral reports including those reports originating from users of any of the products identified in answer to Interrogatory 1, including doctors, employees and agents of the defendants concerning any development of cancer including but not limited to mesothelioma in humans or animals;

(a) Identify all persons making said reports and to whom said reports were made;

(b) State whether any report or series of reports initiated changes and/or reevaluation of the production, sale or use, or recommendations for use, of any of those products;

(c) Identify each document which refers or relates to any information set forth in answer to this interrogatory;

(d) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER:

37. None.

38. For each product identified in answer to Interrogatory 1 state whether the production and/or sale of the product has been discontinued and, if so:

(a) State when it was discontinued;

(b) State with specificity and particularity all the reasons for the discontinuance.

(c) Identify each individual who participated in the decision to discontinue production and/or sale and describe in detail the extent of his participation;

(d) Identify all documents which reflect, refer or relate to each such discontinuance;

(e) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER:

38. (a) See Exhibit "A" attached hereto.

(b) To eliminate potential hazard to employees mixing the material.

(c) Robert C. Shutt, former Vice-President, Electrode Development. John Gonzales, former Vice-President, electrode Development. Kenneth L. Brown, Project Research manager.

(d) See documents attached hereto as Exhibit "D".

(e) Kenneth L. Brown supplied information in order to answer said Interrogatories.

39. For each product identified in answer to Interrogatory 1, state whether the production and/or sale of that product has been limited and/or curtailed or reduced and, if so:

(a) Describe how it was so limited or curtailed or reduced;

(b) State when it was so limited, curtailed or reduced;

(c) State with specificity and particularity all of the reasons for the limitation, curtailment, or reduction;

(d) Identify each individual who participated and the extent of his participation in the decision to so limit, curtail or reduce production and/or sale;

(e) Identify each document which reflects, refers or relates to the limitation, curtailment or reduction and/or the decision to implement the limitation, curtailment or reduction;

(f) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER:

39. No. See Answer to Interrogatory No. 38.

40. Do you contend that each of the products identified in

Interrogatory 1 do not or did not create any risk to one who applies or uses the product?

(a) If so, state the factual basis for each such contention;

(b) If not, state:

(i) The degree and kind of risk which is created by such use;

(ii) The conditions under which such risk is created, increased or decreased;

(iii) Identify each document which reflects, refers or relates to your answers to this interrogatory;

(iv) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER:

40. Yes. See Answers to Interrogatory Nos. 1 and 16.

41. Do you contend that it was not your responsibility to warn workers of the risk of harm arising from the use of your product or of the danger of asbestos to their health?

(a) State the factual basis for such response;

(b) Identify each document which reflects, refers or relates to your answers to this interrogatory;

(c) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER:

41. As there was no asbestos risk or danger to end users, there was no responsibility to warn.

(a) See above.

(b) See Answer to Interrogatory No. 16 and Exhibit "C".

(c) Kenneth L. Brown, Project Research Manager.

42. Do you contend that it was only the responsibility of the employing company involved, or others, to so warn the workers or the risk of harm arising from the use of your product or of the danger of asbestos to their health?

(a) State the basis for such contention;

(b) Identify which others were so responsible;

(c) Identify each document which reflects, refers or relates to your answer to this interrogatory;

(d) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER:

42. Not applicable. See Answer to Interrogatory No. 1 and Answer to Interrogatory No. 41.

43. Do you contend that the danger to any plaintiff was not foreseeable at the time the products alleged to have caused his injuries were sold? If so, as to each plaintiff:

(a) State the factual basis for such contention;

(b) Identify each document relied upon in support of such contention;

(c) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER:

43. There was no danger to be foreseen. See Answer to Interrogatory No. 1 and Answer to Interrogatory No. 41.

44. Do you contend that the danger from the use by plaintiffs of products containing asbestos was obvious? If so, as to each plaintiff:

(a) State the factual basis for such contention;

(b) Identify all documents relied upon in support of such contention;

(c) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER:

44. See Answer to Interrogatory No. 43.

45. Do you contend that plaintiffs knew, understood and appreciated the danger arising from their contact with asbestos which you mined or distributed or products containing asbestos which you manufactured or distributed? If so, as to each plaintiff:

(a) State the factual basis for such contention;

(b) Identify each document relied upon in support of such contention;

(c) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER:

45. See Answer to Interrogatory No. 43.

46. Do you contend that plaintiffs voluntarily and unreasonably exposed themselves to the danger arising from their contact with asbestos which you mined or distributed or products containing asbestos which you manufactured or distributed? If so, as to each plaintiff:

(a) State the factual basis for such contention;

(b) Identify each document relied upon in support of such contention;

(c) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER:

46. See Answer to Interrogatory No. 43.

47. Do you contend that plaintiffs used any asbestos which you mined or distributed or any products containing asbestos which you manufactured or distributed in other than their usual, customary and expected manner? If so, as to each plaintiff:

(a) State the name and chemical composition of the product claimed to have been used in other than its usual, customary and expected manner;

(b) State in detail the manner in which plaintiffs used said product in other than its usual, customary and expected manner;

(c) Identify each document relied upon in support of such contention;

(d) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER:

47. Lincoln did not mine or distribute asbestos and presently has no specific information on how any particular plaintiff may have used any welding rods manufactured or distributed.

48. With regard to each product identified in answer to Interrogatory 1 or 8, state whether you have ever been named as a defendant in any other civil action, including Workmen's Compensation Actions, filing of Workmen's Compensation consent agreements, or other proceedings, to recover damages for injuries resulting from asbestosis and asbestos related pleural disease received as a result of using that product and, if so, for each proceeding;

(a) State the name and address of each plaintiff;

(b) State the name and address of each co-defendant;

(c) State the date it was filed;

(d) State the name of the Court in which it was filed;

(e) Describe the judgment rendered;

(f) State the date that has been set for trial of any case still pending;

(g) Describe the terms of any settlement reached before or during trial;

(h) State whether any appeal is pending from any judgment that has been rendered;

(i) State the exact nature of the condition alleged in such action to have resulted from the plaintiffs' use of or contact with said product and identify the product involved;

(j) Identify each document which reflects, refers or relates to any information pertaining to that complaint.

ANSWER:

48. Objection as to information requested regarding workmen's compensation actions as such information is completely irrelevant and not calculated to lead to the discovery of admissible evidence. See Answer to Interrogatory No. 1. Without waiving the objection, Lincoln Electric Company has never had a worker's compensation action filed against it to recover damages from injuries resulting from asbestos and asbestos-related pleural disease. The Lincoln Electric Company has been named in a number of asbestos related product liability lawsuits, the facts of which are a matter of public record. Lincoln objects to providing further information on the basis of relevance.

49. With regard to each product identified in answer to Interrogatory 1 or 8, state whether you have ever received a notice of injury to any other person as a consequence of a condition of asbestosis, asbestos-related pleural disease and cancer resulting from the use of that product and, if so:

- (a) State the date it was received;
- (b) State the name and address of injured person;
- (c) Describe in detail the complaint;
- (d) Identify each document which reflects, refers or relates to any information pertaining to that complaint;
- (e) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER:

49. See Interrogatory No. 48.

50. With regard to each product identified in answer to Interrogatory 1 or 8 state whether you have ever been named as a defendant in any other action to recover damages for injuries resulting from cancer including but not limited to mesothelioma received as a result of using that product and, if so:

- (a) State the name and address of each plaintiff;
- (b) State the name and address of each co-defendant;
- (c) State the date it was filed;
- (d) State the name of the court in which it was filed;
- (e) Describe the judgment rendered;
- (f) State the date that has been set for trial of any case still pending;
- (g) Describe the terms of any settlement reached before or during trial;
- (h) State whether any appeal is pending from any judgment that has been rendered.

ANSWER:

50. See Interrogatory No. 48.

51. With respect to the period from 1950 through 1980, state the names, addresses and company title or position of each person who at any time during that period was in charge of the following activities with regard to each of the products identified in answer to Interrogatory 1 or 8:

- (a) Production;
- (b) Marketing;
- (c) Labeling;
- (d) Advertising;
- (e) Product evaluation;
- (f) Research and development;
- (g) Distribution.

ANSWER:

51. (a) Louis Bauman, Manufacturing Superintendent, Senior Vice-President.

(b), (g) Frank Boucher, Vice-President, Sales (deceased). Donald Hastings, Former Vice-President, Sales.

(c) Robert Shutt, Former Vice-President, Electrode Development.

(d) Advertising Department Managers: Alton F. Davis (deceased), Ansley Sawyer, Jean Revelt and Robert Mattoon.

(e), (f) Kenneth L. Brown, Project Research Manager.

(g) See Answer to Interrogatory No. 4.

52. Identify the living parties or persons who are the most knowledgeable about asbestos mined and products containing asbestos sold and/or distributed by you from 1936 to present. Identify all documents which relate to such sales and/or distribution.

ANSWER:

52. See Answer to Interrogatory No. 51.

53. Have you or has anyone on your behalf attended and/or participated in any conference, seminar, lecture or symposium dealing with the hazards of using any product identified in answer to

Interrogatory 1 or 8 or of asbestos in general and, if so, state:

(a) The date and place of such conference, seminar, lecture or symposium;

(b) The person or persons conducting such conference, seminar, lecture or symposium;

(c) The person or persons who attended on your behalf;

(d) The subject matter of such conference, seminar, lecture or symposium;

(e) The speakers and/or moderators at such conference, seminar, lecture or symposium;

(f) Whether any reports or memoranda were made concerning the subject matter of such conference, seminar, lecture or symposium; identifying each such report or memorandum.

ANSWER:

53. As to asbestos - no.

54. Are you familiar with the hearing concerning the dangers of asbestos conducted in March, 1967 before the House of Representatives of the United State Congress Sub-Committee on Labor? If so, identify those persons who are or were associated with you that were familiar with that hearing.

ANSWER:

54. No.

55. State when, if at all, you received knowledge of the following publications or matters discussed therein, who received such knowledge and identify all documents relating to such knowledge:

(a) Fleischer, Viles, Gade and Drinker, "A Health Survey of Pipe-Covering Operations in Construction Naval Vessels," 28 J. Indus. Hyg. 9-16.

(b) Selikoff, et al., "Asbestosis and Neoplasia," 42 Am. J. Med. (1967);

(c) Selikoff, Churg and Hammon, "The Occurrence of Asbestosis Among Industrial Insulation Workers," 132 Ann. New York Acad. Sc. 139 (1965);

(d) "Documentation of the Threshold Limit Values for Substances in Workroom Air," A.C.G.I.H. (3rd 1971);

(e) "Threshold Limit Values for 1961," A.C.G.I.H. (1961);

(f) 1906 report by Dr. H. Montague Murray;

(g) 1934 study by Dr. Anthony J. Lanza, Assistant Medical Director of Metropolitan Life Insurance Company.

ANSWER:

55. Lincoln Electric Company cannot pinpoint if or when any individual in its employ became aware of these publications.

56. Identify each publication contained in your research library, or otherwise in your custody, including but not by way of limitation, your Research and Development Center, all medical journals, industrial medical journals, industrial hygiene journals, technical literature in the area of asbestos mining, manufacture, application and use, and Governmental publications, dealing with occupational diseases arising from the manufacture and use of asbestos containing products. As to all such publications, state the volumes which are in your custody and control, when each such volume was received and the present location of such publications.

ANSWER:

56. Objection. Vague, overbroad, burdensome, Without waiving the objection, this defendant states that it has had general awareness of the professional literature regarding asbestos.

57. As to any threshold limit values published by the American Conference of Governmental Industrial Hygienists, state whether you have brought such information to the attention of those using your products. If you have not done so, state the reasons why you have not done so.

ANSWER:

57. Not as related to asbestos. See Answer to Interrogatory No. 1.

58. Have you been: (a) a member of or (b) affiliated in any manner with or (c) received reports or (d) subscribed for reports or publication to the Industrial Hygiene Foundation of Pittsburgh?

ANSWER:

58. No.

59. With regard to Interrogatory 58, what years did you participate under (a), (b), (c) or (d)?

ANSWER:

59. Not applicable.

60. With regard to Interrogatory 58, do you have any documents obtained from the Industrial Hygiene Foundation? If so:

(a) List all such documents;

(b) Who currently has them in their possession?

(c) When was each received?

(d) State the name of the individuals who received such documents or information contained in such documents.

ANSWER:

60. No.

61. Have you received any reports or documents prepared by Metropolitan Life Insurance Company from 1929 to about 1960, concerning statistical and other studies of asbestos workers for JohnsManville? If so, state:

- (a) The documents received;
- (b) Who received them and when;
- (c) The current location of the documents.

ANSWER:

61. No.

62. State all chemical, industrial, medical or trade associations to which you have belonged since 1936.

ANSWER:

62. National Electrical Manufacturer's Association;
American Industrial Hygiene Association;
American Society for Testing and Materials;
American Ceramic Society;
American Chemical Society;
American Society for Metals;

See Exhibit "E" attached hereto for additional organization membership.

63. With regard to the associations enumerated in the answer to Interrogatory 62, state:

(a) The names of each individual associated with the answering defendant since that date who have had dealings with each said association;

(b) Describe the nature of their dealings with each such association;

(c) State their last known address;

(d) If still employed, their current job and title.

ANSWER:

63. Objection. Overbroad and burdensome as related to past employees. Present employees are David Fink - American Society for Testing and Materials (1986 - Present). National Electrical Manufacturers Association. American Chemical Society. American Society for Metals. American Ceramic Society.

64. Name each corporate officer and/or member of corporate management who attended any meeting and/or conference concerning the health and medical aspects of asbestos and/or the use of products containing asbestos, and for each person identified, state the nature of his participation in each such meeting or conference.

ANSWER:

64. See Answer to Interrogatory No. 16. Lincoln objects to providing any further responses as any effort to do so would be burdensome if not impossible. Lincoln cannot attempt to canvass every corporate officer or manager who may have attended a meeting or conference where asbestos was even generally discussed.

65. State the sources or all products containing asbestos which have been incorporated in any product manufactured by you which have been distributed, sold and/or utilized from 1936 to 1980.

(a) State the names of all individuals associated with the above stated sources who dealt with or handled your account;

(b) Identify any such document which refers, reflects or relates to any information provided in answer to this interrogatory;

(c) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER:

65. None.

66. For each product identified in the answer to interrogatory 1 or 8, which you distributed, identify the source from which you obtained the product.

(a) State the names of all individuals associated with the above stated sources who dealt with or handled your account and specify who handled your account for products distributed to Delaware;

(b) Identify any such documents which refer, reflect or relate to any information provided in answer to this interrogatory.

ANSWER:

66. All such rods were manufactured by this Defendant.

67. State the names of all individuals associated with you who had any dealings with the requisition and/or procurement of asbestos or products containing asbestos as indicated in answer to interrogatories 65 and 66 for each such person:

(a) Identify the nature of his association(s), the locations and the dates of their occurrence;

(b) Identify each document which refers, reflects or relates to any information provided in answer to this interrogatory;

(c) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

57. As to any threshold limit values published by the American Conference of Governmental Industrial Hygienists, state whether you have brought such information to the attention of those using your products. If you have not done so, state the reasons why you have not done so.

ANSWER:

57. Not as related to asbestos. See Answer to Interrogatory No. 1.

58. Have you been: (a) a member of or (b) affiliated in any manner with or (c) received reports or (d) subscribed for reports or publication to the Industrial Hygiene Foundation of Pittsburgh?

ANSWER:

58. No.

59. With regard to Interrogatory 58, what years did you participate under (a), (b), (c) or (d)?

ANSWER:

59. Not applicable.

60. With regard to Interrogatory 58, do you have any documents obtained from the Industrial Hygiene Foundation? If so:

(a) List all such documents;

(b) Who currently has them in their possession?

(c) When was each received?

(d) State the name of the individuals who received such documents or information contained in such documents.

ANSWER:

60. No.

61. Have you received any reports or documents prepared by Metropolitan Life Insurance Company from 1929 to about 1960, concerning statistical and other studies of asbestos workers for JohnsManville? If so, state:

- (a) The documents received;
- (b) Who received them and when;
- (c) The current location of the documents.

ANSWER:

61. No.

62. State all chemical, industrial, medical or trade associations to which you have belonged since 1936.

ANSWER:

62. National Electrical Manufacturer's Association;
American Industrial Hygiene Association;
American Society for Testing and Materials;
American Ceramic Society;
American Chemical Society;
American Society for Metals;

See Exhibit "E" attached hereto for additional organization membership.

63. With regard to the associations enumerated in the answer to Interrogatory 62, state:

(a) The names of each individual associated with the answering defendant since that date who have had dealings with each said association;

(b) Describe the nature of their dealings with each such association;

(c) State their last known address;

(d) If still employed, their current job and title.

ANSWER:

63. Objection. Overbroad and burdensome as related to past employees. Present employees are David Fink - American Society for Testing and Materials (1986 - Present). National Electrical Manufacturers Association. American Chemical Society. American Society for Metals. American Ceramic Society.

64. Name each corporate officer and/or member of corporate management who attended any meeting and/or conference concerning the health and medical aspects of asbestos and/or the use of products containing asbestos, and for each person identified, state the nature of his participation in each such meeting or conference.

ANSWER:

64. See Answer to Interrogatory No. 16. Lincoln objects to providing any further responses as any effort to do so would be burdensome if not impossible. Lincoln cannot attempt to canvass every corporate officer or manager who may have attended a meeting or conference where asbestos was even generally discussed.

65. State the sources or all products containing asbestos which have been incorporated in any product manufactured by you which have been distributed, sold and/or utilized from 1936 to 1980.

(a) State the names of all individuals associated with the above stated sources who dealt with or handled your account;

(b) Identify any such document which refers, reflects or relates to any information provided in answer to this interrogatory;

(c) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER:

65. None.

66. For each product identified in the answer to interrogatory 1 or 8, which you distributed, identify the source from which you obtained the product.

(a) State the names of all individuals associated with the above stated sources who dealt with or handled your account and specify who handled your account for products distributed to Delaware;

(b) Identify any such documents which refer, reflect or relate to any information provided in answer to this interrogatory.

ANSWER:

66. All such rods were manufactured by this Defendant.

67. State the names of all individuals associated with you who had any dealings with the requisition and/or procurement of asbestos or products containing asbestos as indicated in answer to interrogatories 65 and 66 for each such person:

(a) Identify the nature of his association(s), the locations and the dates of their occurrence;

(b) Identify each document which refers, reflects or relates to any information provided in answer to this interrogatory;

(c) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER:

67. Arthur Todd

(a) Director of Purchases, 4/14/41 - Retired in 1987.

(b) None.

(c) Not applicable.

68. State the names of all individuals who dealt with or handled the account with and/or made any sales to the employer of the Plaintiff of asbestos and/or products containing asbestos:

(a) Describe in detail the nature and dates of each association with the said accounts;

(b) Identify each document which refers, reflects or relates to any information provided in answer to this interrogatory.

ANSWER:

68. The Lincoln Electric Company has no knowledge of sales to plaintiff's employers which may have been made by distributors. With respect to direct sales, sales records are kept for seven years and, accordingly, since all cationic fibers were removed from Lincoln Electric Company electrodes as of 1981, records no longer exist reflecting sales of these products.

69. Identify each individual whom you expect to call as an expert witness at the trial of this litigation, and for each person identified:

(a) The subject on which the expert is expected to testify and the substance of the facts and opinions to which he or she is expected to testify and a summary of the grounds for each opinion;

(b) Identify each document referring, relating or containing any such facts and/or opinions and identify each individual having custody of each document identified.

ANSWER:

69. The Lincoln Electric Company reserves the right to call any expert witness designated by any other party to this case, including plaintiffs, and to call any witness for rebuttal purposes. Any treating, examining, or diagnosing physician, diagnostician, scientist, or other health care provider designated or identified by any party, including any treating, examining, diagnosing, or consulting physician or health care provider designated or in any way identified by plaintiffs in answers to interrogatories, depositions, or otherwise may also be called.

As of the date of the filing of this response, plaintiffs have failed to specifically identify Lincoln Electric Company as a manufacturer or distributor of any asbestos-containing product to which plaintiff alleges exposure. Accordingly, the Lincoln Electric Company reserves the right to further supplement this response prior to trial.

In order to provide plaintiff with the identity of specific expert witnesses which may testify at trial on behalf of Lincoln Electric Company, the following identification and information is provided with the understanding that Lincoln Electric Company reserves the right to add additional witnesses and/or substitute any of the below-named witnesses with alternatives who will testify along the lines of the proposed testimony below in the event that any of the individuals named below are not available for trial.

GREGORY J. FINO, M.D.

Dr. Fino is a 1976 graduate of the University of Pittsburgh School of Medicine. He underwent an internship and residency in internal medicine at the University Health Center of Pittsburgh from 1976 to 1979 and completed a two year fellowship in pulmonary medicine at the University Health Center of Pittsburgh in 1982. He is Board Certified in internal medicine and the subspecialty of pulmonary diseases, having received those certifications from the American Board of Internal Medicine in 1979 and 1982 respectively, and is a member of the American Thoracic Society, and a Fellow in the American College of Chest Physicians. Dr. Fino is a certified "B" Reader.

As a regular part of his practice as a member of the firm of South Hills Pulmonary Associated in Pittsburgh, Pennsylvania, Dr. Fino examines and treats patients with occupationally-related pulmonary diseases, including asbestos-related pulmonary diseases. Dr. Fino will testify generally about asbestos-related pulmonary diseases, including causes and effects. Since the plaintiffs have not identified a Lincoln Electric Company product that allegedly caused injuries, it is impossible to determine the exact nature and extend to Dr. Fino's testimony at this time. However, Dr. Fino may address the nature and causation of the plaintiffs' alleged injuries and he may testify concerning the alleged relationship between any products associated with Lincoln Electric Company (welding rods) and any asbestos-related diseases which allegedly resulted from exposure to or use of such products.

Dr. Fino will also testify about his research of the medical literature for any association between asbestos-related lung disease and electric arc welding and will state that based upon his literature search, his education and training, and his experience as a pulmonary physician, with a reasonable degree of medical certainty, electric arc welding does not cause any asbestos-related lung disease, including mesothelioma.

Dr. Fino will base his testimony and opinions on professional education, training, and experience, and on his review of published and unpublished studies and literature relating to asbestos-related diseases, and information about asbestos-containing products including, but not limited to, manufacturer product information, scientific studies, deposition testimony, discovery responses, and medical records. He may further rely upon the entire record in this case, including any evidence produced at trial.

DR. JACK E. PETERSON

Dr. Peterson holds a Ph.D. in industrial health received from the University of Michigan in 1968 and is a self-employed consulting industrial hygienist concerned with the recognition, evaluation, and control of hazards to health or well-being arising in and from work environments. He is Board Certified in the comprehensive practice of industrial hygiene by the American Board of Industrial Hygiene and is a member of the American Industrial Hygiene Association, the American Academy of Industrial Hygiene, the Council of Industrial Hygiene Consultants, and the American Conference of Governmental Industrial Hygienists. He has taught

courses in industrial hygiene at Marquette University, the University of Illinois, and the University of Wisconsin-Parkside.

As part of his overall experience, Dr. Peterson has worked alongside welders and has performed industrial hygiene studies and tests on welders. In particular, in 1984, Dr. Peterson, was the director of a comprehensive baseline industrial hygiene survey of the Ling Beach, California Naval Shipyard where he was personally involved in evaluating exposures throughout the shipyard. Welding was the largest job category evaluated over the six month duration of the survey. He also evaluated welders as part of his employment duties as a Chemical Engineer with the Dow Chemical Company and has been periodically involved with the evaluation of welders since becoming self-employed as noted above in the early 1970's. Further, during the summer of 1951, Dr. Peterson worked as a helper in the electric shop of the Puget Sound Naval Shipyard in Bremerton, Washington where he had occasion to work alongside welders, pipefitters, insulators, and shipfitters and where he became personally knowledgeable about the trade of welding.

Based upon his education, training, and experience, Dr. Peterson will testify about the manufacturing process involved with welding rods and the welding process itself. The manufacturing process involved would completely encapsulate the asbestos fibers so that the use or or other handling of asbestos-containing welding rods would not be a dusty process and would not release respirable asbestos fibers. Further, since the asbestos fibers are bonded with other components of the flux coating material, even if the coating were scraped or chipped off the rod, any resulting particles would be far too large to be inhaled and deposited in the lungs.

During the welding process, an arc is struck between the rod and the base metal that is to be welded. The temperature attained at the arc must be well above the melting point of the base or rod metals and of the coating on the rod. The average temperature of an electric arc struck between a coated welding electrode and a steel or iron surface is approximately 11,000 degrees Fahrenheit. On the other hand, chrysotile asbestos decomposes at approximately 1,600 degrees Fahrenheit. Therefore, the welding of mild steel (the main use for rods having a coating that contained asbestos) is at temperatures well in excess of the melting point of that steel and the heat of the arc completely destroys the asbestos in the coating of the rod. The same is true with respect to the welding scale, which is largely iron oxide. The destruction of asbestos during normal use of the rod is so complete that no asbestos fibers enter the welding fume and, accordingly, welding fume cannot be a cause of asbestosis, pleural disease, or any other asbestos-related disease.

Dr. Peterson is familiar with the medical literature concerning asbestos-related diseases and welding and may testify as to the contents of that literature. In short, reliable authorities indicate that there is no risk of asbestos exposure to welders using asbestos-coated rods since the heat generated by the rods is in excess of the heat necessary to decompose all types of fibers.

Finally, based upon education, training, and experience, Dr. Peterson will testify about the general presence of asbestos in the ambient air, types of asbestos, and asbestos-related illnesses and injuries in general.

Dr. Rodman will testify as a Pathologist and he will base his testimony on his general knowledge, education, training, and experience, as well as on his review of medial records and information concerning the plaintiffs. However, since medical records, tissue slides and blocs, and the like concerning plaintiffs have not been made available to Lincoln Electric Company or its counsel, it is impossible to state with specificity what the nature or extent of Dr. Rodman's testimony may be. Once pertinent materials are made available, this interrogatory will be further supplemented.

DR. THOMAS EAGAR

Dr. Eagar is a Professor of Materials Engineering at Massachusetts Institute of Technology in Cambridge, Massachusetts. He received a B.S. in Metallurgy and Materials Science from MIT in 1972. He then went on to complete the requirements of a Sc.D. Degree in Metallurgy from MIT in 1974. Following his education, he served as a Research Engineer in the welding group at Bethlehem Steel Corporation in Bethlehem, Pennsylvania. Thereafter, he returned to MIT where he served as an Assistant Professor of Materials Engineering. Except for a one year sabbatical in Tokyo, Japan where he studied materials processing and welding, Dr. Eagar has remained at MIT where he now serves as a full Professor and Chairman of a program designed to improve U.S. manufacturing. Dr. Eagar is a member of various professional and learned associations, has received numerous awards, has authored many articles about welding, is the holder of several U.S. patents concerning welding, and has personally performed manual and automatic welding. Since 1974, Dr. Eagar has

In summary, based upon his education, training, and experience, and based on tests and studies conducted, Mr. Brown will testify that with a reasonable degree of professional and scientific certainty, the use of welding rods containing asbestos-containing material, or the fume from such rods, neither cause nor play any role whatsoever in any asbestos-related disorders, including mesothelioma.

NATHANIEL F. RODMAN, M.D.

Dr. Rodman attended the Massachusetts Institute of Technology, graduated with honors in 1947 from Princeton University, and was awarded an M.D. from the University of Pennsylvania School of Medicine in 1951. He served as an intern at Landenau Hospital in Philadelphia from 1951 to 1952 and as a Fellow and Resident in Pathology at the University of North Carolina, Chapel Hill, from 1952 to 1953 and from 1955 to 1958. He has held positions as Instructor, Assistant Professor, and Associate Professor of Pathology at the University of North Carolina, Chapel Hill from 1958 to 1970. From 1970 to July, 1974, Dr. Rodman served as a Professor of Pathology at the University of Iowa, Iowa City. Since 1974, Dr. Rodman has been both a Professor and Chairman of the Department of Pathology at West Virginia University, Morgantown. Since 1959, Dr. Rodman has been certified in Anatomic Pathology by the American Board of Pathology. He is a member of numerous professional and learned societies including the American Association of Pathologists and the Internal Academy of Pathology.

In short, Dr. Peterson will testify that with a reasonable degree of industrial Hygienist/scientific certainty, neither the handling or use of welding rods, nor welding fume created by the welding process, cause or play any role in the development of asbestosis, pleural disease, or any other asbestos-related disease, including mesothelioma.

Dr. Peterson will base his testimony and his opinions on his professional education, training, and experience, on his review of published and unpublished scientific medical and industrial hygiene literature, on his review and familiarity with scientific studies and tests, and on his personal experiences with welders, welding, and the welding process in general. He may further rely on the entire record in this case, including discovery materials, medical records, and evidence produced at trial.

KENNETH L. BROWN

Mr. Brown is Project Research Manager for the Lincoln Electric Company in Euclid, Ohio. He will testify as a fact witness for Lincoln Electric Company as to the company, its products, the composition of its welding rods, the manufacture and distribution of its welding rods, etc. However, he may also testify based upon his education, training, and experience as an expert on the welding process itself. Finally, he may testify concerning scientific tests performed by Lincoln Electric Company relative to welding rod fume.

Mr. Brown received a Bachelor of Science Degree in chemistry from Case Western Reserve University in 1953. He joined Lincoln Electric Company in 1955 after being employed as an organic

chemist for the Union Carbide Corporation from 1953 to 1955. He has held positions with the Lincoln Electric Company as Research Engineer, Project Engineer, Senior Research Engineer, and Project Research Manager and in each of those positions, he has been personally involved with Lincoln Electric Company's welding rods and wire and the electric arc welding processes that employ those products.

Mr. Brown will testify that electric arc welding is a process of joining steel, using the energy of an electric arc to do so. Asbestos-containing material ("cationic fibers") had been used in the past as a component in the formulation of certain Lincoln Electric manual arc welding electrodes. The cationic fiber was first dry mixed with other coating components and then bounded with a silicate (water glass) solution. The coating was then extruded on a metal core wire and dried. In this state, the asbestos fibers were encapsulated in the coating and could not be released into the atmosphere. Based upon his experience at Lincoln Electric Company over the years, Mr. Brown will testify that this type of electrode did not "dust" during shipment, storage, handling, or use. If, however, electrode coating breakage were to occur, any cationic fibers would be tightly encapsulated by the water glass bonding agent. Therefore, welding rods that did have asbestos-containing material in the coating were not capable of causing asbestosis, pleural disease, or any other asbestos-related disease.

During the welding operation, the cationic fibers are destroyed by the heat of the arc. In a 1977 test, welding fume was captured from Fleetweld 5, Fleetweld 5P, and Shieldarc HYP manual

electrodes which were composed of up to 14 percent asbestos-containing material in the flux and were welded at normal operating parameters. The captured welding fumes were sent to the National Spectrographic Laboratories for examination with the Phase Contrast Unitron Microscope at 400x. Mr. Brown received a report from that laboratory in 1977, and it concluded that no asbestos fibers were found in the welding fume. Such report is of the type normally relied upon by chemists and engineers in forming opinions on such matters.

In May, 1987, Mr. Brown had a quantity of laboratory-made old-production design 5/32 inch and 1/4 inch diameter Fleetweld 5 manual electrodes containing 11 and 14 parts of asbestos-containing material produced. These electrodes were welded and the fumes were collected on PVC-5 micron filters. The collected filter sample for 5/32 inch Fleetweld 5 manual electrode was then sent for analysis by (scanning) transmission electron microscopy (TEM). Mr. Brown is personally knowledgeable concerning TEM analysis and he will testify that it is a referee method for establishing the definite presence of asbestos fibers. The TEM report received by Mr. Brown concluded that no asbestos fibers were present in the sample. This type of report is regularly relied upon by chemists and engineers in forming opinions on the presence or absence of any asbestos fibers.

In addition to the TEM analysis referred to above, welding fume from 5/32 inch and 1/4 inch diameter Fleetweld 5 electrodes was examined by Mr. Brown using Lincoln Electric Company's scanning electron microscope (SEM) at 4000 magnification. No asbestos fibers were observed. Copies of scientific test results and materials will be provided upon request.

devoted his professional research endeavors to welding and the welding processes.

Dr. Eagar will testify regarding welding and the welding process. In the most general sense, welding involves the joining of two materials by a process which produces substantially the same properties in the joint as exist in the materials being joined. More specifically, with regard to shielded metal arc welding (SMAW), welding is the fusion of two metals (usually steel) through application of heat. The heat causes melting of the edges of the steel. This liquid metal intermixes and solidifies as the source of heat is removed. The solidified pool is commonly called the weld metal and is the material which produces the joint.

In SMAW, a steel rod is coated with a granular, cement-like material called flux. Together, the rod and the flux are called a welding electrode. The purpose of the flux is to control the chemical composition of the liquid metal during welding by excluding oxygen and nitrogen from the air and by chemically alloying and refining the molten steel.

In arc welding, the electrode is connected to one end of an electrical power supply and the metal to be welded is connected to the other end of the power supply. In SMAW, the bare steel tip of the electrode is touched to the steel to be welded and is drawn away to produce a short gap, a fraction of an inch in length, between the electrode and the metal to be welded. The voltage in the power supply causes an electrical current to bridge this gap. The current heats the air to create a plasma, which emits a very intense light.

This is the welding arc. The temperature of this arc plasma exceeds 11,000 degrees Fahrenheit, which is far in excess of the melting temperature of the most refractory materials. Everything held in contact with this intense plasma melts or vaporizes. The edges of the steel to be joined melt and form a liquid weld pool. The steel tip of the electrode melts as does the flux coating surrounding the steel rod. The liquid steel from the end of the rod and the liquid flux, now called a slag, transfer across the arc from the electrode to the weld pool as liquid drops. The liquid steel drops coalesce with the liquid weld pool to enlarge the weld pool and the liquid slag (formerly flux) floats on top of the liquid metal as a protective covering. As the arc is removed, the weld pool cools and solidifies, usually a glassy layer which is later removed from the weld surface.

Arc welding has been performed for over 100 years. Shielded metal arc welding has been used extensively for more than sixty years, while both gas metal arc welding (GMAW) and flux cored arc welding (FCAW) are more recent developments over the past twenty-five or thirty-five years. Without these processes, much of our way of life would not exist.

Welding and joining is essential to virtually every manufactured product, from miniature computer chips to huge ships. As such, approximately forty percent of our gross national product, or \$2 trillion worth of goods, relies on welding and joining. Steel constitutes ninety-five percent of all metals by volume and is essential to over one-half of our manufactured products. Thus, some \$1 trillion, or twenty percent of our gross national product relies

on our ability to fabricate steel quickly, inexpensively, and reliably. The vast majority of steel that is used is joined by arc welding. SMAW, FCAW and GMAW are the most common methods of arc welding steel.

There is a host of products that are produced less expensively because of arc welding. These include, for example, automobiles, bridges, buildings, pipelines, aircraft and ships. Each of these could be produced without arc welding, but the weight would increase, along with manufacturing costs and maintenance. Failures of non-welded parts would be considerably greater and a large number of lives would be lost as a result of these failures. Arc welding has reduced the cost of and increased the reliability of a large number of products and structures to which we trust our lives on a daily basis. One dramatic example is the space shuttle Challenger, which would not have failed if the joints had been welded. Indeed, one of the corrections suggested after the failure was welding seals.

There are a number of industries, such as gas pipelines, that can show historical improvements in safety as the industry changed from bolted riveted joints to welding. If one were to extrapolate back to former failure rates before welding, one could conclude that many thousands of lives and even larger numbers of serious injuries have been prevented due to our ability to weld structure together.

There is a second class of products which could not even be built without welding. The strength, reliability, and lightweight provided by welding, as compared with other joining processes, permits us to increase the size of many objects. Tall skyscrapers,

long bridges, huge ships, large utility plants for water and electricity could not be constructed without welding. Without welding, the world would not achieve the economics of scale afforded in transportation, utilities, constructions, agriculture, and the like.

There are many technological advances that have produced society as we know it today. Welding is most certainly one such technology which is essential to our modern way of life.

Based upon his education, training, and experience, Dr. Eagar will testify that, with a reasonable degree of scientific and metallurgical certainty, any asbestos fibers contained in the coating of a welding rod are completely consumed by the heat generated and involved in the welding process and are not, therefore, released into the atmosphere during welding. This is based on the fact that asbestos fibers will decompose, melt, and/or dissolve at approximately 1,500 degrees Fahrenheit which is substantially less than the intense heat of the arc. Dr. Eagar will further testify that, based upon his education, training, and experience, and with a reasonable degree of scientific and metallurgical certainty, the encapsulation of asbestos in the manufacturing process involved with coated welding rods results in any particulate matter which might be generated during normal, industrial use and/or handling of the rod being far too large to be respirable. In short, Dr. Eagar will testify that no asbestos fibers are released from the normal, industrial use and/or handling of welding rods which may contain asbestos as a component of the coating of the rods.

WILLIAM G. HUGHSON, M.D.

Dr. Hughson earned his medical degree from the University of Calgary (Canada) in 1973. In 1977, he received a Ph.D. in Epidemiology from Oxford University. He was Board Certified in Internal Medicine by the American College of Physicians in 1979 and again certified in Pulmonary Medicine in 1982. He has served internships and residencies in various hospitals and health care facilities and is a Member and Fellow of numerous medical and professional associations and boards. Currently, Dr. Hughson is an Associate Clinical Professor of Medicine and is the Director of the Occupational Health Center at the University of California, San Diego.

Dr. Hughson may testify as a Pulmonary Physician and/or as an Epidemiologist.

Dr. Hughson's testimony as a Pulmonary physician will be based upon his review of plaintiffs' medical records and other plaintiff specific information. However, since plaintiffs' medical records and information have not yet been made available to Lincoln Electric Company and its counsel, a more specific accounting of Dr. Hughson's Pulmonary Physician testimony is not possible at this time. This interrogatory will be further supplemented if it is determined that Dr. Hughson will testify as a pulmonary physician.

Dr. Hughson may testify as an Epidemiologist about causes, effects, and processes involved in asbestos-related injuries and diseases. He will testify that there is no medical support for an allegation that welding resulted in any asbestos-related diseases, including mesothelioma. He is unaware of any medical literature

indicating that welding rods or the welding process is responsible for asbestosis. Though asbestosis has been described in welder, this has always been caused by exposure to fibers generated by other trades during activities such as insulating pipes and boilers, ship repair, etc. Absent bystander exposure to respirable asbestos fibers released into the welder's environment by these activities, there is no evidence that welding rods per se cause asbestosis in welders. When occupational exposures to asbestos from these sources are considered, there is no evidence that exposure to asbestos-containing welding rods increases the risk of asbestosis or asbestos-related malignancies among welders compared with other trades.

As an epidemiologist reviewing the medical literature to determine whether a causal relationship exists between an occupational exposure and a particular pulmonary disease, Dr. Hughson looks for certain characteristics in the available data. These include the strength and consistency of the relationship between the exposure and the disease, and the specificity of that relationship. He also examines the biological plausibility (coherence) of the relationship, including the presence of dose-response and temporal factors such as the latency period between exposure and disease. During the course of his work as the Director of the UCSD Occupational Health Center, and relying on his expertise as an epidemiologist/physician trained and experienced in Pulmonary Medicine and Occupational Medicine, he has made an extensive review of the medical literature concerning the health effects of asbestos. There is no credible epidemiologic evidence that welding rods cause or contribute to the development of asbestosis or asbestos-related diseases.

Dr. Hughson's testimony will be presented in terms of reasonable medical certainty and will be based upon his knowledge, training, education, and experience.

70. Identify each individual who you have retained or employed or anticipate retaining or employing in any way in preparation of or anticipation of trial in this litigation who is not expected to be called as a witness at trial, and for each such individual:

(a) State the substance of any facts or opinion which he or she has discussed with any agent, employee or representative of the answering defendant, together with a summary of the grounds for each opinion;

(b) Identify each document referring to or containing such facts and/or opinions, and identify each person having custody of each document identified.

ANSWER:

70. Objection. Work product.

71. State the names, last known addresses and telephone numbers of each and every person whom you intend to call as a witness at the trial of this litigation.

(a) State the substance of any facts or opinion which he or she has discussed with any agent, employee or representative of the answering defendant, together with a summary of the grounds for each opinion;

(b) Identify each document referring to or containing such facts and/or opinions, and identify each person having custody of each document identified;

(c) Specify witnesses you intend to use at the trial of this case with respect to the occurrences and/or cause of plaintiffs' illnesses or with respect to the claimed damages or with respect to your liability.

ANSWER:

71. See Answer to Interrogatory No. 69 above. In addition, Lincoln Electric Company reserves the right to call and to introduce evidence, either by way of live testimony or by way of deposition, from any witness, fact, or otherwise.

72. State:

- (a) Whether your corporation is insured;
- (b) If so, the limits of coverage;
- (c) The name of the insurance company;
- (d) Whether this claim has been accepted or whether a letter of intent to deny coverage has been received.

ANSWER:

72. (a) Yes.
- (b) \$2,000,000 primary/\$80,000,000 excess.
- (c) St. Paul Insurance Company.
- (d) Accepted.

73. In whose possession are you and your predecessors' annual reports from 1936 to the present? Produce such reports.

ANSWER:

73. Ellis F. Smolik, Vice-President Finance, Chief Financial Officer, Secretary-Treasurer, The Lincoln Electric Company

Reports available from SEC.

74. Describe in detail your policy with respect to the destruction of records pertaining to each of the products identified in answer to Interrogatory 1:

(a) Identify all documents pertaining to your policy, if any, regarding the destruction of such records;

(b) Identify the person or persons having custody of such policy documents;

(c) Identify the person or persons in charge of destroying records pertaining to each such products;

(d) Identify each document which refers, reflects or relates to any information provided in answer to this interrogatory;

(e) Describe what steps, if any, you have taken since the institution of this action or to other actions involving asbestos to prevent the destruction of any documents relating to asbestos.

ANSWER:

74. Federal and State established destruction schedules. General business records and daily production records are kept for three years. Financial records are kept for seven years. Legal and engineering records are kept indefinitely.

(a) June 20, 1989 and July 6, 1989 intra-office memos between David Fink and Ellis F. Smolik regarding documents retention schedule for Material Safety Data Sheets.

October 14, 1987 intra-office memorandum RE: retention policy for formula cards.

November 4, 1974 intra-office memo regarding retention of records and attaching records retention checklist.

(b) Ellis F. Smolik, Chief Financial Officer.

(c) Mail room and maintenance department personnel together with individuals from departments having records.

(d) See (a) above.

(e) None.

75. State the names of all individuals who aided in the preparation of these answers, and for each such person, state:

(a) Which interrogatories they helped prepare or the particular subject area for which they supplied information;

(b) Their current position with the company;

(c) Their current or last known home and business address and phone numbers.

ANSWER:

75. Guy G. Cline

Kenneth L. Brown

(a) Cline - provided information to answer general/corporate questions.

Brown - provided information to answer technical/asbestos questions.

(b) Cline - Assistant to the Secretary

Brown - Project Research Manager

(c) The Lincoln Electric Company.

76. State all processes used by plaintiff's employer, known to any defendant where asbestos was an ingredient.

ANSWER:

76. Lincoln has no knowledge.

77. State all use of asbestos insulation by plaintiff's employer, known to any defendant:

(b) Identify each document which contains, refers or relates to each such agreement.

ANSWER:

79. Objection. Irrelevant and not calculated to lead admissible evidence.

80. Do you or your attorneys know of any person or persons not listed in the preceding answers having knowledge of facts relevant to the allegations in this lawsuit including witnesses to the accident, injury, illnesses, etc. in question? If yes, please state the names, addresses, home telephone numbers, places of employment, relationship to you, the present whereabouts of all such persons, and which of said persons you intend to produce as witnesses in the trial of this action.

ANSWER:

80. Answering Defendant knows of no such persons other than as disclosed in discovery to date.

81. Do you or your attorneys have any written statements which you have not previously produced in this suit from any persons having knowledge of facts relevant to the subject matter of this lawsuit, including witnesses to the accident, injury, illnesses, etc. in question? If yes, please state the names, addresses, home telephone numbers, places of employment, relationship to you and the present whereabouts of all such persons.

ANSWER:

81. No.

82. State whether you were a member of the Asbestos Information Association (A.I.A.) or in any manner received information or participated in any association's activities.

ANSWER:

82. No.

83. If you answer to any part of Interrogatory 82 is in the affirmative, please state:

(a) The date, times and places of any A.I.A. meetings attended;

(b) The date and time period during which you received any publication of the A.I.A.;

(c) The name, address and telephone number of each and every person who attended such meetings and to whom any such publications were sent;

(d) The nature of the information that was furnished at meetings or in such publications;

(e) Name, address and telephone number of the present or last known custodian of any copies of A.I.A. newsletters, correspondence or publications.

ANSWER:

83. Not applicable.

84. State whether you received a publication known as the "Asbestos Magazine".

ANSWER:

84. No.

85. If your answer to Interrogatory No. 84 is in the affirmative, please state:

(a) The date and time periods during which you received such publication;

(b) The frequency of receipt, e.g., regularly, occasionally, rarely, etc.;

(c) The terms, circumstances or requirements of receipt of such publication, e.g., free, by subscription, distributed at meetings, etc.

(d) Name, address and telephone number of the present or last known custodian of any copies of such magazine.

ANSWER:

85. Not applicable.

86. Does the answering defendant have in its possession any medical records, not previously produced in this case relating to any of the plaintiffs, including, but not limited to, charts, x-rays, physical examination reports, summaries, tape recordings of interviews and any and all other records pertaining to the medical condition of the plaintiffs? If so, plaintiffs request that such records be produced in accordance with Rule 34.

ANSWER:

86. No.

87. With respect to each contention contained in your response to the Complaint, state the following:

(a) Identify which defense it relates to;

(b) Each fact upon which your contention is based;

(c) The names and present or last known addresses and present or last known employer of all persons having knowledge of any of the facts set out in answer to sub-paragraph (b) hereof;

(d) The description or designation of each document which in any way reflects, relates or refers to any of the facts set out in answer to sub-paragraph (b) hereof.

ANSWER:

87. Information requested in this Interrogatory has been provided in prior answers to Interrogatories served upon this company by the plaintiffs. Defenses to the Complaint will be elaborated on as discovery progresses.

88. Other than annual reports produced pursuant to No. 73 above, identify documents which accurately reflect the following information as to the answering defendant for each calendar year since 1940:

(a) Total net worth;

(b) Profits;

(c) Total earnings;

(d) Specific earnings attributed to the manufacture and/or distribution of any products containing asbestos.

ANSWER:

88. Objection. Irrelevant and not calculated to lead to the discovery of admissible evidence.

DATED: 10/11/87


(LORETO P. RUFO
Stoney Batter Office Center
5301 Limestone Road
Suite 225
Wilmington, De 19808

EXHIBIT "A"

LINCOLN MANUAL ELECTRODES CONTAINING CATIONIC FIBER*

ELECTRODE	AWS CLASSIFICATION	DATE FIRST MADE	DATE DISCONTINUED	AVG. AMOUNT (%) IN ELECTRODE
Fleetweld 5	E6010	7/1930	9/1980	1.37
Fleetweld 5P	E6010	3/1955	6/1980	0.50
Fleetweld 6	E6010	2/1936	1939	0.74
Fleetweld 8	E6010	11/1936	8/1942	0.53
Fleetweld 9	E6030	2/1937	12/1939	0.91
Fleetweld 10	E6030	4/1939	10/1945	1.45
Fleetweld 11	E6020	7/1945	9/1958	2.25
Fleetweld 11HT	E7020	9/1945	9/1945	1.23
Fleetweld 51	E6010	1/1951	9/1953	0.55
Frameweld	E6012	6/1972	11/1980	1.15
Wearweld	No Class.	8/1933	8/1980	2.60
Manganweld	No Class.	9/1933	1/1953	1.43
Toolweld A&O	No Class.	7/1947	11/1963	0.98
Chromeweld 4-6	No Class.	7/1936	1/1950	4.28
Shield-Arc HYP	E7010	2/1969	8/1980	0.99
Shield-Arc 65+	E8010	3/1975	4/1980	1.00

LINCOLN MANUAL ELECTRODES CONTAINING CATIONIC FIBER*

ELECTRODE	AWS CLASSIFICATION	DATE FIRST MADE	DATE DISCONTINUED	AVG. AMOUNT (%) IN ELECTRODE
Shield-Arc X70	E8010	6/1973	2/1976	1.03
Shield-Arc 70+	E8010	4/1976	8/1980	0.71
Shield-Arc 85	E7010	4/1934	3/1981	1.78
Shield-Arc 90 (CM)	E8010	7/1954	4/1964	1.49
Shield-Arc 90	E8010	2/1964	4/1969	1.30
Shield-Arc 100	E10010	9/1936	7/1954	1.20

* Cationic Fiber consists of 80% serpentine; 20% chrysotile

Kenneth L. Brown
6/1/88