

IN RE: ALL ASBESTOS-RELATED § IN THE DISTRICT COURTS OF
PERSONAL INJURY OR §
DEATH CASES FILED OR § DALLAS COUNTY, TEXAS
TO BE FILED IN DALLAS §
COUNTY, TEXAS § 160TH JUDICIAL DISTRICT

**DEFENDANT WESTINGHOUSE ELECTRIC
CORPORATION'S ANSWERS TO PLAINTIFFS' MASTER
INTERROGATORIES AND REQUESTS FOR PRODUCTION**

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

COMES NOW Westinghouse Electric Corporation ("Westinghouse"),
by and through its attorneys of record, and files this its
Objections and Responses to Plaintiff's Master Interrogatories,
Amended Master Interrogatories and Requests for Production.

General Objection

Westinghouse is a broadly diversified corporation that currently employs approximately 122,000 people and manufactures in various countries some 7,500 basic products with approximately 300,000 variations of those products. Although Westinghouse is engaged principally in the manufacture, sale and service of equipment and components for the generation, transmission, utilization and control of electricity, its businesses also include a wide range of products and services that are unrelated to electrical manufacturing.

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

Westinghouse's portfolio of businesses and products changes almost continually. Changes occur when Westinghouse develops new products, discontinues old products, acquires other companies or their product lines, or divests itself of subsidiaries or product lines. Changes similarly occur when Westinghouse adds suppliers

to and deletes suppliers from its product lines. Westinghouse has not and does not maintain its business records according to products' asbestos content. Therefore, it is not possible for Westinghouse to answer many of the interrogatories because of the broad categorical manner in which they are framed.

The Plaintiffs' interrogatories are not limited to products alleged by Plaintiffs to have been sold by Westinghouse and to have given off respirable asbestos fibers that were a substantial factor in producing, or the proximate cause of, the alleged asbestos-related illnesses which are the subject of these lawsuits. Moreover, the Plaintiffs have not identified products that allegedly were sold by Westinghouse and that Plaintiffs claim to have been a substantial causative factor in producing their alleged asbestos-related disorders; nor have they sufficiently described the manner in which the plaintiffs used or were exposed to respirable asbestos fibers created from such products. It would therefore be unduly burdensome for Westinghouse to attempt to respond to the Plaintiffs' interrogatories regarding products that bear no relation to the limited product descriptions the Plaintiffs have provided.

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

The Plaintiffs' interrogatories are also objectionable because of their length, repetitiveness and scope. Even excluding subparts, the Plaintiffs have propounded 64 interrogatories. In many, if not most, instances Plaintiffs' questions are beyond the scope of what may be considered reasonable inquiry.

Furthermore, many of Plaintiffs' interrogatories are not limited to a specific time; or where limited in time, the interrogatories seek the discovery of information concerning matters which transpired several decades before any events relevant to these lawsuits. Plaintiffs have merely filed form questions, without regard to the facts or circumstances pertaining to Westinghouse. Westinghouse is not now, nor has it ever been, a miner of asbestos fiber or a manufacturer of thermal insulation products, such as block or cement, and thus, it has never been a member of the "asbestos industry" as that term is commonly used. Therefore, many of Plaintiffs' interrogatories are not applicable to this defendant.

Therefore, Westinghouse objects to each of the interrogatories as unduly broad, burdensome and oppressive, and as demanding an

investigation into matters which are irrelevant and immaterial to these proceedings and which are not reasonably calculated to lead to the discovery of relevant, material or admissible evidence. Westinghouse also objects to these interrogatories to the extent that they seek to elicit information that is protected by the attorney client privilege, the attorney work-product doctrine or as trial preparation material and to the extent that they seek to elicit an expert witness opinion beyond the scope of permissible discovery.

Westinghouse has a history of cooperation with plaintiffs' counsel, Baron & Budd, and has produced substantial discovery consisting of documents, witnesses and answers to interrogatories. the current interrogatories request information redundant of what has already been produced. Accordingly, and in general response to Plaintiffs' master interrogatories and requests for production, please see documents produced to Plaintiffs' counsel, including those documents produced on March 16 and March 17, 1992, in New York, New York at the offices of Amon & Sabatini; and documents produced on March 18, 1992, in Norfolk, Virginia. For answers to many of these interrogatories, plaintiffs should refer to depositions they have taken of Westinghouse corporate representatives: John Morykon on March 19, 1992; John Tabbutt on April 29, 1992; and Wayne Bickerstaff on May 27, 1992.

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

INTERROGATORIES

INTERROGATORY NO. 1: State the name, address, job title, length of time employed by Defendant, and a year-by-year list of all other positions, titles, or jobs held when working for Defendant of each person who has supplied any information used in answering these interrogatories.

ANSWER:

See General Objection. Westinghouse further objects to this interrogatory to the extent it calls for information protected by the attorney/client privilege or attorney work product doctrine. All answers are derived from numerous sources, persons and documents over an extended period. The person signing these responses does so to satisfy the requirement for an officer or employee of the corporation answering the interrogatories to affix his signature. Such

signing person does not necessarily have direct knowledge regarding the matters included in these responses. No single officer, employee or agent of Westinghouse has direct knowledge of each and every answer requested. Westinghouse objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving these objections, for purposes of compliance with Texas Rule of Civil Procedure 168, please refer to the affidavit appended to these responses. The affiant, Daniel Vickovic, Assistant Secretary, has his office at Six Gateway Center, Pittsburgh, Pennsylvania 15222.

INTERROGATORY NO. 2: State whether or not you are a corporation. If so, state your correct corporate name, the state of your incorporation, the address of your principal place of business, the name and address of the person or entity authorized to accept service of process on your behalf, and whether or not you have ever held a Certificate of Authority to do business in the state of Texas.

ANSWER:

Westinghouse is a corporation. Westinghouse Electric Corporation is incorporated in Pennsylvania. The address of its principal place of business is Westinghouse Electric Corporation, Westinghouse Building, Gateway Center, Pittsburgh, Pennsylvania 15222. Westinghouse's agent for service of process is Prentice-Hall Corporate Services, which has various addresses, including Dallas County (sic), Texas. Westinghouse currently holds a certificate of authority to do business in Texas.

INTERROGATORY NO. 3: Has Defendant or any of its predecessor or subsidiary companies at any time engaged in the mining and subsequent sale of material containing asbestos fibers? If so, identify the location of the mine(s), the years of its operation,

the type of asbestos mined and whether you sold any asbestos to any Defendants in the Dallas County (sic) asbestos litigation.

ANSWER:

See General Objection. Westinghouse further objects to responding to this interrogatory for any products not specifically alleged to have significantly contributed to the Plaintiffs' injuries. The grounds for this objection are that this part of the interrogatory is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to the discovery of relevant, material or admissible evidence.

Without waiving its objections, Westinghouse states that it is not and never has been a member of the asbestos mining and bulk insulation industry (commonly referred to as the "asbestos industry"). Westinghouse has never mined or milled asbestos ore or sold raw asbestos products. Further, Westinghouse states that neither its present nor former subsidiaries has ever been a miner or miller of asbestos fibers.

INTERROGATORY NO. 4: Identify by name each product containing asbestos fibers that Defendant or any of its predecessor or subsidiary companies at any time manufactured or sold.

ANSWER:

See General Objection. Westinghouse further objects to responding to this interrogatory for any products not alleged to have contributed to the Plaintiffs' injuries. The grounds for this objection are that this part of the interrogatory is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to the discovery of relevant, material or admissible evidence. Westinghouse does not now and has not ever mined, milled or sold raw asbestos fiber.

Westinghouse is principally engaged in the manufacture, sale and service of equipment and components for the generation, transmission, utilization and control of electricity. Westinghouse did manufacture and sell products, the components of which at some time may have contained asbestos. It is difficult to determine whether any component

of a specific product might have contained asbestos. Generally, any asbestos contained in the component parts of electrical parts was encapsulated in a hard, molded composition material. Westinghouse does not believe that a plaintiff could have been exposed to asbestos fibers as a result of work around such products.

Because of the unlimited scope of this interrogatory, the number of years Westinghouse has been in business, the size of its operations, and the fact that it does not keep records according to asbestos content, this interrogatory is extremely difficult to answer with certainty. Historically, Westinghouse has manufactured and sold equipment and components for the generation, transmission, use and control of electricity. Since its founding in the 1800's, Westinghouse has sold many thousands of different products, with hundreds of thousands of variations of those products. Upon information and belief, the following is a list of the products sold to the public by Westinghouse which at some point in time may have contained some amount of asbestos, without regard to the type or amount of the asbestos ingredient or the potential or lack of potential for the release of loose, respirable asbestos fibers into the air. Further, only certain variations of these products contained asbestos; many other variations contained no asbestos.

- Air conditioners and compressors
- armatures
- brakes for motors, bridge hoists, cranes and
other industrial equipment and linings
- bus ways
- circuit breakers
- condensers
- control rod drive mechanisms
- control items such as relays, contactors, arc
chutes, overhead controls, and switches
- CPL arrester
- CRC test press
- DC contactor
- electronic tubes
- elevators
- escalators
- fans
- flexible laminate
- floodlights, aviation lights and light fixtures
- fluorescent lights
- gaskets in equipment
- generators
- governors
- heat transfer products
- heating coils

high voltage incandescent lamp, 230V
induction heating equipment and systems
JF autostarter
lighting arresters
liquid slip regulator
mercury lamp
mercury vapor rectifier
micarta
molded line traps
molded parts for electrical equipment, including:
 spacer barrier
 mounting or terminal blocks
 electrical insulator sleeve
 plug board
 barrier support
 coil shield
motors (split phase, traction, D.C., fractional
 horse, capacitor - single phase) and internal
 insulating materials
moveable wall panels
network protectors
oxygen analyzer probe assembly
oxygen shield
power reclosures
pumps
range timer
reductor gears
sleeving
SVS arrester
steam & gas turbines and ancillary insulation
switchgears
tape
thermal demand meter
toasters
transducers
transformers
valves
varnish treated paper
welding electrodes
welding machines
wire wound resistor assembly

Upon information and belief, Westinghouse distributed, through Westinghouse Electric Supply Company (WESCO), a Westinghouse division, asbestos-containing products manufactured by Westinghouse and other companies. The following is a list of asbestos-containing products of other companies that were available for sale through WESCO. There may have been other such products, which Westinghouse is unable to identify based upon the generic product information available to it.

American Beauty Heater Cord
Armored Thermostat Cable
Asbestos Insulated Heat-resisting Fixture
Cord, type AF
Asbestos Insulated Wire and Cable
Asbestos Ranger and Rheostat Wire "Rockbestos"
Collyer Asbestos Heater Cord
General Cable Asbestos Insulated Fixture Wire
General Cable Asbestos Insulated Flexible Cord
Heater Cord Type HPD
Rockbestos Asbestos Varnished Cambric Wire
Types ABC and AVP
Rockbestos Asbestos-covered Nickel Cord
Rockbestos AVC Boiler Room Wire and Cable
Rockbestos AVC Switchboard Wire
Rockbestos Heat Resisting Fixture Wire
Rockbestos Power Cable
Rockbestos Stove Wire
Rockbestos Table LH Hotbed or Industrial
Heating Cable
Thermostat Cable

Westinghouse reserves the right to supplement this answer, based in particular upon a review of purchase orders, invoices, or other documents within the possession of plaintiffs' counsel or other parties to this litigation, but which Westinghouse has not yet been provided or had an opportunity to review.

INTERROGATORY NO. 5: Identify by name each product containing asbestos fibers that Defendant or any of its predecessor or subsidiary companies at any time marketed or sold.

ANSWER:

See General Objection and response to Interrogatory No. 4.

INTERROGATORY NO. 6: If the answer to one or more of the last three interrogatories is in the affirmative or lists any products, state as to each named product the following:

- A. As to each product, state whether such product was mined, manufactured, marketed, and/or sold.

- B. The names of the companies mining, manufacturing, marketing, and/or selling each product mined, manufactured, marketed, and/or sold.
- C. The trade or brand name of each of those products mined, manufactured, marketed and/or sold.
- D. The date each of the named products was placed on the market.
- E. A description of the physical (chemical) composition of each of the named products, including the type of asbestos contained in the product and the percentage of asbestos put in each product.
- F. The date each of the products was removed from the market and no longer sold or distributed and the reason or reasons therefor.
- G. The date asbestos was removed from such products, if ever, and the reasons therefor.
- H. A description of the physical appearance of each of the named products.
- I. A detailed description of the intended uses of the named products.
- J. Identify the last year that you sold each asbestos-containing product.

ANSWER:

See General Objection and responses to Interrogatory Nos. 3, 4 and 5. Without waiving these objections, Westinghouse generally began a program to eliminate the use of asbestos in its products around 1973. See deposition of Wayne

Bickerstaff, taken by the plaintiffs in these lawsuits on May 29, 1992.

INTERROGATORY NO. 7: Do any documents, including but not limited to written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the design, preparation, or introduction into the market of the products listed in Interrogatory No. 6 still exist? If so, state:

- A. A description of each such document.
- B. The name, address, and job title of each person who currently has possession of each document, and where the documents are currently located.

ANSWER:

See General Objection and response to Interrogatory No. 6. Without waiving these objections, Westinghouse refers the plaintiffs to the approximate 40 boxes of documents produced in New York, New York on March 17, 1992 and in Norfolk, Virginia on March 18, 1992. In addition, see the respective deposition transcripts, and exhibits attached thereto, of John Morykon, John Tabbutt and Wayne Bickerstaff.

Westinghouse states that it maintains a records' center in Boyers, Pennsylvania which is the repository for documents from 660 different locations within the corporation. There are approximately 220,000 cartons of documents stored at the Boyers' facility, each containing approximately 2,500 pages of documents. There are 160,000 rolls of microfilm, several million microfiche and twenty-five million aperture cards. Blueprints and drawings would be maintained on aperture cards which are filed according to shop order number and not by product or asbestos content. Westinghouse does not maintain its records according to product type or composition.

Westinghouse further states that there is no single length of time its records are retained. The various retention periods for different types of documents are determined by many factors, including: regulations and statutes of governments in various countries; contractual

requirements; types of documents--for example, engineering and design drawings for power generation equipment would be kept longer than invoices for the purchase of component parts for the equipment; litigation requirements; available space; and individual employees' predilections. The various corporate locations also periodically try to purge their files of "dead documents." The WESCO division maintains their invoices and records of sale for two years on site in the files, one year in storage on site and then ships those records to Westinghouse Records Services in Boyers, Pennsylvania. The personnel responsible for determining document retention policy and directing the removal and destruction of records are as numerous as the Westinghouse divisions that store records at Records Services.

If the plaintiffs will specifically identify the product(s) which is/are alleged to have given off airborne asbestos fibers, which were a substantial factor in causing the alleged asbestos-related illnesses which are the subject of these lawsuits, Westinghouse will endeavor to answer this Interrogatory for such product(s) to the extent it reasonably can do so.

INTERROGATORY NO. 8: Before distributing, selling, or placing the products listed in your responses to Interrogatory Nos. 3-6 into the streams of commerce, were any tests conducted to determine potential health hazards involved in the use of, or exposure to, the materials such as asbestos, contained in those products? If the answer is affirmative, state:

- A. The names of the products tested and the date of each test.
- B. The name, address, and job title of each person conducting the tests or involved with conducting the tests.
- C. The results of the tests.

ANSWER:

See General Objection. Westinghouse further objects to this interrogatory in that the phrase "tests . . . to determine potential health hazards [of] materials such as asbestos" could refer to any potential hazard related to the use of any material, quite unrelated to those associated with asbestos. Thus, it seeks information which is irrelevant and immaterial to these proceedings and is not reasonably calculated to lead to the discovery of material or admissible evidence.

Without waiving its objections, see responses to Interrogatory Nos. 3, 6, and 7.

INTERROGATORY NO. 9: Do any documents, including but not limited to written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the testing of the products referred to in Interrogatory No. 6 now exist? If so, state:

- A. A description of each such document.
- B. The name, address, and job title of each person who currently has possession of each document, and where it is presently located.

ANSWER:

See General Objection and responses to Interrogatory Nos. 6, 7, and 8.

INTERROGATORY NO. 10: Did Defendant or any of its predecessor or subsidiary companies make any design changes or modifications as a result of those tests described in responses to Interrogatory No. 8? If the answer is affirmative, state:

- A. The trade names of the products changed.

- B. The nature of the changes made and the date of such changes or modifications.
- C. The name, address, and job title of each person responsible for having caused a change to be made, or having made a change or modification.

ANSWER:

See General Objection and responses to Interrogatory Nos. 8 and 9.

INTERROGATORY NO. 11: After releasing the products listed in Interrogatory No. 6 to the public, were any tests conducted on them to determine potential health hazards resulting from the use of or exposure to the materials, such as asbestos, contained in those products? If the answer is affirmative, state:

- A. The names of the products tested and the dates of such tests.
- B. The name, address, and job title of each person who conducted those tests.
- C. The results of those tests.
- D. Whether, as a result of the tests, any products were removed from the market.
- E. The names of all products removed from the market as a result of these tests.

ANSWER:

See General Objection and responses to Interrogatory Nos. 8 and 9.

INTERROGATORY NO. 12: Do any documents, including written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the potential health hazards of the products listed in Interrogatory No. 6 now exist? If so, state:

- A. The name of each product.
- B. A description of each document and how it relates to each product.
- C. The name, address, and job title of each person who currently has possession of each document, and where it is presently located.

ANSWER:

See General Objection and responses to Interrogatory Nos. 6 and 7.

INTERROGATORY NO. 13: Did Defendant or any of its subsidiary companies make any design changes as a result of the tests discussed in your response to Interrogatories No. 10 or 13? If the answer is affirmative, state:

- A. The names of the products changed or modified.
- B. The name, address, and job title of each person responsible for having made a change or modification.
- C. The nature of the hazard or defect which resulted in such change or modification.

ANSWER:

See General Objection and responses to Interrogatory Nos. 8 and 9.

INTERROGATORY NO. 14: Has Defendant or any of its predecessor or subsidiary companies at any time published or distributed any printed material, including brochures, pamphlets, catalogs, packaging or other written material or any kind or character containing any warnings concerning the possibility of injury resulting from the use of the asbestos-containing products listed in Interrogatory No. 6? If so, state:

- A. The names of each relevant product.
- B. The exact wording of each warning statement on each printed material.
- C. A description of the printed material other than the warning statement.
- D. The method used to distribute the warning to persons likely to use the product.
- E. The date each warning was first issued, distributed, or placed on packaging.
- F. The name, address, and job title of each person responsible for having drafted or issued the warning.
- G. The current location of any such printed material and the custodian thereof.
- H. The form in which such literature or printed material can be accessed, i.e., the manner in which such literature is indexed or stored.

ANSWER:

See General Objection. Westinghouse further objects to responding to this interrogatory as to products not alleged to have contributed to the injuries of the plaintiffs.

Westinghouse also objects to this interrogatory as argumentative to the extent that it implies that Westinghouse was under a duty to notify anyone of the health and safety effects of exposure to its asbestos-containing products or that any products sold by Westinghouse would expose workers to harmful dust levels.

Without waiving its objections, see responses to Interrogatory Nos. 6 and 7. Westinghouse further states that it supplied its employees with cautions or instructions regarding the use of asbestos. The cautions or instructions were located on one or more of the following internal documents: Material Cards, Process Specification forms, or Safe Practice Data Sheets.

A Material Card is an internal document which controls a material or a part which is purchased by brand name, trade name, catalogue number or other standard. Process Specification forms are internal documents which outline the required procedures for given manufacturing processes. Safe Practice Data Sheets were a means of communicating cautions and instructions at the plant level.

The first Safe Practice Data Sheet containing information about asbestos was written in 1953. The earliest date a caution or instruction would have appeared on a Material Card was probably the mid to late 1950's. The same is true of cautions or instructions on Process Specification forms.

Westinghouse also believes that it provided some contractors, as it understands that term, with Westinghouse Material Cards and Process Specification Forms containing cautions or instructions regarding the use of asbestos. Westinghouse is attempting to locate information relevant to this lawsuit regarding these issues. If the plaintiffs will provide meaningful product identification, Westinghouse will make every reasonable effort to obtain this information.

INTERROGATORY NO. 15: Before 1970, had you received notice that any individual or individuals, other than those Plaintiffs who

have filed personal injury actions in Dallas County, Texas, is or are claiming or has or have claimed an injury as a result of using asbestos products manufactured and/or sold by your company or any of its predecessors or subsidiaries before 1970? If so, state:

- A. The name and address of each claimant.
- B. The date of notice of each claim.
- C. A description of the claim.
- D. The type of injuries allegedly sustained.
- E. The name and address of each attorney who represents each individual making a claim.
- F. The style and court number of each claim.
- G. The disposition of each claim that has been settled or taken to judgment.

ANSWER:

See General Objection. Westinghouse further objects to this interrogatory on the grounds that it is overly broad, burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence and seeks information protected by the attorney/client privilege and attorney work product doctrine. Westinghouse also objects to this request as seeking patently irrelevant information not discoverable under any theory and as being posed for the sole purpose of harassing Westinghouse and seeking to further the plaintiffs' counsel's own national agenda.

Without waiving its objections, Westinghouse states that, to the best of its knowledge, it received no such claims prior to 1970. The first workers' compensation case relating to asbestos was filed against Westinghouse in 1976.

Based on presently available information, the following list provides the name of the claimant and the state in which the claim was filed:

Leroy Hassell	-	Pennsylvania
Thomas Johnson	-	Pennsylvania
H. S. Rigley	-	Pennsylvania

B. Emerick	-	Pennsylvania
T. J. Mulcahy	-	Pennsylvania
E. Callahan	-	Pennsylvania
W. Horne	-	Pennsylvania
Lester Rice	-	South Carolina
E. Gautreaux	-	Louisiana
J. Laurendine	-	Louisiana
J. McDermot	-	Louisiana
John Edelman	-	Maryland
William Davis	-	Delaware
Henry Netuzer	-	Maryland
Williard Pease	-	New York
Edward Bradshaw	-	Massachusetts
George Marriott	-	Oregon
Joseph Hinch	-	Nevada
Dave Beasley	-	Georgia
Harold Brown	-	California
John Neal	-	California
Adam Clemont	-	California
Richard Greaves	-	Pennsylvania
Thomas Solverson	-	Pennsylvania
Joseph Harbenski	-	Michigan
Thomas Sullivan	-	Pennsylvania
W. Beadling	-	Pennsylvania
A. Edsall	-	Pennsylvania
A. Philips	-	Pennsylvania
H. D. Steele	-	New York
B. Boyson	-	California
W. Wallace	-	Florida
Harold Brown	-	California
Lynn Peeler	-	Pennsylvania
William Hood	-	Pennsylvania
John Crego	-	state unknown
Clarence Criegee	-	state unknown
Wesley Souder	-	state unknown
Raymond Wentworth	-	
Theodore Hunt	-	
William Thompson	-	
Milton Boyd	-	Tennessee
Billy E. Emerick	-	Pennsylvania
Donald Howard	-	Ohio
Dominic Concilio	-	Connecticut
Foster Trader	-	state unknown
Edward F. Longley	-	Connecticut
John J. Hess	-	Pennsylvania
William T. Spearing	-	California
Nathaniel Thompson	-	New Jersey
Charles Donaldson	-	Tennessee
Michael A. Potenza	-	Connecticut
William J. Quinn	-	Pennsylvania
Edward Cattey	-	Connecticut

Harold Hugo - state unknown
Frank Sambrowski - New Jersey
Joseph O. Kane - New Jersey

INTERROGATORY NO. 16: Were your asbestos products distributed, marketed, packaged, labeled and/or sold by companies other than your own? If the answer is affirmative, list the names and addresses of each of those companies, and the products in question.

ANSWER:

See General Objection. Westinghouse further objects to responding to this interrogatory for any products not alleged to have contributed to the injuries of the plaintiffs.

Without waiving its objections, see responses to Interrogatory Nos. 4 and 6. Westinghouse further states that many of its products were sold to distributors such as WESCO. If the plaintiffs will identify the distributors, Westinghouse will investigate any distribution arrangements it may have had with those entities.

INTERROGATORY NO. 17: Did you or any of your predecessors, successors, or subsidiaries have any distributors or sales representatives of asbestos products in the States of Alabama, Florida, Mississippi, Oregon, Washington, Georgia, Tennessee, Texas, and Virginia? If so, state:

- A. The name and address of each such distributor or sales representatives.
- B. The years in which such company or person distributed, marketed, or sold your products.
- C. What products were distributed, marketed, or sold and in what years.

ANSWER:

See General Objection and response to Interrogatory No. 6. Westinghouse further objects to this Interrogatory to the extent that it seeks information that is beyond Westinghouse's first-hand knowledge.

INTERROGATORY NO. 18: List each employee (including only physicians and/or hygienists) who has acted in a medical advisory capacity to your company at any time during the past 40 years, including, but not limited to, physicians and industrial hygienists, and the current address, telephone number and job title of each of those individuals and who has, had or may have had any knowledge regarding the hazards of asbestos.

ANSWER:

See General Objection. Without waiving its objections, Westinghouse states that it has had a Medical Department concerned with the health of Westinghouse employees during the time period. It has retained plant physicians and nurses in numerous locations over many years. There is no central index identifying such personnel and the other detailed information requested in this interrogatory. Westinghouse first employed a medical director in 1920.

The following persons were or are the principal medical personnel:

T. L. Hazelett, M.D., Corporate Medical Director before 1950 (deceased);

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

E. C. Curtis, M.D.
(1982-1992)
Westinghouse Electric Corporation
Pittsburgh, PA 15222

Westinghouse has had an Industrial Hygiene Department since the early 1930s. A number of industrial hygienists have

been given employment within the department since its inception. Westinghouse is not presently aware of the existence of records that indicate the names of all such employees. However, the following persons are known to have been employed in the Industrial Hygiene Department:

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

Currently the Industrial Hygiene and Corporate Product and Safety departments are within the department of Environmental Affairs. Corporate Medical is located within Corporate Human Resources.

The title "Industrial Hygiene" defines the department's function. The Industrial Hygiene Department's primary role relates to identifying and reducing conditions in the workplace which are hazardous or dangerous to Westinghouse employees or which in some form threaten worker safety. The Medical Department's role is to provide medical services where appropriate to Westinghouse employees. The administrator of medical services advises the corporation on such topics as the layout for plant medical department, the acquisition of medical equipment and the feasibility of placing medical services departments at particular plants.

Westinghouse has had a Safety Department since the 1930's. The title given to the Safety Department has changed over the years. For example, at one time the Safety Department was known as Accident Prevention. Westinghouse employed personnel at various facilities whose primary responsibility was job-site safety. It does not have central records which identify those employees. At the corporate level, the following persons are known to have been employed within the Safety Department:

H. J. Duffus
J. F. Van Namee
W. H. Ziefel
P. Palmieri

Currently the Safety Department is within the department of Environmental Affairs. The title "Safety" defines the department's functions. The Safety Department's primary role relates to identifying and reducing conditions in the workplace which are hazardous or dangerous to Westinghouse employees or which in some form threaten worker safety. Westinghouse has employed safety personnel at various locations and times, some of whom were certified industrial hygienists.

INTERROGATORY NO. 19: Does Defendant have in its possession any books, pamphlets, memoranda, or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings? If so, state:

- A. The name of each such publication.
- B. The date of publication and the names of the author and publisher (if any).
- C. The date received by Defendant, if known.
- D. The name, job title, and address of each person who currently has possession of each publication and its present location.

ANSWER:

See General Objection. Westinghouse further objects to this interrogatory on the grounds that it is subject to various interpretations, the primary one being that it presupposes that Westinghouse is a member of the "asbestos industry" (i.e., an asbestos mining or bulk insulation manufacturing operation).

Without waiving its objections, Westinghouse states that it has not learned that mere exposure to asbestos,

without more constitutes a health hazard. Westinghouse generally has learned that inhalation of certain types and quantities of asbestos fibers over certain periods of time is associated with increased risks of health hazards for some people.

Westinghouse further states that it maintains general reference materials and technical libraries throughout the corporation, which may include various industry periodicals, occupational health and medicine periodicals and other topical reference materials. There is no central indexing system that contains all of the information requested by this interrogatory for all departments within the corporation. Thus, Westinghouse objects to this interrogatory on the grounds that it is unduly broad and burdensome, and that it seeks information which is not reasonably calculated to lead to the discovery of , material or admissible evidence.

Westinghouse has not identified any information which indicates when issues of the Industrial Hygiene Digest were initially received, but states that as a member of the National Safety Council, Industrial Health Foundation and American Industrial Hygiene Foundation, Westinghouse would have received the publications of those organizations routinely distributed to members of those organizations. The information sought regarding these publications should be sought from the organizations themselves and not from Westinghouse.

Westinghouse has agreed to make an inventory of the periodicals housed in its industrial hygiene library available to the plaintiffs in a timely manner.

INTERROGATORY NO. 20: Has Defendant or any of its subsidiary or predecessor companies at any time been a member of any trade organization or association that published or disseminated any documents or information relating to the hazards of asbestos comprised of other manufacturers, miners, marketers, and/or sellers of asbestos products? If so, state:

A. The name and address of each such association or organization.

- B. The dates during which Defendant or any of its subsidiaries or predecessors were members.
- C. The names and dates of any publications, minutes, or reports published, written, or disseminated by any of the named associations or organizations.
- D. Whether any of those publications are still in your possession, and if so:
1. A description of the publications, including the date.
 2. The current location of such publications.
 3. The custodian of such publications.
 4. The method or manner in which such publications are maintained.

ANSWER:

See General Objection. Westinghouse further objects to reviewing its records to identify organizations to which its employees (past or present) may have belonged over the years. Furthermore, there is no central repository of such information. Individual Westinghouse health and safety professional employees have belonged to various professional, trade, industrial and safety, hygiene or health organizations and research foundations or organizations such as the American Industrial Hygiene Association, Health Physics Society, and the Society of Safety Engineers. Westinghouse's records do not include the dates individual memberships were commenced or terminated and who, if anyone, attended meetings.

Westinghouse has never been a member of the asbestos industry as that term is commonly used and, therefore, has not been a member of organizations of the asbestos industry, including The Asbestos Textile Institute; National Insulation Manufacturers Association; National Insulation Contractors Association; National Mineral Wool Association; Asbestos Cement Products Group; Air Hygiene Committee of the Asbestos Textile Institute; Asbestos Information Association; or Quebec Asbestos Mines Association.

Westinghouse currently is or has been a member of:

- (a) National Safety Council (charter member)
- (b) Industrial Health Foundation (1936-1984)
- (c) American Industrial Hygiene Foundation (1978-present).

Westinghouse cannot determine all of the trade and industry associations, groups and organizations of which it has been member. Nevertheless, records reviewed by Westinghouse reveal the following pertinent memberships.

(a) National Electrical Manufacturers Association ("NEMA"), 2101 L Street Northwest, Washington, D.C. NEMA is a trade organization for the electrical manufacturing industry, and includes companies that manufacture equipment used for the generation, transmission, distribution, control and utilization of electrical power. Westinghouse has been a member of NEMA since its inception in 1926. Before that, Westinghouse was a member of a predecessor organization since about 1915.

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

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

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

Without waiving its objections, Westinghouse has agreed to make available a listing of materials housed in its industrial hygiene library.

INTERROGATORY NO. 21: Identify by name and location each plant or manufacturing facility in which the products listed in your answers to Interrogatory Nos. 3-6 were manufactured,

assembled, or prepared for sale or marketing, specifying which plants produced each item, the dates each plant is or was in operation, and the time span during which each named item was produced or manufactured.

ANSWER:

See General Objection and responses to Interrogatory Nos. 3 through 7.

INTERROGATORY NO. 22: Have printed sales materials been prepared by Defendant or any of its subsidiary or predecessor companies or their agents for purposes of marketing or advertising products containing asbestos? If so, state:

- A. The name, address, and job title of each person or entity who prepared such materials.
- B. The name, address, and job title of each person who currently has possession of such materials and their present location.
- C. The date the materials were prepared.
- D. The media used to disseminate the sales materials.

ANSWER:

See General Objection. Westinghouse further objects to responding to this interrogatory for any products not alleged to have contributed to the injuries of the plaintiffs. The grounds for this objection are that this interrogatory is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to the discovery of material or admissible evidence.

In addition, Westinghouse does not maintain its documents on the basis of products or the asbestos content of products. Therefore, Westinghouse would have to review every document maintained from its various divisions to identify the

materials requested by this interrogatory. Consequently, a response to this interrogatory would be burdensome and oppressive and require an unreasonable effort from Westinghouse.

If the plaintiffs will identify those Westinghouse products which they claim emitted respirable asbestos fibers and contributed to their alleged asbestos-related injuries, Westinghouse will make every reasonable effort to answer this interrogatory.

INTERROGATORY NO. 23: Have any written or printed materials or instructions of any kind or character been prepared by Defendant or any of its subsidiary or predecessor companies or their agents indicating how asbestos products should be used and maintained? If so, state:

- A. The name, address, and job title of each person who prepared such materials or instructions or assisted in their preparation.
- B. The name, address and job title of each person who currently has possession of such materials or instructions and their present location.
- C. The dates of distribution or use and the manner in which such materials or instructions were distributed to purchasers of Defendant's products or those of its subsidiaries or predecessors.
- D. The year each such written material or instruction was prepared and disclosed to potential consumers.

ANSWER:

See General Objection and responses to Interrogatory Nos. 6, 7 and 14. Without waiving these objections, Westinghouse refers the plaintiffs to documents devised for internal use

by Westinghouse employees which have been produced to the plaintiffs and about which they have questioned Westinghouse corporate witnesses Bickerstaff and Tabbutt.

INTERROGATORY NO. 24: Does Defendant have insurance policies that might cover the claims made by Plaintiffs in these cases? If so, list the name of each insurance carrier, the amount of initial coverage, amount of coverage remaining at the present time, and the effective dates of each policy. (If properly answered, this Interrogatory need not be supplemented as to the remaining amount of coverage.)

ANSWER:

See General Objection. Westinghouse further objects to this request as irrelevant to the extent that it relates to any lawsuit other than the ones asserted by these plaintiffs. To the extent that it does relate to the instant plaintiffs, Westinghouse states that it cannot determine applicable coverage without some indication of how and what the plaintiffs claim Westinghouse caused their injuries.

Without waiving its objections, Westinghouse states that it is either insured or is self insured and has assets sufficient to respond to any judgment that may be rendered in this action. Westinghouse has and has had in the past numerous policies of insurance, both primary and excess or umbrella policies, covering claims for alleged bodily injury. Coverage under the various policies may depend on the plaintiff's alleged dates of direct exposure, exposure in residence, manifestation, or other pertinent dates.

INTERROGATORY NO. 25: As to the disease asbestosis, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.
- B. How Defendant became aware of the existence of the disease.

- C. Who within the company first discovered, recognized or understood the adverse consequences or effects of the disease and/or of asbestos exposure.
- D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- E. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form.
- F. Who is the custodian of such information.
- G. The date on which you first received knowledge or information that asbestosis was caused by inhalation of asbestos fibers.

ANSWER:

See General Objection. Westinghouse further objects to this Interrogatory because of the argumentative, categorical manner in which it is phrased.

In the instant cases Westinghouse has not been adequately informed to offer any opinions as to causal relationships, if any, between various substances and any diseases that the plaintiffs allegedly have. Provided it were offered specific product identification and specific locations and durations of exposure to asbestos-containing products allegedly manufactured by Westinghouse, the Defendant would defer to the reasoned judgment and opinions of its medical expert witnesses on all such questions of human diseases, their causes, and diagnoses.

Without waiving its objections, Westinghouse states that it has not learned that mere exposure to asbestos, without more, constitutes a health hazard. Westinghouse generally has learned that inhalation of certain types and quantities of asbestos fibers over certain periods of time is associated with increased risk of health hazards for some people. The specifics of exactly how or when Westinghouse personnel acquired such knowledge or awareness is not presently known,

but it is believed to have been at least by the late 1940's. It is probable that such information came from reading government publications or other published written materials in such publications as industrial hygiene journals and medical journals.

INTERROGATORY NO. 26: As to the disease lung cancer, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.
- B. How Defendant or its subsidiary or predecessor became aware of the disease and its relationship to asbestos exposure.
- C. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- E. Whether any such information is still maintained by Defendants or its subsidiaries or predecessors in a written form.
- F. Who is the custodian of such information.
- G. The date on which you first received knowledge or information that lung cancer was caused by inhalation of asbestos dust and fibers.

ANSWER:

See General Objection and response to Interrogatory No. 25.

Without waiving any previous objections, and subject thereto, Westinghouse argues that this Interrogatory No. 26 is argumentative and without foundation to the extent it implies that all levels of asbestos exposure can result in development of pulmonary disorders.

INTERROGATORY NO. 27: As to pleural disease, pleural thickening or pleural plaques, state:

- A. The date on which Defendant or its subsidiary or predecessor learned such disease was caused by inhalation of asbestos fibers by humans.
- B. How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos.
- C. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- E. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in a written form.
- F. Who is the custodian of such information.

ANSWER:

See General Objection and responses to Interrogatory Nos. 25 and 26.

INTERROGATORY NO. 28: As to the disease mesothelioma, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned such disease was caused by inhalation of asbestos fibers by humans.
- B. The date on which Defendant first suspected that mesothelioma was caused by inhalation of asbestos dust and fibers.
- C. How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos.
- D. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- E. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- F. Whether any such information is still maintained by Defendants or its subsidiary or predecessor in a written form.
- G. Who is the custodian of such information.
- H. Whether Defendant agrees that there is no known medical cure for mesothelioma.

ANSWER:

See General Objection and responses to Interrogatory Nos. 25 and 26.

Without waiving any previous objections, and subject thereto, Westinghouse argues that this Interrogatory No. 28

is argumentative and without foundation to the extent it implies that all levels of asbestos exposure can result in development of mesothelioma.

INTERROGATORY NO. 29: As to gastrointestinal cancer, laryngeal cancer, pharyngeal cancer or lymphatic cancer, state:

- A. The type of cancer and the date on which Defendant or its subsidiary or predecessor first learned that such diseases were caused by inhalation of asbestos fibers by humans.
- B. What cancers has the Defendant or its subsidiary or predecessor become aware can be caused by exposure to asbestos fibers?
- C. The date on which Defendant first suspected other cancers were caused by asbestos inhalation.
- D. Who within the company or its subsidiary or predecessor first discovered the adverse consequences or effects of asbestos exposure.
- E. What information was disseminated with Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- F. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in a written form.
- G. Who is the custodian of such information.

ANSWER:

See General Objection and responses to Interrogatory Nos. 25 and 26.

Without waiving any previous objections, and subject thereto, Westinghouse argues that this Interrogatory No. 29 is argumentative and without foundation to the extent it implies that all levels of asbestos exposure can result in the development of various cancers.

INTERROGATORY NO. 30: Does Defendant contend that asbestos products can be manufactured or designed so as to eliminate all potential health hazards to persons working with or exposed to them? If the answer is affirmative, explain in detail, and attach any studies or surveys on which this answer is based.

ANSWER:

See General Objection. Westinghouse objects to responding to this interrogatory as to products not alleged to have contributed to the injuries of the plaintiffs. Westinghouse also objects to this interrogatory on the grounds that it calls for medical and scientific opinions which Westinghouse is not competent to render.

INTERROGATORY NO. 31: Describe in detail the types of packages or packaging which Defendant or any of its subsidiary or predecessor companies used for asbestos material or products, listing the dates each type of package was used, a physical description of each type of package, and providing a description of any printed material or trademarks that appeared thereon.

ANSWER:

See General Objection. Without waiving its objection, Westinghouse states that the products identified in response to Interrogatory No. 4 may have been packaged in a number of different ways.

If the plaintiffs will identify those Westinghouse products which they claim emitted respirable asbestos fibers and contributed to their alleged asbestos-related injuries,

Westinghouse will make every reasonable effort to answer this Interrogatory as to those products.

INTERROGATORY NO. 32: Has Defendant or any of its subsidiary or predecessor companies at any time entered into a "rebranding" agreement with any other company, either as buyer or seller, concerning asbestos materials or asbestos products? If so, state, as to each such agreement:

- A. The name of the company manufacturing the asbestos products.
- B. The trade name affixed to those products.
- C. The periods of time covered by each such agreement.
- D. The volume, in dollar amount, of each transaction.
- E. The initial purchaser of the products.

ANSWER:

See General Objection. Westinghouse objects to responding to this interrogatory for any products not alleged to have contributed to the injuries of the plaintiffs.

Without waiving its objections, Westinghouse states that many of its products were sold to distributors such as WESCO. If the plaintiffs will identify the distributors, Westinghouse will investigate any distribution arrangements it may have had with those entities.

INTERROGATORY NO. 33: List the name and address of each company from which Defendant or its subsidiary or predecessor purchased materials or asbestos products, which Defendant sold or distributed in any form stating the form of the materials, the dates of such purchases, and the ultimate disposal of such materials.

ANSWER:

See General Objection and responses to Interrogatory Nos. 4, 6 and 7.

INTERROGATORY NO. 34: Does Defendant or any of its subsidiaries or predecessors currently have possession of any writings or contracts on those rebranding agreements set forth in the answer to Interrogatory No. 32? If the answer is affirmative, state:

- A. The name, address, and job title of each person having custody of each of those documents and their current location.
- B. A brief description of each such document, including the dates and the parties signatory.

ANSWER:

See General Objection and responses to Interrogatory Nos. 32 and 33.

INTERROGATORY NO. 35: Prior to 1968, did any person file a claim against a Worker's Compensation carrier covering Defendant or any of its subsidiaries or predecessors alleging that he/she contracted a disease from inhaling asbestos fibers? If so, provide:

- A. A list of the claims, including each claimant's name, address and the date each claim was filed, and including the caption and jurisdiction of the claim.
- B. The disease alleged in each such claim.
- C. A brief summary of the disposition of each such claim.

D. The name, address and title of the person having custody of the records pertaining to each such claim.

ANSWER:

See General Objection. Westinghouse further objects to this interrogatory on the ground that it is overly broad (e.g., "inhalation of dust or fibers of any kind", including but not limited to asbestos dust and fibers"), unduly burdensome, and seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to the discovery of relevant, material or admissible evidence. In addition, the attorney client privilege and work product doctrine may be applicable.

Without waiving its objections, see response to Interrogatory No. 15.

INTERROGATORY NO. 36: Did Defendant or any of its subsidiaries or predecessors maintain written minutes of corporate meetings, either board of directors, departmental, or otherwise, which reflect discussions pertaining to any subject matter related to asbestos, asbestos health hazards or asbestos products? If so, for each such set of minutes, state:

- A. The dates of each such meeting.
- B. The general subject matter discussed at each meeting.
- C. Who was in attendance at each meeting.
- D. Where and by whom the written minutes are presently maintained.
- E. By whom the minutes were taken and put into final format.
- F. Whether the minutes were abstracted and reports disseminated to other individuals, and if so, the names and job titles of those individuals.

ANSWER:

See General Objection. Without waiving its objection, Westinghouse states that there are no minutes which are responsive to this interrogatory which are not privileged.

INTERROGATORY NO. 37: Do you or any of your subsidiaries, including foreign business entities, currently manufacture any products containing asbestos? If so, state:

- A. As to each product, whether such product is mined, manufactured, and/or marketed or sold.
- B. The names and addresses of the companies mining, manufacturing, marketing, and/or selling each of those products.
- C. The trade or brand name of each of those products mined, manufactured, marketed, and/or sold.
- D. The date each of the named products was placed on the market.
- E. A description of the physical (chemical) composition of each of the named products, including the type of asbestos contained in the product.
- F. A description of the physical appearance of each product and its packaging.
- G. A detailed description of the intended uses of each of the named products.
- H. Whether there are any warning labels on said products or containers regarding potential asbestos-related health hazards.

ANSWER:

See General Objection and responses to Interrogatory Nos. 4, 6 and 7.

INTERROGATORY NO. 38: State whether you or any of your predecessors and/or subsidiaries maintain, from 1940 through the present or for any portion thereof, copies of invoices, shipping documents, bills of lading, purchase orders, or other documents of a similar nature relating to the mining, manufacture, marketing, sale or distribution of asbestos products. If so, state:

- A. The location of such documents.
- B. The name and address of the custodian of the documents.
- C. The format in which the documents are kept, i.e., hard copy, microfilm, microfiche, etc.
- D. In what form the documents can be accessed, i.e., by state, by product, etc., and if by product, whether kept according to asbestos or non-asbestos.

ANSWER:

See General Objection and response to Interrogatory No. 7.

INTERROGATORY NO. 39: May you call company representatives as witnesses at the trial of any of these cases? If so, list:

- A. The name, address, and job title of each company representative who may be called.
- B. A summary of the testimony expected to be given by each such witness.

C. List any and all previous times that the named witnesses have either given deposition or trial testimony in an asbestos-related case, including the jurisdiction, style of the case, case number, date of testimony, and the name of the attorney taking the deposition for the Plaintiffs in that case.

ANSWER:

Westinghouse objects to Interrogatory No. 39 as being beyond the scope of an interrogatory and to the extent that it invades attorney-client privilege and work product privilege. Westinghouse also objects to this Interrogatory on the ground that it seeks information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Westinghouse may call corporate representatives at trial; however, Westinghouse has not yet made a decision as to the witnesses it will call to testify on its behalf at trial. Westinghouse will be unable to identify such witnesses until Plaintiffs provide specific product identification and details on the nature, location, and duration of their alleged exposure to respirable asbestos fibers allegedly emitted from products allegedly manufactured by Westinghouse.

Without waiving these objections, and subject thereto, Westinghouse states that it may call as witnesses plaintiffs, any co-worker or other person identified in plaintiffs' answers to interrogatories, current or former company employees whose depositions have been taken in asbestos litigation against plaintiffs' employers, and plaintiffs' treating physicians or other health care providers.

Westinghouse also objects to this interrogatory as duplicative of other discovery propounded to Westinghouse and states that it will identify its expert witnesses, as required under Texas rules, at least 30 days prior to trial.

INTERROGATORY NO. 40: Have Defendant or its subsidiaries or predecessors ever acquired through purchase, reorganization, or merger another corporation, company, or business which manufactured, sold, processed, distributed, or contracted or

supplied products containing asbestos? If so, for each such entity, state:

- A. Full and correct name;
- B. Principal place of business;
- C. State of incorporation;
- D. Date of acquisition by Defendant;
- E. Whether or not the business entity was ever authorized to transact business in the State of Texas.

ANSWER:

See General Objection. Westinghouse further objects to this Interrogatory to the extent that it seeks information that is beyond Westinghouse's first-hand knowledge.

Westinghouse also objects to Interrogatory No. 40 on the ground that it seeks patently irrelevant information not discoverable under any theory and as being posed for the sole purpose of harassing Westinghouse and seeking to further the plaintiffs' counsel's own national agenda.

INTERROGATORY NO. 41: Was each of your asbestos products generally expected to reach, or packaged to reach, the consumer or user, without substantial change in the condition in which it was sold? If not, with respect to any such product, explain in what way the Defendant claims its products were altered or substantially changed after sale or distribution and before reaching the user.

ANSWER:

See General Objection and responses to Interrogatory Nos. 4, 6 and 7. Westinghouse reiterates that it is a manufacturer of electrical products and not a member of the "asbestos industry" as such term is commonly used.

INTERROGATORY NO. 42: For each asbestos-containing product identified in response to Interrogatory No. 6, identify all foreseeable users such as insulators, helpers, pipefitters, welders, machinists, plasterers, drywall finishers, carpenters, boilermakers, shipwrights and riggers, etc., of any of Defendant's asbestos-containing products.

ANSWER:

See General Objection. Westinghouse further objects to this Interrogatory as it assumes facts that are not established and calls for legal conclusions.

INTERROGATORY NO. 43: Based upon the material contents of your asbestos-containing products, the method of manufacturing, and the method of application, can such products be generally applied without liberating asbestos fibers into the air?

- A. If there is a different answer concerning different products manufactured, sold, distributed, or used by your company, then specify the different products by precise manufacturer's name and popular name.
- B. If there is a difference in your answer depending on the year or years in which a particular product was used, then specify in detail what year or years you are referring to and the specific products you are referring to and year involved.

ANSWER:

See General Objection. Westinghouse further objects to this Interrogatory on the basis that it calls for an opinion requiring medical or scientific expertise which is not within the possession of Westinghouse.

INTERROGATORY NO. 44: Was it a foreseeable use of your asbestos-containing products that they may have been removed, stripped, or replaced at some time after installation?

ANSWER:

See General Objection. Westinghouse objects to this Interrogatory as it assumes facts that are not established and calls for legal conclusions.

INTERROGATORY NO. 45: Before 1970, did you or your subsidiaries or predecessor(s) ever arrange for any labor inspectors, insurance company inspectors or anyone from your company to go to job sites where your products were being used or installed to make or take dust level counts? If so, state when this procedure started, the purpose of such procedures, and all results of such procedures.

ANSWER:

Westinghouse objects to this interrogatory as argumentative to the extent it implies that Westinghouse was under a duty to make inspections of work sites, or that any products sold by Westinghouse would expose workers to harmful dust levels. Plaintiffs' employer had complete control over the workplace and responsibility for insuring the safety of the workplace. Plaintiffs' employer could adequately train, supervise, and monitor its employees in proper methods to use and handle products used in the workplace, including asbestos-containing products.

In addition, this interrogatory is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to the discovery of material or admissible evidence. As an example, the plaintiffs in the four trial groups scheduled for trial on July 13, 1992, have identified approximately 100 jobsites, some of which are no longer in existence. The investigation necessary to

adequately respond to this interrogatory is oppressive in nature.

Moreover, Westinghouse objects to responding for any products not alleged to have contributed to the plaintiffs' injuries. Although products were sold directly to jobsites, they were also often sold to contractors and Westinghouse would have no knowledge of the actual location where those materials were used.

If the plaintiffs will identify a specific jobsite and those Westinghouse products which they claim emitted respirable asbestos fibers and contributed to their alleged asbestos-related injuries, Westinghouse will make every reasonable effort to respond to this interrogatory.

INTERROGATORY NO. 46: If Defendant performed or had performed any dust level counts, what action, based on the results, did your company take?

ANSWER:

See General Objection and response to Interrogatory No. 45.

INTERROGATORY NO. 47: Has your company or its subsidiaries or predecessor(s) ever conducted or caused to be conducted any studies designed to assist in minimizing or eliminating the inhalation of asbestos dust and fibers by those exposed to the use of your company's products? If so, give the following:

- A. Name of the person or firm conducting such studies;
- B. The date the studies began and the date they were completed;
- C. Any publication or other written dissemination of the results of the studies;

D. The nature of any action to eliminate or minimize the inhalation of asbestos dust fibers.

ANSWER:

See General Objection. Westinghouse further objects to this interrogatory as unduly broad, burdensome and oppressive, and as demanding investigation into matters that are irrelevant and immaterial, and which are not reasonably calculated to lead to the discovery of relevant, material or admissible evidence. Without waiving its objections, Westinghouse is presently unaware of having performed, participated in, or having been the subject of any studies or tests concerning the potential effects of exposure to asbestos dust.

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

INTERROGATORY NO. 48: Does your company have, has it ever had, or have your predecessor(s) or subsidiaries ever had, a Research Department? If so, give the year such Research Department was established, and whether or not such Research Department has operated continuously since being established. State also:

- A. The amount of time and money expended each year on research concerning asbestos or asbestos-containing products?
- B. What percentage of gross sales did your company or its predecessor(s) spend on research concerning the health effects of asbestos?

C. State in detail the purposes, duties, and responsibilities or (sic) such Research Department.

ANSWER:

See General Objection. Westinghouse further objects to this interrogatory as overly broad, vague and ambiguous, inasmuch as the meaning of the term "research department" is unclear and may be subject to various interpretations. Westinghouse also objects on the ground that the Plaintiffs have not identified any products for which Westinghouse can determine who did the relevant research. (See Bickerstaff deposition.) Westinghouse has never been a member of the asbestos industry as that term is commonly used and, therefore, has generally not been involved in the research and development of new asbestos-containing products.

Without waiving its objections, Westinghouse states that its divisions generally have an engineering department, which is responsible for product development. There would be no central record which would identify the employees of those departments.

INTERROGATORY NO. 49: Does your company have, or has it ever had, or have your predecessor(s) or subsidiaries ever had, a Medical Department? If so, state:

- A. The year such Medical Department was established;
- B. Whether or not such Medical Department has operated continuously since being established;
- C. The name of each director, chief, or head of your Medical Department year by year, beginning with the first year you had a Medical Director or Medical Department, and the last known address and phone number of each;
- D. State the duties and responsibilities of such Medical Department.

ANSWER:

See General Objection and response to Interrogatory No. 18.

INTERROGATORY NO. 50: Did your company or its predecessor(s) or subsidiaries ever place any warning directly on any of its asbestos-containing product or on their packaging. If so, identify the product(s) and year said warning was first applied.

ANSWER:

See General Objection. Westinghouse further objects to this interrogatory as argumentative to the extent it implies that Westinghouse was under a duty to provide warnings for its product, or that any products sold by Westinghouse would expose workers to harmful dust levels.

INTERROGATORY NO. 51: Did your company or its predecessor(s) or subsidiaries ever stamp or place the name of the company, its initials, or any identifying logo on any of its asbestos-containing products? If so, please state the name brand names of such products, a description of such stamp or logo and the dates such were placed on the referred products.

ANSWER:

See General Objection and responses to Interrogatory Nos. 4, 6, and 7.

INTERROGATORY NO. 52: Has your company, or your predecessor(s) or subsidiaries, ever devised a research plan to develop, or actually developed or had developed, a product which did not contain asbestos and which could be substituted for one or more of your asbestos-containing products? If so, state the date

that such research plan was begun and when such asbestos-free product was first placed on the market.

ANSWER:

See General Objection. Westinghouse further objects to this Interrogatory as overbroad and unduly burdensome. Westinghouse manufactured thousands of products and, as long as Plaintiffs refuse to identify specific Westinghouse products that they allege caused their injuries, Westinghouse cannot reasonably respond. Westinghouse also objects to this interrogatory on the ground that it seeks patently irrelevant information.

Without waiving its objection, see responses to Interrogatory Nos. 7 and 48.

INTERROGATORY NO. 53: Did your company or its predecessor(s) or subsidiaries ever recall any products containing asbestos from the market or stream of commerce? If so, state:

- A. All details of such recall;
- B. The name of the product recalled, including the reason for the recall and the names and current addresses of those individuals who determined that it should take place;
- C. The dates of recall;
- D. The purpose for the recall.

ANSWER:

See General Objection. Westinghouse further objects to this interrogatory's provisions relating to the "recall [of] any products containing asbestos from the market or stream of commerce["] on the ground that the requirement is overbroad and irrelevant, since an asbestos-containing product theoretically could have been recalled for reasons having nothing to do with asbestos.

Without waiving its objections, see response to Interrogatory No. 6.

INTERROGATORY NO. 54: Before 1970, did you ever manufacture or sell products which did not contain asbestos and which could be substituted for your asbestos-containing products? If so, state the date such asbestos-free products were first placed on the market.

ANSWER:

See General Objection and response to Interrogatory No. 52.

INTERROGATORY NO. 55: Have any products you identified in your response to Interrogatory Nos. 52 and 54 not performed as intended? Please list all such products that have not performed as intended.

ANSWER:

See General Objection and responses to Interrogatory Nos. 52, 53 and 54.

INTERROGATORY NO. 56: Did your company or its predecessor(s) or subsidiaries ever make, order, or arrange for any industrial hygiene surveys regarding asbestos or asbestos-containing dust? If so, give the date of such surveys and state who, or what entity, was responsible for completion of such surveys.

ANSWER:

See General Objection. Westinghouse also objects to Interrogatory No. 56 on the ground that it is not limited to surveys related to asbestos-containing products, much less any such products manufactured by Westinghouse that Plaintiffs' claim caused their injuries.

Without waiving its objections, see responses to Interrogatory Nos. 6, 7, and 47.

INTERROGATORY NO. 57: As to either the threshold limit values or maximum allowable concentrations of both asbestos dust and total dust provided by the American Conference of Governmental Industrial Hygienists, state:

- A. The year in which Defendant or any predecessor(s) or subsidiaries were first advised of such limits or concentrations;
- B. The name of the employee or official of the company receiving such advice;
- C. How Defendant received notice of such limits or concentrations.

ANSWER:

See General Objection. Without waiving its objections, Westinghouse understands that the American Conference of Governmental and Industrial Hygienists (ACGIH) defines threshold limit value-time weighted average (TLV-TWA) as the eight hour time weighted average concentration of a substance to which nearly all workers may be repeatedly exposed (day after day) without adverse effect. Westinghouse was aware of published threshold limit values, or their equivalent, which would have been published at various times by the ACGIH or by OSHA. Westinghouse is unable to state the name of any single employee who received such information. To the best of its knowledge, those threshold limits would have been published as follows:

<u>Year</u>	<u>Threshold Limit Value</u>	<u>Adopting Authority</u>
1946	5 million particles per cubic foot or 30 fibers per CC	ACGIH
1968	2 million particles per cubic foot or 12 fibers per CC	ACGIH listed as "intended change"

1972	5 fibers per CC greater than 5 microns in length	OSHA
1978	Chrysotile: 25 fibers per CC; Amosite: 0.55 fibers per CC; Crocidololite: 0.2 fibers per CC; Tremolite: 2 fibers per CC; Others: 2 fibers per CC	ACGA, Notice of Intended Change Effective 1980
1986	0.25 fibers per CC	OSHA

INTERROGATORY NO. 58: Were the threshold limit values or maximum allowable concentrations inquired about in Interrogatory No. 63 for total dust, and not asbestos dust alone?

ANSWER:

See General Objection. Westinghouse further objects to this Interrogatory in that it refers to an Interrogatory No. 63 which is irrelevant to the subject matter. Concurrently, if the plaintiffs are referring to Amended Master Interrogatory No. 63, then Westinghouse must object because amended Interrogatory No. 63 has nothing to do with dust and threshold limit values.

Without waiving these objections, see response to Interrogatory No. 57.

INTERROGATORY NO. 59: State in detail what tests, if any, Defendant ever made with regard to the quantity, quality, or threshold limit values of asbestos dust or particles to which workers were exposed while using, working with or around, or installing your asbestos-containing products.

ANSWER:

Westinghouse believes that it would have been aware and adhered to established threshold limit values as a measure of good industrial hygiene practices. It is in the process of attempting to locate information regarding its threshold limit values or other exposure limitations for workers or employees at its facilities.

INTERROGATORY NO. 60: Please state the following with respect to each expert witness that you may call during trial of these cases. Please designate with specificity the expert witnesses that you will call, including:

- A. The name, address, and job classification of each such expert witness;
- B. The subject matter on which the expert is expected to testify;
- C. The substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion;
- D. Whether any person identified in subparagraph A. above has provided a report or other documentation to you, and if so, identify each such document or report;
- E. Identify all documents that you have provided to each person identified in response to subparagraph A. above;
- F. Describe in detail the education and work history of, and identify any books, treatises, articles, published and unpublished reports, studies or other scholarly works authored by any individual identified in response to subparagraph A. above. Alternatively, in lieu of said

response, attach a copy of a resume or curriculum vitae and a list of publications to your answers.

ANSWER:

Westinghouse Electric Corporation is a manufacturer of over 7,500 basic electrical products with over 300,000 variations of those products. The Plaintiffs in these cases have made no meaningful identification of what Westinghouse products they allege contained asbestos which contributed to their alleged illnesses. Instead, a few of the Plaintiffs have made vague references to several Westinghouse electrical products. Therefore, it is virtually impossible for Westinghouse to designate its fact or expert witnesses.

In either their Answers to Interrogatories, work histories or depositions, several of the Plaintiffs have referred to wire, cable and turbines as being manufactured by Westinghouse. They have not testified that they believe they were exposed to asbestos from these products. Therefore, with no meaningful product identification, Westinghouse objects to these interrogatories and denies that it has an obligation to respond to them. Nonetheless, in the spirit of discovery, Westinghouse designates the experts listed below. Westinghouse also reserves the right to call as a witness or the right to examine on any material fact, any other expert or lay witnesses designated or called to testify by the Plaintiff or any other party.

Westinghouse designates the following individuals who may be called to testify as experts in any of these cases:

1. Dr. Robert N. Sawyer
P.O. Box 1407
Guilford, Connecticut 06437
203/453-3060

Dr. Sawyer may testify about the background levels of various fiber types found in the working population and the fiber types and exposure levels considered to be substantial in contributing to the causation of asbestos-related disease. He may also testify about applicable governmental standards. He may testify that based upon his review of the record in this case that any exposure to asbestos from a Westinghouse product by the plaintiff was de minimis in nature and below that which would have been required to cause an asbestos-related disease.

2. Dr. Joseph M. Miller
RFD 2
Box 245A
Plymouth, New Hampshire 03264
603/536-3732

Dr. Miller may testify as to the state-of-the-art knowledge concerning the health effects of asbestos exposure among companies engaged in the manufacturing of electrical equipment during the relevant time periods of plaintiffs' employment, specifically as related to any alleged or potential exposure to Westinghouse products. Dr. Miller may testify that the practices, procedures, warnings and products of Westinghouse were state-of-the-art for the relevant time period and that any asbestos-related diseases of the plaintiffs were not caused by any Westinghouse product.

3. John C. Lumsden
ELB Associates
Monitor, Inc.
605 Eastowne Drive
Chapel Hill, North Carolina 27514
919/493-4471

Mr. Lumsden may testify about the size, construction, layout and working environment of facilities such as where the plaintiffs worked. As an industrial hygienist, Mr. Lumsden may testify about the nature of the working environment in such locations. He may testify about his knowledge of the composition and asbestos content, if any, of the products attributable to Westinghouse by the plaintiffs and may testify that any such product did not and could not have contributed to any condition and/or injuries of the plaintiffs.

4. Dr. Stanley B. Fiel
Chief, Pulmonary Disease and Critical Care Section
Medical College of Pennsylvania
3300 Henry Avenue
Philadelphia, Pennsylvania 19129
215/842-6330

Dr. Fiel may testify about his review of the plaintiffs' work history, medical records and the record in these cases. As a specialist in pulmonary medicine, Dr. Fiel may testify regarding the general physiology of the respiratory system, the effects of the inhalation of asbestos dust as applied to the actual symptoms and x-rays relating to the plaintiffs, and his opinion/diagnosis concerning the plaintiffs. He may testify about the meaning and specifics, if any, of the

existence of pleural plaques. He may also testify that the plaintiffs' conditions and/or injuries, if any, could not have been caused by exposure to any product attributable to Westinghouse.

5. Alexander Kusko
Director, FaAA Electrical Corporation
115 Flanders Road
Westborough, Massachusetts 01581
508/366-7177

Mr. Kusko may testify about the size, construction, layout and working environment of power plants such as those where a number of the plaintiffs worked. As an electrical engineer with extensive experience in the construction of power plants, Mr. Kusko may testify about the nature of the working environment in such locations.

6. Dr. John E. Craighead
Box 4081 Champlain Station
Burlington, Vermont 05406
802/863-8733

Dr. Craighead may testify about his review of the plaintiffs' work history, medical records and other record evidence in this case. He may also testify as a general medical witness.

7. Dr. Hans Weill
Tulane Medical Center
1700 Perdido Street
New Orleans, Louisiana 70112
504/588-5265

Dr. Weill may testify about his review of the plaintiffs' medical records, the general physiology of the respiratory system, the effects of the inhalation of asbestos dust as applied to the actual symptoms and x-rays relating to the plaintiffs, and his opinion/diagnosis concerning the plaintiffs. He may testify about the meaning and significance, if any, of pleural plaques.

Westinghouse also reserves the right to call any of the following expert witnesses at trial:

Any witnesses identified, listed or designated as an expert by any other party, whether live or by deposition.

Any treating or examining physician of plaintiffs, whether live or by deposition.

Any physician or medical practitioner who has examined, treated, cared for or conducted and/or analyzed any tests (including, but not limited to, pulmonary function tests) on plaintiffs or a plaintiff's decedent, including, but not limited to, those listed in the medical records available to the parties, whether live or by deposition.

Any physician or medical practitioner who has examined the plaintiffs (or a plaintiff's decedent) radiologically or who has reviewed or analyzed x-rays or other radiological studies of plaintiffs (or a plaintiff's decedent).

Any physician or medical practitioner who has seen, reviewed, studied or examined any records, tissues or fluids of plaintiffs or a plaintiff's decedent.

Custodians of all applicable medical records.

It is customary in this litigation for both plaintiffs' and defendants' counsel to arrange for independent medical examinations of the plaintiffs and/or arrange for review of medical records, x-rays, and pathology as may be appropriate. Westinghouse reserves the right to call any physician or other medical practitioner who has been involved in the examination of the plaintiffs and/or in the review of medical records, pathology or x-rays of plaintiffs or a plaintiff's decedent.

INTERROGATORY NO. 61: Please state in detail the name, present address and present telephone number, along with the experience and qualifications, if applicable, of each and every person, known to Defendant or to Defendant's agents, having knowledge or facts relevant to these cases involving, but not limited to:

- A. identification of asbestos-containing products to which each and every individual Plaintiff, separate and distinct from all other Plaintiffs within the group,

allegedly was exposed or facts disputing the identification of asbestos-containing products in this case.

- B. each and every individual Plaintiff's, separate and distinct from all other Plaintiffs within the group, alleged damages, injuries and/or facts disputing each and every Plaintiff's alleged damages and/or injuries;
- C. the negligence of any person or entity other than Defendant which Defendant contends was a cause of each and every individual Plaintiff's, separate and distinct from all other Plaintiffs within the group, alleged injuries and/or damages;
- D. each of Defendant's defenses enumerated in Defendant's last filed Answer in each of these cases.

ANSWER:

Westinghouse Electric Corporation is a manufacturer of over 7,500 basic electrical products with over 300,000 variations of those products. The Plaintiffs in these cases have given little, if any, identification of what Westinghouse products they allege contained asbestos which contributed to their alleged illnesses. Therefore, it is difficult for Westinghouse to designate its fact or expert witnesses.

We also object to this Interrogatory on the ground that it is Plaintiffs' burden to show that an asbestos-containing product for which Westinghouse is responsible caused Plaintiffs' alleged injury. Plaintiff has produced no meaningful evidence to that effect to Westinghouse. Because the Plaintiffs have not supplied Westinghouse with evidence that asbestos-containing products for which it is responsible caused their injuries, Westinghouse cannot designate witnesses with knowledge of those products.

In either their Answers to Interrogatories, work histories or depositions, several of the Plaintiffs have referred to wire, cable and turbines as being manufactured by Westinghouse. Based on this limited identification, Westinghouse designates the following fact witnesses:

1. John Tabbutt
Westinghouse Electric Corporation
Power Generation Service Division
Radnor Corporate Center
100 Matson Ford Road
Radnor, Pennsylvania 19087
215/971-8670

Mr. Tabbutt may testify about Westinghouse turbines generally, their insulation, maintenance and repair, the conditions during those activities and related issues concerning turbine construction, maintenance, repair and operation. Mr. Tabbutt may also testify regarding Westinghouse's business generally in the power generation and service fields. Mr. Tabbutt may also testify regarding other products alleged in these cases to have been manufactured by Westinghouse, including but not limited to gasket and packing material, insulation cement and boilers. For further information, see deposition transcript of John Tabbutt taken in this litigation, a copy of which is in possession of the plaintiffs.

2. John Morykon
1929 Rosemary Lane
Chesapeake, Virginia 23231
804/488-8505

Mr. Morykon may testify generally regarding construction, components, operation, applications and maintenance of Westinghouse equipment. For further information, see deposition transcript of John Morykon taken in this litigation, a copy of which is in possession of the plaintiffs.

3. James M. Gate
Westinghouse Electric Corporation
Manager, Design Verification Engineering Systems
P.O. Box 3499 (EK-5)
Sunnyvale, California 94088-3499
408/735-2388

Mr. Gate may testify regarding the construction, operation and maintenance of Westinghouse marine power generation and propulsion equipment.

4. William Chester Sparks
5221 Jefferson Circle
Guntersville, Alabama 35976
205/582-2963

Mr. Sparks may testify regarding the sales of Westinghouse equipment and products in Alabama from 1936 to 1978.

5. Charles Reep
3066 Ladovie Place N.E.
Atlanta, Georgia 30345
404/934-4845

Mr. Reep may testify regarding sales and maintenance of Westinghouse power generation equipment in Alabama and Tennessee.

6. Wayne Bickerstaff
Manager, Industrial Hygiene and Materials Transportation
Westinghouse Electric Corporation
Westinghouse Building
11 Stanwix Street
Pittsburgh, Pennsylvania 15222
412/642-3880

Mr. Bickerstaff may testify regarding generally regarding industrial hygiene issues. For further information, see deposition transcript of Wayne Bickerstaff taken in this litigation, a copy of which is in possession of the plaintiffs.

7. James Bromley
2127 Norwood Boulevard
Florence, Alabama 35630
205/764-7104

Plaintiff Thomas Ricketts claimed in his deposition to have worked with Westinghouse automotive gaskets at Paul Saywell garage, and Ricketts identified Mr. Bromley as the "parts man" who ordered all equipment and who would have greater knowledge regarding those products. Bromley will testify that he ordered strictly Chrysler products, including gaskets, and that he never ordered nor received any Westinghouse gaskets.

8. David Baldwin
7611 Patterson Road
Beaufort, South Carolina 29902
803/846-8892

Mr. Baldwin was the General Manager of the Wire Division of Westinghouse Electric Corporation from 1975 to 1987 and will testify that Westinghouse never manufactured asbestos-containing wire or cable. Mr. Baldwin was manager of several divisions and may also testify about other Westinghouse

products which are impossible to identify at this point because of plaintiffs' vague product identification.

9. Neal Cobb
Westinghouse Electric Supply Corporation
1328 Southfield Drive S.E.
Decatur, Alabama 35602
205/350-3133

Mr. Cobb may testify regarding products sold in Alabama by Westinghouse Electric Supply Corporation.

10. The custodian of records of the Tennessee Valley Authority.

Westinghouse also reserves the right to call any other any other person with knowledge of relevant facts designated by any party.

Westinghouse reserves the right to call any co-worker, supervisor, or other person identified by plaintiffs in their work history sheets, answers or supplemental answers to interrogatories, or depositions.

Westinghouse also reserves the right to designate any other person with knowledge of relevant facts subject to further evidence or information which is disclosed by the plaintiffs prior to trial.

INTERROGATORY NO. 62: Please identify documents which will be used at time of trial (Exhibit List, Deposition List), which are relevant to each of Defendant's enumerated defenses in Defendant's last filed Answer.

ANSWER:

See General Objection. Without waiving its objection, Westinghouse states that it has not yet made a decision as to the exhibits that it may rely upon at trial. Westinghouse will comply with the requirements of the Court regarding disclosure of exhibits.

INTERROGATORY NO. 63: Please state when you received a copy of the Fleischer/Drinker Report published in 1945/1946.

ANSWER:

See General Objection and response to Amended Master Interrogatory No. 63.

RESPONSE TO AMENDED MASTER INTERROGATORIES:

INTERROGATORY NO. 63: When, if ever, did Defendant or any of its predecessors-in-interest first receive a copy of the article entitled "A Health Survey of Pipe Covering Operations in Constructing Naval Vessels," published in January, 1946 in the Journal of Industrial Hygiene & Toxicology, and authored by W. Fleischer and P. Drinker, et al ("the Fleischer-Drinker Report")?

- a. Identify the name and position of the employee or officer who received same;
- b. please produce all documents generated by Defendant which discuss or in any way reference the "Fleischer-Drinker" study prior to 1968;
- c. please produce all documents upon which your responses above are based;
- d. please identify the name(s) and address(es) of any person(s) who can verify your above response;
- e. did Defendant ever rely on the Fleischer-Drinker Report in whole or in part as a basis that Defendant's asbestos products could be used in the workplace without risk of asbestos-related health impacts to the consumer and/or bystander;

- f. if so, please produce every document which evidences in any way that Defendant relied on the Fleischer-Drinker Report in whole or in part for the proposition stated in Interrogatory No. 63(a) above;
- g. If your answer to 63(e) is yes, when was the first date Defendant relied on the Fleischer-Drinker report in whole or in part for the proposition stated in 63(e) above?

ANSWER:

See General Objection. Without waiving its objections, Westinghouse states that it maintains general reference materials and technical libraries throughout the corporation, which may include various industry periodicals, occupational health and medicine periodicals and other topical reference materials. There is no central indexing system that contains all of the information requested by this interrogatory for all departments within the corporation.

INTERROGATORY NO. 64: When if ever, did Defendant or any of its predecessors-in-interest first receive a copy of the article entitled "A Study of Asbestos in the Asbestos Textile Industry," published in 1938 in Public Health Bill, No. 241, U.S. Public Health Service and authored by W. C. Dreessen ("the Dreessen Report")?

- a. Identify the name and position of the employee or officer who received same;
- b. please produce all documents generated by Defendant which discuss or in any way reference the "Dreessen" study prior to 1968;
- c. please produce all documents upon which your responses above are based;

- d. please identify the name(s) and address(es) of any person(s) who can verify your above response;
- e. did Defendant ever rely on the Dreessen Report in whole or in part as a basis that Defendant's asbestos products could be used in the workplace without risk of asbestos-related health impacts to the consumer and/or bystander;
- f. if so, please produce every document which evidences in any way that Defendant relied on the Dreessen Report in whole or in part for the proposition stated in Interrogatory No. 63(a) above:
- g. if your answer to 63(e) is yes, when was the first date Defendant relied on the Dreessen report in whole or in part for the proposition stated in 63(e) above?

ANSWER:

See General Objection and response to Interrogatory No. 63.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Please produce a true and correct copy of each photograph of each asbestos-containing product identified in answer to Interrogatory No. 4.

RESPONSE:

See General Objection. Westinghouse further objects to this request because Plaintiffs have failed to specifically allege any products manufactured by Westinghouse that have significantly contributed to their injuries. If and when Plaintiffs specifically identify the product(s) which is/are

alleged to have been sold by Westinghouse and to have given off respirable asbestos fibers that were a substantial contributing factor in causing their alleged asbestos-related illnesses, Westinghouse will make a reasonable effort to respond to this request.

Without waiving these objections, see response to Interrogatory No. 7.

REQUEST FOR PRODUCTION NO. 2: Please produce any diagrams or schematics indicating, stating or detailing the existence of any of your subsidiaries, predecessors, or divisions as defined on Page 1 of these Interrogatories and Request for Production.

RESPONSE:

Westinghouse objects to this request because it exceeds the scope of permissible discovery under the Texas Rules of Civil Procedure. As worded, it is further objectionable because it is not limited in terms of the scope of time covered by the request and accordingly seeks documents and things irrelevant to any matter at issue in this lawsuit and which are not reasonably calculated to lead to the discovery of admissible evidence. Subject to the foregoing objections and without waiving same, Defendant will provide corporate organization diagram as required by the Texas Rules of Civil Procedure when same becomes available.

Respectfully submitted,

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



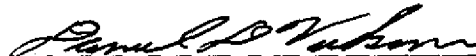
MARK A. HENDRIX
State Bar No. 09460500

Robert E. Thackston
McGUIRE, WOODS, BATTLE & BOOTHE
One James Center
Richmond, Virginia 23219
(804) 775-1000

ATTORNEYS FOR DEFENDANT
WESTINGHOUSE ELECTRIC
CORPORATION

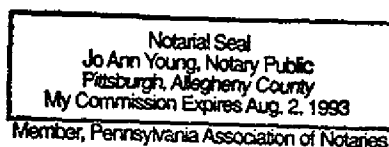
COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF ALLEGHENY)

Before me, the undersigned authority, a Notary Public in and for said Commonwealth and County, personally appeared Daniel D. Vickovic, who, being duly sworn, deposes and says that he is ASSISTANT SECRETARY OF WESTINGHOUSE ELECTRIC CORPORATION, and that he signs the foregoing WESTINGHOUSE ELECTRIC CORPORATION'S ANSWERS TO PLAINTIFFS' MASTER INTERROGATORIES AND REQUESTS FOR PRODUCTION on behalf of that defendant and is duly authorized so to do; that the matters stated in the foregoing document are not necessarily within the personal knowledge of deponent and that deponent is informed that there is no officer of WESTINGHOUSE ELECTRIC CORPORATION who has personal knowledge of all such matters; and that the facts stated in the foregoing document have been assembled by authorized employees and counsel of defendant and deponent is informed by those authorized employees that the facts stated in the foregoing document are true.


Daniel D. Vickovic
Assistant Secretary

SWORN TO and subscribed
before me this 18th day
of June, 1992.


Notary



CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Defendant Westinghouse Electric Corporation's Answers to Plaintiffs' Master Interrogatories and Requests for Production has been forwarded to counsel for Plaintiffs via certified mail return receipt requested and to all other known counsel of record via U.S. Mail, regular delivery, on this the 24th day of June, 1992.


Mark A. Hendrix
ATTORNEYS FOR DEFENDANTS

RIE:7342
U:\W-TX\INTEROG.ANS
June 16, 1992
10:36am