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August 1, 2001

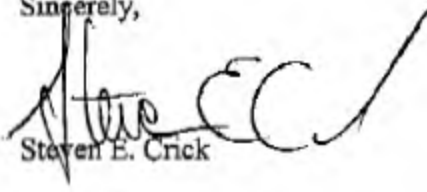
David Egilman, MD, MPH
Clinical Associate Professor Department of Community Health Brown
University
Member Board of Directors Cricare
759 Granite Street
Braintree, Ma 02184

Re: Art Langer

Dear Dr. Egilman:

Enclosed is an affidavit of Arthur Langer offered by Conwed in its litigation with Union Carbide. The affidavit does not, as I incorrectly represented, say that the Calidria contains tremolite. That comes from interrogatory answers of Conwed which state that Langer performed analysis by TEM and found tremolite. I do not have any of the back up materials or Langer's deposition.

Sincerely,


Steven E. Crick

SEC:aes
Enc.

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

CONWED CORPORATION,

Civil Action No. 5-92-88

Plaintiff,

v.

UNION CARBIDE CHEMICALS AND
PLASTICS COMPANY, INC.,

Defendant and
Third-Party Plaintiff,

v.

OWENS-CORNING FIBERGLAS CORPORATION, ET AL.,

Third-Party Defendants.

AFFIDAVIT OF DR. ARTHUR M. LANGER

STATE OF NEW YORK)
) ss.
COUNTY OF WESTCHESTER)

Dr. Arthur M. Langer, being duly sworn upon oath, states as follows:

1. I am a mineralogist with a concentration and specialty in asbestos mineralogy.

Over the past 35-years I have focused my research on the biological effects of mineral dust, especially asbestos, and have published many of these studies in medical and biological journals. See my publications in my attached curriculum vitae, Exhibit 1.

2. I am the Deputy Executive Officer of the Ph.D. Program in Earth and Environmental Sciences at the Graduate School and University Center of the City University of New York and I also serve as Director-Environmental Sciences Laboratory located on the Brooklyn College campus of the City University of New York.
3. A copy of my curriculum vitae, containing a list of my former appointments and positions in the Mount Sinai School of Medicine, is attached hereto as Exhibit 1.
4. I have been retained by Conwed Corporation as an expert witness in the above matter and will testify, among other things, specifically about Union Carbide's marketed asbestos, trade name Calidria, mined and extracted from the serpentine ore body near the towns of Coalinga and New Idria, California.
5. My deposition was taken by Trevor Will, counsel for defendant Union Carbide Chemicals and Plastic, Inc. on four occasions on 01/14/94, 05/25/94, 09/16/98, and 11/19/98. The deposition transcript totaled 712 pages and included 21 exhibits. At that deposition, my opinions in this matter, together with the bases therefore, were fully explored.
6. One of the matters upon which I expect to testify at trial is the amount of asbestos used at Conwed's Cloquet, Minnesota ceiling tile plant. I have reviewed all available records of asbestos purchases to that plant and have quantified the amount of asbestos used in the plant on the attached bar graph, Exhibit 2. The darker colored bar on that exhibit shows shipments of the Union Carbide Calidria chrysotile asbestos product from Union Carbide's mine in King City, California to Conwed's plant in Cloquet, Minnesota.

7. I also expect to testify at trial concerning the exposure of Conwed workers in the Cloquet ceiling tile plant to airborne asbestos dust generated by use of the Union Carbide Calidria chrysotile asbestos in the plant. My opinion as to the amount of such airborne asbestos dust is based upon, among other things, the following information; the physical, chemical, morphological, and electrical charge characteristics of Union Carbide Calidria chrysotile asbestos, the size, and size distribution, of the Calidria chrysotile asbestos fibers, experimental data carried on in my own laboratory concerning airborne asbestos fiber concentrations from Union Carbide Calidria chrysotile asbestos, similar tests carried out by Union Carbide at its research laboratory in Niagara Falls, New York concerning airborne fiber concentrations of Union Carbide Calidria chrysotile asbestos, and a thorough review of the extensive airborne Calidria asbestos dust monitoring conducted by Union Carbide at its Calidria asbestos customers' locations, including Conwed, over a period of many years, which data has been collected and provided by Union Carbide through discovery in this matter.
8. Based upon these data, it is my opinion that airborne asbestos fibers, also known as a fiber aerosol, within the Conwed plant, during production use of Union Carbide Calidria chrysotile asbestos, from 1965 to 1974, probably resulted in substantial and significant asbestos exposure to the Conwed workers.
9. In summary, the data supporting this conclusion, described above, includes the following:
10. Union Carbide's own airborne asbestos airborne dust simulation study conducted in its research laboratory at Niagara Falls, New York, which shows an airborne

asbestos dust level ranging from 12.9 fibers greater than 5 microns in length per cubic centimeter (f/cc) of air to 43.4 f/cc of air.

11. Dust measurements during the bagging operations at Union Carbide's mill in King City, California reveal an airborne asbestos fiber level greater than 5 microns in length ranging from 3.3 f/cc of air to 9.6 f/cc of air, with high exposures to 23.7 f/cc of air.
12. A study of Union Carbide Calidria chrysotile asbestos in my laboratory at the Environmental Sciences laboratory in New York showed an airborne asbestos fiber level of 26.5 f/cc of air of fibers greater than 5 microns in length when analyzed by phase contrast (light optical) microscopy and 83.8 f/cc of air when analyzed by transmission electron microscopy.
13. The only measurements taken by Union Carbide at Conwed's ceiling tile plant in Cloquet, Minnesota were conducted by Union Carbide personnel in August, 1972, by optical light microscopy, and showed an average airborne asbestos fiber level of 1.9 f/cc of air, greater than 5 microns in length, with a high of 5.5 f/cc of air, on personnel samples taken.
14. In contrast, Union Carbide has taken hundreds of airborne asbestos fiber measurements at other Union Carbide customers' plants, on the same or similar manufacturing operations, which are more representative of average airborne fiber levels over time. In contrast to the 15 samples Union Carbide took in Cloquet, I have carefully examined 479 measurements taken by Union Carbide personnel, with the same optical microscopy techniques they used at Conwed's plant, over the time period from 1972 to 1985. A representative sample of those

measurements, in operations the same or similar to those employed by workers in Conwed's plant, from 1971 to 1976, is as follows (given as fibers greater than 5 microns in length):

**AIR LEVELS MEASURED IN SOME INDUSTRIES USING
CALIDRIA CHRYSOTILE FIBER 1971-1976**

<u>Activity</u>	<u>Average f/cc of air</u>	<u>Highest Value</u>
Boxcar Loading and Unloading	4.7	9.6
Dumping Bags of Pellets	12.5	31.4
Dumping Bags of Pellets	31.4	69.6
Industrial Process	12.9	26.1
Cutting, Trimming of Product	13.2	18.0
Personal (Employees)	18.0	44.5
Environment in Plant	2.8	22.2

15. In comparison, the Occupational Safety and Health Administration (OSHA) adopted its airborne asbestos fiber standard which applied to workplaces, in 1972. That standard, which applies to Union Carbide Calidria chrysotile asbestos, and its permissible exposure levels in the workplace, is as follows:

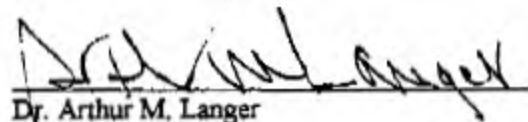
<u>Years</u>	<u>Permissible Exposure Level</u> <u>Asbestos Fibers Greater Than 5 Microns in Length</u>	
1972-1976	OSHA Workplace Asbestos Standard	5.0 f/cc of air
1976-1986	OSHA Workplace Asbestos Standard	2.0 f/cc of air
1986-1992	OSHA Workplace Asbestos Standard	0.2 f/cc of air
1992-2000	OSHA Workplace Asbestos Standard	0.1 f/cc of air

16. By way of comparison, historical levels of airborne asbestos fiber found in U.S. cities, based partly upon my own research, is less than 0.0001 f/cc of air, historical levels found in the air in U.S. buildings, containing asbestos-containing materials, is 0.0005 f/cc of air, and the U.S Environmental Protection Agency (EPA)

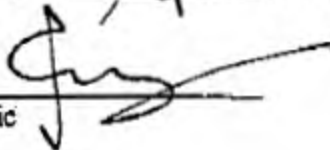
contractor release level (the permissible level of asbestos in the air following an asbestos abatement in buildings), is 0.005 f/cc of air.

17. Based upon these data, and other data as described more fully in my deposition taken in this case, I will testify at trial that the workers in Conwed's Cloquet, Minnesota ceiling tile plant were exposed to substantial and significant amounts of Union Carbide Calidria asbestos throughout the years the Union Carbide Calidria asbestos was used in that plant from 1965 to 1974.
18. Union Carbide Calidria chrysotile asbestos is neither a safe nor benign asbestos type, as Union Carbide appears to contend in its motion. A substantial body of research, as described in my deposition, indicates it is not only harmful, it may be more harmful than chrysotile mined at other geological locales. Attached as Exhibit 3, is a copy of a paper entitled *Cytotoxicity of a Short-Fiber Chrysotile Asbestos for Human Alveolar Macrophages: Preliminary Observations*, of which I was an author, published in the peer reviewed scientific literature, which describes more severe effects from Union Carbide Calidria chrysotile asbestos on live human lung macrophage cell cultures, than produced by other asbestos types.

FURTHER YOUR AFFIANT SAYETH NOT.


Dr. Arthur M. Langer

Subscribed and sworn to before me
this 25th day of Sep, 2000.


Notary Public

TEJINDER SINGH
NOTARY PUBLIC, STATE OF N.Y.
#0154736189, Exp. 12/31/2000
Qualified in Westchester County

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: ASBESTOS PRODUCTS LIABILITY
LITIGATION (NO. VI)

This Document Relates To:

CIVIL ACTION NO. MDL 875

CONWED CORPORATION,

Plaintiff,

v.

UNION CARBIDE CHEMICALS AND
PLASTICS COMPANY, INC.,

Defendant and
Third-Party Plaintiff,

v.

OWENS-CORNING FIBERGLAS
CORPORATION, ET AL.

Third-Party Defendants.

Civil Action No. 5-92-88

**PLAINTIFF CONWED CORPORATION'S ANSWERS AND RESPONSES
TO UNION CARBIDE CORPORATION'S FOURTH
SET OF DISCOVERY REQUESTS**

Plaintiff Conwed Corporation and for its Answers and Responses to the Fourth Set of
Discovery Requests of Defendant and Third-Party Plaintiff Union Carbide Chemicals and Plastic
Company, Inc. ("Union Carbide") states as follows:

- c. This document was obtained during the course of discovery in *Manisto v. American Brake Block Corporation, et al.*
- d. Unknown, investigation is continuing by Conwed's Counsel.
- e. Unknown, investigation is continuing by Conwed's Counsel.
- f. This document was obtained during the course of discovery in *Manisto v. American Brake Block Corporation, et al.*

INTERROGATORY NO. 5: Did Conwed do any testing to determine whether the asbestos in its ceiling tile caused any health hazard to users, handlers, installers, maintenance personnel, occupants of buildings, or others who might come in contact with the product after it left the Cloquet Plant? If your answers is other then an unequivocal "no", then do the following:

- a. Describe the testing that was done.
- b. State the date when it was done.
- c. Identify the person or entity doing the testing.
- d. Identify all reports, letters, notes, summaries or other documents referring to or describing the tests, the results or the conclusions to be drawn.

ANSWER

Please see Preliminary Statement and General Objections. Without waiving above stated objections, Conwed states: See Attached Exhibit "A."

INTERROGATORY NO. 6: Did Conwed ever place any warnings concerning asbestos on any of its asbestos-containing products? If your answer is other than an unequivocal "no", then do the following:

- a. State the test of each warning which was used.

- b. State the dates when each warning was placed on product.
- c. Describe the physical appearance of the warning, including where it was placed on the product or packaging, the size of the text, the color of the printing or lettering, any designs or graphics used, etc.
- d. Identify all documents that refer to, relate to, describe or discuss each warning.

ANSWER

Please see Preliminary Statement and General Objections. With out waiving above stated objections, Conwed states: No.

INTERROGATORY NO. 7: Did Conwed ever discuss or consider placing a warning on its asbestos-containing products? If your answer is other than an unequivocal "no", then do the following:

- a. Identify the people who participated in the discussion or consideration.
- b. State the dates of all such discussion or consideration.
- c. Identify who ultimately made the decision whether to use warnings on the products.
- d. Identify all documents which refer to, relate to or contain the discussions or consideration of placing a warning on products, or any reasons to do so or not to do so, or the decision of whether to do so.

ANSWER

Please see Preliminary Statement and General Objections. With out waiving above stated objections, Conwed states: No.

INTERROGATORY NO. 8: Have Dr. Harber's projections of Conwed's workers compensation liability costs been provided to either Leucadia, Inc. or Leucadia National Corporation? If your answer is other than an unequivocal "no", state the following:

- a. The date on which those calculations were so provided.
- b. Identify the person to whom they were provided.
- c. Identify any document that was provided to explain, describe, interpret, or otherwise provide information about Dr. Harber's projections.

ANSWER

This Interrogatory is objected to as requesting information that is privileged, proprietary, confidential, subject to attorney-client privilege and calling for attorney work product and documents prepared in anticipation of litigation.

INTERROGATORY NO. 9: Has either Leucadia, Inc. or Leucadia National Corporation included Dr. Harber's projections in any public statement or filing concerning its financial condition and/or the financial condition of Conwed? If not, state why not. If so, provide the following information

- a. The date of all such statements which include Dr. Harber's projections.
- b. Identify all documents which include the projections.

ANSWER

Objection. With respect to documents prepared by Leucadia, Inc., Leucadia National Corporation, Coopers & Lybrand, or any acting on their behalf, such documents are by companies other than Conwed Corporation. With respect to documents prepared by those companies or by Conwed Corporation, Conwed objects to production of those documents on the grounds that they are privileged, proprietary, confidential.

Conwed further objects to production of all documents sought in this Request on the grounds of attorney-client privilege and calling for attorney work product and documents prepared in anticipation of litigation

INTERROGATORY NO. 10: Identify the individual who is now responsible for determining whether Conwed should settle workers compensation claims, and if so, how much settlement authority should be given to Conwed's lawyers to try to achieve that settlement.

ANSWER

This Interrogatory is objected to as subject to attorney-client privilege. Without waiving said objection, Conwed states: Lowell Anderson, President and Robert Yaeger, Attorney.

INTERROGATORY NO. 11: Did the case cost averages given to Dr. Harber for use in projecting of Conwed's future worker's compensation costs contain any deduction for payments to Conwed from Minnesota's Special Compensation Fund? If so, explain how that deduction was calculated, and for each category of case for which a Special Compensation Fund payment could be made, state what the average cost was before taking the deduction for the Special Compensation Fund payment, and what the average cost was after subtracting the Special Compensation Fund payment.

ANSWER

No.

INTERROGATORY NO. 12: Provide the formula (including the different ingredients, and their percentage in the product) for all Tufflex products, and all other fiber padding products manufactured by Conwed at the Cloquet Plant, and state the years each such product was manufactured.

ANSWER

Please see Preliminary Statement and General Objections. With out waiving above stated objections, Conwed provides the following formulation and information:

80% Paper printed bleach board
10-11% Food grade Starch
< 5% Dearthide (in early years used pentachlorophenol)
< 5% Monoammonium phosphate

Manufacture of Tufflex began during World War II, approximately 1942, and continued at the Cloquet Plant until the plant closing in 1985.

INTERROGATORY NO. 13: Did Conwed ever tell Union Carbide what Conwed knew about the potential health hazards of asbestos? If your answer is other than an unequivocal "no", then provide the following information:

- a. What Conwed told or communicated to Union Carbide.
- b. The date on which it was communicated.
- c. Identify the person at Conwed who communicated the information.
- d. Identify the person at Union Carbide to whom the information was communicated.
- e. Describe what response, if any, was received from Union Carbide to this information:
- f. Identify all documents which refer, relate to, or contain the information Conwed provided to Union Carbide, or Union Carbide's response.

ANSWER

Please see Preliminary Statement and General Objections. With out waiving any above stated objections, Conwed states: Unknown.

REQUEST TO ADMIT NO. 1: No one who was or is employed at the King City Mine or Mill has an asbestos-related disease or condition.

RESPONSE

Deny.

REQUEST TO ADMIT NO. 2: You do not have any information that any person who was or is employed at the King City Mine or Mill has an asbestos-related disease or condition.

RESPONSE

Deny.

INTERROGATORY NO. 14: If your response to either Request to Admit No. 1 or Request to Admit No. 2 was anything other than an unqualified admission, then provide the following information:

- a. The name of the person whom you believe has an asbestos-related disease or condition.
- b. The specific asbestos-related disease or condition you contend that person has.
- c. The date that condition was diagnosed or detected.
- d. Identify the person diagnosing or detecting that disease or condition.
- e. Identify all documents upon which you rely to establish that the person has been diagnosed with, or in fact has, an asbestos-related disease or condition.
- f. Identify all expert witnesses whom you intend to have testify that the person has an asbestos-related disease or condition.

ANSWER

- a. Albert A. Andrade
Trinidad Cruz
Larry DeLeon
Isabel G. Flores, Sr.

John F. Godinho (aka Joao, aka Joel)
George F. Larson
Fred H. Lawson
Segifredo S. Olivas
Edward J. Sinclair
Leo A. Trevino
Hector Venegas
Milton Kemper West
Paul R. Whitlock

- b. See Medical Records and Employment Records furnished by Union Carbide in this action and in *Board of Education of the City of Chicago, et al v. ACandS, Inc., et al.*
- c. See Medical Records and Employment Records furnished by Union Carbide in this action and in *Board of Education of the City of Chicago, et al v. ACandS, Inc., et al.*
- d. See Medical Records and Employment Records furnished by Union Carbide in this action and in *Board of Education of the City of Chicago, et al v. ACandS, Inc., et al.*
- e. See Medical Records and Employment Records furnished by Union Carbide in this action and in *Board of Education of the City of Chicago, et al v. ACandS, Inc., et al.*
- f. See Medical Records and Employment Records furnished by Union Carbide in this action and in *Board of Education of the City of Chicago, et al v. ACandS, Inc., et al.*

INTERROGATORY NO. 15: Do you contend that there is any person not identified in your response to Interrogatory No. 14, whose only occupational exposure to asbestos was to chrysotile from the New Idria region, who has an asbestos-related disease or condition? If so, provide the following information:

- a. The name, address and telephone number of that individual.
- b. The asbestos-related disease or condition you contend that person has.
- c. The date that disease or condition was diagnosed or detected.
- d. Identify the person who diagnosed or detected that disease or condition.
- e. Identify all documents upon which you rely to establish the person has that disease or condition.

- f. Identify any witness upon whose testimony you will rely to establish that this person has an asbestos-related disease or condition.

ANSWER

Unknown. Counsel for Conwed are currently analyzing information in cases from the list provided by Union Carbide in this action.

INTERROGATORY NO. 16: What specific type of clay or clays were used in the asbestos-containing ceiling tile made by Conwed. If different types of clays were used in different products, specify which particular clays were used in which particular products, and the years during which they were used.

ANSWER

Please see Preliminary Statement and General Objections. With out waiving any above stated objections, Conwed states: Clay was purchased from a family owned business in Kentucky and was a ball-type clay. Conwed plant workers referred to it as "HT clay." It is believed that the clay was either kaolin clay or montmorillonite clay.

INTERROGATORY NO. 17: What specific brand of starch was used in the asbestos-containing ceiling tile made by Conwed? If different brands were used for different products or during different years, specify which brands were used in which products during which years. Also, for each starch used, specify the manufacturer and the supplier.

ANSWER

Please see Preliminary Statement and General Objections. With out waiving any above stated objections, Conwed states: Conwed primarily used wheat flour from Minildra in Minneapolis. Conwed may have used corn starch, wheat starch and potato starch at different times in its

mineral board product. Pricing played a primary role in which starch was purchased and from whom for use in the mineral board.

REQUEST TO ADMIT NO. 3: The formulas attached to this discovery request as Exhibit 1 were provided by Conwed Corporation.

RESPONSE

Admit.

REQUEST TO ADMIT NO. 4: The formulas attached as Exhibit 1 were the formulas for the asbestos-containing ceiling tile manufactured by Conwed.

RESPONSE

Admit that the request attached as Exhibit 1 were the formulas for Conwed ceiling tile which have been located by counsel by Conwed in connection with certain asbestos building litigation against Conwed in the State of Maryland.

REQUEST TO ADMIT NO. 5: To the best of Conwed's knowledge, the formulas attached as Exhibit 1 are accurate.

RESPONSE

At this point, because these are old documents, and because the person with the most knowledge concerning these formulas, Fred Bergstrom, is deceased, Conwed is not in a position to either admit or deny this Request.

INTERROGATORY NO. 18: If your answer to any one of Requests to Admit 3 through 5 was anything other than an unqualified admission, explain the factual basis for your refusal to admit, including, without limitation, what you now contend the accurate formula is.

ANSWER

See Response to Request to Admit No. 4, above.

INTERROGATORY NO. 19: Please explain the following about the formulas attached as

Exhibit 1:

- a. Why don't the percentages next to each ingredient add up to 100 % for all the products?
- b. Are the percentage figures for weight or for volume?
- c. For each formula for which the percentages add up to less than 100%, state what ingredient is missing and the percentage attributed to that ingredient.
- d. If the percentage is more than 100%, (i.e. C-51) explain how this is possible, and what the actual percentages should be.

ANSWER

Please see Preliminary Statement and General Objections. With out waiving any above stated objections, Conwed states:

- a. Cull board and edge trim were routinely recycled into the board at the hydropulper. The amount of cull board and edge trim recycled into the furnish was approximately 8%.
- b. = Weight.
- c. See 19a.
- d. The 80% for Mineral Wool may have been rounded up from 78.7%.

INTERROGATORY NO. 20: Please identify by date and place of publication what you referred to in the deposition of Dr. Allen Gibbs as the AMA Guidelines used by Minnesota law for worker's compensation purposes that pertain to alleged asbestos-related diseases and/or lung impairment caused by asbestos.

ANSWER

This Interrogatory is objected to as calling for attorney work product.

REQUEST TO ADMIT NO. 6: Calidria® asbestos was not contaminated with fibrous tremolite.

RESPONSE

Deny.

REQUEST TO ADMIT NO. 7: Calidria® asbestos was not contaminated with fibrous amphibole asbestos of any type.

RESPONSE

Deny.

REQUEST TO ADMIT NO. 8: Conwed's expert witnesses attempted to find fibrous amphibole asbestos in the King City mine.

RESPONSE

To the extent this Request deals with the visit to the King City Mine by Conwed's expert, Dr. Arthur Langer, and his analysis of the samples taken on that visit, admit. Otherwise, deny.

REQUEST TO ADMIT NO. 9: Conwed's experts were not able to find fibrous amphibole asbestos in the King City mine.

RESPONSE

To the extent this Request deals with the visit to the King City Mine by Conwed's expert, Dr. Arthur Langer, and his analysis of the samples taken on that visit, admit. Otherwise, deny.

INTERROGATORY NO. 21: If your response to any one of Requests to Admit 6 through 9 was anything other than an unqualified admission, then state in detail the basis for your denial, including, but not limited to the following:

- a. Identify the person who claims to have found fibrous tremolite or amphibole.
- b. State the date on which it was found.
- c. Describe the methodology used to identify the fibrous amphibole or tremolite.
- d. Identify all reports, notes, photographs, lab data, electron microscopy data, electron microphotographs, x-ray diffraction analysis and the like upon which you rely to establish the presence of fibrous amphibole or tremolite.

ANSWER

- a. Dr. Arthur Langer
- b. This will be supplied.
- c. Transmission Electron Microscopy.
- d. This will be provided.

INTERROGATORY NO. 22: Do you contend that any of the documents marked as Exhibits 2 through 9 or 13 through 17 at the December 9, 1996 deposition of Dr. Alan Gibbs in this case were actually reviewed and relied upon by any physician employed or retained by Conwed concerning any worker's compensation claim alleging asbestos exposure at the Cloquet Plant? If your answer is anything other than a unequivocal "no", then do the following:

- a. Identify all doctors who reviewed and relied upon those documents.
- b. For each doctor so identified, specify which documents he or she reviewed and relied upon.
- c. State the date on which each doctor reviewed each such document.

ANSWER

This Interrogatory is objected to as calling for attorney work product.

INTERROGATORY NO. 23: Do you contend that any doctor who examined a claimant, or whose opinions or findings were used to support a claim for worker's compensation due to asbestos exposure at the Cloquet Plant, had reviewed or relied any of the documents marked as Exhibits 2 through 9 or 13 through 17 at the deposition of Alan Gibbs in this case? If your case is anything other than an unqualified "no", then provide the following information.

- a. Identify all doctors who reviewed and relied upon those documents.
- b. For each doctor so identified, specify which documents he or she reviewed and relied upon.
- c. State the date on which the doctor reviewed each such document.

ANSWER

This Interrogatory is objected to as calling for attorney work product.

REQUEST TO ADMIT NO. 10: The only notice of settlement discussions between Conwed employees and Union Carbide concerning an employee's claims for asbestos related personal injury against Union Carbide that Conwed received was a letter dated October 21, 1988 from Michael S. Polk to Conwed Corporation regarding James Manisto.

RESPONSE

Admit that the letter described in this Request was received by Conwed Corporation.

INTERROGATORY NO. 24: If your response to Request to Admit No. 10, is anything other than an unequivocal admission, then do the following:

- a. State the name of each Conwed employee for whom you received such a notice of settlement discussions.

- b. State the date on which you received such notice.
- c. Identify the person who gave such notice.
- d. Identify all documents which refer to, relate to, reflect or contain that notice.

ANSWER

Not applicable.

INTERROGATORY NO. 25: Has anyone other than Phillip Harber (and those working with him) prepared a projection and analysis of Conwed's actual or potential liability for worker's compensation claims alleging asbestos exposure at the Conwed Plant? This interrogatory includes, but is not limited to, projections or analyses prepared by accountants or others for financial planning or reporting purposes. If your answer is anything other than an unqualified "no", then provide the following information:

- a. Identify the person or entity who has prepared such analyses or projections.
- b. State the date when they were prepared.
- c. State whether they were provided to Dr. Harber.
- d. Identify all documents which relate to, refer to, discuss, or contain any such report, analyses or projection.

ANSWER

This Interrogatory is objected to as requesting information that is privileged, proprietary, subject to attorney-client privilege.

INTERROGATORY NO. 26: At his deposition on December 11, 1996, Robert Crowson stated that Conwed maintained a reserve for anticipated worker's compensation liability arising out of alleged asbestos exposure at the Conwed Plant, and that amount was contained within an

account for "litigation expense." For each year for which Conwed has maintained a reserve for "litigation expense," state the amount of that reserve. In addition, if the reserve changed for any year due to anything other than changes in the perceived liability for worker's compensation claims alleging asbestos exposure at the Conwed Plant, describe that factor or event, and state the dollar amount of the change in the reserve attributable to that fact or event, and whether that change was an increase or a decrease.

ANSWER

This Interrogatory is objected to as requesting information that is privileged, proprietary, confidential, subject to attorney-client privilege.

REQUEST TO ADMIT NO. 11: Prior to December 1, 1996, you advised attorneys for Union Carbide that B. H. Rowe was dead.

RESPONSE

Deny that Counsel for Conwed specifically so advised counsel for Union Carbide.

INTERROGATORY NO. 27: Explain in detail the basis for your representation to Union Carbide that B. H. Rowe was dead. Include in your explanation a description of the information you obtained about Mr. Rowe and what you did to try to locate Mr. Rowe, including who did the investigation, the places where you searched for information about Mr. Rowe, and the identity of anyone who told you that he was dead.

ANSWER

In a letter to Trevor Will dated October 28, 1996, Robert Brownson states: "With respect to T.J. Rowe (sic), I believe that he is deceased but I will ... confirm his exact status and advise you" (Emphasis added). The referenced follow-up did not take place. In an earlier letter dated

October 22, 1993, Mr. Brownson advised Mr. Will that Conwed was unable to locate B.H. Rowe.

No one ever expressly informed Conwed that B. H. Rowe was deceased.

INTERROGATORY NO. 28: Identify the 215 Conwed employees whose records were used by Dr. Harber to predict workers compensation claim costs for Conwed, as more fully described at pages 190-192 and 315-321 of Dr. Harber's deposition.

ANSWER

John Aili
Archie Anderson
Arvin Anderson
Ben Anderson
Frederick Anderson
Ralph Anderson
David Antus
George Arthur
Allen M. Backa
Gene Blacke
Thomas Barnes
George Basche
Martin Beck
Walter Beckman
George Bednarek
Donald Belden
Wilfred Belden
Martin Berg
Howard Blossom
Hubert Blossom
Jerry Blossom
Lee Bodway
Arthur Bolander
Kenneth Bong
Lloyd Bong
Russell Bong
Ronald Bonneville
John Becker
George Bradley
Donald Broeffle
Robert Broeffle

Gerry Cavanaugh
James Chambers
Richard Chick
Alva Christian
Lester Clark
Lyle Colton
James Conley
Gary Cordle
Jack Dahl
Donald Dallman
Gordon Davis
James Davis
William Davis
Felix Dean
Harold DeLacey
Edward Demenge
Robert Derusha
Donald Dobosenski
Edwin Domke
Clifford Edman
Keith Edmundson
Gerald Ellsworth
Lester Entner
Donald Ericksen
David Fall
Dennis Fall
Donald Fjeld
William Flasch
Stanley Fleisch
Walter Forstie
Maynard Franseen
Robert Frederick
Arthur Frehse
James Furey
George Garrett
August Gault
Peter Glowacki
Arnold Goble
Emil Godbout
Kenneth Godbout
Richard Godbout
Russell Godbout
Wilfred Godbout

Clifford Golden
Roy Golden
Delbert Golen
Harold Gotzh
Leonard Gotzh
Lawrence Grimm
Kenneth Grondahl
Gerald Gross
Chester Gryzwinski
Chester Haataja
William Haburt
Arvo Hackman
Carl Halverson
Roland Halvorson
Wayne Hammer
Gerald Hansen
Henry Hansen
Roger Harju
Donald Haro
Gerald Haugen
Raynold Hedin
Wesley Heikkila
James Helland
Howard Hemmila
Raymond Hendrickson
Harold Henschel
Ronald Hopp
Harold Horner
John Horner
Richard Hück
Andrew Houwman
Gerald Hovis
Charles Huhta
Stanley Janczak
Allen Jarve
George Jenkins
Frands Jensen
Marlin Jobe
Carl Johnson
Charles Johnson
James Johnson
Oren Johnson
Vernon Johnson

Bernard Karulak
Bernard Katchmark
Paul Ketchum
Victor Kliniski
Vernon Knickerbocker
Edward Kolodge
Edward Kolodynski
James Korhonen
Eino Korpi
Melvin Koskela
Stephen Kroll
Arthur Kubis
Ronald Kubis
Franklin Kwapick
Russell LaGrow
Lester Lamb
Ronald Lanhart
Arthur Larsen
Robert Larson
Clement Lavoie
Donald Lehner
Theodore Lillquist
Donald Lillquist
Gerald Little
Duane Loucks
Raymond Luke
Clarence Maki
Leo Manty
Joseph Martin
Murnice Martindale
Charles Matthes
Martin Meger
Mardis Miller
Donald Monfeldt
Mervin Montgomery
Raymond Nagorski
Leroy Nelson
John Neufied
Raymon Nicely
Theodore Niemi
Ronald Norgren
Wayne Nynas
Gerald O'Geay

Raymond Oman
Frederick Patrick
Carroll Pease
Robert Pelofske
Duane Putnam
John Quinn
John Ranta
Lloyd Reed
Arvin Rosen
Lawrence Roseth
Willis Smiley
Clarence Smith
Donald Strom
Arne Stromsness
Warren Swing
Clement Tasky
Benedict Trettel
James Ulvi
Gerald Vork
Mayon Wait
Bernard Walczak
John Walker
William Wheale
Gerald Witeli
James Withoff
Theodore Zuk

INTERROGATORY NO. 29: State the average case cost for each category of case that you provided to Dr. Harber for his projections; for each category of case identify those claimants whose settlements were used to calculate the average cost for that type of claim; and state the date on which the average cost figures were given to Dr. Harber.

ANSWER

Category 1	15%	\$10,018
Category 2	30%	\$23,671
Category 3	60%	\$36,346

Category 4 85% \$59,000

Cancers \$116,000

Mesotheliomas \$116,000

This information was conveyed to Dr. Harber on or about March 27, 1995. These numbers include all cases settled up to that time. Cases summarily determined with no liability were not included in these numbers.

REQUEST TO ADMIT NO. 12: At all times between January 1, 1958 and July 15, 1974, the State of Minnesota had a regulation governing the amount of asbestos dust that could be in the atmosphere of a place of employment in Minnesota.

RESPONSE

Admit.

REQUEST TO ADMIT NO. 13: The State of Minnesota's regulations governing the amount of asbestos dust that could be in the air of a place of employment applied to Conwed Corporation's Cloquet Plant.

RESPONSE

To the extent such regulations existed, at relevant times to this lawsuit, 1965 - 1974, and to the extent such regulations applied to airborne asbestos, admit.

REQUEST TO ADMIT NO. 14: At all times prior to July 15, 1974, Conwed did not know about the State of Minnesota's regulations governing asbestos dust in the air in a place of employment.

RESPONSE

Deny.

REQUEST TO ADMIT NO. 15: Conwed never tested its Cloquet Plant to see if the plant complied with the Minnesota regulations governing asbestos dust in a place of employment.

RESPONSE

Deny.

INTERROGATORY NO. 30: If your answer to any one of Requests to Admit Nos. 12 through 15 was anything other than a unequivocal admission, then explain in detail the basis for your refusal to admit, including, without limitation:

- a. What you contend to be the effective dates of any Minnesota regulation governing asbestos dust in places of employment;
- b. Why you contend such regulations did not apply to Conwed;
- c. Identify every person at Conwed who you contend was aware of the regulations;
- d. Identify each person who tested to determine Conwed's compliance with those regulations;
- e. Identify all documents which reflect, refer to, relate to or comprise any discussion of applicable Minnesota regulations, any testing done to measure asbestos dust in the air or compliance with Minnesota regulations, or any discussion of what would be necessary to achieve compliance with the Minnesota regulations.

ANSWER

- a. 1950-1973.
- b. This interrogatory is objected to as calling for legal conclusion.
- c. See depositions of former Conwed employees taken in this action.
- d. See Union Carbide test report concerning dust tests at Conwed, August 28, 1972. See also Environmental Research Corporation, December 22, 1971.

e. See answer to Interrogatory No. 30 d, above.

REQUEST NO. 1: All summaries of worker's compensation claims prepared by Robert Crowson as he described in his deposition on December 11, 1996, including, without limitation, the summaries provided to Coopers & Lybrand or Thomas Mara.

RESPONSE

Objection. These summaries, to the extent they still exist, are proprietary and privileged.

REQUEST NO. 2: All documents prepared by Conwed, Leucadia, Inc., Leucadia National Corporation, Coopers & Lybrand, or anyone acting on any of their behalf, which refer to, reflect, predict, analyze, evaluate, discuss or in any way mention workers compensation claims against Conwed for alleged asbestos exposure at the Cloquet Plant.

RESPONSE

Objection. With respect to documents prepared by Leucadia, Inc., Leucadia National Corporation, Coopers & Lybrand, or any acting on their behalf, such documents are by companies other than Conwed Corporation. With respect to documents prepared by those companies or by Conwed Corporation, Conwed objects to production of those documents on the grounds that they are privileged, proprietary, confidential.

Conwed further objects to production of all documents sought in this Request on the grounds of attorney-client privilege and calling for attorney work product and documents prepared in anticipation of litigation

REQUEST NO. 3: All responses to auditors or accountants prepared by Conwed, Leucadia, Inc. or Leucadia National Corporation or anyone retained by any of them (including attorneys) which in any relate to, refer to, mention or discuss Conwed's liability (including,

without limitation, projections of future liability) for worker's compensation claims from alleged asbestos exposure at the Cloquet Plant.

RESPONSE

Objection. With respect to documents prepared by Leucadia, Inc., Leucadia National Corporation, Coopers & Lybrand, or any acting on their behalf, such documents are by companies other than Conwed Corporation. With respect to documents prepared by those companies or by Conwed Corporation, Conwed objects to production of those documents on the grounds that they are privileged, proprietary, confidential.

Conwed further objects to production of all documents sought in this Request on the grounds of attorney-client privilege and calling for attorney work product and documents prepared in anticipation of litigation

REQUEST NO. 4: All reports, analyses or projections concerning Conwed's worker's compensation liability for alleged asbestos exposure at the Cloquet Plant. This request includes, but is not limited to, documents identified in response to Interrogatory 24d, and any reports or documents prepared by or for Coopers & Lybrand.

RESPONSE

Objection. With respect to documents prepared by Leucadia, Inc., Leucadia National Corporation, Coopers & Lybrand, or any acting on their behalf, such documents are by companies other than Conwed Corporation. With respect to documents prepared by those companies or by Conwed Corporation, Conwed objects to production of those documents on the grounds that they are privileged, proprietary, confidential.

Conwed further objects to production of all documents sought in this Request on the grounds of attorney-client privilege and calling for attorney work product and documents prepared in anticipation of litigation

REQUEST NO. 5: All documents which contain, relate to, or reflect the amount of Conwed's reserve account for worker's compensation liability and/or "litigation matters" or any adjustments to those reserve amounts.

RESPONSE

Objection. With respect to documents prepared by Leucadia, Inc., Leucadia National Corporation, Coopers & Lybrand, or any acting on their behalf, such documents are by companies other than Conwed Corporation. With respect to documents prepared by those companies or by Conwed Corporation, Conwed objects to production of those documents on the grounds that they are privileged, proprietary, confidential.

Conwed further objects to production of all documents sought in this Request on the grounds of attorney-client privilege and calling for attorney work product and documents prepared in anticipation of litigation

REQUEST NO. 6: All discovery responses Conwed has submitted in other cases, as called for in response to Interrogatory No. 2d

RESPONSE

Objection. With respect to documents prepared by Leucadia, Inc., Leucadia National Corporation, Coopers & Lybrand, or any acting on their behalf, such documents are by companies other than Conwed Corporation. With respect to documents prepared by those companies or by

Conwed Corporation, Conwed objects to production of those documents on the grounds that they are privileged, proprietary, confidential.

Conwed further objects to production of all documents sought in this Request on the grounds of attorney-client privilege and calling for attorney work product and documents prepared in anticipation of litigation

REQUEST NO. 7: Transcripts of the depositions of Conwed's experts, as called for by Interrogatory No. 2e, and any reports prepared by those experts.

RESPONSE

These documents will be produced.

REQUEST NO. 8: All documents identified in response to any interrogatory, or which should have been identified in response to any interrogatory, including, without limitation, documents identified in, or responsive to, Interrogatories No. 2d, 3f, 5d, 6d, 7d, 8c, 9b, 13f, 14e, 15e, 20, 21d, 25d, and 30e.

RESPONSE

Subject to the objections interposed by Conwed in its Answers to Union Carbide's Interrogatories, and to the extent they exist in the possession of Conwed or its counsel, these documents will be produced.

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

AS TO INTERROGATORIES:

Lowell Anderson, being an officer of Conwed Corporation, and being duly sworn, deposes and states that he is an officer of Conwed Corporation, plaintiff in the above-entitled cause and that he verifies the foregoing Answers and Responses to Union Carbide Corporation's Fourth Set of Discovery Requests for and on behalf of said Conwed Corporation and is duly authorized to do so.

That certain of the matter stated in the foregoing Answers and Responses to Union Carbide Corporation's Fourth Set of Discovery Requests are not within the personal knowledge of the deponent and that deponent is informed that there is no officer of defendant, Conwed Corporation, who has personal knowledge of such matters.

That the facts stated in said Answers and Responses to Union Carbide Corporation's Fourth Set of Discovery Requests have been assembled by authorized employees and counsel of defendant, Conwed Corporation, and deponent is informed by said employees and counsel that the facts stated in said Answers and Responses are true and correct to the best of their knowledge.

By Lowell A. Anderson
Lowell Anderson
Its: President

Subscribed and sworn to before me

this 5th day of February, 1997.

Shirley A. Davis
Notary Public



AS TO REQUESTS:

STICH, ANGELL, KREIDLER, BROWNSON &
BALLOU, P.A.

Dated: January 31, 1997

BY 

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