

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

IN RE: ASBESTOS-RELATED LITIGATION

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WDGP-83-1

DEFENDANT GENERAL ELECTRIC COMPANY'S
RESPONSE TO "PLAINTIFFS'
STANDARD INTERROGATORIES TO ALL DEFENDANTS"

COMES NOW the defendant General Electric Company (hereinafter "General Electric"), and for its response to "Plaintiffs' Standard Interrogatories to All Defendants," dated July 18, 1989, states as follows:

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

General Electric has manufactured and continues to manufacture a great variety of products, concentrating primarily in the area of electrical equipment for both individual consumers and industry, although General Electric's current business extends beyond manufacturing. However, General Electric is not now, nor has it ever been, a manufacturer of "asbestos-containing products" as it understands the meaning of that phrase to be, as used in the plaintiffs' "Standard Interrogatories to All Defendants." General Electric therefore objects generally to plaintiffs' use of the term "asbestos-containing products" on the grounds that it makes the interrogatories overly broad, unduly burdensome, vague, ambiguous, seek irrelevant information, and not reasonably calculated to lead to the discovery of relevant, admissible or discoverable evidence.



The broad subject matter and time period addressed in plaintiffs' interrogatories make it impossible to conduct a complete search within General Electric for information necessary to answer these interrogatories. However, in good faith and in the spirit of cooperation, General Electric has responded to these interrogatories with that information presently available which General Electric deems as being potentially relevant to plaintiffs' claims. The following answers are based upon prior and on-going discussions with General Electric personnel and reviews of documents. However, various records of General Electric have from time to time been discarded in the ordinary course of business, so these responses are based upon such information as is presently reasonably available to General Electric and susceptible to retrieval through reasonable efforts. General Electric has directed these interrogatories to employees whose present duties indicate a reasonable likelihood that they may possess pertinent, discoverable information. As this litigation relates to individuals who allege prior employment at Duke Power Company in the vicinity of steam turbine-generators, the search for information and documentation to answer these interrogatories has been directed to General Electric's Turbine Business Operations in Schenectady, New York. Turbine Business Operations is the General Electric component on whose behalf these interrogatories are answered.

General Electric objects to plaintiffs' interrogatories generally to the extent that plaintiffs' "Definitions and

Instructions" seek to impose duties upon General Electric beyond those required by the Federal Rules of Civil Procedure or to the extent that those instructions or the interrogatories seek information protected by the attorney-client privilege or attorney work product doctrine. General Electric further objects generally to plaintiffs' interrogatories to the extent that they might be considered to seek the "knowledge" of the corporate entity of General Electric on any subject. General Electric has knowledge only through its employees, and it is impossible to set forth the collective knowledge of all General Electric employees past and present.

General Electric reserves the right to supplement or modify these answers to interrogatories at any time should additional information from documents or individuals require such in order to maintain the accuracy of these responses.

RESPONSES TO PLAINTIFFS' STANDARD INTERROGATORIES

SECTION A

INTERROGATORY NO. 1: Identify the registered name of the answering defendant as well as all prior names or predecessor entities by which the defendant has existed.

a) For each give the current address and the state of incorporation and whether or not it is an active corporation.

ANSWER: General Electric Company. Turbine Business Operations' principal place of business is located at 1 River Road, Schenectady, New York 12345. General Electric was incorporated on April 15, 1892 under the laws of the State of New York.

INTERROGATORY NO. 2: Set forth the full and correct name, the principle [sic] place of business and the state and date of incorporation of the answering defendant.

ANSWER: See response to Interrogatory No. 1.

INTERROGATORY NO. 3: Identify all divisions, subsidiaries or affiliated companies to the answering defendant.

ANSWER: General Electric objects to Interrogatory No. 3 on the grounds that it is overly broad, unduly burdensome and harassing, seeks irrelevant information, and is not reasonably calculated to lead to the discovery of relevant, admissible or discoverable evidence. Additionally, see General Electric's "Preliminary Statement and General Objections."

INTERROGATORY NO. 4: For each entity or division listed in response to #3, state whether or not it ever has or presently engages in any phase of mining, manufacturing, sale, supply, distribution, or design of asbestos or asbestos-containing products.

ANSWER: General Electric's Turbine Business Operations is not now, nor has it ever been, a manufacturer of "asbestos-containing products" as it understands the meaning of that phrase to be, as used by the plaintiffs. From time to time in the past, General Electric has manufactured and/or sold steam turbine-generators, related equipment, and replacement parts, some of which may have contained asbestos-containing products manufactured by others. In connection with the manufacture and/or sale of some of this equipment, from time to time General Electric has

INTERROGATORY NO. 2: Set forth the full and correct name, the principle [sic] place of business and the state and date of incorporation of the answering defendant.

ANSWER: See response to Interrogatory No. 1.

INTERROGATORY NO. 3: Identify all divisions, subsidiaries or affiliated companies to the answering defendant.

ANSWER: General Electric objects to Interrogatory No. 3 on the grounds that it is overly broad, unduly burdensome and harassing, seeks irrelevant information, and is not reasonably calculated to lead to the discovery of relevant, admissible or discoverable evidence. Additionally, see General Electric's "Preliminary Statement and General Objections."

INTERROGATORY NO. 4: For each entity or division listed in response to #3, state whether or not it ever has or presently engages in any phase of mining, manufacturing, sale, supply, distribution, or design of asbestos or asbestos-containing products.

ANSWER: General Electric's Turbine Business Operations is not now, nor has it ever been, a manufacturer of "asbestos-containing products" as it understands the meaning of that phrase to be, as used by the plaintiffs. From time to time in the past, General Electric has manufactured and/or sold steam turbine-generators, related equipment, and replacement parts, some of which may have contained asbestos-containing products manufactured by others. In connection with the manufacture and/or sale of some of this equipment, from time to time General Electric has

subcontracted with others for the furnishing of related thermal insulation materials manufactured by others, some of which contained asbestos.

INTERROGATORY NO. 5: With respect to each division, subsidiary or company listed in #4, identify the nature and extent of its function during the period of time it was in existence.

ANSWER: General Electric's Turbine Business Operations manufactures and markets power turbine-generators.

INTERROGATORY NO. 6: Has this answering defendant been sued under its correct name? If not, please state the correct legal name of the defendant and provide the information requested in Interrogatory #1 above concerning the defendant as correctly named.

ANSWER: See response to Interrogatory No. 1.

INTERROGATORY NO. 7: Please state whether or not you have ever held a certificate of authority to do business in this state and the address for your registered agent for service in this state.

ANSWER: General Electric is authorized to do business in the State of North Carolina. General Electric's agent for service of process is CT Corporation System, Durham, North Carolina.

PRODUCT IDENTIFICATION

INTERROGATORY NO. 8: Have you ever mined asbestos?

ANSWER: No.

INTERROGATORY NO. 9: If the answer to the previous Interrogatory is "yes", please state the dates in which you were involved in mining of asbestos, and the locations of your mines.

ANSWER: Not applicable.

INTERROGATORY NO. 10: Have you ever sold raw asbestos fiber to any of the co-defendants? If so, in what years and in what quantities did you make such sales.

ANSWER: No. Not applicable.

INTERROGATORY NO. 11: As to any product containing asbestos in any form or quantity, has this defendant ever:

- a) designed such a product;
- b) manufactured such a product;
- c) processed such a product;
- d) sold such a product;
- e) distributed such a product;
- f) relabeled such a product manufactured or designed by another;
- g) held a patent for such a product.

ANSWER: General Electric states that from time to time in the past, it has manufactured and/or sold power turbine-generators, related equipment, and replacement parts, some of which may have contained asbestos-containing products manufactured by others. In connection with its sale of some of this equipment, from time to time General Electric has subcontracted with others for the furnishing of related thermal insulation materials manufactured by others, some of which contained asbestos.

INTERROGATORY NO. 12: If the answer to the previous Interrogatory or any subpart thereof was in the affirmative, please state the following information about each product:

- a) the manufacturer of the product;
- b) the designer of the product;
- c) the supplier of the raw asbestos fiber used in the product;
- d) the dates of its manufacture or sale by the answering defendant;
- e) the percentage of asbestos content of the product;
- f) the type of asbestos used in the manufacture of the product.

ANSWER: General Electric objects to Interrogatory No. 12 on the grounds that it is overly broad, unduly burdensome and harassing. Additionally, see General Electric's "Preliminary Statement and General Objections."

INTERROGATORY NO. 13: In what year did the answering defendant first begin selling or distributing asbestos-containing products? Please be specific for each asbestos-containing product manufactured, sold or distributed by you.

ANSWER: General Electric objects to Interrogatory No. 13 on the grounds that it is overly broad, unduly burdensome and harassing. Additionally, see General Electric's "Preliminary Statement and General Objections."

INTERROGATORY NO. 14: In what year did the answering defendant last sell, distribute or manufacture an asbestos-containing product? Please be specific for each asbestos-containing product.

ANSWER: General Electric objects to Interrogatory No. 14 on the grounds that it is overly broad, unduly burdensome and harassing. Additionally, see General Electric's "Preliminary Statement and General Objections."

INTERROGATORY NO. 15: For each asbestos-containing product manufactured and/or distributed by you, state:

- a) the brand name of the product and the inclusive years of its manufacture and/or distribution;
- b) the asbestos content by weight of each product for each year;
- c) the type of asbestos fiber used in each product;
- d) the application for which such product was advertised or sold;
- e) the temperature ranges for the products used;
- f) whether the product was a cement, a pipe covering, a cloth or other type of thermal insulation product.

ANSWER: General Electric objects to Interrogatory No. 15 on the grounds that it is overly broad, unduly burdensome and harassing. Additionally, see General Electric's "Preliminary Statement and General Objections."

INTERROGATORY NO. 16: Describe each product as to its color and physical characteristics and appearances.

ANSWER: General Electric objects to Interrogatory No. 16 on the grounds that it is overly broad, unduly burdensome and harassing. Additionally, see General Electric's "Preliminary Statement and General Objections."

INTERROGATORY NO. 17: As to each product, state how such product was packaged or supplied.

ANSWER: General Electric objects to Interrogatory No. 17 on the grounds that it is overly broad, unduly burdensome and harassing, seeks irrelevant information, and is not reasonably calculated to lead to the discovery of relevant, admissible or discoverable evidence. Additionally, see General Electric's "Preliminary Statement and General Objections." Without waiver of these objections and subject thereto, General Electric states that in connection with its sale of some power turbine-generators, from time to time General Electric has subcontracted with others for the furnishing of related thermal insulation materials manufactured by others, some of which contained asbestos.

INTERROGATORY NO. 18: Does the answering defendant claim that any patent would cover any product listed in response to the interrogatories above? If so, give the number of each patent, the date same was issued and the number of each patent application that is pending.

ANSWER: Not applicable with respect to "asbestos-containing products," as General Electric has not manufactured such products, as it understands the meaning of that phrase to be, as used in these interrogatories.

INTERROGATORY NO. 19: For each asbestos-containing product manufactured or designed by you, please state the specific batching requirements for that product.

ANSWER: Not applicable. See General Electric's "Preliminary Statement and General Objections."

INTERROGATORY NO. 20: State the time period each particular batching requirement was followed and any changes that were made.

ANSWER: Not applicable.

INTERROGATORY NO. 21: For each asbestos-containing product that you manufactured, please set forth the supplier of the raw asbestos fiber used for that product.

ANSWER: Not applicable.

INTERROGATORY NO. 22: As to each product mentioned above, identify the following:

- a) any pertinent trademark that was applicable to the product during any time of its sale;
- b) the label on the packaging of that particular product for each year of its manufacture;
- c) all sales brochures, specification sheets, performance data or other promotional material, as well as any and all installation materials, data or brochures which would have accompanied or been distributed in connection with the installation, application or use of each of the products listed above.

- d) The advertised use of the product (As to this Interrogatory, you may provide a copy of the document in lieu of describing the same.)

ANSWER: Not applicable.

INTERROGATORY NO. 23: For each document listed or described above, please indicate the name or the names of the individuals having custody of said documents or copies thereof, and where they are located.

ANSWER: Not applicable.

INTERROGATORY NO. 24: Please describe in detail the method of disbursement and sale of each asbestos-containing product manufactured, designed or distributed by the answering defendant.

ANSWER: See response to Interrogatory No. 4 and General Electric's "Preliminary Statement and General Objections."

INTERROGATORY NO. 25: Have any of the products listed in the answer to Interrogatories Nos. 12, 13 & 16 above been altered in chemical composition or asbestos type or content since their first being marketed?

ANSWER: Not applicable. See General Electric's "Preliminary Statement and General Objections."

INTERROGATORY NO. 26: If so, please state:

- a) the trade name of each such product;
- b) the date such product was altered;
- c) the nature of the alteration;
- d) the reason for the alteration;
- e) what person has knowledge concerning the alterations.

ANSWER: Not applicable.

INTERROGATORY NO. 27: Identify all sales literature including brochures, advertisements, pamphlets or other material describing each asbestos-containing product manufactured by you beginning in 1925 and coming forward to date.

ANSWER: Not applicable.

INTERROGATORY NO. 28: Prior to 1960, did you conduct any test concerning the health consequences of the use of your asbestos-containing product?

ANSWER: Not applicable.

INTERROGATORY NO. 29: Prior to 1960, did you conduct any tests concerning the health consequences related to the manufacture of your asbestos-containing product?

ANSWER: Not applicable.

INTERROGATORY NO. 30: Do any written memoranda, specifications, recommendations or other written materials of any kind or character related to the testing of said products exist?

ANSWER: Not applicable.

INTERROGATORY NO. 31: If so, please state:

- a) identify each such written material or document;
- b) who presently has possession of each such document and where it is located.

ANSWER: Not applicable.

INTERROGATORY NO. 32: Have you conducted any tests concerning the health consequences of the use of your product between

1960 and 1975 or the date that the asbestos content was removed from the product, whichever is the later.

ANSWER: Not applicable.

INTERROGATORY NO. 33: If so, please state:

- a) what tests were done;
- b) who was responsible for conducting the tests;
- c) what the results of the tests were;
- d) identify any documents concerning the tests.

ANSWER: Not applicable.

INTERROGATORY NO. 34: When did the asbestos-containing products manufactured by you first contain any warning or caution concerning the health consequences of the use of the product or the breathing of asbestos dust?

ANSWER: Not applicable.

INTERROGATORY NO. 35: For each such product, please state:

- a) the wording of each warning or caution;
- b) the description of each such printed warning or caution;
- c) the method used to distribute the warning to persons who were likely to use the products;
- d) the date each such warning was issued;
- e) the name, address and job classification of each person who presently has possession of the above-described warning or caution;
- f) identify the warning or caution by date and content;

- g) state whether any industrial psychologist or human factors engineers were consulted prior to utilizing such warnings, or cautions;
- h) identify any special instructions provided with each product regarding its use or safety procedures to be employed by persons handling such product.

ANSWER: Not applicable.

INTERROGATORY NO. 36: For any warning ever provided on an asbestos-containing product manufactured or distributed by you, please state:

- a) when the warning first appeared;
- b) what was the precise wording of the warning when it first appeared;
- c) was the warning ever altered, amended or changed in any manner and, if so, how and when;
- d) where was the warning located on the product or packaging.

ANSWER: General Electric objects to Interrogatory No. 36 on the grounds that it is overly broad, unduly burdensome and harassing. Additionally, see General Electric's "Preliminary Statement and General Objections."

INTERROGATORY NO. 37: When did you first become aware that warnings were placed on products distributed by other defendants?

ANSWER: General Electric objects to Interrogatory No. 37 on the grounds that it is overly broad, unduly burdensome and harassing, seeks irrelevant information, and is not reasonably calcu-

lated to lead to the discovery of relevant, admissible or discoverable evidence. Additionally, the term "products" is vague, ambiguous, undefined, and capable of various interpretations, making this interrogatory unable to be responded to in its present form. Finally, this interrogatory is not an appropriate "standard" interrogatory as contemplated by the Court's "Initial Pretrial Order Coordinating Proceedings," WDCP-83-1, dated March 16, 1983, making this interrogatory unable to be responded to in its present form.

INTERROGATORY NO. 38: State the manner in which each of your products was shipped and the type of container it was shipped in to the retailers.

ANSWER: General Electric objects to Interrogatory No. 38 on the grounds that it is overly broad, unduly burdensome and harassing, seeks irrelevant information, and is not reasonably calculated to lead to the discovery of relevant, admissible or discoverable evidence. Additionally, see General Electric's "Preliminary Statement and General Objections."

INTERROGATORY NO. 39: When, if ever, did you specifically inform the purchaser or user of your products that contained asbestos that the use of that product or exposure to asbestos dust could cause cancer, asbestosis or other serious diseases? Please identify the document containing this information by date and location.

ANSWER: General Electric objects to Interrogatory No. 39 on the grounds that it is overly broad, unduly burdensome and harass-

ing, seeks irrelevant information, and is not reasonably calculated to lead to the discovery of relevant, admissible or discoverable evidence. Additionally, see General Electric's "Preliminary Statement and General Objections."

INTERROGATORY NO. 40: Identify any and all labeling or relabeling agreements in existence since 1925 between you and any other person including co-defendants.

ANSWER: General Electric objects to Interrogatory No. 40 on the grounds that it is overly broad, unduly burdensome and harassing, seeks irrelevant information, and is not reasonably calculated to lead to the discovery of relevant, admissible or discoverable evidence. Additionally, see General Electric's "Preliminary Statement and General Objections." Finally, this interrogatory is not an appropriate "standard" interrogatory as contemplated by the Court's "Initial Pretrial Order Coordinating Proceedings," WDGP-83-1, dated March 16, 1983, making this interrogatory unable to be responded to in its present form.

INTERROGATORY NO. 41: Did you sell any of your products containing asbestos fibers or any raw fiber to any of the companies named as co-defendants in this suit?

ANSWER: General Electric objects to Interrogatory No. 41 on the grounds that this interrogatory is not an appropriate "standard" interrogatory as contemplated by the Court's "Initial Pretrial Order Coordinating Proceedings," WDGP-83-1, dated March 16, 1983, making this interrogatory unable to be responded

to in its present form. Additionally, see General Electric's "Preliminary Statement and General Objections."

INTERROGATORY NO. 42: If so, please state:

- a) the name, address and job classification of each individual who currently has possession of such knowledge, either by documents or records;
- b) please list the names of each co-defendant to whom your products have been sold;
- c) please state the dates of each such sale and the amount and kind of materials sold.

ANSWER: See response to Interrogatory No. 41.

INTERROGATORY NO. 43: State whether your company manufactured asbestos-containing insulation products for a co-defendant and placed the co-defendants's labels, logos or insignia on said products and list each such co-defendant.

ANSWER: General Electric has not manufactured asbestos-containing insulation products. See General Electric's "Preliminary Statement and General Objections."

INTERROGATORY NO. 44: Has this defendant ever acquired another corporation, company or business which manufactured, sold, processed, distributed or contracted to apply insulation products containing asbestos.

ANSWER: General Electric objects to Interrogatory No. 44 on the grounds that it is overly broad, unduly burdensome and harassing, seeks irrelevant information, and is not reasonably calculated to lead to the discovery of relevant, admissible or dis-

coverable evidence. Additionally, see General Electric's "Preliminary Statement and General Objections."

INTERROGATORY NO. 45: If the answer to the above interrogatory is yes, please state the following concerning such other entity:

- a) the full and correct name;
- b) the principle place of business;
- c) the state of incorporation;
- d) the date of its acquisition by you;
- e) the products that the other entity manufactured, distributed sold or used.

ANSWER: See response to Interrogatory No. 44.

INTERROGATORY NO. 46: Did you ever stamp or imprint the name of your company, its initials or any identifying logo on any of your asbestos-containing products? If so, please describe the identifying logo or initials and the dates of its inclusion on the product and the product on which it was included.

ANSWER: No. See General Electric's "Preliminary Statement and General Objections."

INTERROGATORY NO. 47: As of the date of your answers to these interrogatories, is your company still manufacturing, selling or distributing any asbestos-containing products? If so, give the brand names of each such product.

ANSWER: General Electric objects to Interrogatory No. 47 on the grounds that it is overly broad, unduly burdensome and harassing, seeks irrelevant information, and is not reasonably calcu-

lated to lead to the discovery of relevant, admissible or discoverable evidence. Additionally, see General Electric's "Preliminary Statement and General Objections."

INTERROGATORY NO. 48: For each product identified as being manufactured, sold or distributed by you in interrogatories No. 12, 13 or 16, state whether or not:

- a) you have actual containers or photographs of containers in which said products were sold or distributed;
- b) who is the custodian or keeper of said containers or photographs including their address and telephone number.

ANSWER: See response to Interrogatories 12, 13 and 16.

INTERROGATORY NO. 49: From what source or sources did you obtain raw asbestos fiber beginning in 1940 and going to date, on a yearly basis?

ANSWER: Not applicable. See General Electric's "Preliminary Statement and General Objections."

INTERROGATORY NO. 50: State whether or not any warnings, cautions, caveats or directions accompanied the raw asbestos fiber referred to in the previous Interrogatory and identify the nature and extent of said warnings, cautions, caveats or directions accompanying said fiber.

ANSWER: Not applicable.

INTERROGATORY NO. 51: State what date said warnings, cautions, caveats or directions first appeared on the mined asbestos fiber.

ANSWER: Not applicable.

INTERROGATORY NO. 52: If you have discontinued manufacturing and/or selling asbestos products, please state the reason or reasons therefore.

ANSWER: General Electric objects to Interrogatory No. 52 on the grounds that it is overly broad, unduly burdensome and harassing, seeks irrelevant information, and is not reasonably calculated to lead to the discovery of relevant, admissible or discoverable evidence. See General Electric's "Preliminary Statement and General Objections."

NOTICE

INTERROGATORY NO. 53: When was the first time that you received notice that any person was claiming an injury as the result of using asbestos-containing products manufactured and/or sold by your company?

ANSWER: June 1979.

INTERROGATORY NO. 54: For each such injury that you received notice of or a claim for prior to 1970, please list:

- a) the name and address of each claimant;
- b) the date of the notice of each claim;
- c) a description of the claim (i.e., workmen's compensation or a third party liability action);
- d) the type of injury allegedly sustained;

- e) the name and address of each attorney who represents individuals making such claims;
- f) the style and the court number of each claim;
- g) the resolution of each claim that has been disposed of;
- h) the custodian of the records that relate to the claim (in lieu of answering the above question, you may attach copies of any and all claims).

ANSWER: Not applicable.

INTERROGATORY NO. 55: Do you contend that insulation products containing asbestos can be manufactured or treated so as to eliminate all potential health hazards to workers installing the same? If so, please explain in detail what your contentions are and the basis for each contention.

ANSWER: General Electric objects to Interrogatory No. 55 on the grounds that the term "treated" and the phrase "all potential health hazards" are vague, ambiguous, undefined, and capable of various interpretations, making this interrogatory unable to be responded to in its present form. Further, General Electric objects to this interrogatory on the grounds that it is overly broad, unduly burdensome and harassing.

INTERROGATORY NO. 56: Did you receive any reports or communications from your workmen's compensation insurance carrier or products liability insurance carrier with regard to the hazards incident to the use of asbestos-containing insulation products? If so, please state who has possession of such reports, the location of such reports and the substance of the contents of such

reports, listing for each such report the respective insurance company, its address, the agents signing such correspondence and the date of such notice or report.

ANSWER: General Electric objects to Interrogatory No. 56 on the grounds that it is overly broad, unduly burdensome and harassing, unlimited as to the applicable time period, seeks irrelevant information, and is not reasonably calculated to lead to the discovery of relevant, admissible or discoverable evidence. Without waiver of these objections and subject thereto, General Electric states that Turbine Business Operations does not have any record of the receipt of such a report.

INTERROGATORY NO. 57: Have any of the co-defendants named in this litigation ever furnished you with any information as to the state of the medical knowledge regarding the connection between asbestos dust exposure and the contracting of pulmonary diseases including asbestosis and cancer.

ANSWER: General Electric objects to Interrogatory No. 57 on the grounds that this interrogatory is not an appropriate "standard" interrogatory as contemplated by the Court's "Initial Pretrial Order Coordinating Proceedings," WDCP-83-1, dated March 16, 1983, making this interrogatory unable to be responded to in its present form. Additionally, this interrogatory seeks information which is protected from discovery by the joint defense privilege.

INTERROGATORY NO. 58: If the answer to the preceding Interrogatory is in the affirmative, please identify:

- a) what information you were furnished;
- b) who furnished that information;
- c) when that information was furnished.

ANSWER: See response to Interrogatory No. 57.

INTERROGATORY NO. 59: Have you at any time since 1930 interchanged results of research tests, medical studies or experiments regarding the state of the medical knowledge regarding the connection between asbestos exposure and the contracting of pulmonary diseases including lung cancer and asbestosis with any other person, including any co-defendants in this action?

ANSWER: General Electric objects to Interrogatory No. 59 on the grounds that it is overly broad, unduly burdensome and harassing, seeks irrelevant information, and is not reasonably calculated to lead to the discovery of relevant, admissible or discoverable evidence. Further, this interrogatory seeks information which is protected from discovery by the attorney-client and joint defense privileges and the attorney work product doctrine. Finally, this interrogatory is not an appropriate "standard" interrogatory as contemplated by the Court's "Initial Pretrial Order Coordinating Proceedings," WDCP-83-1, dated March 16, 1983, making this interrogatory unable to be responded to in its present form.

INTERROGATORY NO. 60: If the answer to the preceding Interrogatory is in the affirmative, please state:

- a) when this interchange took place;
- b) who participated in these interchanges;

c) summarize the content of these interchanges or studies.

ANSWER: See response to Interrogatory No. 59.

INTERROGATORY NO. 61: Please state if you or anyone on your behalf ever conducted, sponsored or contributed financially to any studies or research to determine if the inhalation of asbestos fibers may be harmful.

ANSWER: See General Electric's "Preliminary Statement and General Objections." General Electric's Turbine Business Operations is unaware of any such studies or research ever having been conducted, sponsored or financially supported by General Electric.

INTERROGATORY NO. 62: If the answer to the above question is in the affirmative, please state:

- a) by whom the research was conducted, giving complete names and addresses;
- b) the date that each such research project or test was conducted;
- c) the complete results of each test or study;
- d) identify all documents that refer, reflect or relate to the test or study;
- e) supply copies of the reports of the research department pertaining to the use by the corporation of asbestos in their manufacture of insulation products.

ANSWER: Not applicable.

INTERROGATORY NO. 63: Please state the names and addresses of your chief medical officers from 1930 until the present time, listing the periods of time each such medical officer was

employed by defendant in that capacity. If you did not have a medical officer, please indicate what person or persons performed that function.

ANSWER: General Electric objects to Interrogatory No. 63 on the grounds that it is overly broad, unduly burdensome and harassing, seeks irrelevant information, and is not reasonably calculated to lead to the discovery of relevant, admissible or discoverable evidence. Additionally, see General Electric's "Preliminary Statement and General Objections." Without waiver of these objections and subject thereto, General Electric states that Dr. R. E. Sandroni has been Medical Director of Turbine Business Operations from 1969 to the present. Dr. Sandroni's address is General Electric Company, 1 River Road, Schenectady, New York 12345.

INTERROGATORY NO. 64: Please state the names and addresses of all physicians who were employed, retained or otherwise engaged by you at any of your facilities from the years 1930 until the present.

ANSWER: General Electric objects to Interrogatory No. 64 on the grounds that it is overly broad, unduly burdensome and harassing, seeks irrelevant information, and is not reasonably calculated to lead to the discovery of relevant, admissible or discoverable evidence. Additionally, see General Electric's "Preliminary Statement and General Objections."

INTERROGATORY NO. 65: Please state the names and addresses of all persons employed by you from 1930 until the present time

who functioned as industrial hygienists. As used in this interrogatory an industrial hygienist is one who performs engineering or health studies to identify and evaluate potential occupational health hazards and suggest methods of dealing with the same.

ANSWER: General Electric objects to Interrogatory No. 65 on the grounds that it is overly broad, unduly burdensome and harassing, seeks irrelevant information, and is not reasonably calculated to lead to the discovery of relevant, admissible or discoverable evidence. Additionally, see General Electric's "Preliminary Statement and General Objections."

INTERROGATORY NO. 66: For each industrial hygienist listed above, please state:

- a) the facility or office to which that individual was assigned;
- b) the complete and precise duties and responsibilities.

ANSWER: See response to Interrogatory No. 65.

INTERROGATORY NO. 67: Did anyone ever make any recommendations and/or suggestions to you pertaining to the risks and hazards associated with the manufacturing or use of insulation products containing asbestos?

ANSWER: General Electric objects to Interrogatory No. 67 on the grounds that it is overly broad, unduly burdensome and harassing, seeks irrelevant information, and is not reasonably calculated to lead to the discovery of relevant, admissible or discoverable evidence. Additionally, see General Electric's "Preliminary Statement and General Objections."

INTERROGATORY NO. 68: If the answer to the above questions was yes, please state:

- a) where such recommendations or suggestions were made;
- b) who made such recommendations or suggestions;
- c) to whom were these recommendations or suggestions made;
- d) the substance of the recommendations or suggestions;
- e) what actions did you take as the result of those recommendations and suggestions?

ANSWER: See response to Interrogatory No. 67.

INTERROGATORY NO. 69: Do you agree that there is a causal connection between the asbestos dust exposure and

- a) asbestosis?
- b) lung cancer?
- c) mesothelioma?
- d) other cancers?

ANSWER: General Electric objects to Interrogatory No. 69 on the grounds that it is overly broad, seeks irrelevant information, and is not reasonably calculated to lead to the discovery of relevant, admissible or discoverable evidence. Further, General Electric objects on the grounds that this interrogatory calls for the statement of a medical opinion with respect to causation which General Electric is not able to provide. Finally, General Electric objects to this interrogatory on the grounds that the phrase "the asbestos dust exposure" is vague, ambiguous, undefined, and capable of various interpretations,

making this interrogatory unable to be responded to in its present form.

INTERROGATORY NO. 70: If your answer to the previous Interrogatory is yes as to any or all subparts, please identify the following as to each disease process listed above:

- a) when and how you first learned of such connection;
- b) if the knowledge was obtained by the attendance at any conference, lecture, convention, symposium or meeting, identify such event and provide the name of the person attending or the documents obtained from that meeting;
- c) if knowledge was obtained from a medical or scientific study or any other published works, identify the same;
- d) if the knowledge was otherwise obtained, identify the manner of receipt of the document or communication.

ANSWER: See response to Interrogatory No. 69.

INTERROGATORY NO. 71: With regard to any knowledge obtained subsequent to that identified in the previous Interrogatory, please identify:

- a) all documents or other communications, oral or written, concerning the causal connection between exposure to asbestos dust or asbestos products and the disease processes identified in question No. 60 [sic] above;
- b) identify the person communication [sic] the information.

ANSWER: See response to Interrogatory No. 69.

INTERROGATORY NO. 72: When and by what manner were you first aware of the hazards of asbestos or asbestos-containing products to the users of those products?

ANSWER: General Electric objects to Interrogatory No. 72 on the grounds that the terms "hazards" and "asbestos" and the phrases "asbestos-containing products" and "users of those products" are vague, ambiguous, undefined, and capable of various interpretations, making this interrogatory unable to be responded to in its present form.

INTERROGATORY NO. 73: Identify any medical examination programs offered or sponsored by you or your insurance carrier for employees handling or otherwise exposed to asbestos and asbestos products. With respect to each such program, please state:

- a) the manner of communicating with employees about such program;
- b) whether examination was mandatory or optional;
- c) what percentage of workers permitted to undergo such examination actually participated;
- d) what percentage of workers were found to have asbestosis or mesothelioma or bronchogenic carcinoma;
- e) with respect to (d), what percentage of such workers were paid disability, workmen's compensation benefits or for whose benefit medical expenses were paid to undergo treatment for such conditions.

ANSWER: General Electric objects to Interrogatory No. 73 on the grounds that it is overly broad, unduly burdensome and harassing, seeks irrelevant information, and is not reasonably calculated to lead to the discovery of relevant, admissible or discoverable evidence. Additionally, see General Electric's "Preliminary Statement and General Objections."

INTERROGATORY NO. 74: Identify all trade organizations, association or other entities, including but not limited to ALI, IHF, NAIMA, AIA, NICA, TIMA, QAMA, PICA, QAPA, to which you have belonged or in which you have participated since 1925 and the years of your participation.

ANSWER: General Electric objects to Interrogatory No. 74 on the grounds that it is overly broad, unduly burdensome and harassing, seeks irrelevant information, and is not reasonably calculated to lead to the discovery of relevant, admissible or discoverable evidence. Further, this interrogatory's use of abbreviations to identify apparent trade organizations makes the interrogatory vague, ambiguous, undefined, capable of various interpretations, and unable to be responded to in its present form. Without waiving these objections and subject thereto, General Electric states that it has never manufactured asbestos-containing insulation products or been a member of the "asbestos industry" as that phrase is commonly used, and has therefore not been a member of trade organizations of that industry. Additionally, General Electric has been a member of the organization now known as the Industrial Health Foundation, since 1947.

INTERROGATORY NO. 75: Identify all persons attending on your behalf any meetings held by any trade organization listed in the Interrogatory stated above.

ANSWER: See response to Interrogatory No. 74.

INTERROGATORY NO. 76: Identify the names or nature of all notes, reports, studies or other writings submitted by you or received by you at meetings identified in the Interrogatory stated above.

ANSWER: See response to Interrogatory No. 74.

INTERROGATORY NO. 77: Identify any documents you received from or submitted to those trade organizations, associations or other entities identified in Interrogatory #65 [sic] relating to the relationship between asbestos exposure and disease.

ANSWER: See response to Interrogatory No. 74.

INTERROGATORY NO. 78: Did you direct to be performed, sponsor, finance or receive the results of any studies or tests performed by the Saranac Lake Laboratory or the Trudeau Foundation relating to asbestos exposure and its effect on human life? If so, identify:

- a) all documents summarizing findings or results of those studies or tests which you have in your possession or control;
- b) all communications, oral or written, between answering defendant and Saranac personnel, including but not limited to Gerrit W. H. Schepers, M.D.;

- c) all documents relating to Saranac studies received or submitted to you, either directly, through associated or predecessor companies, through other companies, or through any trade associations, organizations or entities;
- d) all recommendations or findings of such studies in relating to: 1) adequacy or inadequacy of the threshold limit values; 2) the substitution of materials other than asbestos to be used in insulation process;
- e) where the documents and/or communications identified in this Interrogatory are presently maintained.

ANSWER: General Electric objects to Interrogatory No. 78 on the grounds that it is overly broad, unduly burdensome and harassing, seeks irrelevant information, and is not reasonably calculated to lead to the discovery of relevant, admissible or discoverable evidence. Additionally, see General Electric's "Preliminary Statement and General Objections." Without waiver of these objections and subject thereto, Turbine Business Operations did not direct to be performed, sponsor or finance any such studies.

INTERROGATORY NO. 79: Identify all persons who have testified on your behalf and all documents presented to or utilized in preparation of testimony before the Occupational Safety and Health Administration, the National Institute of Occupational Safety and Health, any U.S. Congressional committee or subcommittee or governmental hearing or investigative proceeding on the

subjects of biological effects on human life from exposure to asbestos and the setting, modification, feasibility and acceptance of allegedly safe or proper levels of such exposure to asbestos and asbestos products.

ANSWER: Turbine Business Operations is not aware of the presentation of any such testimony or documents.

INTERROGATORY NO. 80: For all testimony set forth above, please identify:

- a) the dates and descriptions of the proceedings;
- b) the relationship between the person who testified or responded and you;
- c) all studies, test results or other scientific or medical documents relied upon by said person as a basis for any recommendation made or testimony given;
- d) whether at any time prior to or following such testimony you were aware that the proper method for determination of safe levels of asbestos dust was to test concentrations of fibers in the air rather than the total number of particles. If your answer is in the affirmative, identify the origin of said knowledge and all documents relating thereto.

ANSWER: Not applicable.

INTERROGATORY NO. 81: What do you understand "threshold value limit" to mean?

ANSWER: General Electric objects to Interrogatory No. 81 on the grounds that it seeks irrelevant information and is not

reasonably calculated to lead to the discovery of relevant, admissible or discoverable evidence. Additionally, this interrogatory calls for a medical/scientific opinion which General Electric is not able to provide.

INTERROGATORY NO. 82: What do you understand "dose response relationship" to mean?

ANSWER: General Electric objects to Interrogatory No. 82 on the grounds that it seeks irrelevant information and is not reasonably calculated to lead to the discovery of relevant, admissible or discoverable evidence. Additionally, this interrogatory calls for a medical/scientific opinion which General Electric is not able to provide.

INTERROGATORY NO. 83: What is being measured when you take the measurement of threshold limit value as you define it?

ANSWER: General Electric objects to Interrogatory No. 83 on the grounds that it seeks irrelevant information and is not reasonably calculated to lead to the discovery of relevant, admissible or discoverable evidence.

INTERROGATORY NO. 84: Did you advertise any of your asbestos-containing products for use on ship or navy vessels?

ANSWER: General Electric objects to Interrogatory No. 84 on the grounds that it is overly broad, unduly burdensome and harassing, seeks irrelevant information, and is not reasonably calculated to lead to the discovery of relevant, admissible or discoverable evidence. Additionally, see General Electric's "Preliminary Statement and General Objections."

INTERROGATORY NO. 85: If the response to Interrogatory No. 84 was yes, please state:

- a) the name of the product;
- b) in what years you advertised the product;
- c) the intended purpose of the product.

ANSWER: See response to Interrogatory No. 84.

INTERROGATORY NO. 86: Did you design any asbestos-containing products for use on ships or navy vessels? If so, please state:

- a) the name of the products;
- b) the year of their design;
- c) the manufacturer;
- d) the intended use.

ANSWER: General Electric objects to Interrogatory No. 86 on the grounds that it is overly broad, unduly burdensome and harassing, seeks irrelevant information, and is not reasonably calculated to lead to the discovery of relevant, admissible or discoverable evidence. Additionally, see General Electric's "Preliminary Statement and General Objections."

INTERROGATORY NO. 87: Did you sell any asbestos-containing materials to the:

- a) United States government?
- b) General Services Agency?
- c) any naval shipyard?
- d) any shipyard?

ANSWER: General Electric objects to Interrogatory No. 87 on the grounds that it is overly broad, unduly burdensome and harassing, seeks irrelevant information, and is not reasonably calculated to lead to the discovery of relevant, admissible or discoverable evidence. Additionally, see General Electric's "Preliminary Statement and General Objections."

INTERROGATORY NO. 88: Do you ever conduct any dust studies in any of your asbestos product manufacturing facilities? If so, please state:

- a) the date of each such study;
- b) the person conducting the study;
- c) the result or conclusion;
- d) who presently has possession of the report or study.

ANSWER: Not applicable. See General Electric's "Preliminary Statement and General Objections."

This the 12TH day of October, 1989.

Gerard H. Davidson, Jr. (N.C. Bar No. 5132)
Timothy Peck (N.C. Bar No. 9991)

Attorneys for Defendant
General Electric Company

By: Tim Peck

OF COUNSEL:

SMITH HELMS MULLISS & MOORE
500 NCNB Building
Post Office Box 21927
Greensboro, North Carolina 27420
Telephone: (919) 378-5200

STATE OF NEW YORK)
)
COUNTY OF SCHENECTADY)

VERIFICATION

Bryce MacDonald, being duly sworn, deposes and says that he has read the foregoing "Defendant General Electric Company's Response to 'Plaintiffs' Standard Interrogatories to All Defendants'" and is familiar with the contents thereof; that the deponent is without personal knowledge of the matters stated in the foregoing "Defendant General Electric Company's Response to 'Plaintiffs' Standard Interrogatories to All Defendants'" and is informed and believes that no officer or employee of General Electric Company has personal knowledge of all such matters; that the foregoing "Defendant General Electric Company's Response to 'Plaintiffs' Standard Interrogatories to All Defendants'" has been assembled by authorized employees and counsel of General Electric Company who have informed deponent that the foregoing "Defendant General Electric Company's Response to 'Plaintiffs' Standard Interrogatories to All Defendants'" is true; and that to the best of deponent's knowledge this "Defendant General Electric Company's Response to 'Plaintiffs' Standard Interrogatories to All Defendants'" is true.

Bryce MacDonald
Counsel, General Electric Company

Subscribed and sworn to before me
this 11th day of October, 1989.

William H. Jones
Notary Public in and for
said County and State

My Commission Expires: 2/2/91

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing "Defendant General Electric Company's Response to 'Plaintiffs' Standard Interrogatories to All Defendants'" has been served upon the following known counsel for the various parties by mailing copies thereof via first-class mail, postage prepaid, addressed as follows:

Ms. Mona Lisa Wallace
Wallace, Whitley, Pope and Black
301 North Main Street
Salisbury, North Carolina 28144

Mr. Michael Brickman
Ness, Motley, Loadholt, Richardson & Poole, P.A.
Post Office Box 1137
Charleston, South Carolina 29402

Mr. Donald E. Britt, Jr.
Poisson, Barnhill & Britt
Post Office Box 807
Wilmington, North Carolina 28402

Mr. Alexander M. Bullock
Haynsworth, Marion, McKay & Guerard
Post Office Box 2048
Greenville, South Carolina 29602

Mr. David G. Traylor, Jr.
Nelson, Mullins, Riley & Scarborough
1301 Lady Street
Post Office Box 11070
Columbia, South Carolina 29211

Mr. Robert F. Baker
Spears, Barnes, Baker, Hoof, Wanio & Holeman
Post Office Box 981
Durham, North Carolina 27702

Mr. William C. Brewer, Jr.
Speight, Watson & Brewer
Post Office Drawer 99
Greenville, North Carolina 27834

Mr. William D. Vines, III
Butler, Vines, Bass and Threadgill
Eighth Floor, First American Center
Post Office Box 2649
Knoxville, Tennessee 37901-2649

Mr. Richard L. Huffman
Waggoner, Hamrick, Hasty, Monteith, Kratt,
Cobb & McDonnell
2500 First Union Plaza
Charlotte, North Carolina 28282

Mr. Robert H. Hood
Mr. Francis L. P. Barnwell
Mr. Mark V. Evans
Robert H. Hood & Associates
Post Office Box 1508
Charleston, South Carolina 29402

Mr. Perry C. Henson
Mr. Gary K. Sue
Henson, Henson, Bayliss & Teague
Post Office Box 3525
Greensboro, North Carolina 27402

Mr. Kenneth Kyre, Jr.
Nichols, Caffrey, Hill, Evans & Murrelle
Post Office Box 939
Greensboro, North Carolina 27402

Mr. John F. Mitchell
Mr. James P. Cain
Petree Stockton & Robinson
Post Office Box 300004
Raleigh, North Carolina 27622

Mr. Sanford W. Thompson, IV
Mr. Buxton S. Copeland
Patterson, Dilthey, Clay, Cranfill
Sumner & Hartzog
Post Office Box 310
Raleigh, North Carolina 27602-0310

Mr. John A. Gardner, III
Hedrick, Eatman, Gardner & Kincheloe
Post Office Box 30397
Charlotte, North Carolina 28204

Mr. Gary Parsons
Mr. Carson Carmichael, III
Ms. Dorothy V. Kibler
Bailey & Dixon
Post Office Box 12865
Raleigh, North Carolina 27605-2865

Mr. Robert Thackston
McGuire, Woods, Battle & Boothe
One James Center
Richmond, Virginia 23219

This the 12th day of October, 1989.



Timothy Peck (N.C. Bar No. 9991)

Attorney for Defendant
General Electric Company