

NO. 90-10623-I

REGINALD DIXON LYLES AND MAUDE)	IN THE DISTRICT COURT OF
LYLES; JOHN MORRIS NORTHCUTT)	
AND BONNIE NORTHCUTT; YANCEY)	
NORVILLE HALL AND DOROTHY HALL;)	DALLAS COUNTY, TEXAS
LESLIE EDWARD DRISKELL AND)	
EVELYN DRISKELL,)	162ND JUDICIAL DISTRICT
Plaintiffs,)	
v.)	
FIBREBOARD CORPORATION, et al;)	
Defendants.)	

**W.R. GRACE & CO-CONN'S ANSWERS AND OBJECTIONS TO
PLAINTIFFS' INTERROGATORIES**

GENERAL OBJECTIONS

W.R. Grace & Co.-Conn, formerly known as W.R. Grace & Co., ("Grace-Conn") incorporates herein by reference its General Objections to its Responses and Objections to Plaintiffs' First Set of Interrogatories and Request for Production of Documents to Defendant.

INTERROGATORIES

INTERROGATORY 1

For each document listed below, please answer whether such document is a true and correct duplicate of a genuine and authentic document:

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>
(a) WRG-2	Letter to Manfred Bowditch from Bradley Dewey dated November 8, 1934.

ANSWER

Subject to the General Objections interposed above, Grace-Conn is unable to answer this interrogatory. To the extent this document relates to the Multibestos Co., Grace-Conn never held any interest in the Multibestos Co. To the extent this document relates to Dewey and Almy, Grace-Conn did not acquire Dewey and Almy until 1954, years after the creation of this document.



(b) WRG-107 Letter dated December 10, 1937 to Anthony J. Lanza from Manfred Bowditch.

ANSWER

See the answer to Interrogatory 1, sub-part (a), above.

(c) WRG-108 Letter dated December 14, 1937 to Manfred Bowditch from Leroy U. Gardner with attachment.

ANSWER

See the answer to Interrogatory 1, sub-part (a), above.

(d) WRG-3 Letter to Bradley Dewey from Manfred Bowditch, February 19, 1938.

ANSWER

See the answer to Interrogatory 1, sub-part (a), above.

(e) WRG-4 Letter to Manfred Bowditch from Bradley Dewey, February 23, 1938 (2 pages).

ANSWER

See the answer to Interrogatory 1, sub-part (a), above.

(f) WRG-5 Letter to Bradley Dewey from Manfred Bowditch, March 4, 1938.

ANSWER

See the answer to Interrogatory 1, sub-part (a), above.

(g) WRG-109 Letter dated March 4, 1938 to Leroy U. Gardner from Manfred Bowditch with attachment.

ANSWER

See the answer to Interrogatory 1, sub-part (a), above.

(h) WRG-110 Letter dated March 24, 1938 to Bradley Dewey from Manfred Bowditch with attachment.

ANSWER

See the answer to Interrogatory 1, sub-part (a), above.

(i) WRG-111 Letter dated March 28, 1938 to Manfred Bowditch from Bradley Dewey.

ANSWER

See the answer to Interrogatory 1, sub-part (a), above.

(j) WRG-112 Article "An X-ray Study of the Lungs of Workmen in the Asbestos Industry Covering a Period of Ten Years" by Arial W. George, M.D., and Ralph D. Leonard, M.D. Radiology. August, 1939.

ANSWER

Subject to the General Objections interposed above, and after reasonable investigation, Grace-Conn is unable to answer this interrogatory. Grace-Conn was not the author of this article.

(k) WRG-6 Letter to Manfred Bowditch from Bradley Dewey, November 8, 1939.

ANSWER

See the answer to Interrogatory 1, sub-part (a), above.

(l) WRG-113 Letter dated July 23, 1954 to the Shareholders of Dewey and Almy Chemical Company from Hugh S. Ferguson.

ANSWER

Subject to the General Objections interposed above, Grace-Conn states yes.

(m) WRG-7 Report: Agreement of Merger and Articles of Consolidation; Presented at Directors' Meeting dated 09/03/54, 30 pages.

ANSWER

Subject to the General Objections interposed above, Grace-Conn states yes.

(n) WRG-114 Letter dated September 25, 1954 to the Stockholders from Hugh Ferguson presented to Directors' Meeting of 09/03/54, with attachments.

ANSWER

Subject to the General Objections interposed above, Grace-Conn states yes.

(o) WRG-8 A report on an industrial hygiene of study of the Zonolite Company of Libby, Montana, August 8-9, 1956.

ANSWER

Subject to the General Objections interposed above, Grace-Conn states yes.

(p) WRG-13 "A Report on an Industrial Hygiene Study of the Zonolite Company, of Libby, Montana, dated January 12, 1959.

ANSWER

Subject to the General Objections interposed above, Grace-Conn states no. Grace-Conn has in its files a substantially similar document, but the documents differ in that plaintiffs' copy is missing two pages.

(q) WRG-22 A report of an industrial hygiene study of the Zonolite Company, Libby, Montana, April 19, 1962.

ANSWER

Subject to the General Objections interposed above, Grace-Conn states yes.

(r) WRG-24 A report on an industrial hygiene study of the Zonolite Company, Libby, Montana, April 11, 1963.

ANSWER

Subject to the General Objections interposed above, Grace-Conn states yes.

(s) WRG-25 Letter to R.A. Bleich from Benjamin Wake, May 23, 1963.

ANSWER

Subject to the General Objections interposed above, Grace-Conn states yes.

(t) WRG-34 Memo to J.A. Kelley from R.A. Bleich, January 2, 1965.

ANSWER

Subject to the General Objections interposed above, Grace-Conn states yes.

(u) WRG-115 Office Memorandum dated March 31, 1966, to Mr. Bleich from Benjamin Waite(sic).

ANSWER

Subject to the General Objections interposed above, Grace-Conn states yes.

(v) WRG-40 Memorandum to R.W. Sterrett from Peter Kostic dated January 5, 1968, 4 pages.

ANSWER

Subject to the General Objections interposed above, Grace-Conn states yes.

(w) WRG-116 Memorandum dated June 27, 1968, to R.W. Sterrett from E.D. Lovick.

ANSWER

Subject to the General Objections interposed above, Grace-Conn states yes.

(x) WRG-41 Memo from Leslie A. Barron transmitting New Yorker magazine article from issue of October 12, 1968. Letter is dated November 18, 1968.

ANSWER

Subject to the General Objections interposed above, Grace-Conn states yes.

(y) WRG-43 Letter to R.W. Sterrett from N.F. Bushell with attachment: attending physician's statement, December 10, 1968.

ANSWER

Subject to the General Objections interposed above, Grace-Conn states yes.

(z) WRG-117 Memorandum dated March 11, 1969, to R.W. Sterrett from Peter Kostic with cc's to Vining, Dugan, and Kulberg.

ANSWER

Subject to the General Objections interposed above, Grace-Conn states yes.

(aa) WRG-118 Memorandum dated May 9, 1969, to R.W. Sterrett re: Zonolite Research.

ANSWER

Subject to the General Objections interposed above, Grace-Conn states yes.

(bb) WRG-119 Letter dated July 29, 1969, to O.F. Stewart from H.A. Brown with attachment: Zonolite Vermiculite Ore Review.

ANSWER

Subject to the General Objections interposed above, Grace-Conn states no. Grace-Conn has in its files a substantially similar document, but the document differs in that plaintiffs' copy is missing the distribution list.

(cc) WRG-120 Confidential report "Construction Products Division. W.R. Grace & Co., 1970 Long Range Plan, Volume I". Cambridge, Mass. October, 1969. Copy No. 29.

ANSWER

Subject to the General Objections interposed above, Grace-Conn states no. Plaintiff's copy is missing sections I, II, III, & IV of the report.

(dd) WRG-50 Memo to V.H. Dodson from T.F. Egan December 1, 1969.

ANSWER

Subject to the General Objections interposed above, Grace-Conn states yes.

(ee) WRG-121 Confidential Memorandum dated March 16, 1970 to K.R. Cranker from R.J. Bragg re: Mono-Kote Reformation.

ANSWER

Subject to the General Objections interposed above, Grace-Conn states yes.

(ff) WRG-52 Memo to R.F. Chaney from Thomas Egan, June 1, 1970.

ANSWER

Subject to the General Objections interposed above, Grace-Conn states yes.

(gg) WRG-122 Confidential Memorandum dated June 24, 1970 to R.W. Sterrett, B.R. Williams, J.N. Beveridge, D.G. Powell, R.L. Asher, R.E. Dunham, W.G. Gary, L.P. Hollis, C.R. Lowe, J.A. McEachern, and C.H. Wendel from T.F. Egan.

ANSWER

Subject to the General Objections interposed above, Grace-Conn states yes.

(hh) WRG-53 Report titled "Asbestos Fiber Concentrations in Air from Spray Fireproofing Operations using Zonolite Products," July 13, 1970.

ANSWER

Subject to the General Objections interposed above, Grace-Conn states yes.

(ii) WRG-123 Memorandum dated October 25, 1971 to Tom Feit, C.H. Wondal, and Bob Randall from W.V. Culver re: Fireproofing Spec.

ANSWER

Subject to the General Objections interposed above, Grace-Conn states yes.

(jj) WRG-124 Minutes of Meeting of Plaster & Fireproofing Committee dated December 1 and 2, 1971.

ANSWER

Subject to the General Objections interposed above, Grace-Conn states no. Grace-Conn has in its files a substantially similar document, but plaintiffs' document differs in that it is missing an attached distribution list and memo. [BASED ON QUORUM SEARCH]

(kk) WRG-62 Letter to E.R. Prevost from R.C. Ericson, January 4, 1972.

ANSWER

Subject to the General Objections interposed above, Grace-Conn states yes.

(ll) WRG-63 Memo to H.A. Brown from H.A. Eschenbach, February 10, 1972.

ANSWER

Subject to the General Objections interposed above, Grace-Conn states yes.

(mm) WRG-64 Memo to T.L. Lyall from H.A. Eschenbach, May 5, 1972.

ANSWER

Subject to the General Objections interposed above, Grace-Conn states yes.

(nn) WRG-125 Memorandum dated June 14, 1972 to All Mono-Kote Plant Supts. from R.C. Ericson re: Mk-4(67C).

ANSWER

Subject to the General Objections interposed above, Grace-Conn states yes.

(oo) WRG-126 Letter dated August 2, 1972 to J.H. Greer from Thomas P. Feit.

ANSWER

Subject to the General Objections interposed above, Grace-Conn states yes.

INTERROGATORY 2

For each document listed below, please answer whether such document was kept and/or generated and/or received in the regular course of a regularly conducted business activity of W.R. Grace and/or its predecessors in interest, or any of their predecessors.

<u>EXHIBIT NO.</u>	<u>DESCRIPTION</u>
(a) WRG-2	Letter to Manfred Bowditch from Bradley Dewey dated November 8, 1934.

ANSWER

Subject to the General Objections interposed above, Grace-Conn states no. To the extent this document relates to the Mulbestos Co., Grace-Conn never held any interest in the Multibestos Co. To the extent this document relates to the Dewey and Almy Co., Grace-Conn did not acquire Dewey and Almy until 1954, years after the creation of this document.

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ANSWER

See the answer to Interrogatory 2, sub-part (a), above.

(c) WRG-108	Letter dated December 14, 1937 to Manfred Bowditch from Leroy U. Gardner with attachment.
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ANSWER

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ANSWER

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March 4, 1938.

ANSWER

See the answer to Interrogatory 2, sub-part (a), above.

- (g) WRG-109 Letter dated March 4, 1938 to Leroy U. Gardner
from Manfred Bowditch with attachment.

ANSWER

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- (j) WRG-112 Article "An X-ray Study of the Lungs of Workmen in
the Asbestos Industry Covering a Period of Ten
Years" by Arial W. George, M.D., and Ralph D.
Leonard, M.D. Radiology. August, 1939.

ANSWER

See the answer to Interrogatory 1, sub-part (j), above.

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ANSWER

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ANSWER

Subject to the General Objections interposed above, Grace-Conn states yes.

(oo) WRG-126 Letter dated August 2, 1972 to J.H. Greer from Thomas P. Feit.

ANSWER

Subject to the General Objections interposed above, Grace-Conn states yes.

INTERROGATORY 3

Has W.R. Grace stipulated or agreed to the authenticity of any of the documents referenced in Interrogatory No. 1 with any person prior to the date of these Interrogatories?
If so, please:

- (a) identify the person(s) with whom this stipulation or agreement was reached,
- (b) the date(s) of said stipulation or agreement, and
- (c) identify the documents.

ANSWER 3

Grace-Conn objects to this interrogatory on the grounds that it is overly broad and unduly burdensome.

Respectfully submitted,
W. R. Grace & Co. - Conn.

By its Attorney,



Gene M. Williams, Esq.
Mehaffy & Weber
Interfirst Tower
2615 Calder Avenue
P.O. Box 16
Beaumont, TX 77704
(409) 835-5011

DATED:

CERTIFICATION

STATE OF NEW YORK)
)
COUNTY OF NEW YORK, SS.)

Robert L. Romaine, being first duly sworn, on oath deposes and says he is Manager Finance and Control, Office of Environmental Policy of W. R. Grace & Co. - Conn., defendant in the above-entitled action; that he has read the foregoing answers to interrogatories and knows the contents thereof; that said answers were prepared by and with the assistance of employees and representatives of the corporation, with the assistance and advice of counsel, upon which he has relied; that the answers set forth herein, subject to inadvertent or undiscovered errors, are based on and therefore necessarily limited by the records and information still in existence, presently recollected and thus far discovered in the course of the preparation of these answers; that consequently W. R. Grace & Co. - Conn. reserves the right to make any changes in the answers if it appears at any time that omissions or errors have been made therein or that more accurate information is available; and that subject to the limitations set forth herein the said answers are true to the best of his present knowledge, information and belief.

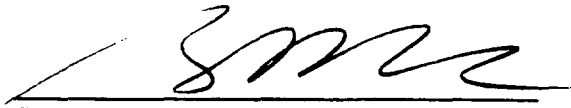
ROBERT L. ROMAINE

Subscribed and sworn to before me
this day of , 1990.

NOTARY PUBLIC

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing instrument was served upon all interested counsel on this the 27 day of December, 1990.


SANDRA F. CLARK