

CAUSE NO. 00-06-09976CV

KNOX EUGENE MANFORD and  
MADELEINE MANFORD,  
Plaintiffs,

vs.

GAF CORPORATION, et al.,  
Defendants.

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IN THE DISTRICT COURT

BROOKS COUNTY, TEXAS

79<sup>TH</sup> JUDICIAL DISTRICT

**DEFENDANT UTEX INDUSTRIES, INC.'S FIRST SUPPLEMENTAL ANSWERS  
TO PLAINTIFFS' FIRST SET OF INTERROGATORIES**

TO: Plaintiffs, by and through their attorney of record William K. Tapscott, Jr., Baron & Budd,  
P.C., 3102 Oak Lawn Avenue, Suite 1100, Dallas, Texas 75219-4281.

COMES NOW Defendant UTEX Industries, Inc. and, subject to and without waiving its  
previously filed objections, serves the following First Supplemental Answers to Plaintiffs' First Set  
of Interrogatories.

Respectfully submitted,



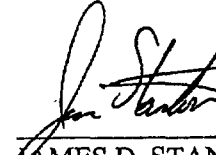
JAMES D. STANTON  
State Bar No. 19053260  
ERIC W. MCNEIL  
State Bar No. 13830320

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ATTORNEYS FOR DEFENDANT  
UTEX INDUSTRIES, INC.

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing document has been served on Plaintiffs' counsel of record via fax and certified mail, return receipt requested, and all other counsel of record, via regular mail, on this the 16<sup>th</sup> day of April, 2001.

  
\_\_\_\_\_  
JAMES D. STANTON  
ERIC W. MCNEIL

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

**ANSWER:** No objections are made to this Interrogatory.

**FIRST SUPPLEMENTAL ANSWER:**

Ray Snow  
Fred Pippert  
UTEX Industries, Inc.  
10810 Old Katy Road  
Houston, Texas 77043

Mr. Snow has been employed by Defendant for 32 years. Each of his positions and the years they were held are listed below:

Inside Sales, 1969-71  
Outside Sales, 1971  
Industrial Sales, 1972-73  
Assistant Sales Manager, 1974-77  
Sales Manager, 1977-82  
Vice President General Sales Manager, 1982-86  
Vice President Director of Sales, 1986-87  
Vice President Director of Corporate Marketing, 1987-92  
Vice President Corporate Marketing/Secretary, 1992-95  
Executive Vice President, 1995-2001  
Vice President Chief Operating Officer, 2001-present

Mr. Pippert has been employed by Defendant for 30 years. Each of his positions and the years they were held are listed below:

Inside Sales, 1971-73  
Project Engineering, 1973-77  
Manager Research & Development, 1977-82  
Vice President Research/Development, 1982  
Vice President Engineering & Technology, 1982-92  
Vice President Engineering/Manufacturing Operations, 1992-98  
Vice President Engineering/Corporate Manufacturing Operations, 1998-present

**INTERROGATORY NO. 2:** At anytime prior to the filing of this suit, did Defendant receive notice that any individual who at any time used asbestos containing products manufactured by the Defendant claimed injury to his/her lungs as a result of use of Defendant's products? If so, state:

- A. The name and address of each claimant;
- B. The date of notice of each claim;
- C. A description of the claim;
- D. The type of injuries allegedly sustained by each claimant;
- E. The name and address of each attorney who represented each individual making a claim;
- F. The style and court number of each claim;
- G. The disposition of each claim that has been settled or taken to judgment.
- H. The name, address and title of the person having custody of the records pertaining to each such claim.

**ANSWER:** Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not reasonably limited as to time or scope. Defendant further objects to this Interrogatory on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Request on the grounds that it is ambiguous and misleading with respect to the term "manufactured," in that the definition offered by Plaintiffs does not represent the commonly understood meaning of the term. Defendant further objects to this Request on the grounds that it assumes facts not in evidence, namely that Defendant manufactured asbestos containing products.

**INTERROGATORY NO. 3:** Has Defendant at any time published, distributed or displayed any printed material, including brochures, pamphlets, catalogs, warning signs or statements, packaging or other written material of any kind or character containing any warning concerning the possibility of injury resulting from the use of asbestos-containing products and/or exposure to airborne asbestos? If so, state:

- A. The exact wording of each warning statement and a description of the material upon which the warning was printed;
- B. The method(s) used to distribute the materials to persons likely to use the asbestos-containing products or likely to be exposed to airborne asbestos;
- C. The date each warning was first issued or distributed;
- D. The name, address, and job title of each person responsible for having drafted or issued the warning statements and/or written materials;
- E. The current location of any such printed material and the custodian thereof;

- F. The form in which such literature or printed material can be accessed, i.e., the manner in which such literature is indexed or stored.

**ANSWER:** Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not reasonably limited as to time or scope. Defendant further objects to this Interrogatory on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

**FIRST SUPPLEMENTAL ANSWER:**

Subject to and without waiving its previous objections, Defendant states that it received some information during the 1970's regarding potential health effects for persons exposed to airborne asbestos dust. Defendant cannot state with certainty the sources of such information. However, Ray Snow has been attending meetings of the Fluid Sealing Association twice per year since approximately 1972, and believes that he received information regarding potential health effects for persons exposed to airborne asbestos dust during the early to mid-1970's at one or more of those meetings. The information received by Ray Snow specifically related to claims or lawsuits connected to the use of Johns-Manville insulation materials that contained asbestos. Defendant then contacted the vendors from which it purchased asbestos-containing products and asked them questions regarding potential health effects and/or health hazards for persons exposed to airborne asbestos dust. Defendant was informed by its vendors that Defendant's products did not pose any health hazards because, unlike Johns-Manville's insulation materials, the asbestos in Defendant's products was fully encapsulated and therefore could not become airborne. At some point thereafter, Defendant nevertheless began providing written warnings with its products concerning the possibility of injury resulting from exposure to asbestos.

In response to each subpart above, Defendant states as follows:

- A. Defendant does not recall the exact wording of any of the warnings provided.
- B. The warnings provided by Defendant were in the form of adhesive labels, which were placed either on the packaging that contained Defendant's products, or directly upon the products themselves.
- C. Defendant does not recall the date on which such warnings were first issued.
- D. Defendant does not recall who drafted or issued such warnings.
- E. Defendant does not know the current location of any such printed material.
- F. Not applicable.

**INTERROGATORY NO. 4:** State whether Defendant maintained, prior to and during the years of Plaintiff's employment in the oil field supply industry (1946-1989), copies of invoices, shipping receipts, bills of lading, purchase orders, or other documents of a similar nature relating to the sale or distribution of asbestos-containing products. If so, state:

- A. The location of such documents;
- B. The name and address of the custodian of the documents;
- C. The format in which the documents are kept, i.e., hard copy, microfilm, microfiche, etc.;
- D. In what form the documents can be accessed.

**ANSWER:** Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not reasonably limited as to time or scope. Defendant further objects to this Interrogatory on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

**FIRST SUPPLEMENTAL ANSWER:**

Subject to and without waiving its previous objections, Defendant states that, during the time period in question, records such as those specified were maintained.

In response to each subpart above, Defendant states as follows:

- A. Such documents no longer exist.
- B. Not applicable.
- C. Not applicable.
- D. Not applicable.

**INTERROGATORY NO. 5:** Has Defendant or anyone at the direction of Defendant conducted an investigation, not in anticipation of this litigation, survey or other process to identify the primary emission sources of airborne asbestos fibers and/or to assess and/or sample for the detection of, the quantity of, threshold limit value of airborne asbestos fibers in relation to Defendant's asbestos containing products? If so, please identify with particularity the entity and/or persons conducting such investigation (s) , survey (s) or test (s) , the dates conducted and the results.

**ANSWER:** Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not reasonably limited as to time or scope. Defendant further objects to this Interrogatory on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

**FIRST SUPPLEMENTAL ANSWER:**

Subject to and without waiving its previous objections, Defendant states that it received some information during the 1970's regarding potential health effects for persons exposed to airborne asbestos dust. Defendant cannot state with certainty the sources of such information. However, Ray Snow has been attending meetings of the Fluid Sealing Association twice per year since approximately 1972, and believes that he received information regarding potential health effects for persons exposed to airborne asbestos dust during the early to mid-1970's at one or more of those meetings. The information received by Ray Snow specifically related to claims or lawsuits connected to the use of Johns-Manville insulation materials that contained asbestos. Defendant then contacted the vendors from which it purchased asbestos-containing products and asked them questions regarding potential health effects and/or health hazards for persons exposed to airborne asbestos dust. Defendant was informed by its vendors that Defendant's products did not pose any health hazards because, unlike Johns-Manville's insulation materials, the asbestos in Defendant's products was fully encapsulated and therefore could not become airborne. In addition to contacting its vendors to obtain this information, Defendant hired an outside company to perform tests which measured the quantity of asbestos fibers, if any, released by (1) Defendant's manufacturing processes involving asbestos-containing products, and (2) the cutting of asbestos-containing gaskets and packing sold by Defendant. Defendant does not recall the identity of the company that was retained to perform such tests, or the exact dates of such tests. Defendant further does not recall the specific results of such tests.

**INTERROGATORY NO. 6:** Did Defendant ever arrange for any labor agency, insurance company, government agency, inspectors or anyone from your company to go to any jobsite where Defendant's asbestos containing products were being made or used to take dust level counts related to asbestos dust? If so, identify with particularity the party(ies) conducting such procedure(s), the dates conducted, the purpose of such procedure(s), and all results of such procedure(s).

**ANSWER:** Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not reasonably limited as to time or scope. Defendant further objects to this Interrogatory on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

**FIRST SUPPLEMENTAL ANSWER:**

Subject to and without waiving its previous objections, Defendant states that it is not presently aware of any such procedures.

**INTERROGATORY NO. 7:** Did Defendant obtain facts, knowledge or information from any industry, insurance company, governmental agency, union, and/or any other entity regarding the potential health effects and/or health hazards created for persons exposed to airborne asbestos dust? If so, please list all sources of such information and the dates received.

**ANSWER:** Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not reasonably limited as to time or scope. Defendant further objects to this Interrogatory on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

**FIRST SUPPLEMENTAL ANSWER:**

Subject to and without waiving its previous objections, Defendant states that it received some information during the 1970's regarding potential health effects for persons exposed to airborne asbestos dust. Defendant cannot state with certainty the sources of such information. However, Ray Snow has been attending meetings of the Fluid Sealing Association twice per year since approximately 1972, and believes that he received information regarding potential health effects for persons exposed to airborne asbestos dust during the early to mid-1970's at one or more of those meetings. The information received by Ray Snow specifically related to claims or lawsuits connected to the use of Johns-Manville insulation materials that contained asbestos. Defendant then contacted the vendors from which it purchased asbestos-containing products and asked them questions regarding potential health effects and/or health hazards for persons exposed to airborne asbestos dust. Defendant was informed by its vendors that Defendant's products did not pose any health hazards because, unlike Johns-Manville's insulation materials, the asbestos in Defendant's products was fully encapsulated and therefore could not become airborne.

**INTERROGATORY NO. 8:** List each person who has acted in a medical advisory capacity to your company at any time during the past 40 years, including, but not limited to, physicians (including those physicians who would have been responsible for conducting physicals, evaluations or screenings of Defendant's employees) and industrial hygienists, and the current address, telephone number and job title of each of those individuals who has had or may have had any knowledge regarding the health effects and/or hazards of airborne asbestos dust.

**ANSWER:** Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not reasonably limited as to time or scope. Defendant further objects to this Interrogatory on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

**FIRST SUPPLEMENTAL ANSWER:**

Defendant withdraws its previous objections to this Interrogatory and states that it is not aware of any person who has acted in such capacity.

**INTERROGATORY NO. 9:** Does Defendant have in its possession, any books, pamphlets, memoranda, or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings? If so, state:

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

**ANSWER:** Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not reasonably limited as to time or scope. Defendant further objects to this Interrogatory on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

**FIRST SUPPLEMENTAL ANSWER:**

Subject to and without waiving its previous objections, Defendant states that it is not presently aware of any such written materials in its possession.

**INTERROGATORY NO. 10:** Has Defendant at any time been a member of any trade organization or association that published or disseminated any documents or information relating to the hazards of airborne asbestos? If so, state:

- A. The name and address of each such association or organization;
- B. The dates during which Defendant was a member;
- C. The names and dates of any publications, minutes, or reports published, written, or disseminated by any of the named associations or organizations;
- D. Whether any of those publications are still in your possession, and if so:
  - 1. A description of the publications, including the date;
  - 2. The current location of such publications;
  - 3. The custodian of such publications;
  - 4. The method or manner in which such publications are maintained.

**ANSWER:** Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not reasonably limited as to time or scope. Defendant further objects to this Interrogatory on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

**FIRST SUPPLEMENTAL ANSWER:**

Subject to and without waiving its previous objections, Defendant states that it received some information during the 1970's regarding potential health effects for persons exposed to airborne asbestos dust. Defendant cannot state with certainty the sources of such information. However, Ray Snow has been attending meetings of the Fluid Sealing Association twice per year since approximately 1972, and believes that he received information regarding potential health effects for persons exposed to airborne asbestos dust during the early to mid-1970's at one or more of those meetings. The information received by Ray Snow specifically related to claims or lawsuits connected to the use of Johns-Manville insulation materials that contained asbestos. Defendant then contacted the vendors from which it purchased asbestos-containing products and asked them questions regarding potential health effects and/or health hazards for persons exposed to airborne asbestos dust. Defendant was informed by its vendors that Defendant's products did not pose any health hazards because, unlike Johns-Manville's insulation materials, the asbestos in Defendant's products was fully encapsulated and therefore could not become airborne.

With regard to each subpart above, Defendant states as follows:

- A. Fluid Sealing Association, 994 Old Eagle School Road, Suite 1019, Wayne, PA 19089.
- B. 1972-80, 1985-89, 1992-present (dates are approximate).
- C. Defendant does not recall.
- D. None to Defendant's knowledge.

**INTERROGATORY NO. 11:** As to the diseases asbestosis, lung cancer, and/or mesothelioma state:

- A. The date on which Defendant first learned that such disease was caused by inhalation of asbestos fibers;
- B. How Defendant or its subsidiary or predecessor became aware of the disease and its relationship to asbestos exposure;
- C. Who within the company first discovered, recognized or understood the adverse consequences or effects of the disease;

- D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects;
- E. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form;
- F. Who is the custodian of such information.

**ANSWER:** Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not reasonably limited as to time or scope. Defendant further objects to this Interrogatory on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

**FIRST SUPPLEMENTAL ANSWER:**

Subject to and without waiving its previous objections, Defendant states that it received some information during the 1970's regarding potential health effects for persons exposed to airborne asbestos dust. Defendant cannot state with certainty the sources of such information. However, Ray Snow has been attending meetings of the Fluid Sealing Association twice per year since approximately 1972, and believes that he received information regarding potential health effects for persons exposed to airborne asbestos dust during the early to mid-1970's at one or more of those meetings. The information received by Ray Snow specifically related to claims or lawsuits connected to the use of Johns-Manville insulation materials that contained asbestos. Defendant then contacted the vendors from which it purchased asbestos-containing products and asked them questions regarding potential health effects and/or health hazards for persons exposed to airborne asbestos dust. Defendant was informed by its vendors that Defendant's products did not pose any health hazards because, unlike Johns-Manville's insulation materials, the asbestos in Defendant's products was fully encapsulated and therefore could not become airborne.

With regard to each subpart above, Defendant further states:

- A. Defendant has never had a medical department or medical section, and has no specific knowledge regarding the diseases listed or their causes.
- B. Defendant has never had a medical department or medical section, and has no specific knowledge regarding the diseases listed or their relationship to asbestos exposure.
- C. Defendant has never had a medical department or medical section, and has no specific information regarding the diseases listed or their adverse consequences or effects.

- D. Defendant has never had a medical department or medical section, and has no specific information regarding the diseases listed or their adverse consequences or effects.
- E. None to Defendant's knowledge.
- F. Not applicable.

**INTERROGATORY NO. 12:** Did Defendant maintain written minutes of corporate meetings, either board of directors, departmental, or otherwise, which reflect discussions pertaining to any subject matter related to asbestos, asbestos health hazards or asbestos products? If so, for each such set of minutes, state:

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

**ANSWER:** Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not reasonably limited as to time or scope. Defendant further objects to this Interrogatory on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

**FIRST SUPPLEMENTAL ANSWER:**

Defendant withdraws its previous objections to this Interrogatory and states that its minutes do not reflect any such discussions.

**INTERROGATORY NO. 13:** Does Defendant have, or has it ever had, a Medical Department or Medical Section? If so, state:

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

**ANSWER:** Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not reasonably limited as to time or scope. Defendant further objects to this Interrogatory on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

**FIRST SUPPLEMENTAL ANSWER:**

Defendant withdraws its previous objections to this Interrogatory and states that it has never had a medical department or medical section.

**INTERROGATORY NO. 14:** Does Defendant have, or has it ever had, a Safety Department?  
If so, state:

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

**ANSWER:** Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not reasonably limited as to time or scope. Defendant further objects to this Interrogatory on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

**FIRST SUPPLEMENTAL ANSWER:**

Subject to and without waiving its previous objections, Defendant states that it has a safety committee at its Weimar plant that meets periodically.

**INTERROGATORY NO. 15:** Please describe each and every occasion during the past thirty years when any regulatory agency or other governing body inspected Defendant's manufacturing facilities or asbestos containing products to ascertain whether health and safety regulations pertaining to asbestos, asbestos products, friction products, machinery calling for the use of asbestos or asbestos containing products, threshold limit values, and/or ventilation requirements were being followed or adhered to, including the date of such inspection and/or meeting, the results, and whether a written report was produced.

**ANSWER:** Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not reasonably limited as to time or scope. Defendant further objects to this Interrogatory on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

**FIRST SUPPLEMENTAL ANSWER:**

Subject to and without waiving its previous objections, Defendant states that it is not presently aware of any such inspections.

**INTERROGATORY NO. 16:** Please state whether Defendant has at any time advised purchasers of Defendant's asbestos containing products to provide or use any safety equipment for protection against the inhalation of airborne asbestos dust when handling Defendant's asbestos containing products, including but not limited to masks, respirators, other breathing devices, protective clothing, protective gloves, etc. For each such item of equipment, please indicate when such warning was first provided, under what circumstances, and the name, address and telephone number of the person most knowledgeable concerning such actions.

**ANSWER:** Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not reasonably limited as to time or scope. Defendant further objects to this Interrogatory on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

**FIRST SUPPLEMENTAL ANSWER:**

Subject to and without waiving its previous objections, Defendant states that it received some information during the 1970's regarding potential health effects for persons exposed to airborne asbestos dust. Defendant cannot state with certainty the sources of such information. However, Ray Snow has been attending meetings of the Fluid Sealing Association twice per year since approximately 1972, and believes that he received information regarding potential health effects for persons exposed to airborne asbestos dust during the early to mid-1970's at one or more of those meetings. The information received by Ray Snow specifically related to claims or lawsuits connected to the use of Johns-Manville insulation materials that contained asbestos. Defendant then contacted the vendors from which it purchased asbestos-containing products and asked them questions regarding potential health effects and/or health hazards for persons exposed to airborne asbestos dust. Defendant was informed by its vendors that Defendant's products did not pose any health hazards because, unlike Johns-Manville's insulation materials, the asbestos in Defendant's

products was fully encapsulated and therefore could not become airborne. At some point thereafter, Defendant nevertheless began providing written warnings with its products concerning the possibility of injury resulting from exposure to asbestos. Defendant does not recall the exact wording of any of the warnings provided. The warnings provided by Defendant were in the form of adhesive labels, which were placed either on the packaging that contained Defendant's products, or directly upon the products themselves. Defendant does not recall the date on which such warnings were first issued. Defendant does not recall who drafted or issued such warnings. Defendant does not know the current location of any such printed material.

**INTERROGATORY NO. 17:** Please state the precise State and/or Federal regulations, laws, statutes, or other authority pertaining to industrial hygiene or worker safety and health that governed, regulated controlled and/or were applicable to airborne asbestos exposure in relation to use of asbestos containing products manufactured by Defendant.

**ANSWER:** Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not reasonably limited as to time or scope. Defendant further objects to this Interrogatory on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Interrogatory on the grounds that it is unduly burdensome, in that the requested information is a matter of public record and is therefore equally available to Plaintiffs. Defendant further objects to this Interrogatory on the grounds that it is ambiguous and misleading with respect to the term "manufactured," in that the definition offered by Plaintiffs does not represent the commonly understood meaning of the term. Defendant further objects to this Interrogatory on the grounds that it assumes facts not in evidence, namely that Defendant manufactured asbestos containing products.

**INTERROGATORY NO. 18:** As to either the threshold limit values or maximum allowable concentrations of both asbestos dust and total dust provided by the American Conference of Governmental Industrial Hygienists, state:

- A. The year in which Defendant was first advised of such limits or concentrations;
- B. The name of the employee or official of the company receiving such advice;
- C. How Defendant received notice of such limits or concentrations.
- D. Upon receipt of notice of such limits and/or concentrations did Defendant put into place any new procedures and/or changed Defendant's then existing policies, product designs, and/or working conditions.

**ANSWER:** Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not reasonably limited as to time or scope. Defendant further objects to this Interrogatory on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

**FIRST SUPPLEMENTAL ANSWER:**

Subject to and without waiving its previous objections, Defendant states that it currently has no specific information regarding such limits or concentrations other than what is contained in the documents being produced herewith, and further states:

- A. Defendant does not recall.
- B. Defendant does not recall.
- C. Defendant does not recall.
- D. Defendant does not recall.

**INTERROGATORY NO. 19:** Identify all persons, including name, address and telephone number, who provided and/or conducted or were responsible for conducting any type of training in the use of asbestos containing products manufactured by Defendant between 1946-1989.

**ANSWER:** Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not reasonably limited as to time or scope. Defendant further objects to this Interrogatory on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Interrogatory on the grounds that it is ambiguous and misleading with respect to the term "manufactured," in that the definition offered by Plaintiffs does not represent the commonly understood meaning of the term. Defendant further objects to this Interrogatory on the grounds that it assumes facts not in evidence, namely that Defendant manufactured asbestos containing products.

**INTERROGATORY NO. 20:** Identify all asbestos containing products manufactured or distributed by Defendant from 1946-1989. For each product, identify:

- A. The brand or trade name under which the product was marketed;
- B. The type of product;
- C. The uses for which the product was marketed;
- D. The distribution area for the product;

- E. The dates the product was manufactured;
- F. The supplier of the bulk asbestos used in Defendant's products; and
- G. The manufacturer of the bulk asbestos used in Defendant's products.

**ANSWER:** Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not reasonably limited as to time or scope. Defendant further objects to this Interrogatory on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to this Interrogatory on the grounds that it is ambiguous and misleading with respect to the term "manufactured," in that the definition offered by Plaintiffs does not represent the commonly understood meaning of the term.

**FIRST SUPPLEMENTAL ANSWER:**

Subject to and without waiving its previous objections, Defendant refers Plaintiffs to the product catalogs and brochures being produced herewith.

**INTERROGATORY NO. 21:** Identify every journal, magazine, newspaper, or other form of media in which Defendant advertised asbestos containing products from 1946-1989. Include the exact dates and length of time the advertisement was published.

**ANSWER:** Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not reasonably limited as to time or scope. Defendant further objects to this Interrogatory on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

**FIRST SUPPLEMENTAL ANSWER:**

Defendant withdraws its previous objections to this Interrogatory and states that it is not presently aware of any such advertisements.

**INTERROGATORY NO. 22:** If Defendant's asbestos containing products were the subject of an article or reviewed by a trade journal or other publication anytime from 1946-1989, please state the name of the journal and the date the article or review was published.

**ANSWER:** Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not reasonably limited as to time or scope. Defendant further objects to this Interrogatory on the grounds that it seeks

information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

**FIRST SUPPLEMENTAL ANSWER:**

Defendant withdraws its previous objections to this Interrogatory and states that it is not presently aware of any such articles or reviews.

**INTERROGATORY NO. 23:** Identify all trade publications, union newsletters, or other publications to which Defendant was a subscriber from 1946-1989.

**ANSWER:** Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not reasonably limited as to time or scope. Defendant further objects to this Interrogatory on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

**FIRST SUPPLEMENTAL ANSWER:**

Subject to and without waiving its previous objections, Defendant states that it is not aware of the company having any such subscriptions, but that individuals within the company may have subscribed to such publications during the time period in question. Defendant cannot specifically identify any publications that were received by its employees during the time period in question.

**INTERROGATORY NO. 24:** Before distributing, marketing, selling, or placing its asbestos containing products on the market, were any tests conducted by the Defendant or any agent under the Defendant's control to determine the potential health hazards involved in the use of or exposure to the materials contained in Defendant's products, such as asbestos? If the answer is affirmative please state:

- A. The name of the products tested;
- B. The date of the tests;
- C. Describe the tests that were conducted;
- D. Name, address, and job title of the persons conducting the tests; and
- E. The results of the tests.

**ANSWER:** Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not reasonably limited as to time or scope. Defendant further objects to this Interrogatory on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

**FIRST SUPPLEMENTAL ANSWER:**

Subject to and without waiving its previous objections, Defendant states that it received some information during the 1970's regarding potential health effects for persons exposed to airborne asbestos dust. Defendant cannot state with certainty the sources of such information. However, Ray Snow has been attending meetings of the Fluid Sealing Association twice per year since approximately 1972, and believes that he received information regarding potential health effects and/or health hazards for persons exposed to airborne asbestos dust during the early to mid-1970's at one or more of those meetings. The information received by Ray Snow specifically related to claims or lawsuits connected to the use of Johns-Manville insulation materials that contained asbestos. Defendant then contacted the vendors from which it purchased asbestos-containing products and asked them questions regarding potential health effects and/or health hazards for persons exposed to airborne asbestos dust. Defendant was informed by its vendors that Defendant's products did not pose any health hazards because, unlike Johns-Manville's insulation materials, the asbestos in Defendant's products was fully encapsulated and therefore could not become airborne. In addition to contacting its vendors to obtain this information, Defendant hired an outside company to perform tests which measured the quantity of asbestos fibers, if any, released by (1) Defendant's manufacturing processes involving asbestos-containing products, and (2) the cutting of asbestos-containing gaskets and packing sold by Defendant. Defendant does not recall the identity of the company that was retained to perform such tests, or the exact dates of such tests. Defendant further does not recall the specific results of such tests.

**INTERROGATORY NO. 25:** Identify every contractor, subcontractor, distributor, supplier, or other entity with whom Defendant had an agreement granting franchise or exclusive distribution rights for Defendant's products within the past fifty-five (55) years.

**ANSWER:** Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, and not reasonably limited as to time or scope. Defendant further objects to this Interrogatory on the grounds that it seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

**FIRST SUPPLEMENTAL ANSWER:**

Subject to and without waiving its previous objections, Defendant states that it had no such agreements during any time period relevant to this lawsuit. Defendant has recently entered into agreements granting exclusive distribution rights to its products, but only during the last 3-4 years.

APR.18.01.806269

**THE LAW OFFICES OF JAMES D. STANTON**

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April 16, 2001

Nicole Brown Kennedy  
Baron & Budd  
The Centrum, Suite 1100  
3102 Oak Lawn Avenue  
Dallas, Texas 75219

Via facsimile (214) 520-1181

Re: Cause No. 00-06-09976CV; *Manford vs. GAF Corporation, et al*

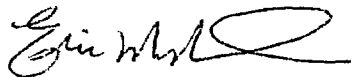
Dear Ms. Kennedy:

Enclosed please find Defendant UTEX Industries, Inc.'s First Supplemental Answers to Plaintiffs' First Set of Interrogatories in the above-referenced case. I am sending them to your attention at the request of Mr. Tapscott, who informed me that you would be taking over the handling of this case.

We are currently in the process of completing our review of documents that will be produced in response to Plaintiffs' request for production, and will forward you those documents along with our supplemental written responses to the request for production shortly. I have been called to trial tomorrow and will likely be out of the office for the rest of the week, but I look forward to speaking with you next week regarding this case.

If you have any questions, please give me a call.

Sincerely,



Eric W. McNeil