

CURRAN, MYLOTTE, DAVID & FITZPATRICK
BY: Edward J. David, Esquire
IDENTIFICATION NO. 02745
1718 LOCUST STREET
PHILADELPHIA, PA. 19103
(215) 732-5050

VICTOR DERRICK	COURT OF COMMON PLEAS
Plaintiff,	OCTOBER TERM, 1979
vs.	NO. 1298
RAILROAD FRICTION PRODUCTS CORP.	ASBESTOS CASE
Defendant.	

ANSWERS OF DEFENDANT, RAILROAD FRICTION PRODUCTS CORPORATION TO PLAINTIFF'S SUPPLEMENTAL INTERROGATORIES

ANSWERS OF DEFENDANT RAILROAD FRICTION PRODUCTS CORPORATION

TO

PLAINTIFF'S SUPPLEMENTAL INTERROGATORIES

1. Describe the business relationship between you and Johns-Manville Corporation, if any, during the period 1940-1980 and indicate any changes in such relationship.

Answer: Johns-Manville Corporation is a shareholder of RFPC.

2. Are you now or have you ever been a subsidiary of Johns-Manville Corporation:

Answer: NO.

3. Has Johns-Manville ever been a substantial stockholder of Railroad Friction Products? During what years?

Answer: YES. Since inception in 1954.

4. During what period did this relation set out in your answer to #2 exist?

Answer: Not applicable.

5. Were you a mnaufacturer or distributor of the COBRA railroad brake shoes or any other railroad brake shoes for Johns-Manville at any time? What years? Please set out the precise answer.

Answer: NO.

Answers of Defendant RFPC to Plaintiff's Supplemental Interrogatories (Continued)

6. Is it true that some asbestos fibers are emitted by your brake shoes?

Answer: When performing braking, brake shoes produced prior to 1980 could emit some asbestos fibers.

7. What does the term "less than 1% of the original asbestos fiber in the shoe remained as fiber and less than 1/10 of that amount became air borne" mean?

Answer: The statement means that less than 1% of the original asbestos fiber in the shoe by weight remained as fiber in the dust collected after each test in the study. Moreover, less than 1/10 of 1% of the original asbestos fiber by weight became airborne during each test in the study.

8. How many fibers per cubic centimeter of air does the shoe emit?

Answer: Emission of asbestos fibers (if any) from a brake shoe containing asbestos in the wear stock depends upon the brake application under study.

9. Does the amount vary with various factors? What are those factors?

Answer: YES; Type of vehicle (passenger, transit, freight) speed, weight, wheel load, wheel temperature, air velocity, air temperature, net shoe force, type of application (minimum, full service, emergency etc.).

Answers of Defendant RFPC to Plaintiff's Supplemental Interrogatories (Continued)

10. Is it possible that a person exposed to your brake shoes could inhale several million particles of asbestos fibers from proximity to the brake shoes?

Answer: NO.

11. Are there a different number of asbestos fibers emitted by your brake shoe when it remains attached to the locomotive than when removed by a mechanic such as Plaintiff?

Answer: Asbestos fibers (if any) are emitted only during application of the brakes. Removal by a mechanic will not result in emission of fibers from the brake shoe.

12a. Have there been tests of the amount of asbestos fibers, emitted when your brake shoe is removed by a mechanic such as Plaintiff, from a locomotive?

Answer: NO.

12b. When were they performed?

Answer: Not applicable.

13. Do you concede that some asbestos fibers are emitted by your brake shoe?

Answer: Under the conditions tested, some asbestos fibers were emitted by brake shoes produced prior to 1980.

Answers of Defendant RFPC to Plaintiff's Supplemental Interrogatories (Continued)

14. Did Cobra brake shoes emit greater numbers of Asbestos fibers than the present OSHA standards before 1971?

ANSWER: Defendant objects to the form of this question. There was no OSHA standards before 1971. All tests have indicated no fibers greater than present OSHA, were ever emitted from Cobra brake shoes.

15. If the answer to #14 is yes, what was the number emitted during 1940-1972?

ANSWER: See Answer to Interrogatory No. 14.

CURRAN, MYLOTTE, DAVID & FITZPATRICK

BY: _____
EDWARD J. DAVID, ESQUIRE

A F F I D A V I T

COMMONWEALTH OF PENNSYLVANIA :
SS
COUNTY OF PHILADELPHIA :

EDWARD J. DAVID, ESQUIRE, being duly sworn according to law, deposes and says that he is the attorney of record on behalf of Railroad Friction Products Corporation; that he takes the Affidavit as he is authorized to do; that he has secured the information necessary to prepare the within Answer to Interrogatories from others; that he does not necessarily have personal knowledge of the facts stated but believes the same to be true and correct to the best of his knowledge, information and belief.

EDWARD J. DAVID, ESQUIRE

Sworn to and Subscribed
Before me this 15th day
of March A.D., 1982.

NOTARY PUBLIC

BARBARA ANNE TATUM
Notary Public, Phila., Phila. Co.
My Commission Expires Nov. 5, 1984

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October 1, 1981

Edward ~~Greer~~ DAVID
1718 Locust Street
Philadelphia, PA 19103

Re: Derrick v. Railroad Friction

Dear Mr. David:

Enclosed please find Plaintiff's Requests for Documents and supplemental interrogatories in this matter.

Very truly yours,

Robert E. Paul

ROBERT E. PAUL, ESQUIRE

REP/jmr

4. During what period did this relation set out in your answer to #2 exist?

5. Were you a manufacturer or distributor of the Cobra railroad brake shoes or any other railroad brake shoes for Johns-Manville at any time? What Years? Please set out the precise answer.

6. Is it true that some Asbestos fibers are emitted by your brake shoes?

7. What does the term "less than 1% of the original Asbestos fiber in the shoe remained as fiber and less than 1/10 of that amount became air borne mean?

8. How many fibers per cubic centimeter of air does the shoe emit?

9. Does the amount vary with various factors? What are those factors?

10. Is it possible that a person exposed to your brakes shoes could inhale several million particles of Asbesots fibers from proximity to the brake shoes?

11. Are there a different number of Asbestos fibers emitted by your brake shoe when it remains attached to the locomotive than when removed by a mechanic such as Plaintiff?

12.a. Have there been tests of the amount of Asbestos fibers, emmitted when your brake shoes is revoved by a mechanic such as Plaintiff, from a locomotive?

12. b. When were they preformed?

13. Do you concede that some Asbestos fibers are emitted by your brake shoe?