

LEBOEUF, LAMB, LEIBY & MACRAE

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

FREDERICK B. LACEY
LAWRENCE E. MILLER
THEODORE D. ADEN
THOMAS W. GREELISH (1939-1991)
JOSEPH A. TATO
WESLEY S. CALDWELL III
CHARLES M. LIZZA
JEANNETTE M. BOND
RICHARD B. MCGLYNN
STEPHEN B. GENZER
REYNOLD NEBEL, JR.
WILLIAM S. TUCKER, JR.
RESIDENT NEW JERSEY PARTNERS

COUNSEL:
JOHN F. MACLEOD
MARGARET M. FOTI

ONE RIVERFRONT PLAZA
NEWARK, NJ 07102-5490

(201) 643-8000

FACSIMILES:

(6TH FLR) 201-643-6111

201-643-0437

(5TH FLR) 201-622-6693

NEW YORK, NY
WASHINGTON, DC
ALBANY, NY
BOSTON, MA
HARRISBURG, PA
HARTFORD, CT
PITTSBURGH, PA
JACKSONVILLE, FL
RALEIGH, NC
DENVER, CO
LOS ANGELES, CA
SALT LAKE CITY, UT
SAN FRANCISCO, CA
LONDON, ENGLAND
BRUSSELS, BELGIUM
MOSCOW, RUSSIAN FEDERATION

October 21, 1993

HAND DELIVERY

Charles I. Ferguson, Esq.
Weitz & Luxenberg, P.C.
40 Fulton Street, 19th Floor
New York, NY 10038

Re: New York City Asbestos Litigation

Dear Mr. Ferguson:

As you know, this firm represents Uniroyal, Inc., formerly known as United States Rubber Company ("Uniroyal"), in the above-entitled action.

Enclosed please find Uniroyal, Inc. and United States Rubber Company's Amended Answers to Plaintiffs' First Standard Set of Liability Interrogatories and Request for Production of Documents. A verified copy of the answers will be provided as soon as the signed verification is received. Uniroyal will at that time file the verified answers with the court and serve them on liaison counsel.

Very truly yours,

Jean L. Dusinski

JLD:lmg

cc: All Counsel of Record (w/out encls.)

SUPREME COURT OF THE STATE OF NEW YORK
ALL COUNTIES WITHIN THE CITY OF NEW YORK

-----X

In re: NEW YORK CITY ASBESTOS
LITIGATION

NYAL
Index No. 40,000/88

UNIROYAL, INC. AND UNITED STATES
RUBBER COMPANY'S AMENDED
ANSWERS TO PLAINTIFF'S FIRST
STANDARD SET OF LIABILITY
INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS

-----X

This Document Applied To All Cases

-----X

Uniroyal, Inc. (Uniroyal) responds to the Plaintiffs' First Standard Set of Liability
Interrogatories and Request For Production of Documents as follows:

GENERAL OBJECTIONS

1. Uniroyal objects to the disclosure of lawyer-client privileged communications.
2. Uniroyal objects to the disclosure of work product.
3. Uniroyal objects to the Definitions section of Plaintiffs' Discovery on the grounds that it is overly broad and oppressive and exceeds the scope of discovery permissible under the rules of civil procedure.
4. Uniroyal objects to any interrogatory which seeks information about any asbestos containing products it may have manufactured or sold because the plaintiffs have not produced any evidence of exposure to any Uniroyal or United States Rubber Company asbestos containing products.

PRELIMINARY STATEMENT

Each of the requests responded to here refers to defendant Uniroyal as "Defendant," "you," or "your". Unless otherwise expressly stated in these responses or properly called for by a specific request, the responses to these requests are given with the understanding that the terms "Uniroyal," "defendant," "you," "your," "your business" and "predecessor" refer to the entity which operated under the following names: Uniroyal, Inc. and United States Rubber Company.

Uniroyal filed a certificate of dissolution with the Secretary of State of New Jersey on December 2, 1986. It has not engaged in any business since that time, it has no employees and it exists solely for the purpose of winding up its affairs. Consequently, much of the information requested in these requests, if it ever was in the possession or control of Uniroyal, is no longer available.

Despite these limitations, after reasonable search and inquiry, Uniroyal has made good faith responses to these interrogatories based upon what information is available and in keeping with the nature of these interrogatories. However, the above-mentioned limitations on Uniroyal's information have required that each of the following responses is based only on the information and belief of the person verifying these responses.

This preliminary statement is incorporated as a portion of each and every response herein.

I. General Liability Interrogatories

INTERROGATORY NO. 1: State the full name, address, telephone number and position of the corporate officer answering these interrogatories.

RESPONSE: Subject to, and without waiving the foregoing general objections, Uniroyal answers as follows:

Uniroyal's answers are based on an ongoing review of Uniroyal's documents and information obtained from ongoing discussions with various Uniroyal personnel over a period of years. The information contained herein has been assembled by employees and counsel for Uniroyal over many years. It is not possible to reconstruct each step taken to gather this information, to identify by name each person who could be said to have furnished the information upon which an answer is based in whole or in part, or to identify all documents that may have provided information upon which an answer is based in whole or in part. Uniroyal reserves the right to amend these answers on the basis of any further information that is obtained.

INTERROGATORY NO. 2: Have any documents and records of the defendant been used or referred to, in connection with the preparation of or answers to these interrogatories? If so, for each document referred to, state the following:

- a. the number of the question and its subpart;
- b. the identity and title of the document;
- c. the name and location of the file in which the document was found;
- d. the name and location of the file in which the document is presently located;
- e. the originator of the document.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is ambiguous, overly broad and unduly burdensome.

Subject to, and without waiving these objections, Uniroyal answers as follows: The documents sought to be identified will be made available if responsive to a particular request at a mutually agreeable time and place, to the extent that the documents (1) are not subject to objection; (2) are not subject to a claim of privilege; (3) do not constitute work product of counsel; (4) have not been previously produced in discovery; or (5) are not otherwise restricted from being produced. See also Response to Interrogatory No. 1.

INTERROGATORY NO. 3: State the names of each person who was spoken to or who provided information to assist in answering these interrogatories and for each person state the following:

- a. the number of each question and its subpart for which such personnel provided information;
- b. for each question identified in a., state the name, title and position description of the personnel supplying information;
- c. the present location and address of the personnel supplying information;
- d. the contents of the information provided.

RESPONSE: See Response to Interrogatory No. 1.

INTERROGATORY NO. 4: Please state in which state or states of the United States or what foreign countries your business is incorporated and where its principal place of business is located.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is ambiguous, overly broad, unduly burdensome, and the

information sought is beyond the scope of discovery permissible under the New York Civil Practice Law and Rules. Subject to, and without waiving these objections, Uniroyal answers as follows:

Uniroyal, organized as a New Jersey corporation in 1892 under the name of United States Rubber Company, filed a certificate of dissolution with the Secretary of State of New Jersey on December 2, 1986. Uniroyal had no predecessor. Copies of each document granting authority are not readily available, but will be made available if and when discovered.

INTERROGATORY NO. 5: Please state whether:

a. your company is authorized to do business in:

- (1) New York
- (2) New Jersey
- (3) Connecticut

b. your company does business in:

- (1) New York
- (2) New Jersey
- (3) Connecticut

RESPONSE: See Response to Interrogatory No. 4.

INTERROGATORY NO. 6: State the full and complete legal name under which your company or any predecessor is now doing business and has done business at all times from the date when it began mining, processing, manufacturing and/or selling asbestos products or thermal insulation products and materials up until the present time.

RESPONSE: See Response to Interrogatory No. 4.

INTERROGATORY NO. 7: Have you ever acquired, by way of a consolidation, merger, purchase of assets, or otherwise, any company which manufactured or sold any asbestos-containing products? If so, as to each such acquisition:

- a. State the name and state of incorporation of the company which was acquired;
- b. State the reasons for the acquisition;
- c. State the date of the acquisition;
- d. State the terms of the acquisition, including but not limited to the consideration paid (e.g., amount of stock, cash, etc.) if any;
- e. Identify all of the company's assets which were acquired (e.g., plants, machinery, stock in trade, trademarks, patents, goodwill, etc.);
- f. Identify all of the company's liabilities which were assumed by you in the acquisition;
- g. Identify each of the company's asbestos-containing product lines;
- h. Identify each asbestos-containing product line of the acquired company which you continued to manufacture after the acquisition;
- i. State the number of employees of the acquired company which were retained by you after the acquisition;
- j. State the names of the directors, officers, and major stockholders of your company and the acquired company at the time of the acquisition and the names of the directors, officers, and major stockholders of your company and, if it continued to exist, of the acquired company, after the acquisition;
- k. State the total number of shares of the acquired company which you held before and after the acquisition;
- l. Identify and produce a copy of the agreement between you and the acquired company, the pertinent minutes of your Board of Directors and all other related documents.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is beyond the scope of discovery permissible under the

New York Civil Practice Law and Rules. Subject to, and without waiving these objections, Uniroyal answers as follows:

Documents related to this inquiry, if any, will be made available for review pursuant to the New York Civil Practice Law and Rules.

INTERROGATORY NO. 8: State the names and positions of all corporate officers or officials having the responsibility for creating, directing or setting the policy of your firm with regard to the mining, manufacturing, processing, sale and/or packaging of asbestos products.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is beyond the scope of discovery permissible under the New York Civil Practice Law and Rules. Subject to, and without waiving these objections, Uniroyal answers as follows:

Documents related to this inquiry, if any, will be made available for review pursuant to the New York Civil Practice Law and Rules. See also Response to Interrogatory No. 1.

INTERROGATORY NO. 9: Have you or any of your predecessors or subsidiaries ever mined, processed, refined, sold or distributed asbestos or asbestos-containing products. If so, for each such product, complete an "Asbestos Product Information Sheet" (Attachment #1).

RESPONSE: Subject to, and without waiving the foregoing general objections, Uniroyal answers as follows:

The Fiber and Textile Division of Uniroyal did manufacture asbestos-containing yarns, fabrics and tapes from approximately 1941 until approximately 1976. Uniroyal

manufactured various mechanical rubber goods containing asbestos from a date unknown until sometime prior to 1972. Uniroyal manufactured asbestos-containing rocket motor shields from 1959 to 1985.

INTERROGATORY NO. 10: If your company ever manufactured or sold any of the following types of asbestos products, please identify each product and describe how it is cut, shaped, mixed and applied on the job:

- a. Asbestos cement mixes;
- b. asbestos pipe covering;
- c. asbestos bricks or blocks;
- d. asbestos sheeting, boards or marinite;
- e. asbestos insulation used to protect against extremes of heat as well as cold;
- f. asbestos insulation in loose form which may be blown into homes or buildings;
- g. asbestos applied in spray form;
- h. asbestos tape, cloth, yarn, thread or tape;
- i. asbestos felt or blanket;
- j. asbestos paper;
- k. asbestos gaskets;
- l. asbestos brakelinings;
- m. asbestos brakeshoes;
- n. asbestos friction products;

giving particular reference as to whether or not the materials have to be sawed or cut on the job, blown into confined areas, or mixed with water into a cement or paste.

RESPONSE: Subject to, and without waiving the foregoing general objections, Uniroyal answers as follows:

See Response to Interrogatory No. 9. In addition, documents responsive to this request, if any, may be made available for review pursuant to the New York Civil Practice Law and Rules.

INTERROGATORY NO. 11: Please state if there is any way known to you that the products listed in question 9 and 10 can be used, applied or installed without the worker involved inhaling any asbestos dust or fibers.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Subject to and without waiving any of these objections, Uniroyal answers as follows:

Uniroyal is unable to ascertain information responsive to this interrogatory. Uniroyal manufactured textiles containing asbestos from 1941 to 1976, and did not believe that the use of its finished products posed an unreasonable health hazard. Documents related to this inquiry, if any, may be made available for review pursuant to the New York Civil Practice Law and Rules.

INTERROGATORY NO. 12: Is it possible to distinguish the asbestos products listed by you in Answers 9 and 10 from those manufactured or distributed by a competitor?

- a. If so, please describe how you contend your product can be distinguished and identify each of your products by trade and generic name.
- b. If there are products which, in your opinion, cannot be distinguished from products of a similar kind manufactured by a competitor, please state the name of each such similar product, who manufactured it, as well as the trade name of the product manufactured by your competitor.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, and ambiguous.

Subject to, and without waiving any of these objections, Uniroyal answers as follows:

Uniroyal does not know how competitors, if any, identified their products.

INTERROGATORY NO. 13: For each asbestos product listed by you in Answer 9 and 10, state whether the product could be used interchangeably with products of other manufacturers, distributors, or sellers, and if so, please identify such product and manufacturer.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, and ambiguous.

Subject to, and without waiving any of these objections, Uniroyal answers as follows:

Uniroyal manufactured certain products in strict compliance with United States Government federal and military specifications; as did, upon information and belief, other manufacturers of products.

INTERROGATORY NO. 14: For each asbestos product listed by you in Answer 9 and 10, state the names and addresses of each New York customer who purchased the product and each New York job site to which the products were delivered by year, and complete a Worksite/Purchase Sales Information Sheet (Attachment II) for each purchaser or worksite.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is not limited to the claims of exposure of the plaintiffs.

Subject to these objections, Uniroyal answers as follows:

Documents related to this inquiry, if any, will be made available for review pursuant to the New York Civil Practice Law and Rules.

INTERROGATORY NO. 15: For each asbestos product you manufactured or sold, state the total dollar, linear feet and/or number of pounds of the product:

- a. Sold in New York State;
- b. Sold in the United States.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, and ambiguous, and it is not limited to the claims of exposure of the plaintiffs. Subject to, and without waiving any of these objections, Uniroyal answers as follows:

Documents related to this inquiry, if any, will be made available for review pursuant to the New York Civil Practice Law and Rules.

INTERROGATORY NO. 16: Identify for the period from 1935 to 1989, each distributor, dealer, wholesaler and contractor who sold, distributed or used your asbestos-containing products in New York City and within a 75 mile radius of New York City. For each distributor, dealer, wholesaler and contractor, state:

- a. The name, last known address and person who you did business with;
- b. The years of your relationship with the distributor, dealer, wholesaler and contractor;
- c. Whether there was a written agreement. If so, identify it (or them) by date, title, signatories and present location;
- d. Whether the relationship was exclusive, i.e., whether the distributor was not allowed to carry competing brands of some or all of the relevant products. if exclusive as to any particular product, identify that product;

- e. The annual volume in pounds and linear feet and dollar amount of each type of asbestos product sold;
- f. The names and ultimate recipients of the asbestos products sold to or through each dealer, distributor, wholesaler, sales agent and contractor.

RESPONSE: See Responses to Interrogatory Nos. 14 and 15.

INTERROGATORY NO. 17: Identify each of your sales personnel responsible from 1935 to 1980 for sales of asbestos products in New York City and within a 75 mile radius of New York City. For each such person, state the years of such employment, his job title, the last known address and whether he is still your employee?

RESPONSE: See Responses to Interrogatory Nos. 1, 14 and 15.

INTERROGATORY NO. 18: Did you at any time manufacture asbestos-containing products which were sold to another manufacturer for resale by that company under its own name? If so:

- a. Identify each manufacturer to whom such sales were made and the date of such sales;
- b. Identify the product or products involved in each such agreement;
- c. If such sales were made pursuant to an agreement, identify the dates that each such agreement was in effect and produce a copy of the agreement.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is not limited to the claims of exposure of the plaintiffs. Subject to these objections, Uniroyal answers as follows:

Documents related to this inquiry, if any, will be made available for review pursuant to the New York Civil Practice Law and Rules.

INTERROGATORY NO. 19: Did you ever purchase any asbestos or any asbestos-containing products of any other manufacturer for distribution or sale under your name or trademark? If so:

- a. Identify each manufacturer from whom products were purchased;
- b. Identify the name of each product purchased;
- c. Identify the dates of each such purchase and distribution;
- d. Produce a copy of each purchase agreement;

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that the information sought is not likely to lead to the discovery of relevant evidence. Moreover, this interrogatory exceeds the scope of discovery permissible under the New York Civil Practice Law and Rules. Subject to and without waiving these objections, Uniroyal answers as follows:

Based upon information and belief, no.

INTERROGATORY NO. 20: Did you ever enter into distribution or licensing agreements with any manufacturer of asbestos-containing products? If so:

- a. Identify each manufacturer from whom agreement was entered into;
- b. State the dates, products and geographical areas involved;
- c. Produce a copy of each such agreement.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that the information sought is not likely to lead to the discovery of relevant evidence. Moreover, this interrogatory exceeds the scope of discovery

permissible under the New York Civil Practice Law and Rules. Subject to and without waiving these objections, Uniroyal answers as follows:

Based upon information and belief, no.

INTERROGATORY NO. 21: For the period 1928 to the present, state the address of each miner, manufacturer or processor of asbestos or asbestos fibers used in your products and for each such miner, manufacturer or processor state:

- a. The date, amounts and delivery point for each shipment of asbestos you received;
- b. The products in which the asbestos was used.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Subject to these objections, Uniroyal answers as follows:

Documents related to this inquiry, if any, will be made available for review pursuant to the New York Civil Practice Law and Rules.

INTERROGATORY NO. 22: With respect to each asbestos product (including loose asbestos fiber) you manufactured, refined, processed, sold or delivered, state whether you claim any caution, warning, caveat or other statement about health involved in using the product and/or dust generated by the product was ever given to purchasers of the product or directed to the users of the product. If so, state separately for each product:

- a. The precise wording of each caution or set of instructions;
- b. For each asbestos product, the exact date you claim each caution was first used on that product;
- c. The inclusive dates you contend any alleged warning was affixed to each of your asbestos-containing products;

- d. Whether the wording of the alleged warning has been altered since its first appearance, and if so, when and how amended;
- e. Specifically what prompted you to first affix such caution, warning, caveat, statement or explanation, and what prompted the amendments, (i.e., if medical reports were relied upon, if so, identify such reports).
- f. The name, titled and present address of the author of each such warning and/or instructions;
- g. Whether the warning and instructions were physically attached to the product itself when sold and/or delivered by you, and if so, the method of attachment;
- h. Whether you have a copy of the warning and/or instructions in your possession at the present time, and if so, where it is located;
- i. Whether any studies, evaluations or analysis of any potential hazards of your asbestos product were conducted by you prior to your use of each warning and/or instructions. If so, identify the study by date, author, title and file number and state its present location.

RESPONSE: Subject to the foregoing general objections, Uniroyal answers as follows:

Upon information and belief, beginning in approximately 1972 until the discontinuance of its asbestos textile business in 1976, Uniroyal placed a warning label on those asbestos textile products requiring such a label. Upon information and belief, the wording of such label followed the language of the applicable OSHA regulation and was never amended. With respect to rocket motor insulation, pursuant to contract requirement, every box of such insulation in the period 1982-1985 contained a label stating: "Caution. Contains Asbestos Fibers - Avoid Creating Dust - Breathing Asbestos Dust May Cause Serious Bodily Harm." It is presently not known whether any such labels were contained on mechanical rubber goods.

INTERROGATORY NO. 23: State whether any of your distributors, dealers, contractors and/or customers were provided with any warnings, cautions, caveats or instructions regarding the use of your asbestos-containing products. If so, please state:

- a. By whom and when these instructions were first made;
- b. Whether the instructions were written or oral; if written, attach a copy; if oral, state the contents thereof;
- c. Whether your company carried out follow-up inspections to ascertain whether such instructions were adhered to and if so, please state when, where and by whom such inspections were made and the results of each such inspection.

RESPONSE: See Response to Interrogatory No. 22.

INTERROGATORY NO. 24: State the first time any officers of your Company discussed putting a warning or caution on any asbestos-containing product, and as to that first discussion, state:

- a. the names of the persons who were involved in the discussions and the date and place of the discussions;
- b. the identity and location of all documents memorializing the discussion;
- c. the alleged substance of the discussion;
- d. what action, if any, the Company took as a result of the discussion.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, and ambiguous. Subject to, and without waiving any of these objections, Uniroyal answers as follows:

Documents related to this inquiry, if any, will be made available for review pursuant to the New York Civil Practice Law and Rules.

INTERROGATORY NO. 25: Do you know of any facts or documents to support a claim that you provided any warnings, instructions or information as to the dangers of asbestos inhalation to any insulator, construction worker, building trades worker or other user of your asbestos products in the New York area prior to 1980? If so, for each such alleged warning:

- a. Describe in detail each such warning, instruction or information given;
- b. State the exact date of each such warning;
- c. State whether such warning, instruction or information was oral or written;
- d. If oral, identify the substance of the warning instruction or information given and the date and name of the person to whom given;
- e. If written, or printed, attach a copy of each warning, instruction and information, identify it by date given, title and reference number and state the manner and location whereby it was transmitted to users of the product.

RESPONSE: See Response to Interrogatory No. 22.

INTERROGATORY NO. 26: Do you claim that you ever recommended to purchasers or users of the asbestos-containing products you manufactured, processed, mined, distributed, or sold, that respirators, protective masks and/or protective safeguards be worn while working with, installing or removing your asbestos-containing product: If so, state separately for each product:

- a. The date or dates when each such recommendation was made;
- b. Who made the recommendation;
- c. When and precisely to whom the recommendations were made;
- d. If oral, the manner and substance of the recommendation;

- e. If written, identify the document by title, date, file designation and author of each such recommendation and the location and present custodian of each such recommendation.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is beyond the scope of discovery permissible under the New York Civil Practice Law and Rules in that it does not seek discovery of a matter relevant to the issues raised by the claims or defenses of any party and the information sought does not appear reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Uniroyal answers as follows:

Such information is presently unknown to Uniroyal, except to the extent that it may be contained in Uniroyal's documents which may be made available for review pursuant to the New York Civil Practice Law and Rules.

INTERROGATORY NO. 27: Did you at any time recommend that your own employees use respirators, protective masks or other precautionary safeguards when working with asbestos-containing materials? If so, state:

- a. When and precisely to whom the recommendations were made;
- b. Whether you ever supplied respirators and/or face masks to your employees, and if so, the date when first supplied and whether you are supplying them now;
- c. From what specific source you have obtained such respirators and face masks (state address of company and dates obtained).

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Subject to and without waiving these objections, Uniroyal answers as follows:

Since the early-1940s, Uniroyal encouraged, and in some instances required, the use of respirators in certain operations of asbestos textile production at its Hogansville, Georgia facility; moreover, extensive ventilation equipment and dust reducing methods were continuously introduced and replaced as more efficient technological advances became known to reduce and/or control the dust associated with textile production. Documents related to this inquiry, if any, will be made available for review pursuant to the New York Civil Practice Law and Rules.

INTERROGATORY NO. 28: Have you stopped producing, distributing and/or selling or has asbestos been eliminated from any of the asbestos products listed in Answer 9 or 10? If so, state for each product:

- a. The reason and date you stopped producing the product, or eliminated asbestos;
- b. The names and titles of each person who recommend and who authorized or directed the action;
- c. Whether any studies were conducted before you directed that production and sale of the product be stopped, or asbestos eliminated from the product, and if so, identify each study by date, author, title and subject matter and attach a copy.

RESPONSE: See Response to Interrogatory No. 9.

INTERROGATORY NO. 29: Have any officers or employees of defendant ever discussed or evaluated whether sales of your asbestos products would be damaged if the public learned of the health hazards associated with asbestos exposure? If so, state the date and names of participants of each such meeting and identify all documents relating to such meetings.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is beyond the scope of discovery permissible under the New York Civil Practice Law and Rules in that it does not seek discovery of a matter relevant to the issues raised by the claims or defenses of any party and the information sought does not appear reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Uniroyal answers as follows:

Such information is presently unknown to Uniroyal, except to the extent that it may be contained in Uniroyal's documents which may be made available for review pursuant to the New York Civil Practice Law and Rules.

INTERROGATORY NO. 30: At the time of the development of, and sale of each of your asbestos products did you attempt to determine whether the product complied with any allegedly applicable safety standards, orders or rules, regulations or design requirements promulgated by any professional society, association or government body?

- a. If you did not, please state the reasons for not conducting such an analysis and identify the name of the person deciding not to conduct the analysis;
- b. If you did, identify the safety standards, safety orders, rules, regulations, which you claim you considered by naming the title, number, page and date of the regulation, and identifying the place where a copy of said regulation can be obtained.

RESPONSE: See Response to Interrogatory No. 13.

INTERROGATORY NO. 31: For each asbestos-containing product, identify and produce all promotional and/or advertising material used by you with regard to the sale and/or promotion and distribution of such products.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Subject to the foregoing objections, Uniroyal answers as follows:

Please see a copy of the brochure Facts About Asbeston attached hereto as Attachment No. 1.

INTERROGATORY NO. 32: Identify and produce pictures and descriptions of each product.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, and ambiguous. Subject to, and without waiving any of these objections, Uniroyal answers as follows:

Documents related to this inquiry, if any, will be made available for review pursuant to the New York Civil Practice Law and Rules.

INTERROGATORY NO. 33: Were any brochures, writings, or other materials made available to distributors, dealers, contractors, ultimate users, or the general public concerning the design, manufacture, use, quality and/or properties of the asbestos products referred to in Answer 9 and 10? If so, for each such brochure or other material:

- a. State the purpose of each brochure and give the name, present address, telephone number of the person responsible for the preparation and acceptance of the material for distribution on behalf of the company;
- b. Identify the brochure or material by author, date and present location and custodian, and attach copies of each.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Subject to the foregoing objections, Uniroyal answers as follows:

Please see a copy of the brochure Facts About Asbeston attached hereto as Attachment No. 1.

INTERROGATORY NO. 34: With respect to any product manufactured by you which does not contain asbestos, have you ever included a warning with the product indicating that it may in some way be harmful to human beings? If so, for each such non-asbestos containing product state:

- a. The name of the product, its intended use or purpose, and the chemical composition or ingredients of the product;
- b. The manner in which it is thought that the product may cause harm to human beings;
- c. The size, color and contents of each warning;
- d. The date warning was first given to the public;
- e. The names, addresses and titles of the people responsible for or participating in the decision to provide the warning; and
- f. Identify every document which relates to the making of the decision to provide a warning.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is irrelevant and beyond the scope of discovery permissible under the New York Civil Practice Law and Rules, in that it is not related to the issues raised by the claims or defenses of any party.

INTERROGATORY NO. 35: Were any of the asbestos-containing products sold by you to private persons or companies (i.e., non-military or non-government sales) the same products you sold to the government pursuant to military or federal specifications? If so, please state:

- a. Your name or designation for the product;
- b. The military or federal specification you claim is applicable;
- c. The person or company to whom sold and the date and amount sold.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is not limited to the claims of exposure of the plaintiffs.

Subject to these objections, Uniroyal answers as follows:

Documents related to this inquiry, if any, will be made available for review pursuant to the New York Civil Practice Law and Rules.

INTERROGATORY NO. 36: Do you claim that you did anything prior to 1980 to notify users of asbestos-containing products of the possible dangers of inhalation of asbestos dust and fibers? If so, explain in detail what you did, to whom and give the dates.

RESPONSE: See Responses to Interrogatory Nos. 22 and 23.

INTERROGATORY NO. 37: Had you at any time prior to 1980 performed, participated in, or financed any tests, studies, investigations or analyses to determine the asbestos level produced when your asbestos products were used, installed or removed from a prior installation?

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is beyond the scope of discovery permissible under the New York Civil Practice Law and Rules in that it does not seek discovery of a matter relevant to the issues raised by the claims or defenses of any party and the information sought does not appear reasonably calculated to lead to the discovery of admissible evidence;

and on the grounds that it is overly broad, vague, and ambiguous. Subject to and without waiving these objections, Uniroyal answers as follows:

Such information is presently unknown to Uniroyal, except to the extent that it may be contained in Uniroyal's documents which may be reviewed pursuant to the New York Civil Practice Law and Rules.

INTERROGATORY NO. 38: Had you at any time prior to 1980 performed, participated in, or financed any tests, studies, investigations or analyses to determine the effects of your product on workers using or working with any of your asbestos products?

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is beyond the scope of discovery permissible under the New York Civil Practice Law and Rules in that it does not seek discovery of a matter relevant to the issues raised by the claims or defenses of any party and the information sought does not appear reasonably calculated to lead to the discovery of admissible evidence; and on the grounds that it is overly broad, vague, and ambiguous. Subject to and without waiving these objections, Uniroyal answers as follows:

Uniroyal is unable to ascertain information responsive to this interrogatory. Uniroyal manufactured textiles containing asbestos from 1941 to 1976, and did not believe that the use of its finished products posed an unreasonable health hazard. Documents related to this inquiry, if any, will be made available for review pursuant to the New York Civil Practice Law and Rules.

INTERROGATORY NO. 39: Had you at any time prior to 1980 performed, participated in, or financed any tests, studies, investigations or analyses which had the purpose to prevent, minimize, or eliminate inhalation of asbestos dust or fibers by those using or exposed to your asbestos products?

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is beyond the scope of discovery permissible under the New York Civil Practice Law and Rules in that it does not seek discovery of a matter relevant to the issues raised by the claims or defenses of any party and the information sought does not appear reasonably calculated to lead to the discovery of admissible evidence; and on the grounds that it is overly broad, vague, and ambiguous. Subject to and without waiving these objections, Uniroyal answers as follows:

Uniroyal is unable to ascertain information responsive to this interrogatory. Uniroyal manufactured textiles containing asbestos from 1941 to 1976, and did not believe that the use of its finished products posed an unreasonable health hazard. Documents related to this inquiry, if any, will be made available for review pursuant to the New York Civil Practice Law and Rules.

INTERROGATORY NO. 40: Had you at any time prior to 1980 performed, funded or participated in any investigation, study, test or analysis concerning asbestos-related diseases, asbestosis, pulmonary diseases or cancer.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is beyond the scope of discovery permissible under the New York Civil Practice Law and Rules in that it does not seek discovery of a matter relevant to the issues raised by the claims or defenses of any party and the information sought does not appear reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Uniroyal answers as follows:

Based upon information and belief, such information is presently unknown to Uniroyal, except to the extent that it may be contained in Uniroyal's documents. However, a representative of Uniroyal was in attendance at the 1955 Saranac Conference. According to testimony given by plaintiffs' expert, Dr. Gerritt Schepers in a Jackson County, Mississippi asbestos personal injury case, all attendees received a copy of a book allegedly containing studies conducted at Saranac Lake.

Furthermore, at Uniroyal's request, Dr. John G. Wells attended the conference entitled "Biological effects of Asbestosis" conducted October 12-21, 1964. At that conference, Dr. Wells communicated to the medical and scientific community Uniroyal's experience at its Hogansville, Georgia asbestos textile facility, as it related to Uniroyal's asbestos/medical program there. Documents related to this inquiry, if any, will be made available for review pursuant to the New York Civil Practice Law and Rules. See also Response to Interrogatory No. 46.

INTERROGATORY NO. 41: Had you at any time prior to 1980 performed, participated in or financed any tests, studies, investigations or analyses to determine the effects of inhalation of asbestos dust or fibers on any one using or being exposed to asbestos products manufactured by your company?

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is repetitive, and beyond the scope of discovery permissible under the New York Civil Practice Law and Rules in that it does not seek discovery of a matter relevant to the issues raised by the claims or defenses of any party and the information sought does not appear reasonably calculated to lead to the discovery of

admissible evidence; and on the grounds that it is overly broad, vague, and ambiguous.

Subject to and without waiving these objections, Uniroyal answers as follows:

See Response to Interrogatory No. 38.

INTERROGATORY NO. 42: Have you ever performed, participated in or financed any studies to determine whether any type of respirator and/or protective mask would either eliminate or reduce asbestos inhalation to safe levels?

RESPONSE: Uniroyal objects to this interrogatory on the grounds that it is overly broad, vague, and ambiguous; and on the grounds that it is beyond the scope of discovery permissible under the New York Civil Practice Law and Rules in that it does not seek discovery of a matter relevant to the issues raised by the claims or defenses of any party and the information sought does not appear reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 43: Have you ever undertaken or financed any tests or studies to determine whether any type of ventilator or ventilating system would eliminate or decreased the number of airborne asbestos fibers in confined spaces?

RESPONSE: Uniroyal objects to this interrogatory on the grounds that it is overly broad, vague, and ambiguous; and on the grounds that it is beyond the scope of discovery permissible under the New York Civil Practice Law and Rules in that it does not seek discovery of a matter relevant to the issues raised by the claims or defenses of any party and the information sought does not appear reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 44: For each study identified in response to Questions 37-

43, state:

- a. The subject matter, title, date and names of the persons who conducted and/or authored the study;
- b. The reason for the study;
- c. The date the study was completed;
- d. If the results were disseminated, where and to whom and if published the name and identity of the publication;
- e. The results of each study, and the data and assumptions relied on;
- f. If in writing, identify it by date, title, identification number, present location and custodian and attach a copy.

RESPONSE: See Responses to Interrogatory Nos. 37 through 43.

INTERROGATORY NO. 45: State whether you took any action as a result of any of the studies listed in answer to interrogatories 37-43. If so:

- a. Describe the date and action taken;
- b. Identify who authorized or directed the action;
- c. Why was the action taken;
- d. Identify all documents discussing the study, the action considered and the action taken by date, title, subject, author and present custodian and location and produce the documents;
- e. If you have not taken any action state in detail, why not;
- f. If you have not given any consideration to taking such actions, state in detail the reason why.

RESPONSE: See Responses to Interrogatory Nos. 37 through 43.

INTERROGATORY NO. 46: From the year 1920 to date, have you supported by gift, grant, direct cash or property payment any kind of medical research concerning asbestos? If so, state:

- a. The date or dates of such support;
- b. The dollar amount paid or contributed;
- c. The identity of the persons and/or organizations carrying out the research study;
- d. The title, name or other identification of each study;
- e. Identify and produce all documents relating to each such study.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is overly broad and unduly burdensome, as well as beyond the scope of discovery permissible under the New York Civil Practice Law and Rules in that it is not related to any issues raised by the claims or defenses of any party. Subject to, and without waiving these objections, Uniroyal answers as follows:

During the years that Uniroyal commercially produced textiles containing asbestos, Uniroyal retained the services of a number of consultants, including, but not limited to, W.L.C. Hemeon, Dr. Anthony J. Lanza, Dr. Kenneth Lynch, Dr. Eugene Pendergrass, Dr. H.W. Grady, Dr. John Knox, and Dr. John G. Wells, for the purpose of studying and improving the dust control and medical program at Uniroyal's Hogansville facility. The results and findings of their work are contained in Uniroyal's documents, which Uniroyal will make available to plaintiffs for inspection pursuant to the New York Civil Practice Law and Rules.

INTERROGATORY NO. 47: Have you, at any time prior to 1980 conducted, financed, or had conducted for you any asbestos inspection or made any dust count in any facility where your asbestos products were used? If so, state the date, place and people involved in each such inspection or test and identify all records.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is overly broad and unduly burdensome; in addition, Uniroyal objects to this interrogatory on the grounds that it is beyond the scope of discovery permissible under the New York Civil Practice Law and Rules in that it does not seek discovery of a matter relevant to issues raised by the claims or defenses of any party, and the information sought does not appear reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving these objections, Uniroyal answers as follows:

Uniroyal is unable to ascertain information responsive to this interrogatory. Uniroyal manufactured textiles containing asbestos from 1941 to 1976, and did not believe that the use of its finished products posed an unreasonable health hazard. Documents related to this inquiry, if any, will be made available for review pursuant to the New York Civil Practice Law and Rules.

INTERROGATORY NO. 48: Had you, at any time prior to 1980 conducted, financed, or had conducted for you any asbestos inspection or made any dust count in any of your own plants which are or were engaged in the manufacture of asbestos products? If so, state the date, place and people involved in each such inspection or test, the results of the tests and identify all records.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is overly broad and unduly burdensome, as well as beyond the scope of discovery permissible under the New York Civil Practice Law and Rules in that it is not related to any issues raised by the claims or defenses of any party. Subject to, and without waiving these objections, Uniroyal answers as follows:

During the years that Uniroyal commercially produced textiles containing asbestos, Uniroyal retained the services of a number of consultants, including, but not limited to, W.L.C. Hemeon, Dr. Anthony J. Lanza, Dr. Kenneth Lynch, Dr. Eugene Pendergrass, Dr. H.W. Grady, Dr. John Knox, and Dr. John G. Wells, for the purpose of studying and improving the dust control and medical program at Uniroyal's Hogansville facility. The results and findings of their work are contained in Uniroyal's documents. Moreover, Uniroyal routinely took dust counts at its Hogansville facility. Documents pertaining to this endeavor are numerous and may be reviewed pursuant to the New York Civil Practice Law and Rules.

INTERROGATORY NO. 49: Does your company recognize that workers in the following trades were foreseeable users of your asbestos products? If so, when did you come to such a recognition:

- a. Pipe Ladders;
- b. Pipe Fitters;
- c. Welders;
- d. Burners;
- e. Sheetmetal Workers;
- f. Tapers;
- g. Chippers;
- h. Plasterers;
- i. Riggers;
- j. Grinders;

- k. Inspectors;
- l. Shipwrights;
- m. Painters;
- n. Boilermakers;
- o. Insulators;
- p. Custodians;
- q. Planners;
- r. Testers;
- s. Teachers;
- t. Auto mechanics;
- u. Auto repairmen;
- v. Brake repairmen.

RESPONSE: Uniroyal objects to this interrogatory on the grounds that it is overly broad, vague, and ambiguous; particularly, the phrase "foreseeable users" is undefined, vague and ambiguous; finally to the extent that any additional response may be required, Uniroyal requests that plaintiffs identify any specific documents upon which this interrogatory is based and furnish a copy thereof to Uniroyal.

INTERROGATORY NO. 50: Does your company recognize that the types of workers listed in Question 49 would be exposed to asbestos in the course of working on jobs where other trades would be using asbestos products?

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is overly broad and unduly burdensome, as well as beyond the scope of discovery permissible under the New York Civil Practice Law and Rules in that it is not related to any issues raised by the claims or defenses of any party. Subject to, and without waiving these objections, Uniroyal answers as follows:

Uniroyal is unable to ascertain information responsive to this interrogatory. Uniroyal manufactured textiles containing asbestos from 1941 to 1976, and did not believe that the use of its finished products posed an unreasonable health hazard. Documents related to this

inquiry, if any, will be made available for review pursuant to the New York Civil Practice Law and Rules.

INTERROGATORY NO. 51: Does your company recognize that it was foreseeable that people working in the same area where your asbestos products were being used or installed would inhale and/or ingest asbestos fibers emitted from your products?

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is beyond the scope of discovery permissible under the New York Civil Practice Law and Rules in that it does not seek discovery of a matter relevant to the issues raised by the claims or defenses of any party and the information sought does not appear reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving these objections, Uniroyal answers as follows:

Uniroyal is unable to ascertain information responsive to this request. The work done by Uniroyal's consultant, Dr. John G. Wells, was related to textile workers. Uniroyal manufactured textiles containing asbestos from 1941 to 1976, and did not believe that the use of its finished products posed an unreasonable health hazard. Documents related to this inquiry, if any, will be made available for review pursuant to the New York Civil Practice Law and Rules.

INTERROGATORY NO. 52: Does your company recognize that it was foreseeable that tradesmen listed in Question 49 would inhale and/or ingest asbestos fibers released from your asbestos products?

RESPONSE: See Response to Interrogatory No. 49.

INTERROGATORY NO. 53: Do you contend that any respirators or other breathing devices would prevent inhalation of the asbestos dust and fibers released from your product?

If so, state:

- a. When the respirator was sold;
- b. Give the detailed description of such respirator or other breathing device;
- c. The first date you reached the conclusion;
- d. The basis of your claim that use of the respirator will prevent the inhalation of such dust and fibers;
- e. Identify any relevant tests performed by date, title, author and number.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is beyond the scope of discovery permissible under the New York Civil Practice Law and Rules in that it does not seek discovery of a matter relevant to the issues raised by the claims or defenses of any party and the information sought does not appear reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Uniroyal answers as follows:

Uniroyal provided, encouraged, or required, the use of respirators by its employees in the textile plant, among other measures utilized by Uniroyal to reduce or eliminate exposure to asbestos fibers. Uniroyal manufactured textiles containing asbestos from 1941 to 1976, and did not believe that the use of its finished products posed an unreasonable health hazard. Documents related to this inquiry, if any, will be made available for review pursuant to the New York Civil Practice Law and Rules.

INTERROGATORY NO. 54: From the year 1930 to the present, identify:

- a. The name of each physician in your employ and/or the employ of your subdivision or contract unit;
- b. The current and/or last known address for each such individual;
- c. The dates of employment of each such individual;
- d. The job duties and/or responsibilities for each such individual identified;
- e. The duration of each such individual's employment, the office address or duty assignment location held by each such individual, and the dates associated with each such assignment.

RESPONSE: Uniroyal objects to this interrogatory on the grounds that it is beyond the scope of discovery permissible under the New York Civil Practice Law and Rules.

Subject to, and without waiving the foregoing objections, Uniroyal admits that during the years that Uniroyal commercially produced textiles containing asbestos, Uniroyal retained the services of a number of consultants, including, but not limited to, W.L.C. Hemeon, Dr. Anthony J. Lanza, Dr. Kenneth Lynch, Dr. Eugene Pendergrass, Dr. H.W. Grady, Dr. John Knox, and Dr. John G. Wells, for the purpose of studying and improving the dust control and medical program at Uniroyal's Hogansville facility. The results and findings of their work are contained in Uniroyal's documents. In addition, the documents show, among other things, that Uniroyal hired Dr. J.F. Wolfsie as its first medical director in 1964. He served in that capacity until 1971. Dr. Dexter Forbes served from 1971 to 1985. The medical directors' duties were varied, but included the coordination of a comprehensive company-wide health promotional program.

INTERROGATORY NO. 55: Have you, at any time since 1930, maintained any office or department dealing with medical research? If so, state:

- a. The name and location of such department; and
- b. The name, address and title of each person who has been in charge of the department.

RESPONSE: See Response to Interrogatory No. 54.

INTERROGATORY NO. 56: From the year 1930 to the present, state:

- a. The address of each medical library maintained by you or your subdivisions and/or contract units;
- b. When each such library came into existence;
- c. The custodian of each such library facility records, such as individual's dates of employment and last known address or current address.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is ambiguous, overly broad and unduly burdensome.

Subject to, and without waiving these objections, Uniroyal answers as follows:

Uniroyal has no record or information which would enable it answer this interrogatory other than to state that upon information and belief, Uniroyal subscribed at one time to National Safety Council News, Journal of Industrial Hygiene, and the British Journal of Industrial Medicine and Environmental Research. Of course, Uniroyal may have received other articles from either various consultants retained by Uniroyal or trade organizations.

INTERROGATORY NO. 57: For each facility identified in response to the two preceding Interrogatories, state the name or title of each medical journal or periodical subscribed to and the inclusive dates of each such subscription.

RESPONSE: See Responses to Interrogatory Nos. 55 and 56.

INTERROGATORY NO. 58: Other than the medical library facilities referenced in the answers to the immediately preceding three Interrogatories, state the identity of each

medical library, from 1930 to date, in which you held a membership, or funded by way of contribution, gift, grant, or any other direct cash or property payments.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is beyond the scope of discovery permissible under the New York Civil Practice Law and Rules in that it does not seek discovery of a matter relevant to the issues raised by the claims or defenses of any party and the information sought does not appear reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Uniroyal answers as follows:

Such information is presently unknown to Uniroyal, except to the extent that it may be contained in Uniroyal's documents which may be reviewed pursuant to the New York Civil Practice Law and Rules.

INTERROGATORY NO. 59: State the names and addresses of all professional, trade, industrial, safety, hygiene, or health associations and research foundations or organization you have been a member of since 1930 indicating for each association:

- a. The inclusive dates of your membership;
- b. The names of your employees who attend meetings and the dates and designations of such meetings;
- c. The positions held by any of your employees;
- d. The location of all minutes, digest, reports and documents received or concerning such association.

RESPONSE: Uniroyal objects to this interrogatory on the grounds that it is beyond the scope of discovery permitted under the New York Civil Practice Law and Rules.

Subject to, and without waiving this objection, Uniroyal responds as follows:

Uniroyal admits that it was a member of the ATI from 1960 to 1975.

Uniroyal has not discovered in review of its files, any documents or other information that would indicate that Uniroyal was ever a member of the American Standards Association (ASA). Plaintiffs' attorneys in the Mississippi asbestos litigation have provided to Uniroyal a document which purports to reflect that United States Rubber Company (Uniroyal) was a member of the ASA from 1945 to 1946. This documents was a photocopy and no original document or photocopy has been found in the Uniroyal files.

Uniroyal has not discovered in review of its files, any documents or other information that would indicate that Uniroyal was ever a member of the Industrial Hygiene Foundation (IHF). Plaintiffs attorneys in the Mississippi asbestos litigation have provided to Uniroyal a document which purports to reflect that United States Rubber Company (Uniroyal) was a member of the IHF in 1959. However, the document also contains lists of IHF membership from 1936 to 1981. Uniroyal is not found on any annual membership list from 1936 to 1981 except for the 1959 list. This document was a photocopy and no original or photocopy has been found in the Uniroyal files.

Uniroyal has not discovered in review of its files, any documents or other information that would indicate that Uniroyal was ever a member of the National Safety Council (NSC). Plaintiffs' attorneys in the Mississippi asbestos litigation have provided to Uniroyal a document which purports to reflect that Uniroyal, or an employee of Uniroyal, was at one time a member of the SC. This document was a photocopy and no original or photocopy has been found in the Uniroyal files. Based upon information and belief, Uniroyal is unaware of any memberships in the other organizations described.

INTERROGATORY NO. 60: When did you first learn that there were health hazards associated with the use and/or fabrication of asbestos-containing products? State the date, source, nature and extent of such information.

RESPONSE: Subject to without waiving the foregoing general objections, Uniroyal answers as follows:

Because Uniroyal is a dissolved corporation and has no employees, it is impossible to ascertain exactly when or what it learned about potential hazard of excessive asbestos exposure or the conditions under which a potential hazard would exist. Uniroyal was generally aware that prolonged high exposure of its textile worker employees to certain asbestos fibers could pose a potential health hazard. However, it does not believe that use of its finished products which contained asbestos such as asbestos yarns, fabrics, and tapes created an unreasonable risk of harm.

INTERROGATORY NO. 61: Have you knowledge of any deaths or cases of lung disease or lung impairment prior to 1975 among your employees engaged in the manufacture or use of asbestos products which are attributable to, or were alleged to be caused by, the inhalation of asbestos dust or fibers? If so, please give the name and address of each such employee, identify all medical records possessed in relation to the employee, and state whether reports of occupational disease were furnished to any bureau, branch or governmental body of the relevant state; attach copies of the latter.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is overly broad and unduly burdensome as well as beyond

the scope of discovery permissible under the New York Civil Practice Law and Rules.

Subject to, and without waiving these objections, Uniroyal answers as follows:

A worker's compensation claim was made against Uniroyal in 1955 by one of its employees engaged in the manufacture of asbestos-containing textile products. Two claims were made in 1959. One claim was made in 1961. Two claims were made in 1964. One claim each in 1966, 1968, 1972, and 1974-1975. Based upon current information, Uniroyal is unaware that claims for lung cancer, mesothelioma, or other cancers were ever made.

INTERROGATORY NO. 62: If any of your employees or officers have testified at trial or by deposition in any litigation or before any Congressional Committee or administrative agency concerning asbestos exposure, pulmonary or asbestos-related diseases or industrial hygiene relating to asbestos use, state:

- a. The name, address and title of each person who testified;
- b. The date, location and forum of such testimony;
- c. Whether the defendant has a copy of such testimony;
- d. Whether the defendant will voluntarily produce a copy of such testimony.

RESPONSE: Uniroyal objects to this interrogatory on the grounds that it invades Uniroyal's constitutionally protected right to free speech under the First Amendment, and is accordingly, privileged and not subject to discovery.

Subject to, and without waiving these objections, Uniroyal answers as follows:

Based upon information and belief, none.

INTERROGATORY NO. 63: Have you or any employee or agent of yours ever communicated with an agency or department of the United States concerning specifications

and/or standard for any asbestos product or thermal insulation product? If so state separately for each product or set of specifications:

- a. Identify each such product and its military or federal specification or standard;
- b. The intended purpose or use for the product so specified;
- c. The date, time and place of each communication including;
 - (1) The name of each of your agents or employees who participated in each communication;
 - (2) The names, titles, and agencies of each individual with whom such communication was had;
 - (3) The subject of the communication;
 - (4) Whether any notes, minutes or memoranda in any form were recorded of such communication or of any meetings between you and the agency;
 - (5) Whether any documents were submitted to the agency;
 - (6) If (4) or (5) is answered in the affirmative state the name, and location of the custodian of such records.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is overly broad and unduly burdensome; in addition, Uniroyal objects to this interrogatory on the grounds that it is beyond the scope of discovery permissible under the New York Civil Practice Law and Rules in that it is not related to any issues raised by the claim or defenses of any party. Subject to the foregoing objections, Uniroyal answers as follows:

Based upon information and belief, Uniroyal had communications with the government in order to determine what the specifications were for the asbestos-containing textile products manufactured by Uniroyal.

INTERROGATORY NO. 64: Does your company recognize that:

- a. Asbestos causes asbestosis;
- b. Asbestos exposure leads to an individual contracting asbestosis;
- c. There is correlation between exposure to asbestos and the occurrence of asbestosis;
- d. Asbestos causes lung cancer;
- e. There is a correlation between asbestos exposure and the occurrence of lung cancer;
- f. Asbestos contributes to the development of gastrointestinal cancer;
- g. That a portion of inhaled asbestos fibers remain in the lungs after being inhaled into the human body and are not destroyed?
- h. The symptoms of asbestosis and other asbestos-induced lung diseases or cancers may not manifest themselves until many years after the asbestos was inhaled into the body?
- i. Prolonged use of the asbestos material can cause or contribute to various occupational diseases, including asbestosis, mesothelioma, cancer and other lung and respiratory diseases?
- j. The use of asbestos insulation products listed in Answer (10) are dangerous and harmful to human health?
- k. There is a connection between the inhalation of asbestos dust and fibers and the disease mesothelioma?

If you answer to any part of this question is "Yes", explain when you came to this knowledge and what, if anything, you have done about it to notify the public or users of your products. If your answer is that your products are not harmful then explain what facts and tests were made upon which you base such conclusion.

RESPONSE: Uniroyal objects to this interrogatory on the grounds that it is vague, ambiguous, overly broad, and on the grounds that it requires a medical or expert opinion.

Subject to, and without waiving the foregoing objections, as of the date of this response, among the known causes of certain types of mesothelioma in humans are amphibole asbestos fibers. The inhalation of large quantities of asbestos fibers over a prolonged period of time can in some individuals cause asbestosis. There is a latency period in all asbestos related diseases.

INTERROGATORY NO. 65: Have any workman's compensation claims based on asbestosis, mesothelioma, lung cancer, other cancers, asbestos-induced diseases, or lung diseases been filed against you? If so, for each claim state:

- a. The date, place filed, reference numbers and outcome of each claim;
- b. Whether you advised your workers' compensation carrier of the claims;
- c. The location and custodian of all records of claims and correspondence with your compensation carrier.

RESPONSE: See Response to Interrogatory No. 61.

INTERROGATORY NO. 66: Have you as part of your business ever employed any steam plant operators, boiler repair workers, insulator or had a division or unit which installed insulation materials on a contract by contract basis (e.g., a "contract unit")? If so, state:

- a. The location where such persons or unit was based;
- b. The names of the operators or makers of the contract units;
- c. Whether there existed rules, regulations and/or work practices which were to be followed by such employees;
- d. Were such employees ever required to wear respirators; If so, please state:
 - (1) Whether the requirement was by written regulation or oral direction;

- (2) The names of the people in your firm originating such a requirement and/or in charge of enforcing it;
 - (3) The date the requirement was imposed for the first time.
- e. Have such former employees ever filed workmen's compensation claims due to lung or coronary illness. If so, for each such claim state the date, jurisdiction and docket number and outcome of the claims.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is overly broad and unduly burdensome, as well as beyond the scope of discovery permissible under the New York Civil Practice Law and Rules. Subject to, and without waiving these objections, Uniroyal answers as follows:

Based upon information and belief, none.

INTERROGATORY NO. 67: State the total number of employees of yours or your contract unit receiving benefits under any Occupational Disease or Workers Compensation statute for asbestosis, mesothelioma, bronchogenic carcinoma and/or cancer of the stomach, colon or rectum for each year, from the date that you first manufactured, distributed or sold any asbestos-containing products until the present time.

RESPONSE: See Response to Interrogatory No. 66.

INTERROGATORY NO. 68: State by year the total dollar amount paid out by you, your contract unit and/or your insurance carrier as a result of claims under any Occupational Disease or Workers' Compensation statute for asbestosis, mesothelioma, bronchogenic carcinoma and/or cancer of the stomach, colon or rectum.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is beyond the scope of discovery permissible under the New York Civil Practice Law and Rules.

INTERROGATORY NO. 69: Identify any action, other than workers' compensation claims, brought against you by claimants injured as a result of exposure to asbestos and asbestos-containing products prior to 1985, stating the court in which the action was brought, the date of filing, case styles, and case number.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is beyond the scope of discovery permissible under the New York Civil Practice Law and Rules.

INTERROGATORY NO. 70: State separately for each calendar year for the period 1928 to the present:

- a. The total amount of asbestos mined by your company;
- b. The total pound volume of asbestos fibre purchased by your company;
- c. The total pound volume of asbestos used by your company in its manufacturing processes;
- d. The total pound volume of asbestos sold by your company;
- e. The total pound volume of asbestos acquired by your company in any manner other than mining or purchase, and identify the manner of acquisition for each year;
- f. The total dollar value of asbestos mined by your company;
- g. The total dollar value of asbestos purchased by your company;
- h. The total dollar value of asbestos used by your company in its manufacturing process;
- i. The total dollar value of asbestos sold by your company;
- j. The total dollar value of all asbestos-containing products sold by you;
- k. The total number of pounds of linear feet of each asbestos product sold by you and the dollar value of such sales;

- l. The percentage of sales by dollar value and by linear foot and weights of your asbestos as compared to all asbestos sold in the United States;
- m. The percentage of sales of dollar value and by linear foot and weight of your asbestos-containing material as compared to all asbestos-containing materials sold in the United States.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is overly broad and unduly burdensome, as well as beyond the scope of discovery permissible under the New York Civil Practice Law and Rules. Subject to, and without waiving these objections, Uniroyal answers as follows:

Such information is presently unknown to Uniroyal, except to the extent that it may be contained in Uniroyal's documents which may be reviewed pursuant to the New York Civil Practice Law and Rules.

INTERROGATORY NO. 71: Did you in any way finance, assist or participate in:

- a. The Metropolitan Life Insurance Company studies of asbestos conducted from 1929-1950;
- b. The Trudeau Foundation Saranac Lake studies from 1929-1960;
- c. The Quebec Asbestos Mining Association Study of Asbestos and Health between 1940 and 1970.

If so, state what role or action you took and identify all documents relevant to such activities by name, date, title, file number and present location.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is beyond the scope of discovery permissible under the New York Civil Practice Law and Rules in that it does not seek discovery of a matter relevant to the issues raised by the claims or defenses of any party and the information

sought does not appear reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Uniroyal answers as follows:

Based upon information and belief, no.

INTERROGATORY NO. 72: Has your firm ever been cited or admonished by any government agency (federal, state or local) for dust levels in excess of any threshold limit value (TLV) or other predetermined number? If so, please state:

- a. The date, the government agency, and the dust and TLV or number involved;
- b. The means of identifying any document related to such an occurrence;
- c. Any action taken by the agency involved.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is overly broad and unduly burdensome as well as beyond the scope of discovery permissible under the New York Civil Practice Law and Rules.

Subject to, and without waiving these objections, Uniroyal answers as follows:

Documents related to this inquiry, if any, will be made available for review pursuant to the New York Civil Practice Law and Rules.

INTERROGATORY NO. 73: State whether from 1930 to date you promulgated any rules, written or oral for the handling of asbestos or asbestos products by your own employees? If so, state:

- a. When such rules were promulgated;
- b. The substance of the rules, if oral, and the name, address and title of the person who disseminated them;
- c. If in writing, either attach a copy of the rules or identify the written rules by date, title, identification number, present location and the name and address of the custodian thereof;

- d. Whether any such material was provided to any users of your asbestos products and, if so, when and to whom.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is overly broad and unduly burdensome as well as beyond the scope of discovery permissible under the New York Civil Practice Law and Rules.

Subject to, and without waiving these objections, Uniroyal answers as follows:

Documents related to this inquiry, if any, will be made available for review pursuant to the New York Civil Practice Law and Rules.

INTERROGATORY NO. 74: Have any of your employees been reassigned to other duties because of pulmonary or coronary health problems? If so, please state for each such reassignment:

- a. The date and reason for reassignment;
- b. The jobs prior to and after reassignment;
- c. The age and health problem of the person reassigned.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is vague, ambiguous, overly broad and unduly burdensome as well as beyond the scope of discovery permissible under the New York Civil Practice Law and Rules. Subject to, and without waiving these objections, Uniroyal answers as follows:

Documents related to this inquiry, if any, will be made available for review pursuant to the New York Civil Practice Law and Rules.

INTERROGATORY NO. 75: Prior to 1972, have your employees ever been subject to periodic medical examinations? If so, please state:

- a. Whether the examinations were performed by your firm, its agents or employees or by outside personnel either private or governmental;
- b. Whether the examinations were performed as a result of an internal corporate decision or to comply with some governmental rule;
- c. Whether any person was rejected for employment as a result of such examination. If so, state the date and reason for such rejection;
- d. Whether any employee was reassigned, terminated or pensioned as the result of such examination and the date and reason for each such occurrence.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is beyond the scope of discovery permissible under the New York Civil Practice Law and Rules in that it does not seek discovery of a matter relevant to the issues raised by the claims or defenses of any party and the information sought does not appear reasonably calculated to lead to the discovery of admissible evidence.

Subject to, and without waiving these objections, and based upon a review of Uniroyal's documents, pursuant to its medical program, employees at the Hogansville facility were given regular chest x-rays beginning in early to mid-1940s.

INTERROGATORY NO. 76: Have you ever removed or had removed any asbestos insulation or other asbestos-containing material from any building, plant or facility which you owned, operated, leased or maintained? If so, identify the building or facility, state the date the asbestos material was removed and who removed the asbestos, and identify all documents in relation to or referring to the removal.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is beyond the scope of discovery permissible under the New York Civil Practice Law and Rules in that the information sought does not appear

reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Uniroyal answers as follows:

Based upon information and belief, and a review of Uniroyal's documents, no.

INTERROGATORY NO. 77: Was the monitoring of dust levels required by any Government regulation or rule of any government, agency, or insurance company? If so, state the substance of the rule, the source imposing it and the date it was first imposed.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is beyond the scope of discovery permissible under the New York Civil Practice Law and Rules in that it does not seek discovery of a matter relevant to the issues raised by the claims or defenses of any party and the information sought does not appear reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Uniroyal answers as follows:

Such information is presently unknown to Uniroyal, except to the extent that it may be contained in Uniroyal's documents which may be reviewed pursuant to the New York Civil Practice Law and Rules.

INTERROGATORY NO. 78: Do you agree that the possibility of exposure to asbestos dust and fibers extends not only to workers actually handling the asbestos products but also to:

- a. Other workers in the area where the asbestos products are being used;
- b. Members of the families of workers.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is vague and ambiguous; specifically, the phrase "possibility" is vague, ambiguous, and overly broad.

INTERROGATORY NO. 79: Does your company have a record or document "retention" policy plan or program? If so, please describe such plan. If the plan is different for separate categories of records, please describe the plan for each category. Please include in the descriptions the following:

- a. The name and title of the custodian of the records;
- b. The length of time for which records are retained;
- c. The titles and names of the personnel responsible for determining the policy or plan from 1935 to the present;
- d. The titles and names of the personnel responsible for the removal and destruction of any records, pursuant to any such plans from 1935 to the present.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is overly broad, vague and ambiguous. Subject to and without waiving these objections, Uniroyal answers as follows:

There is no specific method for maintaining records. Records were kept at the local plants at which the products were manufactured and at corporate headquarters. They were maintained essentially in file cabinets. Eventually, all existing records were sent to Uniroyal's attorneys in New York and then to Uniroyal's corporate headquarters. All documents have been maintained since the onset of asbestos litigation became known to the attorneys for Uniroyal. The current custodian of these records is David J. O'Boyle.

INTERROGATORY NO. 80: Have you destroyed any documents, records or writings pertaining to:

- a. Health hazards of asbestos;
- b. Workmen's Compensation claims arising out of asbestos, lung cancer, mesothelioma, cor pulmonale, pneumoconiosis, or pulmonary fibrosis;
- c. Placing warning labels on your products;
- d. Hazardous conditions in your plants or factories;
- e. Funding of studies about health hazards of asbestos;
- f. Lawsuits arising out of injuries alleged to having been caused by asbestos.

If so, list every such document destroyed by author, date and subject matter.

RESPONSE: See Response to Interrogatory No. 79.

INTERROGATORY NO. 81: Have you ever had a division or subsidiary engaged in the business of abating, removing or encapsulating asbestos materials. If so, state:

- a. The name of the unit of all personnel involved;
- b. The location where such persons or units were based;
- c. The dates such person or units functioned;
- d. The sites where such abatement, repair, encapsulation or removal occurred.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is beyond the scope of discovery permissible under the New York Civil Practice Law and Rules in that it does not seek discovery of a matter relevant to the issues raised by the claims or defenses of any party and the information sought does not appear reasonably calculated to lead to the discovery of admissible evidence. Subject to these objections, Uniroyal answers as follows:

Based upon information and belief, no.

INTERROGATORY NO. 82: Identify and produce all Minutes of each meeting of the Board of Directors or of any committee of the Board at which meeting the hazards of asbestos exposure, and/or the possible application of warning labels on asbestos-containing products were discussed.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is overly broad and unduly burdensome as well as beyond the scope of discovery permissible under the New York Civil Practice Law and Rules.

Subject to, and without waiving these objections, Uniroyal answers as follows:

Documents related to this inquiry, if any, will be made available for review pursuant to the New York Civil Practice Law and Rules.

INTERROGATORY NO. 83: If there is any person whom the defendant expects to call as an expert witness at trial, please provide a copy of the witnesses' curriculum vitae, or summary of the witness' qualifications if there is no vitae, then please state for each such expert witness:

- a. The person's identity, giving name, profession or occupation and address;
- b. The subject matter on which each such expert is to testify;
- c. The substance of all facts and opinions regarding which each such expert is to testify;
- d. A summary of the grounds for each opinion of each such expert;
- e. Whether the facts and opinions listed in (c) above are contained in a written report, memorandum or transcript and if they are, produce the same pursuant to the Notice of Production of Documents attached hereto;

- f. If the opinion of any expert listed above is based in whole or in part on any code or regulation, governmental or otherwise, identify said code or regulation and specifically set forth the section relied upon;
- g. Whether each such expert intends to base his or her testimony on any book, treatise, article, study, or any other document, and, if so, identify all such documents; and
- h. Whether the witness has testified at trial or by deposition in other asbestos-related personal injury or wrongful death cases, and if so, state for each such case:
 - (1) the name and docket number;
 - (2) the court in which each such case was pending; and
 - (3) the party for whom the witness testified.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is overly broad and unduly burdensome as well as beyond the scope of discovery permissible under the New York Civil Practice Law and Rules. Subject to, and without waiving these objections, Uniroyal answers as follows:

See Uniroyal, Inc.'s Expert Witness List, and all supplements thereto, filed in this case for the identity and expected testimony of expert witnesses offered by Uniroyal.

Uniroyal will provide this information in compliance with the Court's scheduling order regarding identity of expert witnesses and designations of expected testimony subject matter.

INTERROGATORY NO. 84: Identify the name and address of each nonexpert witness whom you intend to call at trial, and specifically set forth the nature and substance of the matters to which each such person will testify and summarize the facts to which such person will testify.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is overly broad and unduly burdensome as well as beyond the scope of discovery permissible under the New York Civil Practice Law and Rules.

Subject to, and without waiving these objections, Uniroyal answers as follows:

Uniroyal will provide this information in compliance with the Court's scheduling order regarding identity of witnesses and designations of expected testimony subject matter.

INTERROGATORY NO. 85: Identify and produce each exhibit that you intend to rely upon at trial.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is overly broad and unduly burdensome as well as beyond the scope of discovery permissible under the New York Civil Practice Law and Rules.

Subject to, and without waiving these objections, Uniroyal answers as follows:

See Uniroyal, Inc.'s Exhibit List, and all supplements thereto, filed in this case for the designation of exhibits offered by Uniroyal. Uniroyal will provide this information in compliance with the Court's scheduling order regarding the designation of expected trial exhibits.

INTERROGATORY NO. 86: Identify all persons, other than your attorneys, who provided you with any information used in answering these interrogatories, and state the particular information each person supplied.

RESPONSE: Subject to, and without waiving these objections, Uniroyal answers as follows:

Based upon information and belief, there is no other person not heretofore mentioned having personal knowledge of the facts material to this case; however, as information is developed, Uniroyal will supplement the responses to these interrogatories. Subject to, and without waiving these objections, Uniroyal answers as follows:

Documents related to this inquiry, if any, will be made available for review pursuant to the New York Civil Practice Law and Rules.

INTERROGATORY NO. 87: At any time prior to 1980 did you learn of any recommended levels of asbestos proposed by The American Conference of Governmental and Industrial Hygienists (ACGIH)? If so, state:

- a. The exact date you first learned of any ACGIH recommended levels;
- b. How you first learned of it;
- c. Which of your employees or agents first learned of it;
- d. The steps or action you took to advise your sales personnel of the recommendation;
- e. The steps or action you took to advise your customers, dealers, distributors and contractors of the ACGIH recommendation;
- f. Any comment you filed or submitted to ACGIH;
- g. Identify all documents related to ACGIH.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Subject to, and without waiving these objections, Uniroyal answers as follows:

Uniroyal was aware that the State of Georgia and others, including the ACGIH, recommend a TLV of 5 mppcf for asbestos. Documents related to this inquiry, if any, will be made available for review pursuant to the New York Civil Practice Law and Rules.

INTERROGATORY NO. 88: Do you contend that there is a minimum safe threshold level of exposure to asbestos below which there is no risk in developing mesothelioma or lung cancer? If so, specify the minimum safe threshold level of exposure for each disease, the date you claim the threshold was arrived at, and the precise basis for your contention.

RESPONSE: See Response to Interrogatory No. 64.

INTERROGATORY NO. 89: Do you contend that there is any difference between chrysotile fiber, amosite fiber, crocidolite fiber, and/or tremolite fiber in the development of (a) mesothelioma; and (b) lung cancer? If so, explain in detail your contention as to the distinction between or among fiber types in the development of each disease and the medical authority you rely on.

RESPONSE: See Response to Interrogatory No. 64.

INTERROGATORY NO. 90: Please state when defendant became aware of the January, 1946 Article "A Health Survey of Pipe Covering Operations in Constructing Naval Vessels" by Walter E. Fleischer, Frederick J. Viles, Jr., Robert L. Gade and Philip Drinker.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is overly broad and unduly burdensome, as well as beyond the scope of discovery permissible under the New York Civil Practice Law and Rules. Subject to, and without waiving these objections, Uniroyal answers as follows:

Uniroyal cannot presently ascertain the extent of any knowledge that its employees may have had about articles in the literature at any given time; however, to the extent that any information is available responsive to this interrogatory is contained in Uniroyal's documents which may be produced for inspection to the plaintiffs pursuant to the New York Civil Practice Law and Rules.

INTERROGATORY NO. 91: Did defendant ever rely on said Article as a reason for not warning users or consumers of its asbestos-containing products, if so, when?

RESPONSE: See Response to Interrogatory No. 90.

INTERROGATORY NO. 92: If defendant ever became aware of the Article referred to in Interrogatory No. 90, produce all documents (including statements and trial or deposition testimony of current or former employees of defendant) in possession of defendant indicating that defendant relied on said Article as a reason for not warning users or consumers of its asbestos-containing products of any and all actual or potential hazards associated with such products.

RESPONSE: See Response to Interrogatory No. 90.

INTERROGATORY NO. 93: Please state when defendant became aware of the Threshold Limit Value of 5 Million Particles Per Cubic Foot of Air.

RESPONSE: See Response to Interrogatory No. 87.

In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is overly broad and unduly burdensome, and that it seeks information not relevant to any issue raised by the claims or defenses of any party. Subject to and without waiving any of these objections, Uniroyal answers as follows:

Documents related to this inquiry, if any, may be made available for review pursuant to the New York Civil Practice Law and Rules.

INTERROGATORY NO. 94: Did defendant ever rely on said Threshold Limit Value as a reason for not warning users or consumers of its asbestos-containing products. If so, when.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is beyond the scope of discovery permissible under the New York Civil Practice Law and Rules in that it does not seek discovery of a matter relevant to the issues raised by the claims or defenses of any party and the information sought does not appear reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving these objections, Uniroyal answers as follows:

Uniroyal is unable to ascertain information responsive to this request. The work done by Uniroyal's consultant, Dr. John G. Wells, was related to textile workers. Uniroyal manufactured textiles containing asbestos from 1941 to 1976, and did not believe that the use of its finished products posed an unreasonable health hazard. Documents related to this inquiry, if any, will be made available for review pursuant to the New York Civil Practice Law and Rules.

INTERROGATORY NO. 95: If defendant ever became aware of the Threshold Limit Value referred to in Interrogatory No. 93, produce all documents (including statements and trial or deposition testimony of current or former employees of defendant) in possession of defendant indicating that defendant relied on said Threshold Limit Value as a reason for not

warning users or consumers of its asbestos-containing products of any and all actual or potential hazards associated with such products.

RESPONSE: See Responses to Interrogatory Nos. 93 and 94.

INTERROGATORY NO. 96: When and if defendant became aware of the Threshold Limit Value of 5 Million Particles Per Cubic Foot of Air, what, if any, efforts did defendant make to determine if the manner in which defendant's asbestos products were actually used limited the amount of dust produced by such products to below the Threshold Limit Value.

RESPONSE: In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is beyond the scope of discovery permissible under the New York Civil Practice Law and Rules in that it does not seek discovery of a matter relevant to the issues raised by the claims or defenses of any party and the information sought does not appear reasonably calculated to lead to the discovery of admissible evidence. Subject to, and without waiving these objections, Uniroyal answers as follows:

Uniroyal is unable to ascertain information responsive to this request. The work done by Uniroyal's consultant, Dr. John G. Wells, was related to textile workers. Uniroyal manufactured textiles containing asbestos from 1941 to 1976, and did not believe that the use of its finished products posed an unreasonable health hazard. Documents related to this inquiry, if any, will be made available for review pursuant to the New York Civil Practice Law and Rules.

Respectfully submitted,



Jean L. Dusinski
LeBoeuf, Lamb, Leiby & MacRae
One Riverfront Plaza
Newark, New Jersey 07102

-and-

125 West 55th Street
New York, New York 10019

SUPREME COURT OF THE STATE OF NEW YORK
ALL COUNTIES WITHIN THE CITY OF NEW YORK

IN RE:	NEW YORK CITY	:	NYCAL
	ASBESTOS LITIGATION	:	Index No. 40000/88
		:	
		:	
THIS DOCUMENT APPLIES TO ALL		:	IAS Part 30 (Freedman, J.)
CASES		:	
		:	<u>AFFIRMATION OF SERVICE</u>
		:	

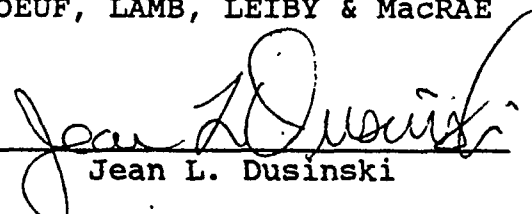
JEAN L. DUSINSKI, an attorney at law of the State of New Jersey, affirms under the penalty of perjury, as follows:

1. I am over the age of 18 years and not a party to this action.
2. On the 21st day of October, 1993, I served Uniroyal, Inc. and United States Rubber Company's Amended Answers to Plaintiffs' First Set of Liability Interrogatories and Request for Production of Documents [unverified] on Weitz & Luxenberg, P.C., via hand delivery.

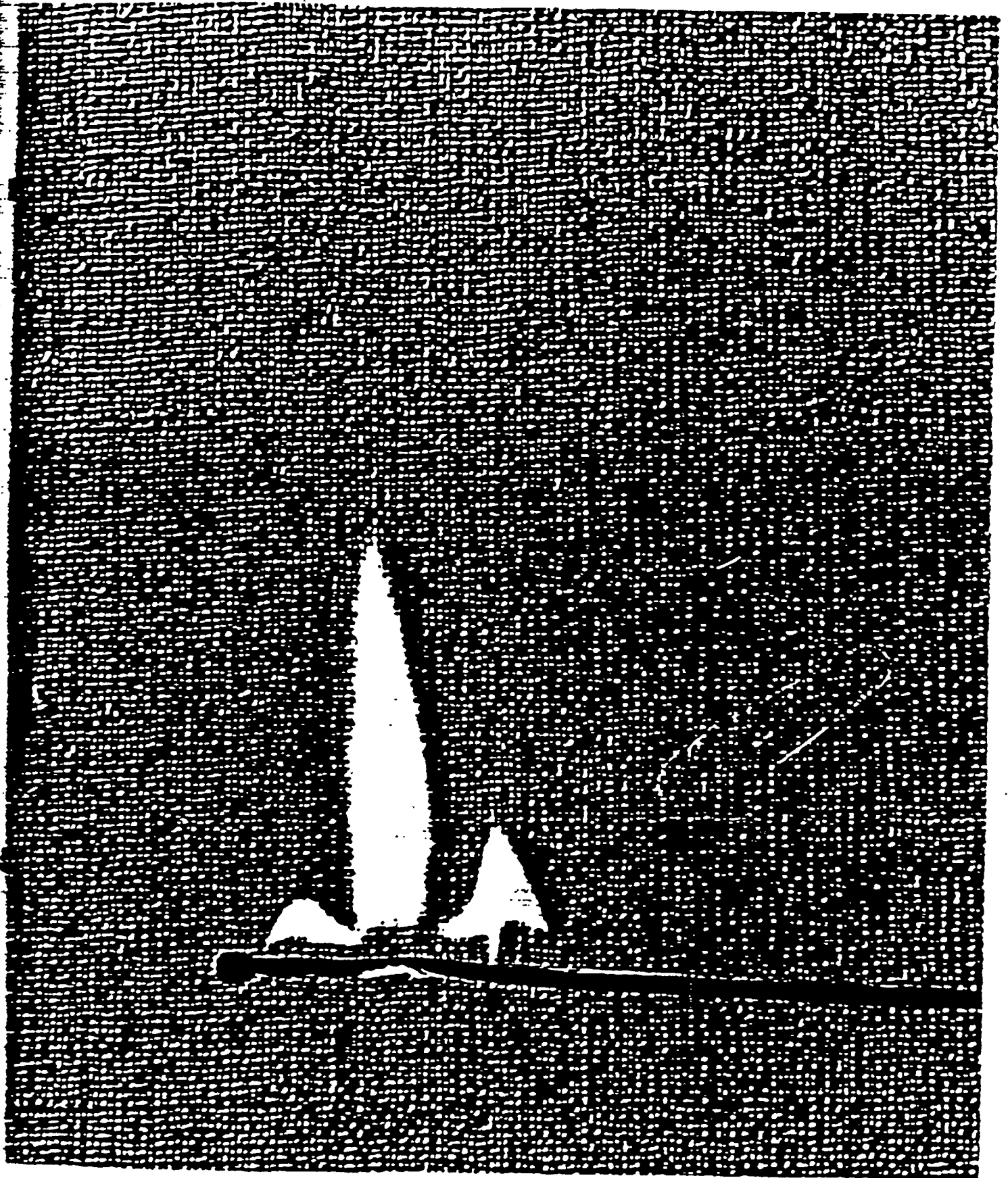
DATED: October 21, 1993

LeBOEUF, LAMB, LEIBY & MacRAE

By:


Jean L. Dusinski

**Facts about Asbeston[®]
in yarns, tape, and fabrics.**



UNIROYAL

U.S. RUBBER

Asbeston combines fire resistance with high strength and good appearance.

Asbeston is U.S. Rubber Company's registered trade name for yarns, fabrics and tapes made from asbestos.

We have developed a patented process for spinning asbestos fibers into lightweight, fine gauge, high tensile strength yarns. Because of these properties, Asbeston yarns produce flexible, attractive fabrics of low bulk.

To meet today's growing need for a durable, abrasion-resistant fabric with fireproof characteristics, we combine asbestos with other natural fibers and with man-made fibers, including glass, acrylic, polyester and olefin.

The temperature limits of Asbeston depend on the percentage of asbestos fiber in fabric, as follows:

Grades ASTM standards	Normal temperature limitations
Commercial (C)	75% to 79% inclusive up to 400° F
Underwriters (U)	80% to 84% inclusive up to 450° F
A	85% to 89% inclusive up to 550° F
AA	90% to 94% inclusive up to 600° F
AAA	95% to 99% inclusive up to 750° F

Asbeston fabrics are available with resin finishes, and with coatings of aluminum and aluminum foil. We

have also created and patented the lustre-white finish. This finishing technique applied to the surface of Asbeston fabrics produces a white, bright, smooth texture. Since it is not applied, but is part of the fabric itself, the lustre-white finish helps Asbeston keep its good looks far longer than conventional fabrics.

Here are some of the types and uses of Asbeston yarns, fabrics and tapes:

Asbeston multi-ply weaving, braiding and special yarns.

Fabrics for use as insulation jacketing, safety clothing, gloves, mitts, fire-blankets, mechanical rubber goods, plastic laminates, flatwork ironer roll covers, home ironing board covers.

Asbeston electrical insulation tapes.

Asbeston fabrics with an exceptionally smooth surface for use in dry cleaning and laundry press covers.

Asbeston comes in 50 and 100 yard rolls, in widths to 60 inches, as well as tape widths.

The charts show typical Asbeston types and weights.

We welcome the opportunity to engineer yarns and fabrics to your specifications.

United States Rubber Company sales offices		
Chicago, Ill.	4135 St. Pulaski Road	312-CL4-5700
Duluth, Ga.	P.O. Box 371	404-278-8867
Los Angeles, Calif.	5910 Telegraph Road	213-723-9971
New York, N.Y.	1230 Avenue of the Americas	212-C17-5000
Reading, Pa.	American Bank & Trust Co. Bldg	215-376-8081
Winnham, S.C.	350 Columbia Road	803-635-4651

Fabrics for safety clothing, gloves, mitts, fire blankets					
Style	ATI No.	Wt. lb. per sq. yd.	Gauge	Grade	Weave
S 5670		.72	.022"	U	Plain
S 3620		.80	.022"	U	Plain
S/1585B	19H120	1.20	.043"	U	Herringbone
US225	36P10	2.25	.072"	C-U-AA-AAA	Plain
US250	40P10	2.50	.078"	C-U-AA-AAA	Plain
US36P10	36P10	2.25	.072"	C-U-AA-AAA	Plain
US40P10	40P10	2.50	.078"	C-U-AA-AAA	Plain

Fabrics for insulation jacketing					
Style	ATI No.	Wt. lbs. sq. yd.	Grades	Gauge	Weave
6555	12P18	.75	U	.023"	Plain
6555-ALMF		.94	U	.025"	Plain
S/799A	22P22	1.40	U	.050"	Plain
S/3995A		1.40	U	.040"	Plain
US18P10G*	18P10G	1.10	U	.056"	Plain
US22P10G*	22P10G	1.40	U	.065"	Plain
US36P10	36P10	2.25	C-U-AA-AAA	.072"	Plain
US40P10	40P10	2.50	C-U-AA-AAA	.078"	Plain

*Asbestos glass combination

Fabrics for plastic laminates					
Style	ATI No.	Wt. lbs. sq. yd.	Gauge	Grade	Weave
S 672		.52	.027"	U	Plain
S 1437		.67	.026"	U	Plain
S 1619		.90	.033"	U	Plain
S 664		1.05	.031"	U	B-Twill
US26P12	26P12	1.65	.050"	U-AA-AAA	Plain
US26P14	26P14	1.65	.050"	U-AA-AAA	Plain
US36P10	36P10	2.25	.072"	C-U	Plain

Fabrics for laundry press, flatwork roll, ironing board, and dry cleaning press covers				
Style	Wt. lbs. sq. yd.	Gauge	Grade	Weave
S/1134	.72	.033"	U	Plain
S/1580PDC	.73	.025"	U	Plain
S/6990A-IAR	.80	.027"	U	B-Twill
S 1022B-SR01	.81	.021"	U	Sateen
S/885A-IAR	.92	.024"	U	B-Twill
S/885A-APF-COS16	1.07	.027"	U	B-Twill
S/885A-APF-25	1.17	.027"	U	B-Twill
S/2575-APF-10	1.28	.040"	U	B-Twill
S/1143-PCR-25	1.72	.039"	U	B-Twill

Electrical insulation fine tapes								
Style	Gauge	Grades	Yds./ Roll	Yds. per lb. by width				
				1/2"	3/4"	1"	1 1/4"	1 1/2"
S/520	.010"	C	27	122	86	66	53	44
S/525	.010"	U	36	122	91	70	59	49
S/527	.015"	U	36	97	68	53	43	37
S/529	.020"	U	36	73	53	42	34	29

Special light weight yarns			Plain heavy weight yarns		
Size	Approx. yds. lb.	Grade	Size	Approx. yds. lb.	Grade
22/2	1000	U	8 Cut	800	C-U-AA
27/2	1300	U	10 Cut	1000	C-U-AA
27/2-2	620	U	12 Cut	1200	C-U-AA
42/2	1900	U	14 Cut	1400	C-U-AA
25ARI	2500	Special	16 Cut	1600	C-U-AA
22ANI	2200	Special	18 Cut	1800	C-U-AA
27/2ANI	1260	AA	1020	500	C-U-AA
38ANI	3800	U	1030	333	C-U-AA
Y-250-A*	2250	Special	1050	200	C-U-AA

*Glass inserted yarn



Textile Administrative Center
United States Rubber Company
350 Columbia Rd., Winnsboro, S.C., 29180

BIZAR D'ALESSANDRO SHUSTAK & MARTIN

COUNSELLORS AT LAW

485 MADISON AVENUE

NEW YORK, NEW YORK 10022

(212) 752-7200

TELEX: 230199 BSM

FAX: (212) 758-7072

IRVING BIZAR
ERIC HONICK
ROY I. MARTIN
GAYLE S. SANDERS
ERWIN J. SHUSTAK*

DON W. ALLAN**
MICHAEL B. MARKS***
ALLEN PERLSTEIN
ADELE TAYLOR SCOTT
SUSAN C. STANLEY
DONALD R. WALL

*ALSO ADMITTED IN NJ & CA
**ALSO ADMITTED IN MA
***ALSO ADMITTED IN AZ

THOMAS D'ALESSANDRO
(1942-1985)

COUNSEL
ROBERT A. GOLDSTEIN
RICHARD S. HELLER

CALIFORNIA OFFICE
740 NORTH LA BREA AVENUE
LOS ANGELES, CALIFORNIA 90038-3385
(213) 938-5000

October 10, 1989

VIA FAX 972-1967

Steven J. Phillips, Esq.
Levy Phillips & Konigsberg
90 Park Avenue
New York, New York 10016

Re: New York Asbestos Litigation
This Document Applies to All
Cases Wherein Uniroyal is a
Named Defendant

Dear Mr. Phillips:

Enclosed is a copy of Defendant Uniroyal, Inc.'s Answers to Plaintiffs' Second Standard Set of Interrogatories and Request for Production of Documents Relevant to the Issue of Punitive Damages.

In view of plaintiffs' motion to compel answers and for sanctions returnable before Judge Sifton on October 11, 1989, we are serving a copy of Uniroyal's answers upon your firm as plaintiffs' liaison counsel by fax today. As you know, Uniroyal is no longer doing business, however, whatever records are still in existence are being searched, and responsive documents, if any are located, will be produced when the search is completed.

Steven J. Phillips, Esq.
October 10, 1989
Page 2

Accordingly, it is requested that plaintiffs' motion to compel and for sanctions be withdrawn as to defendant Uniroyal, Inc. in view of the service of its responses to the punitive damages interrogatories.

Very truly yours,

Gayle S. Sanders
Gayle S. Sanders

cc: w/enclosure: Honorable Charles P. Sifton (By Hand)
All Counsel of Record (via first-class mail)

GSS:vp
2012z/54

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK and
SOUTHERN DISTRICT OF NEW YORK

-----x
In Re: JOINT EASTERN DISTRICT :
and SOUTHERN DISTRICT :
ASBESTOS LITIGATION. :
-----x

NYAL

DEFENDANT UNIROYAL INC.'S
ANSWERS TO PLAINTIFFS' SECOND
STANDARD SET OF INTERROGA-
TORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS
RELEVANT TO THE ISSUE OF
PUNITIVE DAMAGES.

-----x
This Document Applies To All Cases :
Wherein Uniroyal Appears As A :
Defendant. :
-----x

Uniroyal, Inc. ("Uniroyal"), by its attorneys, Bizar
D'Alessandro Shustak & Martin, answering plaintiffs' Second
Standard Set of Punitive Damages Interrogatories, states as
follows:

Q1. Has any judge or jury ever determined or rendered
a verdict that you were liable for punitive or exemplary
damages for personal injuries or wrongful death arising out of
your manufacture or sale of asbestos-containing products?

A1. No.

Q2. If the answer to Interrogatory "1" above is yes,
for each such case state:

(a) The caption of the case, including its Docket
Number;

(b) The court in which the verdict was rendered;

- (c) The date of the verdict;
- (d) The amount of the verdict;
- (e) The name and address of plaintiffs' counsel in the case;
- (f) Whether a judgment awarding punitive or exemplary damages was entered, and if so, in what amount?
- (g) The amount of punitive or exemplary damages, if any, actually paid to the plaintiff;
- (h) Whether any monies so paid were paid by any insurance carrier.

A2. Not applicable.

Q3. Have any present or former agent, servant, employee, official, or consultant given testimony either at deposition or at trial concerning:

- (a) The proper measure or quantum of punitive or exemplary damages to be awarded against your company;
- (b) The financial condition of your company;
- (c) The availability and amount of liability insurance available to your company to defend and indemnify you against asbestos claims;
- (d) The number of asbestos claims pending against your company;
- (e) The overall expense of defending, settling, and satisfying judgments in asbestos cases.

A3 (a) No.

(b) No.

(c) Pursuant to the protective order, insofar as this question relates to punitive damages, no.

(d) No.

(e) Stricken pursuant to protective order.

Q4. If the answer to any part of Interrogatory "3" above is yes, for each such testimony, identify:

- (a) The identity of the individual who gave such evidence;
- (b) The case or proceeding in which such testimony was given, including the caption and docket number;
- (c) The date of such testimony.

Pursuant to Section XIV(B) of the Case Management Order, please produce any transcripts identified in this Interrogatory Answer.

A4. Not applicable.

Q5. State on an annual basis for each year from 1970 to the present:

- (a) The number of personal injury and wrongful death claims filed against you alleging injuries caused by your asbestos-containing products;
- (b) The number of such cases resolved by you by way of:
 - (i) Settlement;
 - (ii) Dismissal; -
 - (iii) Satisfaction of judgments.
- (c) The average amount paid by you on a per case basis for:
 - (i) Settlement of cases;
 - (ii) Satisfaction of judgments.
- (d) The total amount paid by you, or on your behalf, for the defense of these claims exclusive of the amounts set forth in response to Items (b) and (c) above;
- (e) Your gross sales;
- (f) Your gross profits;

- (g) The gross amount of dividends paid to your shareholders.
- (h) The gross compensation paid to your chief executive officer.

A5(a)-(c) As limited by the protective order to apply to claims for punitive damages only, Uniroyal has not paid any amount attributable to punitive damages, whether by settlement or judgment.

(d) Stricken pursuant to protective order.

(e)-(h) As limited by the protective order to publicly available current financial statements for the past five years, Uniroyal is searching its files for responsive documents and will produce documents, if any currently exist, when they are located.

Q6. Identify any witness whose testimony you expect to offer at the damage phase of a punitive damage trial in these cases, setting forth:

- (a) His name and address;
- (b) His educational background and qualifications;
- (c) His relationship to your company;
- (d) The substance of the testimony that you expect him to give;
- (e) Any documents upon which he may rely;
- (f) All facts upon which he may rely in forming any opinions to which he expects to testify;
- (g) Any opinions to which he expects to give testimony;
- (h) The basis for any such opinions.

A6. Uniroyal does not presently know the identity of such witnesses, but will produce this information, if

necessary, when the identity of these witnesses becomes available and pursuant to the provisions of the Case Management Order applicable in this litigation.

Dated: New York, New York
October 10, 1989

BIZAR D'ALESSANDRO SHUSTAK
& MARTIN

Gayle D. Sanders
A Member of the Firm
485 Madison Avenue
New York, New York 10022
(212) 752-7200
Attorneys for Defendant
Uniroyal, Inc.

1117Y

VERIFICATION

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

GAYLE S. SANDERS, being duly sworn, deposes and says:

1. I am a member of Bizar D'Alessandro Shustak & Martin, attorneys for defendant Uniroyal, Inc. My office is located at 485 Madison Avenue, New York, which is within the County of New York. This verification is made by me because the offices of defendant Uniroyal, Inc. is not within the County of New York, where I have my office.

2. I have read the foregoing Defendant Uniroyal, Inc.'s Answers to Plaintiffs' Second Standard Set of Interrogatories and Request for Production of Documents Relevant to the Issue of Punitive Damages and know its contents, and that the same is true to my own knowledge, except as to matters stated therein to be alleged on information and belief, and as to those matters, I believe them to be true, and that the source of my information and the grounds for my belief are statements made to me by defendant Uniroyal, Inc.'s representatives.

Gayle S. Sanders
GAYLE S. SANDERS

Sworn to before me this
10th day of October, 1989.

Susan C Stanley
Notary Public
SUSAN C. STANLEY
Notary Public, State of New York
No. 24-4838435
Qualified in Kings County
Commission Expires Jan. 31, 1990

AFFIDAVIT OF MAIL SERVICE

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

VALERIE PALMER being duly sworn, deposes and says:
deponent is not a party to the action, is over 18 years of age
and resides in the Bronx, New York.

On October 10, 1989, deponent served the enclosed
DEFENDANT UNIROYAL INC.'S ANSWERS TO PLAINTIFFS' SECOND
STANDARD SET OF INTERROGATORIES AND REQUEST FOR PRODUCTION OF
DOCUMENTS RELEVANT TO THE ISSUE OF PUNITIVE DAMAGES upon:

Steven J. Phillips, Esq.
Levy, Phillips and Konigsberg
90 Park Avenue
New York, New York 10016

Ashcraft & Gerel
233 Broadway
New York, New York 10279

Perry Weitz, Esq.
Morris Eisen & Perry Weitz, P.C.
233 Broadway
New York, New York 10279

Amalia G. Pena, Esq.
Anderson, Russell & Olick, P.C.
666 Third Avenue
New York, New York 10017

Jonathan F. Mack, Esq.
Carter, Leydard & Milburn
2 Wall Street
New York, New York 10005

Robert Marin, Esq.
Davis, Markel & Edwards
100 Park Avenue
New York, New York 10017

Andrew Constantine II, Esq.
Kalb Friedman Seigelbaum & Moran
7 Becker Farm Road
Roseland, New Jersey 07068

Howard Rabin, Esq.
Heidell, Pittoni, Murphy
& Bach, P.C.
100 Park Avenue
New York, New York 10017

Susan M. Halbardier, Esq.
Barry, McTiernan & Moore
22 Cortland Street, 9th Fl
New York, New York 10007

David Eddy, Esq.
Wilson, Elser, Moskowitz,
Edelman & Dickie
420 Lexington Avenue
New York, New York 10170

Lieber & Lieber
111 John Street
New York, New York 10022

Robin Rosenberg, Esq.
Sive, Paiget & Riesel
460 Park Avenue
New York, New York 10022

Keith Silverstein, Esq.
Lester, Schwab, Katz & Dwyer
120 Broadway
New York, New York 10271

Shira A. Scheindlin, Esq.
Budd, Lerner, Gross, Picillo,
Rosenbaum, Greenberg & Sade
3 New York Plaza
New York, New York 10004

Heidi Young, Esq.
Kaplan & Oshman, Helfeinstein
& Matza
116 John Street
New York, New York 10038

Frank Darby, Esq.
Christy & Viener
620 5th Avenue
New York, New York 10020

Steve Marinko, Esq.
McCarter & English
100 Mulberry Street
Newark, New Jersey 07102

Joyce Langnese, Esq.
Danaher, Tedford, Langnese
& Neal
60 Washington Street
Hartford, Connecticut 06106

George Parsells, Esq.
Connell, Foley & Geiser
85 Livingston Avenue
Roseland, New Jersey 07068

Wayne S. Stanton, Esq.
Killarney Rein Brody
& Fabiani
757 Third Avenue
New York, New York 10017

Michael B. Sena, Esq.
Hinckley & Silbert
1140 Avenue of the Americas
New York, New York 10036

Carole C. Dominiquin, Esq.
235 East 42nd Street
New York, New York 10017

David W. Sussman, Esq.
Cole & Dietz
175 Water Street
New York, New York 10038

Boulanger, Finley & Hicks, P.C.
405 Park Avenue
New York, New York 10022

Paul Corwin, Esq.
Corwin & Greenberg
1230 Avenue of the Americas
New York, New York 10026

Mark Spitler, Esq.
Damon & Morey
1600 Main Place Tower
Buffalo, New York 14202

J. Charles Kruse, Esq.
U.S. Dept. of Justice
Civil Division, Torts Branch
Patrick Henry Building
Room 8401
601 D. Street N.W.
Washington, D.C. 20530

D. Jeffrey Campbell, Esq.
Porzio, Bromberg, Newman
& Baumeister
655 Third Avenue
9th Floor - Room 900
New York, New York 10017

Alex Blumrosen, Esq.
Shearman & Sterling
153 East 53rd Street
New York, New York 10022

L'Abbate & Balkan
1010 Franklin Avenue
Garden City, New York 11530

Joseph Ferrette, Esq.
Montgorte, Healy
163 Mineola Boulevard
Mineola, New York 11501

Gary Untracht, Esq.
Danaher, Tedford, Langnese
& Neal
100 Church Street
New York, New York 10007

Lawrence Bailey, Jr., Esq.
Walker & Bailey
270 Lenox Avenue
New York, New York 10027

via first class mail and by depositing a true and correct copy
of same enclosed in post-paid, properly addressed wrapper, in
an official depository under the exclusive care and custody of
the United States Postal Service within the State of New York.


VALERIE PALMER

Sworn to before me this
10th day of October, 1989.


Notary Public

1510z

SUSAN C. STANLEY
Notary Public, State of New York
No. 24-4838435
Qualified in Kings County
Commission Expires Jan. 31, 1990