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| DISTRICT COURT, BOULDER COUNTY, COLORADO<br>1777 6 <sup>TH</sup> Street<br>Boulder, Colorado 80302                                                                                                                                                                 |  | COURT USE ONLY |
| IN RE ASBESTOS CASES                                                                                                                                                                                                                                               |  |                |
| Attorney/Party Without Attorney:<br>Names(s): Mary Price Birk #10415<br>Ronald L. Hellbusch, #26094<br>Address: Baker & Hostetler LLP<br>303 E. 17 <sup>th</sup> Avenue, #1100<br>Denver, Colorado 80203<br>Phone Number: 303-861-0600<br>Fax Number: 303-861-7805 |  |                |
| <b>UNIROYAL HOLDING, INC.'S RESPONSES AND OBJECTIONS TO PLAINTIFFS'<br/>STANDARD INTERROGATORIES TO ALL DEFENDANTS</b>                                                                                                                                             |  |                |

Uniroyal Holding, Inc. (Uniroyal), responds to plaintiffs' interrogatories and request for production of documents as follows:

#### GENERAL OBJECTIONS

1. Uniroyal objects to the disclosure of attorney-client privileged communications.
2. Uniroyal objects to the disclosure of work product.
3. Uniroyal objects to any request which seeks information about any asbestos-containing products it may have manufactured or sold because plaintiffs have not produced any evidence of exposure to any Uniroyal asbestos-containing product.

#### 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" refers 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 no employees and it has not engaged in any business since that time, other than as required to wind up its affairs pursuant to applicable provisions of New Jersey law. Consequently, much of the information requested in these requests, if it ever was in 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 requests based upon what information is available and in keeping with the nature of these requests. This preliminary statement is incorporated as a portion of each and every response herein.

**INTERROGATORY NO. 1:** Have you, your divisions, subsidiaries or predecessors in interest, in the past, manufactured, distributed or sold products used for thermal insulation, packing, gaskets, friction purposes, fireproofing, acoustical spray, texturing, wall board or drywall, spackling, dry wall finishing, dry wall taping, plaster, protective clothing, floor coverings or floor tile or refractory purposes which contained asbestos?

- 1a. State the name, address and position or title of employment of each person supplying information or material used in answering any part of this interrogatory, or who was consulted with regard to information used in answering any part of this interrogatory.
- 1b. Please list and itemize with sufficient particularity so that it may be made the subject of a request for production, each and every document or written or printed matter or other tangible item which was read, examined, consulted, reviewed or used in any way in obtaining information used in answering any part of this interrogatory, and state who the custodian is of each such document or written or printed matter or other tangible item.

**RESPONSE TO INTERROGATORY NO. 1:**

**In addition to the foregoing general objections, Uniroyal further objects to this interrogatory as being overly broad. Plaintiff has not identified any Uniroyal product to**

which he/she claims exposure. Without waiving the foregoing objections, Uniroyal answers as follows:

Uniroyal manufactured asbestos yarns, fabrics and tapes that contained asbestos 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.

(1a – 1b) - 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: Do you claim that Plaintiff was never exposed to asbestos containing products manufactured, distributed, packaged and/or sold by you, or your divisions, subsidiaries or predecessors in interest? If your answer to this interrogatory is affirmative, then please state:

- 2a. All facts upon which you base that claim.
- 2b. The name and address of any person who you believe has knowledge that Plaintiff was never exposed to an asbestos containing product manufactured, distributed, packaged and/or sold by you, or your divisions, subsidiaries or predecessors in interest, and a brief description of that knowledge possessed by each such person regarding such exposure.

- 2c. Describe with sufficient particularity each tangible item of which you have knowledge that you believe supports your claim that Plaintiff was never exposed to such a product.

**RESPONSE TO INTERROGATORY NO. 2:**

**Subject to and without waiving the foregoing general objections, Uniroyal answers as follows: Uniroyal is without sufficient information to answer this interrogatory as the plaintiff has not yet provided any information as to the product or products plaintiff claims exposure to, nor has plaintiff provided any information as to the work sites at issue.**

**INTERROGATORY NO. 3: Do you claim that Plaintiff has no asbestos related disease or injury? If your answer to this interrogatory is affirmative then please state:**

- 3a. All facts upon which you base that claim.
- 3b. The name and address of any person who you believe has knowledge in support of that claim and a brief description of the knowledge held by each such person.
- 3c. Describe with sufficient particularity so that it maybe made the subject of a request for production each tangible item of which you have knowledge that you believe supports such claim.

**RESPONSE TO INTERROGATORY NO. 3:**

**Subject to and without waiving the foregoing general objections, Uniroyal answers as follows: Uniroyal is without sufficient information to answer this interrogatory as the plaintiff has not yet provided any information as to the claimed injury or disease.**

**INTERROGATORY NO. 4: Do you agree that Plaintiff has an asbestos related disease or injury? If your answer to this interrogatory is affirmative then please state the following:**

- 4a. What is such disease or injury?
- 4b. When do you claim that plaintiff first knew or reasonably should have known of such disease or injury.
- 4c. All facts known to you which you believe supports the time you claim plaintiff know or reasonably should have known of such disease or injury.

**RESPONSE TO INTERROGATORY NO. 4:**

**See objections and response to Interrogatory No. 3.**

**INTERROGATORY NO. 5:** If your answer to Interrogatory No. 1 is affirmative, then please state the following:

- 5a. Itemize and list each such product by the brand name, trade name or other designation, under which each such product was manufactured, distributed, marketed or sold.
- 5b. State the name and address of each subsidiary, division or predecessor in interest which manufactured, distributed or sold each such product.
- 5c. State the dates that each such product was first manufactured, distributed and sold, and the date each such product was last manufactured, distributed and sold.
- 5d. State the composition of each such product, listing the approximate percentage of each ingredient and, if one ingredient is diatomaceous earth, whether that diatomaceous earth is untreated (raw), calcined or flux calcined.
- 5e. State the location where each such product was manufactured, the dates that each such product was manufactured at each such location, and the geographical area where such products manufactured at these locations were sold or distributed.

**RESPONSE TO INTERROGATORY NO. 5:**

In addition to the foregoing general objections, Uniroyal further objects to this request as being overly broad. Plaintiff has not identified any Uniroyal product to which he/she claims exposure. Without waiving the foregoing objections, Uniroyal answers as follows:

Uniroyal manufactured asbestos yarns, fabrics and tapes that contained asbestos 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.

The trade name "Asbeston" was used for asbestos-containing textiles containing cotton; the trade name "Asbestall" was used for asbestos-containing textiles containing synthetic yarns; mechanical rubber goods were sold under various of the U.S. Rubber trade names, and included products that did not contain asbestos.

The asbestos-containing textiles manufactured by Uniroyal contained chrysotile asbestos. It was possible for customers to order such cloth in various weights and levels of asbestos content. Little is known about the asbestos embedded in certain mechanical rubber products manufactured by Uniroyal, although it is believed that the asbestos used was chrysotile. It is not known what percentage of asbestos, by weight, was contained in the mechanical rubber goods that contained asbestos. Uniroyal believes the rocket motor shields were comprised of rubber matrix polymer consisting of Acrylonitrile-butadiene or Styrenebutadiene or Isoprene in a mixture with minor amounts (approximately 15% to 25% by weight) of asbestos.

Uniroyal filed a certificate of dissolution with the Secretary of State of New Jersey on December 2, 1986. Prior to its dissolution, Uniroyal maintained the following plants related to the production of asbestos-containing products: Hogansville Plant, Hogansville, Georgia (1942 to 1976); Passaic Plant, Passaic, New Jersey (1930s to 1972); and the Mishawaka Plant, Mishawaka, Indiana (1959 to 1985).

INTERROGATORY NO. 6: If any of the products listed by you in response to Interrogatory No. 5 contained diatomaceous earth as one of the ingredients, then please state the name of the entity that supplied such diatomaceous earth and the date or dates that each such entity that supplied diatomaceous earth.

**RESPONSE TO INTERROGATORY NO. 6:**

In addition to the foregoing general objections, Uniroyal further objects to this request as being overly broad. Plaintiff has not identified any Uniroyal product to which he/she claims exposure. Without waiving the foregoing objections, Uniroyal answers as follows: Not applicable.

INTERROGATORY NO. 7: Has, at any time, any entity other than you, your predecessors in interest, your subsidiaries or divisions, ever manufactured, sold or distributed a product used for thermal insulation which contained asbestos, which product was sold and/or distributed under your own brand name, trade name or was otherwise sold or marketed as your product?

- 7a. Please list and itemize with sufficient particularity so that it may be made the subject of a request for production, each and every document or written or printed matter or other tangible item which was read, examined, consulted, reviewed or used in any way in obtaining information used in answering any part of this interrogatory, and state who the custodian is of each such document or written or printed matter or other tangible item and the location of each such document or written or printed matter or other tangible item.

**RESPONSE TO INTERROGATORY NO. 7:**

**Subject to and without waiving the foregoing general objections, Uniroyal answers as follows: Based on information and belief, no.**

**INTERROGATORY NO. 8:** If your answer to interrogatory No. 7 is affirmative, then state the following:

- 8a. The name and address of such entity.
- 8b. The date that each such entity first manufactured, sold or distributed such products and the date that each such entity last manufactured, sold, or distributed such products.
- 8c. The brand name, trade name or other designation, identifying name or mark under which each such product was sold, distributed or marketed.
- 8d. Whether you, or your subsidiary or division had a written agreement with each or any such entity for the manufacturer, sale or distribution of such products. If your answer to this sub-section (d) is affirmative, state:
- 8d.i. Whether you have copies of such agreements in your possession, custody or control;
- 8d.ii. The present location of the original or copies of such agreements, and,
- 8d.iii. The name and address of the custodian of the originals or copies of such agreements, and,
- 8e. Please set forth verbatim the content of each such agreement or, in lieu of setting forth verbatim the content of each such agreement or, in lieu of setting forth verbatim the content of each such agreement, attach copies of any and all such agreements to your answers to these interrogatories.
- 8f. State the composition of each such product, listing the approximate percentage of each such ingredient and, if one ingredient is diatomaceous earth, state whether it is untreated (raw), calcined or flux calcined.

- 8g. State the name, address and position or title of employment of each person supplying information or material used in answering any part of this interrogatory.
- 8h. Please list and itemize with sufficient particularity so that it may be made the subject of a request for production, each and every document or written or printed matter or other tangible item which was read, examined, consulted, reviewed or used in any way in obtaining information used in answering any part of this interrogatory, and state who the custodian is of each such document or written or printed matter or other tangible item and the location of each such document or written or printed matter or other tangible item.

**RESPONSE TO INTERROGATORY NO. 8:**

**Not applicable.**

**INTERROGATORY NO. 9:** Have you or your subsidiaries, divisions or predecessors in interest ever manufactured, sold or distributed products of the type described in Interrogatory #1, above, which contained asbestos, which product or products were sold, distributed or marketed under the brand name, trade name or otherwise designated as the product so some entity other than you, your subsidiaries, divisions or predecessors in interest [sic].

- 9a. State the name, address and position or title of employment of each person supplying information or material used in answering any part of this interrogatory, or who was consulted with regard to information used in answering any part of this interrogatory.
- 9b. Please list and itemize with sufficient particularity so that it may be made the subject of a request for production, each and every document or written or printed matter or other tangible item which was read, examined, consulted, reviewed or used in any way in obtaining information used in answering any part of this interrogatory, and state who the custodian is of each such document or written or printed matter or
- 9c. If your answer to Interrogatory No. 7 is in the affirmative, then state the following:
- 9d. The name and address of each such entity.
- 9e. The date that each such entity first manufactured, sold or distributed such products and the date that each such entity last manufactured, sold or distributed such products.
- 9f. The brand name, trade name or other designation, identifying name, or mark under which each such product was sold, advertised, distributed or marketed.
- 9g. Whether you, your predecessors in interest, or your subsidiary or division, had a written agreement with each or any such entity for the manufacture, sale or

distribution of such products. If your answer to this sub-section (d) is affirmative, state:

- 9h. Whether you have copies of such agreements in your possession, custody or control;
- 9i. The present location of the original or copies of such agreements; and,
- 9j. The name and address of the custodian of the originals or copies of such agreements.
- 9k. Please set forth verbatim the content of each such agreement or, in lieu of setting forth verbatim the content of each such agreement, attach copies of any and all such agreements to your answers to these interrogatories.
- 9l. State the composition of each such product, listing the approximate percentage of each such ingredient and, if one ingredient is diatomaceous earth, state whether it is untreated (raw), calcined or flux calcined.
- 9m. State the name, address and what position or title of employment each person supplying information or material used in answering any part of this interrogatory, or who was consulted with regard to information used in answering any part of this interrogatory.

**RESPONSE TO INTERROGATORY NO.9:**

**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 Colorado Rules of Civil Procedure 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 on information and belief, no.**

**INTERROGATORY NO. 10:** Please list and itemize with sufficient particularity so that it may be made the subject of a request for production, each and every document or written or printed matter or other tangible item which was read, examined, consulted, reviewed or used in any way in obtaining information used in answering any part of this interrogatory, and state who the custodian is of each such document or written or printed matter or other tangible item and the location of each such document or written or printed matter or other tangible item.

**RESPONSE TO INTERROGATORY NO. 10:**

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. 11:** Are you, your predecessors in interest, divisions, your subsidiaries or affiliates presently in possession of any products used for thermal insulation which contain asbestos? If your answer to Interrogatory No. 9 [sic] is affirmative, then please state:

- a. Itemize and list the types of such thermal insulation you presently have in your possession by the brand name or trade name of the insulation and the function of the insulation, e.g., pipe covering, block, insulating cement, blankets, rope and the like.
- b. State the present location of all such products.
- c. State the name, address and position or title of employment of each such person who has custody of such products.
- d. State the name, address and position or title of employment each person supplying information or material used in answering any part of this interrogatory, or who was consulted with regard to information used in answering any part of this interrogatory.

**RESPONSE TO INTERROGATORY NO. 11:**

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 Colorado Rules of Civil Procedure 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 on information and belief, no.**

**INTERROGATORY NO. 12:** With regard to the asbestos component of any product listed in answers to interrogatories 1, 2, 3, 4, 5, 6, and 7, please state from whom you, your subsidiary, division or predecessor in interest obtained such asbestos and, if there is more than one source of asbestos for a particular product, please list all sources, and, if the source varied from year to year or from time to time, please state the source at the time or times it changed, and state the type of asbestos obtained from each source.

- a. State the name, address and position or title of employment of each person supplying information or material used in answering any part of this interrogatory, or who was consulted with regard to information used in answering any part of this interrogatory.
- b. Please list and itemize with sufficient particularity so that it may be made the subject of a request for production, each and every document or written or printed matter or other tangible item which was read, examined, consulted, reviewed or used in any way in obtaining information used in answering any part of this interrogatory, and state who the custodian is of each such document or written or printed matter or other tangible item and the location of each such document or written or printed matter or other tangible item.

**RESPONSE TO INTERROGATORY NO. 12:**

**Uniroyal objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence as plaintiff has not alleged exposure to any specific Uniroyal product, and, to the best of Uniroyal's knowledge, plaintiff does not claim to have been employed at any Uniroyal manufacturing facility or to have been otherwise involved in the manufacture of Uniroyal's asbestos-containing products.**

**Subject to and without waiving the foregoing objections, Uniroyal responds as follows: Upon information and belief, Uniroyal purchased chrysotile asbestos fibers from the following companies:**

**Bell Asbestos Mines, Ltd.  
Thetford Mines, Quebec**

**Asbestos Corporation Ltd.  
Thetford Mines, Quebec**

**Cassiar Asbestos Corporation, Ltd.  
Toronto, Ontario**

**Rhodesian & General Asbestos Corp.  
(PVT) Ltd.  
Bulaways, Rhodesia**

**Phillip Carey, Phillips Mine, Globe, Arizona;**

**Van Packer Mine, Globe, Arizona (Also  
Ontario);**

**United Asbestos, Quebec, Canada;**

**Rhodesian & General Asbestos Corporation, Ltd.,  
Bulawayo, Rhodesia;**

**Cassiar Asbestos Corporation, Ltd.,  
British Columbia, Canada;**

**Huxley Development Corporation,  
New York, New York;**

**Continental Asbestos Co. Ltd., Canada;**

**Johns-Manville, location unknown;**

**Carey, Quebec, Canada;**

**Herely, Chicago, Illinois; and**

**General Services Administration.**

**Uniroyal further responds that 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. Documents responsive to this request, if any, may be made available according to the Colorado Rules of Civil Procedure.**

**INTERROGATORY NO. 13:** Do you have in your possession, custody or control any invoices or other sales or shipping documents showing shipment of asbestos containing products manufactured, packaged and/or sold by you, or your divisions, subsidiaries or predecessors in interest to any location in the State of Colorado or Wyoming? If your answer to this interrogatory is affirmative, then please provide the following information:

- a. A description of such items that is sufficiently detailed so that they may be made the subject of a request for production.
- b. The current location of such items, by city, state, street address and, if applicable, building name and room number.
- c. The name, address and position of employment of the custodian of such items or the person primarily responsible for maintaining such items.

**RESPONSE TO INTERROGATORY NO. 13:**

**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 Colorado Rules of Civil Procedure 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. Furthermore, plaintiff has yet to identify a**

particular product to which he/she claims exposure and has failed to identify a particular work site at which he/she claims exposure. Subject to, and without waiving these objections, Uniroyal answers as follows:

Uniroyal does not have extensive documentation of sales and the documentation it does possess generally does not contain any geographic information regarding the purchaser. However, upon a review of its records, Uniroyal has discovered one sale to a Colorado company. In 1972 Uniroyal sold a small amount of Asbeston cloth to The Gates Rubber Company. The total amount of the sale was \$249.74. Uniroyal has no record of any other sales in Colorado and no record of sales in Wyoming.

Documents responsive to this inquiry, if in existence, will be made available for inspection and review, if relevant to the issues in this case and, if responsive to this request, at a mutually agreeable time and place subject to the following: (1) the documents requested are not subject to objection; (2) documents requested are not subject to a claim or privilege; (3) the documents requested do not constitute work product of counsel; (4) documents requested have not been previously produced in this discovery; (5) documents requested are not otherwise restricted from being produced; or (6) the documents requested will not be altered, tampered with, destroyed or damaged in any manner.

INTERROGATORY NO. 14: Do you have in your possession, custody or control any computer or other electronically maintained data base that contains information regarding sales or shipments of asbestos containing products manufactured, packaged and/or sold by you, or your divisions, subsidiaries or predecessors in interest to any location in the State of Colorado or Wyoming? If your answer to this interrogatory is affirmative, then please provide the following information:

- a. Whether there is a copy of the information in that data base or other electronically maintained record that can be sent by mail.
- b. The current location of such computer data base or other electronically maintained record, by city, state, street address and, if applicable, building name and room number.

- c. The name, address and position of employment of the custodian of such computer data base or other electronically maintained record or the person primarily responsible for maintaining such items.

**RESPONSE TO INTERROGATORY NO. 14:**

**Subject to and without waiving the foregoing general objections, Uniroyal responds as follows: Uniroyal does not have any electronically maintained database containing information regarding sales or shipments of asbestos-containing products.**

**INTERROGATORY NO. 15:** Does this defendant claim that any asbestos containing product manufactured, packaged and/or sold by it, or its divisions, subsidiaries or predecessors in interest to which this Plaintiff may have been exposed, contained any language, on the product itself or the packaging in which it was shipped, describing any asbestos related health hazards or precautions to be taken when working with such product or being exposed to dust from such product? If your answer to this interrogatory is affirmative please state:

- a. The location of each job site where such language was present on a product or product packaging.
- b. The date or dates when this Plaintiff was at such job site when such language was present on a product or product packaging.
- c. The name and address of each person present on that job site, at the same time as this plaintiff, who saw such language on a product, or product packaging.

**RESPONSE TO INTERROGATORY NO. 15:**

**Subject to and without waiving the foregoing general objections, Uniroyal answers as follows: Uniroyal is without sufficient information to answer this interrogatory as the plaintiff has not yet provided any information as to the product or products plaintiff claims exposure to, nor has plaintiff provided any information as to the work sites at issue.**

**In general, 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 warning. Upon information and belief, the wording of such label followed the language of the applicable OSHA regulations and was**

**never amended. Similar warnings were put on labels for the rocket motor shields. It is presently not known whether any such labels were utilized on its mechanical rubber goods.**

**INTERROGATORY NO. 16:** Did this Defendant (or its divisions, subsidiaries or predecessors in interest) ever place the word “asbestosis” on any asbestos containing product manufactured, packaged and/or sold by it, or its divisions, subsidiaries or predecessors in interest? If your answer to this interrogatory is affirmative then please state:

- a. The name and description of the product (or product packaging) on which the word “asbestosis” appeared.
- b. The date the word “asbestosis” first appeared on such product (or product packaging).

**RESPONSE TO INTERROGATORY NO. 16:**

**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 Colorado Rules of Civil Procedure 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 on information and belief, no.**

**INTERROGATORY NO. 17:** Did this Defendant (or its divisions, subsidiaries or predecessors in interest) ever place the words “lung injury” or “lung damage” on any asbestos containing product manufactured, packaged and/or sold by it, or its divisions, subsidiaries or predecessors in interest? If your answer to this Interrogatory is affirmative then please state:

- a. The name and description of the product (or product packaging) on which the words “lung injury” or “lung damage” appeared.
- b. The date the words “lung injury” or “lung damage” first appeared on such product (or product packaging).

**RESPONSE TO INTERROGATORY NO. 17:**

**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 Colorado Rules of Civil Procedure 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 on information and belief, no.**

INTERROGATORY NO. 18: Did this Defendant (or its divisions, subsidiaries or predecessors in interest) ever place the word “cancer” on any asbestos containing product manufactured, packaged and/or sold by it, or its divisions, subsidiaries or predecessors in interest? If your answer to this interrogatory is affirmative then please state:

- a. The name and description of the product (or product packaging) on which the word “cancer” appeared.
- b. The date the word “cancer” first appeared on such product (or product packaging).

**RESPONSE TO INTERROGATORY NO. 18:**

**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 Colorado Rules of Civil Procedure 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 on information and belief, no.**

INTERROGATORY NO. 19: Did this Defendant (or its divisions, subsidiaries or predecessors in interest) ever place the word “incurable” or “permanent” on any asbestos containing product manufactured, packaged and/or sold by it, or its divisions, subsidiaries or predecessors in interest? If your answer to this interrogatory is affirmative then please state:

- a. The name and description of the product (or product packaging) on which the word “incurable” or “permanent” appeared.
- b. The date the word “incurable” or “permanent” first appeared on such product (or product packaging).

**RESPONSE TO INTERROGATORY NO. 19:**

**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 Colorado Rules of Civil Procedure 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 on information and belief, no.**

**INTERROGATORY NO. 20:** Does this Defendant have in its possession, custody or control any box, carton, bag, or other container that contains any language regarding potential health hazards from exposure to asbestos or precautionary measures to be taken when working with or around an asbestos containing product which language physically placed on such box, carton, bag or other packaging before 1972 (as distinguished from a mock-up or exemplar created after that time in an effort to show what defendant claims may have been on a box, bag or carton before 1972). If your answer to this interrogatory is affirmative then please state:

- a. The current location of such box, carton, bag or other packaging.
- b. The date when the language was placed on the box, carton, bag or other packaging.

**RESPONSE TO INTERROGATORY NO. 20:**

**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 Colorado Rules of Civil Procedure 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 on information and belief, no.**

**INTERROGATORY NO. 21:** In 1930, did this defendant or its subsidiaries or predecessors in interest or its divisions own or operate facilities for the manufacturer of asbestos-containing textile products?

**RESPONSE TO INTERROGATORY NO. 21:**

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 Colorado Rules of Civil Procedure 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 did not engage in the manufacture of asbestos-containing textiles until 1941, and ceased manufacture of asbestos-containing textiles in 1976.

**INTERROGATORY NO. 22:** In 1930, did this defendant or its subsidiaries or divisions or predecessors in interest own or operate facilities where asbestos-containing thermal insulation products were manufactured (in addition to those facilities listed in answers to preceding interrogatories)?

**RESPONSE TO INTERROGATORY NO. 22:**

See objections and responses to Interrogatories Nos. 1 and 21. Uniroyal further answers that Uniroyal never made "thermal insulation products" as it understands this phrase.

**INTERROGATORY NO. 23:** In 1930, did this defendant or its subsidiaries or divisions or predecessors in interest own or operate facilities where asbestos was mined and/or milled or have any interest in any such facility?

**RESPONSE TO INTERROGATORY NO. 23:**

Subject to and without waiving the foregoing general objections, Uniroyal responds as follows: Uniroyal has never engaged in the mining or milling of asbestos.

**INTERROGATORY NO. 24:** At any time, did any company conduct or make industrial hygiene surveys or measurements at any facility or location where asbestos-containing products were manufactured, or asbestos was mined and milled, or where asbestos or asbestos-containing products were manufactured, or asbestos was mined and milled, or where asbestos or asbestos-containing products were used by your or your divisions, subsidiaries or predecessors in interest?

**RESPONSE TO INTERROGATORY NO. 24:**

**In addition to the foregoing general objections, Uniroyal objects to this interrogatory on the grounds that it is overly broad and unduly burdensome. Furthermore, Uniroyal objects to this interrogatory to the extent that it assumes medical facts not in evidence and calls for expert testimony. Subject to and without waiving these objections, Uniroyal answers as follows:**

**Uniroyal did not believe that the products that it manufactured posed a health risk to the purchasers or end users of those finished products. Based upon information and belief, during the 1970s Avondale Shipyard caused dust counts to be taken during operations involving asbestos cloth believed to be manufactured by Uniroyal. All fiber counts were well below the then recognized threshold limit value, or comparable OSHA standard. Uniroyal does not believe the results would have significantly differed had the tests been conducted at any other time or location. Uniroyal is not aware of any other tests conducted on Uniroyal finished products.**

**Uniroyal further responds that during the years that Uniroyal commercially produced textiles containing asbestos, Uniroyal utilized 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 Wells, for the purposes of studying and improving the dust control and medical program at Uniroyal's Hogansville, Georgia facility.**

**INTERROGATORY NO. 25:** If your response to interrogatory No. 24 is affirmative, then state the following:

- a. Did you have any written agreement with any insurance company for the conducting of any such surveys?
- b. Please state the name of any such insurance company.
- c. Please state the names of all facilities or all locations where any such survey was conducted.
- d. State the date when each such survey was conducted.
- e. State the names of all persons conducting such surveys and, if known, those persons' last known addresses.
- f. Do you have in your possession, custody or control reports of data collected, or conclusions reached, as a result of any such surveys? If your answer to this subsection (f) is affirmative, please state the location and the custodian of each such report.

**RESPONSE TO INTERROGATORY NO. 25:**

**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 Colorado Rules of Civil Procedure 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 on information and belief, no.**

**INTERROGATORY NO. 26:** Did you, your predecessors in interest, divisions, or subsidiaries at any time acquire an entity, part of an entity or the assets of an entity that manufactured products used for thermal insulation which contain [sic] asbestos?

**RESPONSE TO INTERROGATORY NO. 26:**

**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 Colorado Rules of Civil Procedure 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 on information and belief, no.**

**INTERROGATORY NO. 27:** If your response to interrogatory No. 26 is affirmative, then state:

- a. When each such acquisition was made by you.
- b. Exactly what you acquired in each acquisition, 63. [sic], an entity, part of an entity, or the assets of an entity.
- c. The name of each entity acquired or from whom you acquired a part of an entity or from whom you acquired assets.
- d. Was any such acquisition the subject of a written agreement? If your response to this sub-section (d) is in the affirmative, please set forth verbatim the contents of each such agreement. In lieu of stating verbatim the content of each such agreement to your answers to these interrogatories.

**RESPONSE TO INTERROGATORY NO. 27:**

**Not applicable.**

**INTERROGATORY NO. 28:** At any time, was any part of your stock, assets or equity of any of your predecessors in interests, divisions, or subsidiaries owned in whole or in part by any other entity?

**RESPONSE TO INTERROGATORY NO. 28:**

**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 Colorado Rules of Civil Procedure 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 on information and belief, no.**

**INTERROGATORY NO. 29:** If your answer to interrogatory No. 28 is affirmative, please state:

- a. The name of each entity owning, in whole or in part, any portion of your or your predecessor in interest's, or your division's, or your subsidiaries' stock, assets or equity.
- b. The dates of such ownership.
- c. The extent of such ownership (for example, owned 50% of common stock).
- d. Whether representatives of such owning entity were officers, directors or managing agents of your corporation.

**RESPONSE TO INTERROGATORY NO. 29:**

**Not applicable.**

**INTERROGATORY NO. 30:** Did you or your affiliates, divisions, subsidiaries or predecessors in interest, at any time, belong to any of the following organizations:

- a. Asbestos Textile Institute?
- b. Industrial Hygiene Foundation, later known as Industrial Health Foundation?
- c. Quebec Asbestos Mining Association?
- d. Quebec Asbestos Producers Association?
- e. National Insulation Manufacturers Association?
- f. Thermal Insulation Manufacturers Association?
- g. Asbestos Information Association, North America?
- h. National Insulation Contractors Association?
- i. Thermal Insulation Contractors Association?
- j. The Magnesia Association, The 85% Magnesia Association
- k. American Standards Association?
- l. American Society for Testing & Materials?
- m. American National Standards Institute or any of its predecessors?
- n. National Safety Council?
- o. National Paint, Varnish and Lacquer Association, Inc.

- p. The Lead Industries Association.
- q. The Manufacturing Chemists Association.
- r. Asphalt Tile and Mastic Association.
- s. American Refractories Institute.
- t. Sprayed Mineral Fibers Association.

**RESPONSE TO INTERROGATORY NO. 30:**

**Uniroyal objects to this interrogatory on the grounds that it is beyond the scope of discovery permissible under the Colorado Rules of Civil Procedure. Subject to, and without waiving this objection, Uniroyal responds as follows: Uniroyal was a member of the Asbestos Textile Institute (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 other asbestos litigation have provided to Uniroyal a document which purports to reflect that U. S. Rubber Company (Uniroyal) was a member of the ASA from 1945 to 1946. This document was a photocopy and no original document and no copy has been found in the Uniroyal files. Uniroyal has not discovered in review of its files any documents or other information indicating that Uniroyal was ever a member of the Industrial Hygiene Foundation (IHF). Plaintiffs' attorneys in other asbestos litigation have provided to Uniroyal a document which purports to reflect that the U. S. Rubber Company (Uniroyal) was a member of the IHF in 1959. However, the document also contains a list 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 a 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 other 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 NSC. This document was a photocopy and no original or photocopy has been found in the Uniroyal files.**

**INTERROGATORY NO. 31:** If any of your responses to interrogatory 30a-30t are affirmative, then state:

- a. The dates you or your affiliates, divisions, subsidiaries or predecessors in interest belonged to each such organization.
- b. The names of all persons who attended meetings of each such organization on your behalf or on behalf of your affiliates, subsidiaries, divisions, or predecessors in interest, and the dates they attended, and their positions or titles of employment at the time they attended such meetings.

**RESPONSE TO INTERROGATORY NO. 31:**

**See objections and responses to Interrogatory No. 30.**

**INTERROGATORY NO. 32:** Do you have in your possession, custody or control minutes, records, proceedings or similar records or documents regarding meetings of the following organizations:

- a. Asbestos Textile Institute? If so, for what years?
- b. National Insulation Manufacturers Association? If so, for what years?
- c. Thermal Insulation Manufacturers Association? If so, for what years?
- d. The Magnesia Association, The 85% Magnesia Association, or any organization with a similar name? If so, for what years?
- e. National Insulation Manufacturers Association? If so, what years?
- f. Thermal Insulation Manufacturers Association? If so, for what years?
- g. National Safety Council?
- h. Industrial Hygiene Foundation or Industrial health [sic] Foundation?