

GEORGE CARR,
ROBERT DAMRON,
JAMES GREENE,
CHARLES HOWARD,
CHARLES PHILLIPS,
PAUL REEVES,
BILLY RIGSBY,
BOBBY WATTS,
ELBERT CASTLE,
GLEN CHANDLER,
ARVILLE DONAHUE,
DALE FLOYD,
DONALD FRALEY,
LEWIS LANE,
ARNOLD SHELTON,

v.

Defendants.

92-CI-463-Div.2
92-CI-348-Div.2
92-CI-342-Div.2
92-CI-335-Div.2
92-CI-337-Div.2
92-CI-338-Div.2
92-CI-331-Div.2
92-CI-349-Div.2
92-CI-343-Div.2
92-CI-356-Div.2
92-CI-334-Div.2
92-CI-332-Div.2
92-CI-344-Div.2
92-CI-345-Div.2
92-CI-346-Div.2

GAF Corporation ("GAF") hereby responds to Plaintiffs' Interrogatories and Requests for Production of Documents ("the Requests") only pursuant to, under the protection of and to the extent that such requests comply with the Kentucky Rules of Civil Procedure, as follows:

1. GAF objects to these Requests to the extent that they seek to require it to respond on behalf of any other entity. GAF will respond with such knowledge as GAF possesses as to The Ruberoid Co. prior to its merger with GAF on May 26, 1967, and on behalf of GAF

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WV-024220

thereafter.

2. GAF objects to these Requests to the extent that they seek to require it to provide information other than that which may be obtained through a reasonably diligent search of its records.

3. GAF objects to these Requests to the extent that they seek to require it to respond other than in accordance with the applicable Rules. Thus, GAF declines any obligation to: (a) locate or interview former employees or any other person not presently employed or engaged by GAF; (b) generate documents not presently existing; (c) describe its unsuccessful efforts to answer any request; (d) identify an unknown custodian or the current custodian of documents not in GAF's possession; (e) identify the file designation and other identifying designation, the present location, or the source of documents identified unless specifically requested in the request; (f) add to or to change the meaning of any request in the conjunctive or disjunctive; (g) respond to any aspect of a request not described with reasonable particularity by the express language of the request; or (h) provide medical or other expert opinion beyond the scope of GAF's business.

4. GAF objects to these Requests to the extent that they seek to require it to reveal trade secrets or other confidential product or commercial information. Therefore, GAF will submit certain responses only on the condition that the plaintiffs agree in writing and undertake to maintain the confidential nature of certain trade secrets and other confidential product or commercial information.

5. GAF objects to these Requests to the extent that they seek to require it to respond to questions or to identify or produce documents relating to times, events and other things beyond the subject matter of the Complaint, or outside of the period from 1928 to 1981, during which this defendant may have manufactured asbestos-containing industrial thermal insulation products, or relating to any products other than asbestos-containing industrial thermal insulation products.

6. GAF objects to these Requests to the extent that they seek to require it to provide information specifically with respect to mining and manufacturing operations, or any safety precautions or tests undertaken therein whether in compliance with OSHA or otherwise, inasmuch as the occupational level exposures of asbestos mining and manufacturing workers are different from the occupational level exposures of insulators and construction bystanders working with finished asbestos-containing products.

7. GAF objects to these Requests to the extent that they seek to require it to provide information or to identify any documents or other tangible things prepared or obtained in anticipation of litigation or for trial where the plaintiffs have not shown that they (1) have substantial need for the materials in the preparation of the case and (2) are unable to obtain the substantial equivalent of the materials by other means without undue hardship.

8. GAF objects to these Requests to the extent that they seek to require it to disclose privileged attorney-client communications or information otherwise protected from discovery on the grounds of

privilege.

9. GAF objects to the definitions and instructions preceding the Requests on the grounds that they are beyond the scope of applicable Rules.

10. GAF objects generally and individually to the Requests on the grounds and to the extent that they assume facts not in evidence or otherwise erroneous (i.e., that GAF had "distributors") and on the further grounds that they are vague, overly broad, oppressive, unduly burdensome, excessive in number, not relevant to the subject matter of the litigation, and not calculated to lead to the discovery of admissible evidence and thus declines to pursue a detailed search of its documents in Linden, New Jersey, or elsewhere.

11. GAF hereby adopts the motions and objections of the other defendants, and reserves the right to adopt future motions and objections relating to Plaintiffs' Interrogatories and Requests for Production of Documents.

12. GAF objects to these Requests to the extent that they seek to require it to gather and summarize information contained in voluminous papers that are already a matter of public record.

13. GAF objects to these Requests to the extent that they seek to require it to provide information which is equally available to the plaintiffs as to GAF.

14. GAF objects to these Requests to the extent that they seek it to respond other than in accordance with the applicable Rules and thus GAF declines to identify computer tapes and

programs, computer printouts and any electronic, mechanical or electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, recordings and computer memories), or fields, files, menus, databases, or other computer classifications or material, inasmuch as such documents constitute documents or other things prepared or obtained in anticipation of litigation or for trial, work product, confidential attorney-client communications, and otherwise privileged documents.

Subject to the foregoing objections and limitations which are applicable to each of the numbered paragraphs of the Requests, and subject to any documents being in existence and recoverable through a reasonably diligent search (taking into account normal changes in personnel and document locations over the decades of asbestos litigation), and without representing that any particular document or documents are or are not thus existing and recoverable, GAF further responds to the individual Requests without waiver and with preservation of:

The right to object to the use of any responses, or the subject matter thereof, on any ground in any proceedings in any action (including any trials);

The right to object on any ground at any time to a demand or request for a further response to this discovery request or to any other interrogatories, document requests, or other discovery proceedings involving or relating to the subject matter of the discovery requests herein responded to; and,

The right at any time to revise, correct, add to, supplement

or clarify any of the responses to the individual Requests as follows:

INTERROGATORIES

INTERROGATORY NO. 1:

During the period in question, did you supply any asbestos-containing products to Allied Chemical (Armco), Ashland, Kentucky?

RESPONSE TO INTERROGATORY NO. 1:

Subject to the preliminary objections, see attached documents.

INTERROGATORY NO. 2:

With regard to each asbestos-containing product identified in response to the preceding interrogatory, explain in detail each product:

- (a) the trade name;
- (b) method of packaging;
- (c) color and texture;
- (d) the chemical and physical composition of the product;
- (e) the labeling;
- (f) warning or instructions provided, if any; and
- (g) the method of sale of each product.

RESPONSE TO INTERROGATORY NO. 2:

Subject to the preliminary objections, this defendant responds as follows:

Asbestos paper, millboard and laminated products were manufactured at Erie, Pennsylvania, by Ruberoid from 1928 to 1967, and then by General Aniline & Film Corporation in 1967, and then by GAF Corporation from 1968 to 1981, when the Erie facility was sold. These products generally were shipped in cardboard cartons of varying sizes, except for Imperial insulation and sponge felt which, because of their weight and bulk, were packaged into sections in wooden crates.

Asbestos Paper

Asbestos paper was designed to be used alone or in the manufacture of other products. It was manufactured in various thicknesses, according to customer specifications. Asbestos paper had a temperature limit of 250 degrees F. Its primary constituent was chrysotile asbestos, generally a mixture of grades 5 to 7. Other constituents included sulphite pulp, diatomaceous earth and starch, although in the early years of manufacture this product may have consisted only of chrysotile and starch (which was sometimes in the form of tapioca).

Millboard

Millboard was a stiffer product than asbestos paper or rollboard and was manufactured in sheets of varying thicknesses according to customer specifications. Millboard consisted generally of chrysotile asbestos (usually grades 5D, 5R and 6D), sulphite pulp and often other constituents, bonded with Portland cement and/or starch. In later years, at least as early as 1974, latex was added as a binder.

In approximately 1964, The Ruberoid Co. began placing the following warning notices on packages of its asbestos-containing industrial thermal insulation products:

CAUTION

THIS PRODUCT CONTAINS ASBESTOS FIBER. INHALATION OF ASBESTOS IN EXCESSIVE QUANTITIES OVER LONG PERIODS OF TIME MAY BE HARMFUL.

IF DUST IS CREATED WHEN THIS PRODUCT IS HANDLED, AVOID BREATHING THE DUST. IF ADEQUATE VENTILATION CONTROL IS NOT POSSIBLE, WEAR RESPIRATORS APPROVED BY THE U.S. BUREAU OF MINES FOR PNEUMOCONIOSIS PRODUCING DUST.

GAF placed warning labels on packaging of asbestos fiber and insulation cements by 1968, and on millboard, rollboard, and asbestos paper products, as well as relocating the warning label for Calsilite® pipe covering and block products from the sides to the front of the carton, by 1970. This warning label read as follows:

CAUTION

CONTAINS ASBESTOS FIBER. INHALATION IN EXCESSIVE QUANTITIES OVER LONG PERIODS OF TIME MAY BE HARMFUL.

AVOID BREATHING DUST. IF ADEQUATE VENTILATION IS NOT POSSIBLE, WEAR RESPIRATORS APPROVED BY THE U.S. BUREAU OF MINES FOR PNEUMOCONIOSIS PRODUCING DUST.

In approximately 1972, this warning was further changed to read as follows:

CAUTION

CONTAINS ASBESTOS FIBER. AVOID BREATHING DUST.
BREATHING ASBESTOS MAY CAUSE SERIOUS BODILY HARM.

In 1978, warning labels were placed on individual sheets of millboard.

Until 1972, GAF's use of these warnings followed major manufacturers in the industry which used such cautionary notices after certain opinions were expressed by some members of the medical profession that there might be a health risk to some persons who installed industrial thermal insulation products containing asbestos from the inhalation of excessive quantities of asbestos fibers over prolonged periods of time under certain conditions. Commencing in 1972, pursuant to the requirements of the Occupational Safety and Health Act of 1970, GAF placed the last notice set out above.

All observers of this packaging, whether purchasers, users, handlers, distributors, or contractors, would have seen, and thus received, the warnings as set forth above.

INTERROGATORY NO. 3:

With regard to the asbestos-containing products identified in response to the preceding interrogatory, did you put on such products or their containers any warning of their potential health hazards by virtue of the asbestos content of such products? If so, describe such warning with particularity, with regard to wording, size, nature, color and content, and state the date on which you

began using such warnings on each of your asbestos products.

RESPONSE TO INTERROGATORY NO. 3:

Subject to the preliminary objections, see response to Interrogatory No. 2.

INTERROGATORY NO. 4:

State whether you or your distributors have ever supplied any asbestos-containing products to any of the defendants in this action, and if so, state the name of the defendant, the date of the sale; and the place where the product was shipped.

RESPONSE TO INTERROGATORY NO. 4:

This defendant objects to this interrogatory on the grounds set forth in the preliminary paragraphs of this response and on the further grounds that it is overly broad, unduly burdensome and not drafted in a fashion precise enough, nor reasonably calculated to lead to the discovery of admissible evidence. The only possible relevant sales of this defendant's asbestos-containing industrial thermal insulation products could be for those shipments made to jobsites on which and during years in which plaintiff actually worked.

INTERROGATORY NO. 5:

Did you ever at any time give instructions to workers who would use or apply the insulation products manufactured or distributed by your company of the correct and safe method of applying your insulation? If so, describe such instructions, to whom they were given, and the dates they were given.

RESPONSE TO INTERROGATORY NO. 5:

Subject to the preliminary objections, this defendant responds that, as a manufacturer and seller only, the method or manner of using its asbestos-containing industrial thermal insulation products was determined by the purchaser, contractor or other user in the field, and was not within the discretion of this defendant.

In approximately 1964, The Ruberoid Co. began placing the following warning notices on packages of its asbestos-containing industrial thermal insulation products:

CAUTION

THIS PRODUCT CONTAINS ASBESTOS FIBER. INHALATION OF ASBESTOS IN EXCESSIVE QUANTITIES OVER LONG PERIODS OF TIME MAY BE HARMFUL.

IF DUST IS CREATED WHEN THIS PRODUCT IS HANDLED, AVOID BREATHING THE DUST. IF ADEQUATE VENTILATION CONTROL IS NOT POSSIBLE, WEAR RESPIRATORS APPROVED BY THE U.S. BUREAU OF MINES FOR PNEUMOCONIOSIS PRODUCING DUST.

GAF placed warning labels on packaging of asbestos fiber and insulation cements by 1968, and on millboard, rollboard, and asbestos paper products, as well as relocating the warning label for Calsilite® pipe covering and block products from the sides to the front of the carton, by 1970. This warning label read as follows:

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AVOID BREATHING DUST. IF ADEQUATE VENTILATION IS NOT POSSIBLE, WEAR RESPIRATORS APPROVED BY THE U.S. BUREAU OF MINES FOR PNEUMOCONIOSIS PRODUCING DUST.

In approximately 1972, this warning was further changed to read as follows:

CAUTION

CONTAINS ASBESTOS FIBER. AVOID BREATHING DUST. BREATHING ASBESTOS MAY CAUSE SERIOUS BODILY HARM.

In 1978, warning labels were placed on individual sheets of millboard.

Until 1972, GAF's use of these warnings followed major manufacturers in the industry which used such cautionary notices after certain opinions were expressed by some members of the medical profession that there might be a health risk to some persons who installed industrial thermal insulation products containing asbestos from the inhalation of excessive quantities of asbestos fibers over prolonged periods of time under certain conditions. Commencing in 1972, pursuant to the requirements of the Occupational Safety and Health Act of 1970, GAF placed the last notice set out above.

All observers of this packaging, whether purchasers, users,

handlers, distributors, or contractors, would have seen, and thus received, the findings as set forth above.

No list or other compilation of documents relating to this interrogatory exists in discoverable form.

INTERROGATORY NO. 6:

Have you conducted any studies concerning the effects of inhalation of asbestos dust or fibers by one using, removing or being exposed to any of the asbestos materials manufactured or distributed by you? In answer to this question, please give the date of your studies, if any, the names of the persons conducting the studies and their addresses; what the purposes of the studies were, and identify any documents reflecting or related to such studies and/or the purposes/objectives thereof.

RESPONSE TO INTERROGATORY NO. 6:

Subject to the preliminary objections, this defendant responds that jobsites were under the exclusive control of their owners, employers or contractors. This defendant believes that those owners, employers or contractors present at jobsites (on which this defendant's asbestos-containing industrial thermal insulation products were installed or otherwise used) had a legal duty mandated by state and federal governments to inspect and monitor those jobsites, in the manner required by OSHA and other laws, and this defendant did not have any such legal duty at any time.

INTERROGATORY NO. 7:

Describe all research or other efforts you undertook before marketing your asbestos-containing products to determine whether

asbestos could cause disease in humans, or whether your asbestos-containing products posed a hazard in their normal use. Provide the dates of each of these efforts and identify all documents concerning or in any way related to such efforts.

RESPONSE TO INTERROGATORY NO. 7:

Subject to the preliminary objections, this defendant responds that GAF products were tested for purposes of quality control and, with respect to sales to Government agencies and departments, such tests were mandatory and performed by the Government itself in many instances. The Government was thus responsible for such testing in such instances.

GAF does not have in its possession documents relating to the testing of its products by, at or for the United States for compliance with mandatory Government specifications, except on a limited or occasional basis. With respect to non-Government documents requested by this interrogatory, no list, compilation, summary or abstract of such documents sought by this interrogatory presently exists in discoverable form.

In accordance with industry practice and later at the direction of OSHA, tests were to be made in the workplace by the management officials and other employees who were employed by contractors and other sophisticated purchasers of such products. Insofar as this defendant is aware, no testing was performed with respect to GAF's asbestos-containing industrial thermal insulation products, other than as set forth above.

No list, compilation, summary or abstract of the documents

relating to this interrogatory exists in discoverable form.

INTERROGATORY NO. 8:

Do you have any reports or documents available showing the number of your employees who have been exposed to asbestos dust and fibers in their employment, have worked for 10 years or longer, and have lung disease? If so, please state the name and address of the custodian of such reports and documents and describe each sufficiently for a motion to produce.

RESPONSE TO INTERROGATORY NO. 8:

This defendant objects to this interrogatory on the grounds set forth in the preliminary paragraphs of this response and on the further grounds that conditions in GAF's facilities, including provision for safety and health in same, are not at issue in this litigation and, therefore, this interrogatory is irrelevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 9:

Identify by name, date of claim, and alleged disease process all claims brought against you by any employee or other person in which the claimant has alleged he suffered from any asbestos related disease. In answering this interrogatory, defendant may exclude any asbestos products liability cases filed after calendar year 1972.

RESPONSE TO INTERROGATORY NO. 9:

This defendant objects to this interrogatory on the grounds set forth in the preliminary paragraphs of this response,

particularly on the grounds that it is irrelevant and not calculated to lead to the discovery of admissible evidence, inasmuch as this action does not involve mining or manufacturing plant workplace exposure. This defendant further objects to the extent this interrogatory seeks information concerning "any asbestos products liability cases filed after calendar year 1972" on the grounds that plaintiff seeks information which is a matter of public record and, therefore, equally available to plaintiff.

INTERROGATORY NO. 10:

Have you ever been advised or made aware of threshold limit values for exposure to asbestos dust? If so, state approximately the year that you were first advised or made aware of such threshold limit values, and identify all documents from which you were made aware of such threshold limit values.

RESPONSE TO INTERROGATORY NO. 10:

This defendant objects to this interrogatory on the grounds set forth in the preliminary paragraphs of this response. Subject to these objections, this defendant responds that, prior to 1964, Ruberoid officials were not aware of health hazards from asbestos to users of its asbestos-containing industrial thermal insulation products. In the 1960s, industrial and governmental hygienists and the Walsh-Healy Act endorsed and enacted the standard of 5 m. particles per cubic foot and in approximately 1964 Ruberoid became aware of opinions expressed by some members of the medical profession that inhalation of asbestos dust in excessive quantities which might be released while using asbestos-containing thermal

insulation products over long periods of time could be harmful, although the opinion did not relate to the use of Ruberoid products. At approximately the same time, Ruberoid commenced providing its warnings. In approximately 1968, GAF received further information that inhalation of asbestos fibers could be harmful but GAF did not receive specific medical information on the results of such exposure. Upon the enactment of the federal Occupational Safety and Health Act of 1970, GAF became aware of tests and examinations made as a result of that legislation. In 1972, OSHA set standards for the Threshold Limit Value ("TLV") for asbestos particles. The acceptable standard was five fibers per cc for TWA (time weight average) and ten fibers per cc for peak time. In 1976, the standard changed to two fibers per cc for TWA; the peak time asbestos exposure did not change.

INTERROGATORY NO. 11:

Have you ever tested your asbestos-containing products to determine whether they emit hazardous levels of dust or emit levels of asbestos dust in excess of any TLV? If so, identify all documents concerning or in any way related to such testing. Provide the dates and results of those tests.

RESPONSE TO INTERROGATORY NO. 11:

Subject to the preliminary objections, this defendant responds that jobsites were under the exclusive control of their owners, employers or contractors. This defendant believes that those owners, employers or contractors present at jobsites (on which this defendant's asbestos-containing industrial thermal insulation

products were installed or otherwise used) had a legal duty mandated by state and federal governments to inspect and monitor those jobsites, in the manner required by OSHA and other laws, and this defendant did not have any such legal duty at any time.

INTERROGATORY NO. 12:

When did the management of your company first learn, if ever, of the "Dressen Report"; Dressen, W. C., et al., A Study of Asbestos in the Asbestos Textile Industry, Public Health Bull. No. 241, Washington, D.C.: U.S. Public Health Service, 1938.

RESPONSE TO INTERROGATORY NO. 12:

Subject to the objections set forth in the preliminary paragraphs of this response, this defendant responds that, prior to 1964, Ruberoid officials were not aware of health hazards from asbestos to users of its asbestos-containing industrial thermal insulation products. In approximately 1964, Ruberoid became aware of opinions expressed by some members of the medical profession that inhalation of asbestos dust in excessive quantities which might be released while using asbestos-containing thermal insulation products over long periods of time could be harmful, although the opinion did not relate to the use of Ruberoid products. Approximately the same time, Ruberoid commenced providing its warnings. In approximately 1968, GAF received further information that inhalation of asbestos fibers could be harmful but GAF did not receive specific medical information on the results of such exposure. Upon the enactment of the federal Occupational Safety and Health Act of 1970, GAF became aware of

tests and examinations made as a result of that legislation.

With respect to the study referred to in this interrogatory, this defendant first became aware of the contents and existence of this study during the course of asbestos-related litigation. This defendant does not know which of its representatives first became aware of this study or when that awareness occurred. This defendant did not manufacture an asbestos textile product, so would have had no reason to be aware of this or any similar study prior to the advent of asbestos litigation.

INTERROGATORY NO. 13:

Identify all medical journals to which answering defendant subscribes and indicate the dates during which answering defendant has received these medical journals.

RESPONSE TO INTERROGATORY NO. 13:

Subject to the objections set forth in the preliminary paragraphs of this response, this defendant states that neither GAF Corporation nor The Ruberoid Co. maintained a central corporate library as to occupational safety and health. Any information which did exist was kept by Mr. Harry Mesler while he headed corporate safety for the company from approximately the early 1960's into 1971. Prior to Mr. Mesler's appointment to this position, Ruberoid and GAF employees may have from time to time maintained or possessed personal files containing periodicals and other literature relating to asbestos, its uses and qualities.

Mr. Mesler died on August 29, 1972, and the whereabouts of any such information is unknown. The only existing materials

containing such information are in the possession of the GAF Legal Department and the GAF Corporate and Environmental Engineering Department.

INTERROGATORY NO. 14:

Identify by title, date and author all articles, textbooks or other written materials in your possession concerning the health effects of asbestos. This request applies only to articles or other information dated or acquired before 1976. With respect to each article, textbook, or other written materials, please provide the date on which this was acquired.

RESPONSE TO INTERROGATORY NO. 14:

Subject to the preliminary objections, see response to Interrogatory No. 13.

INTERROGATORY NO. 15:

Did you ever subscribe to the IHF Digest? If so, indicate the dates during which you subscribed and provide the dates of all copies of the IHF Digest that you received.

RESPONSE TO INTERROGATORY NO. 15:

Subject to the preliminary objections, see response to Interrogatory No. 13. In further response, this defendant states that it is aware of documents reflecting that General Aniline & Film Corporation was a new member of the Industrial Hygiene Foundation during the years 1945 to 1947, a period when General Aniline & Film Corporation was under government ownership and not even in any aspect of the asbestos business, and further reflecting that The Ruberoid Co. was a prospective new member for a limited

period in 1953-1954. GAF does not have any internal documents which reflect actual, as opposed to contemplated, membership at any time. Moreover, this defendant knows of no evidence that it ever received IHF documents at any time.

INTERROGATORY NO. 16:

Do you have copies of your sales literature for your asbestos-containing products, and if so, for which years do you have copies and for which products do you have copies?

RESPONSE TO INTERROGATORY NO. 16:

This defendant objects to this interrogatory on the grounds set forth in the preliminary paragraphs of this response and on the further grounds that it is overly broad, unduly burdensome and not drafted in a fashion precise enough, nor reasonably calculated to lead to the discovery of admissible evidence. The only possible relevant sales literature of this defendant's asbestos-containing industrial thermal insulation products could be for those products shipped to jobsites on which and during years in which plaintiff actually worked.

INTERROGATORY NO. 17:

During the period in question, do you or have you ever had any person or department whose function it is/was to research or inquire into product development including product design and its relationship to user or consumer risk? If so, give the name and address of each person or department head and the years of employment of person or existence of department.

RESPONSE TO INTERROGATORY NO. 17:

Subject to the preliminary objections, this defendant responds that, during the period from 1967 through the present, the following persons at GAF have held the position of Vice-President, Research Department:

<u>NAME</u>	<u>DATE OF SERVICE</u>	<u>LAST KNOWN EMPLOYER</u>
Leon Katz	- 1967	American Can
Frederick Grosser	1967 - 1969	Retired from GAF
Robert Meyers	1969 - 1972	St. Regis or Regal Paper
Simon Kantor	1972 - 1981	Retired from GAF
Charles R. Talley	1981 - Present	

The directors of the Research Department at The Ruberoid Co. were as follows:

<u>NAME</u>	<u>DATE OF SERVICE</u>	<u>LAST KNOWN EMPLOYER</u>
Edward Duke	? - 1947	Retired; GAF Corporation
Clarence Eckert	1947 - 1958	Deceased
Phillip S. Bettoli	1958 - 1967	Retired; GAF Corporation

GAF has no corporate records which show the date when it initially established a Research Department.

INTERROGATORY NO. 18:

Please state in detail the duties and responsibilities of your research department in the development and improvement of asbestos products, and the testing of such products for potential human health hazards.

RESPONSE TO INTERROGATORY NO. 18:

Subject to the preliminary objections, this defendant responds that GAF products were tested for purposes of quality control and, with respect to sales to Government agencies and departments, such tests were mandatory and performed by the Government itself in many

instances. The Government was thus responsible for such testing in such instances.

GAF does not have in its possession documents relating to the testing of its products by, at or for the United States for compliance with mandatory Government specifications, except on a limited or occasional basis. With respect to non-Government documents requested by this interrogatory, no list, compilation, summary or abstract of such documents sought by this interrogatory presently exists in discoverable form.

In accordance with industry practice and later at the direction of OSHA, tests were to be made in the workplace by the management officials and other employees who were employed by contractors and other sophisticated purchasers of such products. Insofar as this defendant is aware, no testing was performed with respect to GAF's asbestos-containing industrial thermal insulation products, other than as set forth above.

No list, compilation, summary or abstract of the documents relating to this interrogatory exists in discoverable form.

INTERROGATORY NO. 19:

Do you have, or have you ever had, a medical or industrial hygiene research or product development department? If so, give the name and address of each such department, give the year that such department was established and whether such department has operated continuously since being established.

RESPONSE TO INTERROGATORY NO. 19:

This defendant objects to this interrogatory on the grounds

set forth in the preliminary paragraphs of this response, particularly on the grounds that it is irrelevant and not calculated to the discovery of admissible evidence inasmuch as conditions in GAF's facilities, including provision for safety and health in same, are not at issue in this litigation.

Subject to these objections, GAF responds that it never had a "medical or industrial hygiene research or product development department". Harry Mesler was head of Corporate Safety for Ruberoid and later GAF. Mr. Mesler was succeeded by William Fassuliotis, who in turn was succeeded by Charles Bien. Mr. Mesler is deceased, Mr. Fassuliotis is no longer employed by GAF, and Mr. Bien is now retired. The title for the position held by Mr. Bien was Corporate Manager for Safety, Security and Occupational Health.

INTERROGATORY NO. 20:

Prior to 1965, were you ever named as a party defendant in a lawsuit, including workers' compensation claims, which alleged that the plaintiff or a decedent had been harmed by asbestos? If so, please state the caption and case number of each lawsuit and the Court in which each such lawsuit was brought, and state if any such lawsuit was tried in a Court other than the one in which it was brought. If so, please state the caption, case number and Court in which each such lawsuit was tried. And state whether judgment was rendered against you any such lawsuit.

RESPONSE TO INTERROGATORY NO. 20:

This defendant objects to this interrogatory on the grounds set forth in the preliminary paragraphs of this response,

particularly on the grounds that it is irrelevant and not calculated to lead to the discovery of admissible evidence, inasmuch as this action does not involve mining or manufacturing plant workplace exposure.

INTERROGATORY NO. 21:

State verbatim (or if you will do so without a Motion to Produce, attach a copy of) your company's (or its predecessor's) record retention rules or guidelines in effect during the period in question, and state the name, address, and the custodian of your company's (or its predecessor's) record retention rules or guidelines.

RESPONSE TO INTERROGATORY NO. 21:

Subject to the preliminary objections, this defendant responds that Michael J. Baker is the Assistant Secretary for GAF Building Materials Corporation, is responsible for records retention, and has held this position since May 25, 1982. GAF objects to identifying former persons responsible for determining record retention policies or plans on the grounds of relevance. A list or other compilation of the names of all persons responsible for determining the policy or plan regarding the record retention or destruction policy from 1930 to the present does not currently exist in discoverable form.

The length of time for which records are retained varies according to the operational, financial, and legal requirements of the corporation. The time period for document retention varies according to the type of document. Documents are generally

retained for seven years. However, corporate and other documents may be kept for longer periods. Certain operational documents not required to be preserved by applicable regulations are generally not kept for more than two years. All records which are discoverable are retained in their original form. GAF does not have a master list of all its business records, nor does it have a defined method of accession to all its retained records.

INTERROGATORY NO. 22:

State the names, present business address, business telephone, present residence address, and capacity or title of the individual signing these Interrogatories on behalf of the answering defendant.

RESPONSE TO INTERROGATORY NO. 22:

Subject to the preliminary objections, this defendant responds: Eleanor Carlson, Assistant Secretary, GAF Corporation, 1361 Alps Road, Wayne, New Jersey 07470-3689.

INTERROGATORY NO. 23:

List the names, titles, current address and current position of each sales person responsible for asbestos product sales Allied Chemical (Armco), Ashland, Kentucky during the period in question.

RESPONSE TO INTERROGATORY NO. 23:

Subject to the preliminary objections, this defendant responds, see documents produced in response to Interrogatory No. 1 for names of sales persons.

INTERROGATORY NO. 24:

List the name, address and titles of all persons who have custody, control, possession or knowledge of sales records, sales

summaries, graphs of sales, purchase orders, or invoices for asbestos product sales for the period in question.

RESPONSE TO INTERROGATORY NO. 24:

Subject to the preliminary objections, see documents produced in response to Interrogatory No. 1. In further response, this defendant states that Michael J. Baker is responsible for records retention.

INTERROGATORY NO. 25:

During the period in question, did you ever supply asbestos products through distributors or wholesalers who sold these products to Allied Chemical (Armco), Ashland, Kentucky? If so, identify each of your distributors of asbestos products during the period in question and state their last known addresses.

RESPONSE TO INTERROGATORY NO. 25:

Subject to the preliminary objections, this defendant states that it entered into no distributor agreements, although there were credit agreements which may have used "distributor" terminology. Accordingly, GAF sold products to various companies which may have at times resold those products to other entities.

INTERROGATORY NO. 26:

If any records, kept by you or your predecessors during the period in question, are unavailable or have been destroyed, please give the names, addresses and positions within you company of all persons who have personal knowledge of the information contained in such unavailable or destroyed records.

RESPONSE TO INTERROGATORY NO. 26:

This defendant objects to this interrogatory on the grounds set forth in the preliminary paragraphs of this response.

INTERROGATORY NO. 27:

What are the names and addresses of all doctors, medical advisors or industrial hygienists who provided you with information on the health hazards of exposure to asbestos dust during the years between the time you began supplying asbestos products until 1978, and identify all memoranda, notes, or letters provided any person in your company from any doctor, medical advisor or industrial hygienist in your answer.

RESPONSE TO INTERROGATORY NO. 27:

This defendant objects to this interrogatory on the grounds set forth in the preliminary paragraphs of this response, particularly on the grounds that it is vague, ambiguous, overly broad, irrelevant and not calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 28:

When did the management personnel of your company become aware that asbestos exposure, if sufficient in quantity, could cause (1) asbestosis, (2) lung cancer, (3) mesothelioma, and (4) colon cancer. State the date when management became so aware, separately for each disease.

RESPONSE TO INTERROGATORY NO. 28:

Subject to the objections set forth in the preliminary paragraphs of this response, this defendant responds that, prior to

1964, Ruberoid officials were not aware of health hazards from asbestos to users of its asbestos-containing industrial thermal insulation products. In approximately 1964, Ruberoid became aware of opinions expressed by some members of the medical profession that inhalation of asbestos dust in excessive quantities which might be released while using asbestos-containing thermal insulation products over long periods of time could be harmful, although the opinion did not relate to the use of Ruberoid products. At approximately the same time, Ruberoid commenced providing its warnings. In approximately 1968, GAF received further information that inhalation of asbestos fibers could be harmful but GAF did not receive specific medical information on the results of such exposure. Upon the enactment of the federal Occupational Safety and Health Act of 1970, GAF became aware of tests and examinations made as a result of that legislation.

INTERROGATORY NO. 29:

Describe all warranties which you made at the time of manufacture or sale of asbestos products to be used for insulation. Provide the following information:

- (a) The specific language of warranty given (or attach copy);
- (b) Whether the warranty was oral or written;
- (c) How the warranty was given to purchasers.

RESPONSE TO INTERROGATORY NO. 29:

Subject to the preliminary objections, this defendant responds, not applicable.

INTERROGATORY NO. 30:

Identify all trade associations to which answering defendant is, or has been, a member and provide the dates of membership for each trade association. This request includes, but is not limited to, information concerning membership in the Asbestos Information Association (AIA), the Asbestos Textile Institute (ATI), the National Safety Council (NSC), the Industrial Hygiene Foundation (IHF), the Mellon Institute and/or the National Insulation Manufacturers' Association (NIMA).

RESPONSE TO INTERROGATORY NO. 30:

This defendant objects to this interrogatory on the grounds set forth in the preliminary paragraphs of this response and on the further grounds that it is overly broad and seeks information not calculated to lead to the discovery of admissible evidence, particularly in that it seeks information not relating to asbestos-containing industrial thermal insulation products. Subject to the foregoing objections, this defendant responds that, relative to the manufacture of asbestos-containing industrial thermal insulation products, this defendant was a member of the following industrial groups or organizations:

National Insulation Manufacturers' Association, Inc.
441 Lexington Avenue
New York, New York 10017
1958-1971

Thermal Insulation Manufacturers' Association, Inc.
Seven Kirby Plaza
Mount Kisco, New York 10549
After 1973 - approximately 1978

Asbestos Information Association/North America
1745 Jefferson Davis Highway, Suite 509

Arlington, Virginia 22202
1971-1977

National Safety Council
444 N. Michigan Avenue
Chicago, Illinois 60611
Prior to 1966 - 1981

American Society for Testing Materials
1916 Race Street
Philadelphia, Pennsylvania 19103
Approximately 1946 - 1981

This defendant is aware of documents reflecting that General Aniline & Film Corporation was a new member of the Industrial Hygiene Foundation during the years 1945 to 1947, a period when General Aniline & Film Corporation was under government ownership and not even in any aspect of the asbestos business, and further reflecting that The Ruberoid Co. was a prospective new member for a limited period in 1953-1954. GAF does not have any internal documents which reflect actual, as opposed to contemplated, membership at any time. Moreover, this defendant knows of no evidence that it ever received IHF documents at any time.

REQUEST TO PRODUCE NO. 1:

Produce a copy of all documents identified in response to the preceding interrogatories.

RESPONSE TO REQUEST NO. 1:

This defendant objects to this request on the grounds set forth in the preliminary paragraphs of this response, particularly on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, irrelevant and not calculated to lead to the discovery of admissible evidence.

REQUEST TO PRODUCE NO. 2:

Produce a copy of all documents concerning or in any way related to communications made to or from your officers, managing agents or medical directors concerning actual or potential asbestos-related health hazards.

RESPONSE TO REQUEST NO. 2:

This defendant objects to this request on the grounds set forth in the preliminary paragraphs of this response, particularly on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, irrelevant and not calculated to lead to the discovery of admissible evidence.

REQUEST TO PRODUCE NO. 3:

Produce a copy of all documents concerning or in any way related to communications made to or from your officers, managing agents, medical or safety directors, or industrial hygienists concerning the need for an/or use of respirators, dust masks, etc., when working in the presence of dust (including asbestos dust).

RESPONSE TO REQUEST NO. 3:

This defendant objects to this request on the grounds set forth in the preliminary paragraphs of this response and on the further grounds that conditions in GAF's facilities, including provision for safety and health in same, are not at issue in this litigation and, therefore, this request is irrelevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST TO PRODUCE NO. 4:

Produce a copy of all documents (including but not limited to sales invoices and receipts) reflecting the sales of asbestos-containing products to the Railroad during the period in question.

RESPONSE TO REQUEST NO. 4:

This defendant objects to this request on the grounds set forth in the preliminary paragraphs of this response and on the further grounds that it is unintelligible as propounded.

REQUEST TO PRODUCE NO. 5:

Produce a copy of all documents concerning or in any way related to the existence of, or need of, warnings to employees (or ultimate users) concerning the potential health hazards associated with asbestos exposure.

RESPONSE TO REQUEST NO. 5:

This defendant objects to this request on the grounds set forth in the preliminary paragraphs of this response and on the further grounds that conditions in GAF's facilities, including provision for safety and health in same, are not at issue in this

litigation and, therefore, this request is irrelevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence.

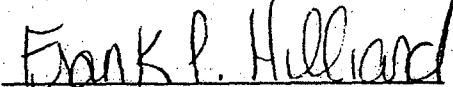
REQUEST TO PRODUCE NO. 6:

Produce a copy of all documents concerning or in any way related to employee complaints about dust conditions during the period in question.

RESPONSE TO REQUEST NO. 6:

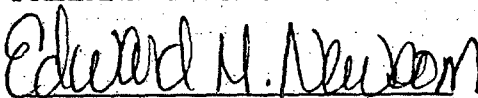
This defendant objects to this request on the grounds set forth in the preliminary paragraphs of this response and on the further grounds that conditions in GAF's facilities, including provision for safety and health in same, are not at issue in this litigation and, therefore, this request is irrelevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence.

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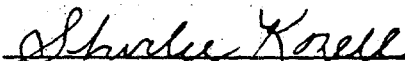
STATE OF NEW JERSEY)
)
COUNTY OF PASSAIC) SS:

A F F I D A V I T

I, ELEANOR CARLSON, being duly sworn according to law,
depose and say that I am an Assistant Secretary of GAF
Corporation, one of the Defendants herein, and that I am
authorized to make this Affidavit in its behalf, and that the
facts set forth in the foregoing Responses are true and correct
to the best of my knowledge, information and belief.


ELEANOR CARLSON

SWORN TO AND SUBSCRIBED
before me this 30th day
of October, 1992.


NOTARY PUBLIC IN AND FOR
SAID COUNTY AND STATE
SHIRLEE KOZELL
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 10/18/93

AFFID-2

COMMONWEALTH OF KENTUCKY
BOYD CIRCUIT COURT

GEORGE CARR,	)	92-CI-463-Div.1
ROBERT DAMRON,	)	92-CI-348-Div.1
JAMES GREENE,	)	92-CI-342-Div.1
CHARLES HOWARD,	)	92-CI-335-Div.1
CHARLES PHILLIPS,	)	92-CI-337-Div.1
PAUL REEVES,	)	92-CI-338-Div.1
BILLY RIGSBY,	)	92-CI-331-Div.1
BOBBY WATTS,	)	92-CI-349-Div.1
ELBERT CASTLE,	)	92-CI-343-Div.1
GLEN CHANDLER,	)	92-CI-356-Div.1
ARVILLE DONAHUE,	)	92-CI-334-Div.1
DALE FLOYD,	)	92-CI-332-Div.1
DONALD FRALEY,	)	92-CI-344-Div.1
LEWIS LANE,	)	92-CI-345-Div.1
ARNOLD SHELTON,	)	92-CI-346-Div.1

Plaintiffs,

v.

ANCHOR PACKING COMPANY, et al.,

Defendants.

CERTIFICATE OF SERVICE

I hereby certify that I have this date served counsel of record with a copy of GAF CORPORATION'S RESPONSES TO PLAINTIFFS' INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS by depositing same in the United States mail in postage prepaid envelopes addressed to all individuals on the attached Service List.

This 2nd day of November, 1992.

Edward M. Newsom
Edward M. Newsom

SERVICE LIST

George Carr, et al. v. Anchor Packing Co., et al.

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