

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF NEWPORT NEWS

IN RE: NEWPORT NEWS CIRCUIT COURT
ALL ASBESTOS CASES

CL90-10000W-01
CL90-10000C-03

SECOND
SUPPLEMENTAL RESPONSES FROM BUFFALO PUMPS INC. TO PLAINTIFF
HICK'S INTERROGATORIES AND REQUESTS FOR PRODUCTION

Buffalo Pumps, Inc. responds as follows to Plaintiffs' Interrogatories and Requests for Production to Buffalo Pumps, Inc. ("Plaintiff's Discovery"):

Preliminary Statement

The following responses are based upon the information that is presently known and available to Buffalo Pumps, Inc. based upon a reasonable investigation. Buffalo Pumps, Inc. believes that these responses are accurate as of the date made. However, many of the matters inquired about in Plaintiffs' Discovery took place decades ago, therefore, information may be incomplete or no longer available due to the passage of time. Although Buffalo Pumps, Inc. has endeavored to conduct a reasonable investigation, Buffalo Pumps, Inc. cannot exclude the possibility that its continued investigation may reveal more complete information. Consequently, Buffalo Pumps, Inc.'s investigation of the matters inquired into by Plaintiffs' Discovery continues and, to the extent appropriate, Buffalo Pumps, Inc. reserves the right to supplement its objections and responses. The information contained in the following responses may be supplemented or augmented by information contained in documents that Buffalo Pumps, Inc. will make available at a mutually convenient time in response to Plaintiffs' Discovery.

General Objections

1. Buffalo Pumps, Inc. objects generally to Plaintiffs' Discovery as overly broad, unduly burdensome, and oppressive. Plaintiffs' Discovery also is compound in some instances, vague, and has overlapping subject matters. There may be hundreds of persons who may have knowledge of some of the subject matters. Many of the persons who may have had knowledge of the particular facts, events, or subject matters inquired into in Plaintiffs' Discovery are now deceased or cannot be located. There are others, not currently in the employ or under the control of Buffalo Pumps, Inc., who cannot be compelled to assist in the preparation of responses to these interrogatories. Moreover, due to the extensive time periods covered by Plaintiffs' Discovery, the persons who may have had knowledge of the particular fact or event may not be able to recall or reconstruct the extent of their knowledge.

2. Plaintiffs' Discovery also is overly broad, unduly burdensome, and oppressive to the extent that it requests information which is not within the personal knowledge or possession or control of Buffalo Pumps, Inc., its employees or agents, or which can only be attempted to be

ascertained or derived through a burdensome review of existing voluminous documents. There is no compilation, abstract, or summary relating to Plaintiffs' Discovery, and the burden of deriving or ascertaining the response to most of Plaintiffs' Discovery is substantially the same for the party propounding the discovery as it is for Buffalo Pumps, Inc.

3. Furthermore, Plaintiffs' Discovery designates extensive periods of time or requests information without any limitation or specification of particular periods of time, and consequently the entire set is over-broad, unduly burdensome and oppressive. As a result of the failure to specify relevant time periods, most of Plaintiffs' Discovery fails to distinguish relevant from irrelevant matter, and call for Buffalo Pumps, Inc. to provide responses concerning events and records spanning a period of many decades. This information is not of sufficient relevance or materiality to this case to justify the great expense and burden that would be involved in its collection, if in fact such information exists. Specifically with respect to time, Buffalo Pumps, Inc. specifically objects to Plaintiffs' Discovery to the extent that it seeks information relating to events occurring after Plaintiffs' last alleged exposure to any Buffalo Pumps, Inc. product.

4. Plaintiffs' Discovery is propounded indiscriminately to every Defendant without any attempt to tailor them to any individual defendant based on Plaintiffs' knowledge of that Defendant's business or Plaintiffs' alleged exposure, and as such is overly broad, unduly burdensome, and oppressive. The failure to limit this discovery to information related to Buffalo Pumps, Inc.'s alleged liability in these cases renders Plaintiffs' Discovery as a whole irrelevant to the subject matter of these actions, and not reasonably calculated to lead to the discovery of admissible evidence.

5. Buffalo Pumps, Inc. objects to Plaintiffs' Discovery to the extent it seeks information and/or documents that are protected by any privilege or protection, including but not limited to the attorney-client privilege, the joint-defense privilege, and/or the work product doctrine. Buffalo Pumps, Inc. hereby asserts all applicable privileges and protections with respect to such information and/or documents. To the extent that Plaintiffs' Discovery calls for or may be read to encompass work performed by or information received from experts retained by Buffalo Pumps, Inc. in order to defend itself in this or other litigation, Buffalo Pumps, Inc. objects to such discovery. Buffalo Pumps, Inc. will make appropriate disclosures regarding expert witnesses in accordance with applicable rules and orders.

6. Buffalo Pumps, Inc. objects to Plaintiffs' Discovery to the extent it seeks production of any information constituting a trade secret, confidential financial data, or other confidential research, development, or commercial information, including, without limitation, information that is deemed classified by federal civilian or military authorities.

7. The answers to Plaintiffs' Discovery are, unless stated otherwise, limited to the business entity Buffalo Pumps, Inc., a Delaware corporation formed in approximately 1985.

8. Buffalo Pumps, Inc. does not concede that any of its responses to Plaintiffs' Discovery are, or will be, admissible evidence at a trial of these actions. Buffalo Pumps, Inc. does not waive any objection, on any ground, whether or not asserted herein, to the use of any such answers at trial.

RESPONSES TO INTERROGATORIES

1. State whether or not you are a corporation. If so state your correct corporate name, the state of your incorporation, the address of your principle place of business, the name and address of the person or entity authorized to accept, service of process on your behalf, and whether or not you have ever held a Certificate of Authority to do business in the State of Virginia.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence, and otherwise exceeds the permissible scope of discovery. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

On or about December 9, 1985, Buffalo Pumps, Inc. was incorporated in Delaware. On or about December 31, 1985, and pursuant to a Bill of Sale, Assignment and Assumption Agreement, Buffalo Pumps, Inc. received an assignment and contribution from Buffalo Forge Company, a Delaware corporation, of certain assets and liabilities relating to the business of the Buffalo Pumps Division of the Buffalo Forge Company. Buffalo Pumps, Inc. maintains its principal place of business at 874 Oliver Street, North Tonawanda, New York. Buffalo Pumps, Inc. has not held a Certificate of Authority to do business in the State of Virginia.

SUPPLEMENTAL RESPONSE:

Buffalo Pumps, Inc. incorporates by reference its original response to this interrogatory. By way of further response, Buffalo Pumps, Inc. responds as follows:

Buffalo Pumps, Inc. was incorporated in Delaware on or about December 9, 1985. On or about December 31, 1985, and pursuant to a Bill of Sale, Assignment, and Assumption Agreement, Buffalo Pumps, Inc. received an assignment and contribution from the Buffalo Forge Company, a Delaware corporation, of certain assets and liabilities relating to the business of the Buffalo Pumps Division of the Buffalo Forge Company.

Buffalo Pumps, Inc. has, since its formation in 1985, maintained its principal place of business and production facility at 874 Oliver Street, North Tonawanda, New York.

Buffalo Pumps, Inc. believes that the North Tonawanda facility was previously operated by the Buffalo Pumps Division of the Buffalo Forge Company from 1955 to 1985, and may have been operated by the Buffalo Steam Pump Company (which changed its name to Buffalo Pumps, Inc. in 1931) (the "Buffalo Steam Pump Co."), from 1896 to 1955, when it was merged into the Buffalo Forge Company.

Buffalo Pumps, Inc. is not aware that either the Buffalo Pumps Division of the Buffalo Forge Company or the Buffalo Steam Pump Co. ever operated any production facilities other than the North Tonawanda facility.

Buffalo Pumps, Inc. does not believe that it has ever held a certificate of authority to transact business in Virginia. After a reasonable investigation, Buffalo Pumps, Inc. is not aware that the Buffalo Pumps Division of the Buffalo Forge Company ever held a certificate of authority to transact business in Virginia.

2. Describe in detail your complete corporate history, including, but not limited to, your place and date of incorporation, and any mergers, consolidations, asset purchases, acquisitions or spin-offs which concern or affect the manufacture, sale, distribution, installation, use and/or removal of any product containing or incorporating any amount of asbestos fiber.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Buffalo Pumps, Inc. further objects to the use of the phrase "corporate history," as this phrase is capable of more than one meaning and, therefore, is ambiguous. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

See Responses to Interrogatories 1 and 6.

3. If you ever acquired another company corporation, company, or business which manufactured, sold, processed, distributed, installed, or contracted to apply products containing asbestos, please state the following concerning such other entity:

- (a) the full and correct name;
- (b) the principal place of business;
- (c) the state of incorporation;
- (d) the date of its acquisition by you; and
- (e) the products that the other entity manufactured, distributed, sold, used, installed, or contracted to apply.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Buffalo Pumps, Inc. further objects to the use of the phrase "manufactured, sold, processed, distributed, installed, or contracted to apply products containing asbestos," as this phrase is capable of more than one

meaning and, therefore, is ambiguous. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

See Response to Interrogatory 1.

SUPPLEMENTAL RESPONSE:

Buffalo Pumps, Inc. incorporates by reference its original response to this interrogatory. By way of further response, Buffalo Pumps, Inc. responds as follows:

See Supplemental Response to Interrogatory 1.

SECOND SUPPLEMENTAL RESPONSE:

Buffalo Pumps, Inc. incorporates by reference its original response and supplemental response to this interrogatory. By way of further response, Buffalo Pumps, Inc. responds as follows:

Buffalo Pumps, Inc. never acquired such a company. After a reasonable investigation, Buffalo Pumps, Inc. is not aware of any such acquisition by the Buffalo Pumps Division of the Buffalo Forge Company. See also Supplemental Response to Interrogatory No. 1.

4. For any predecessor corporation or subsidiary identified in the preceding interrogatories, state whether you agreed to be, or had been held by any court to be, legally responsible for the past liabilities of any nature of any such corporation or entity. For each court which has so held, identify the case, the jurisdiction of the court, and the date of the order.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

See Response to Interrogatory 1.

SUPPLEMENTAL RESPONSE:

Buffalo Pumps, Inc. incorporates by reference its original response to this interrogatory. By way of further response, Buffalo Pumps, Inc. responds as follows:

Buffalo Pumps, Inc. has not been determined to be legally responsible for the past liabilities of any corporation or entity as referenced by plaintiff.

5. If you currently have, or have had in the past, a department, division, subdivision, branch or group responsible for the design, development, manufacture, testing and/or use of products containing or incorporating asbestos fibers, state the name of each such present or

former corporate department, division, subdivision, branch or group and identify the person most knowledgeable about such department, division, subdivision, branch or group.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Buffalo Pumps, Inc. further objects to the use of the phrases "manufacture" and "products containing or incorporating asbestos fibers," as these phrases are capable of more than one meaning and, therefore, are ambiguous. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

After a reasonable investigation, the Buffalo Pumps Division of the Buffalo Forge Company played no role in the design, development or testing of any asbestos-containing products used or supplied in conjunction with its pumps. See also Response to Interrogatory 6. Buffalo Pumps, Inc., and before it the Buffalo Pumps Division of the Buffalo Forge Company, conducted testing of pumps to ensure compliance with applicable specifications and customer requirements, including, primarily, hydraulic testing. Such testing involved both partial and complete assemblies. Testing was performed by engineering personnel employed by Buffalo Pumps, Inc. and, before it, the Buffalo Pumps Division of the Buffalo Forge Company. In addition, certain types of testing, such as shock testing for pumps manufactured for sale to the U.S. Navy, was at times performed by or in conjunction with outside persons or entities.

SUPPLEMENTAL RESPONSE:

Buffalo Pumps, Inc. incorporates by reference its original response to this interrogatory. By way of further response, Buffalo Pumps, Inc. responds as follows:

As stated in its original response to this interrogatory, Buffalo Pumps, Inc. and before it the Buffalo Pumps Division of the Buffalo Forge Company did not design, develop or test any asbestos-containing products used or supplied in conjunction with its pumps. By way of further response, Buffalo Pumps, Inc. identifies Mr. Martin Kraft, Production Manager of Buffalo Pumps, Inc. as a person knowledgeable about the design, development and testing of Buffalo Pumps' pumps.

6. Identify all products which contained any amount of asbestos which you designed, manufactured, processed, distributed, sold, relabeled, and/or otherwise placed in the stream of commerce including:

- (a) the trade, brand name and/or generic name of each type of such product;
- (b) a specific description of the product, including:
 - (i) its nature, i.e. pipe insulation, asbestos cable, gasket, etc.;
 - (ii) its physical appearance, e.g., shape, size, color, texture;
 - (iii) any logo or markings on the product;
 - (iv) its chemical composition;

- (v) the type(s) and/or grade(s) of asbestos fiber contained in it;
 - (vi) the quantitative percentage of the type(s) of asbestos fiber in it;
 - (vii) any change(s) in the quantitative percentages of the type(s) of asbestos fiber contained in it over the course of time you were involved with it;
 - (viii) its recommended use(s); and
 - (ix) the name(s) and address(es) of the supplier(s) of the asbestos fiber used in it.
- (c) whether you designed, manufactured, processed, distributed, sold, relabeled and/or held a patent on the product;
- (d) the inclusive date(s) that you first performed and last performed any of the activities described in subpart (c) on each such product;
- (e) the name of the manufacturer of each such product if the product was not manufactured by you; and
- (f) the identity of the person(s) most knowledgeable concerning the sales of each such product.
- (g) the location each plant or manufacturing facility in which the products listed in your answer to Interrogatory No. 6 were manufactured, assembled, or prepared for sale or marketing.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Buffalo Pumps, Inc. further objects to the use of the phrases "designed," "manufactured," "processed," and "distributed," as these phrases are capable of more than one meaning and, therefore, are ambiguous. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

The Buffalo Pumps Division of the Buffalo Forge Company, since at least approximately 1955, manufactured, among other things, pumps. These pumps were made of metal alloys, and the pumps themselves contained no asbestos materials. Typically, however, the metal components of certain of these pumps required packing and gaskets. Upon manufacture, the original pump was typically supplied to a customer with the appropriate packing and gaskets. Buffalo Pumps, Inc. also believes that the Buffalo Pumps Division of the Buffalo Forge Company on some occasions provided small numbers of gaskets to certain customers along with other replacement parts for pumps. From at least approximately 1955 to approximately 1985, gaskets and packing supplied in certain original centrifugal pumps may have contained asbestos. The Buffalo Pumps Division of the Buffalo Forge Company did not manufacture the gasket or packing material installed in any of its pumps; to the contrary, such materials were mined, manufactured, marketed, sold, and supplied by others. As Buffalo Pumps, Inc. understands those terms within the context of this interrogatory, Buffalo Pumps, Inc. has not engaged in the processing or marketing of any asbestos-containing product.

Upon a reasonable investigation, Buffalo Pumps, Inc. states that the gasket and packing materials did not bear any product or trade name. At the present time, Buffalo Pumps, Inc. is unaware of the quantitative percentage by weight or volume of the asbestos content for gasket and packing materials supplied by others.

Upon information and belief, and based upon a reasonable investigation, Buffalo Pumps, Inc. believes that the gaskets and packing supplied along with certain of the pump products manufactured by the Buffalo Pumps Division of the Buffalo Forge company contained some percentage of chrysotile asbestos.

After a reasonable investigation, Buffalo Pumps, Inc. believes that the gaskets and packing materials used by the Buffalo Pumps Division of the Buffalo Forge Company were manufactured and supplied by: John Crane Company, Sealing Devices, Inc., and/or Allpax.

The only manufacturing plant ever operated by Buffalo Pumps, Inc. or, to its knowledge, the Buffalo Pumps Division of the Buffalo Forge Company is a facility located in North Tonawanda, New York.

SUPPLEMENTAL RESPONSE:

Buffalo Pumps, Inc. incorporates by reference its original response to this interrogatory. By way of further response, Buffalo Pumps, Inc. responds as follows:

After a reasonable investigation, Buffalo Pumps, Inc. understands that "Buffalo" or "Buffalo Pumps" was cast into at least some of the centrifugal pumps manufactured by the Buffalo Pumps Division of the Buffalo Forge Company.

SECOND SUPPLEMENTAL RESPONSE:

Buffalo Pumps, Inc. incorporates by reference its original response and supplemental response to this interrogatory. By way of further response, Buffalo Pumps, Inc. responds as follows:

Pursuant to an agreement with plaintiff's counsel, Buffalo Pumps, Inc. will produce responsive documents related to Buffalo Pumps' pumps supplied during the relevant time period for use aboard the USS Enterprise (CVAN 65) and the USS John F. Kennedy (CVA 67) at a mutually convenient time and place. With respect to the pumps on these vessels, to the extent that the information sought by this interrogatory is known by Buffalo Pumps, Inc. such information can be obtained from the documents to be produced.

7. As to each product contained within your response to Interrogatory No. 6, identify the following:

- (a) any and all pertinent trademark that was applicable to the product during any time of its sale;
- (b) any and all patents that are applicable to the product;
- (c) any and all blueprints and manufacturing specifications that were applicable to the product;

(d) the label on the packaging of that particular product for each year of its manufacture and/or sale;

(e) any and all sales catalogues, brochures, specification sheets, performance data or other promotional material, as well as any and all installation materials, data or brochures which would have accompanied or been distributed in connection with the sale, installation, application or use of each such product;

(f) the exact manner in which the product was described in such catalogues, brochures, specification sheets or other promotional material for each year it appeared therein (as to this portion of the interrogatory, you may provide a copy of the document in lieu of describing the same);

(g) any and all photographs of the product for which you have knowledge;

(h) any and all samples of the product for which you have knowledge; and i. any and all packaging of the product for which you have knowledge.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

See Response to Interrogatory 6. After a reasonable investigation, Buffalo Pumps, Inc. is unaware that the Buffalo Pumps Division of the Buffalo Forge Company utilized any packaging or containers, as that term is reasonably understood in the context of pump manufacture and supply, for its pumps.

By way of further response, because the Buffalo Pumps Division of the Buffalo Forge Company did not design, manufacture, or sell asbestos-containing products, but rather manufactured and sold centrifugal pumps, its sales brochures, advertisements, and other written sales materials related to pumps rather than to any asbestos-containing products. The Buffalo Pumps Division of the Buffalo Forge Company created at various times written materials relating to its centrifugal pumps. Such documents typically included instructional manuals with regard to the pumps. To the extent that Buffalo Pumps, Inc. is able to locate manuals or instructions relating to the pumps or types of pumps to which Plaintiffs may allege exposure, such documents will be produced for inspection and copying.

SUPPLEMENTAL RESPONSE:

Buffalo Pumps, Inc. incorporates by reference its original response to this interrogatory. By way of further response, Buffalo Pumps, Inc. responds as follows:

To the extent it has located additional responsive documents related to Buffalo Pumps' pumps supplied during the relevant time period for use aboard the specific vessels at issue in this case, Buffalo Pumps, Inc. will produce these documents at a mutually convenient time and place.

SECOND SUPPLEMENTAL RESPONSE:

Buffalo Pumps, Inc. incorporates by reference its original response and supplemental response to this interrogatory. By way of further response, Buffalo Pumps, Inc. responds as follows:

Pursuant to an agreement with plaintiff's counsel, Buffalo Pumps, Inc. will produce responsive documents related to Buffalo Pumps' pumps supplied during the relevant time period for use aboard the USS Enterprise (CVAN 65) and the USS John F. Kennedy (CVA 67) at a mutually convenient time and place. With respect to the pumps on these vessels, to the extent that the information sought by this interrogatory is known by Buffalo Pumps, Inc. such information can be obtained from the documents to be produced.

8. If you distributed, sold and/or otherwise placed in the stream of commerce bulk asbestos fibers, please state

- (a) the type(s) and/or grade(s) of asbestos fiber;
- (b) the entity to whom the asbestos fiber was sold;
- (c) the product(s) in which the asbestos fiber was incorporated;
- (d) the inclusive date(s) that you first and last placed any quantity of bulk asbestos fiber into the stream of commerce to each entity; and
- (e) the identity of the person(s) most knowledgeable concerning each such bulk sale and produce any documentation concerning all such bulk sales of asbestos fiber.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

Buffalo Pumps, Inc. has never distributed, sold and/or otherwise placed in the stream of commerce bulk asbestos fibers. After a reasonable investigation, Buffalo Pumps, Inc. is not aware that the Buffalo Pumps Division of the Buffalo Forge Company ever distributed, sold and/or otherwise placed in the stream of commerce bulk asbestos fibers.

9. Have you ever conducted, performed, funded, or participated in tests, investigations, and/or studies

- (a) of ambient asbestos dust particles or fibers created during the manufacture, processing, assembling and/or end use of asbestos-containing products?
- (b) to determine whether any type of protective mask, respirator, protective clothing, containment system, ventilator, and/or ventilation system would either eliminate or reduce the inhalation of asbestos by your employees and/or contractors on your premises, their family members, and/or other third persons?
- (c) concerning asbestos-related diseases, asbestosis, mesothelioma, pulmonary disease or cancer?

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Buffalo Pumps, Inc. further objects to the use of the phrase "manufacture, processing, assembling and/or end use of asbestos-containing products," as this phrase is capable of more than one meaning and, therefore, is ambiguous. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

See Response to Interrogatory 6. Buffalo Pumps Inc. is not aware that it ever conducted, performed, funded, or participated in such tests, investigations, and/or studies. After a reasonable investigation, Buffalo Pumps, Inc. is not aware that the Buffalo Pumps Division of the Buffalo Forge Company, conducted, performed, funded, or participated in such tests, investigations, and/or studies.

10. If you answered yes to any part of the preceding interrogatory, state/identify the following:

- (a) the location and address at which any such test, investigation, and/or study was conducted;
- (b) the date of each such test, investigation, and/or study;
- (c) the reason you became involved in each such test, investigation, and/or study;
- (d) the person(s) conducting each such test, investigation, and/or study;
- (e) whether you have any documents containing the results and/or conclusions of each such test, investigation, and/or study;
- (f) if the results were disseminated, where and to whom and, if published, the name and identity of the publication;
- (g) the results of such tests, investigations, and/or studies, and the data and assumptions relied on;
- (h) the identity of the custodian of any such documents;
- (i) whether any action was taken in response to any such test, investigation or study, and if so:
 - (i) the date and action taken;
 - (ii) the identity of the person(s) who authorized or directed the action;
 - (iii) any and all reasons why the action was taken;
 - (iv) the identity of all documents discussing the action considered and action taken by date, the, subject, author and present custodian and location.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither

relevant nor reasonably calculated to lead to discovery of admissible evidence. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

See Response to Interrogatory 9.

11. When and how did you first become aware that any warnings were placed on any asbestos containing products?

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Buffalo Pumps, Inc. further objects to the use of the phrases "warnings" and "asbestos containing products," as these phrases are capable of more than one meaning and, therefore, are ambiguous. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

After a reasonable investigation, Buffalo Pumps, Inc. is not able to state the precise time at or manner in which it or the Buffalo Pumps Division of the Buffalo Forge Company became aware of any warnings related to asbestos-containing products.

12. If any of the asbestos-containing products you manufactured, processed, sold, distributed, and/or otherwise placed in the stream of commerce, contained any warning or caution concerning the health consequences of the use of the product or the breathing of asbestos dust particles or fibers:

- (a) state the wording of each warning or caution, or any proposed drafts of a warning or caution;
- (b) state the description of the size and location of each such printed warning or caution;
- (c) state the method used to distribute the warning to persons who were likely to use the product;
- (d) state the date each such warning was issued;
- (e) identify the person(s) who composed the warning;
- (f) state whether any person recommended at any time that the warning or caution be amended, altered, or changed in any manner and, if so, identify the person(s);
- (g) state whether the warning or caution was ever amended, altered, or changed in any manner and, if so, identify the person(s) doing so;
- (h) identify each person(s) who was involved in the decision to place the warning or caution on the product or to amend such warning or caution;
- (i) identify each person(s) most knowledgeable about the warning or caution on the product;
- (j) identify the custodian of the records containing such warning or caution;
- (k) state whether any industrial psychologist or human factors engineers were consulted prior to utilizing such warnings or cautions; and

(1) identify and produce any special instructions provided with each product regarding its use or safety procedures to be employed by persons handling such product.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Buffalo Pumps, Inc. further objects to the use of the phrases "asbestos containing products," "warning," "manufactured," "processed," and "distributed," as these phrases are capable of more than one meaning and, therefore, are ambiguous. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

See Response to Interrogatory 6. By way of further response, in approximately 1987, Buffalo Pumps, Inc. filled a small customer order for which the pertinent specifications required the use of asbestos-containing gaskets. Since Buffalo Pumps, Inc. was no longer using asbestos-containing gaskets at that time, the customer provided the gaskets. Buffalo Pumps, Inc. affixed warning labels to the pumps containing the contractor-supplied gaskets prior to shipment. The text of these labels read as follows:

DANGER
GASKET MATERIAL CONTAINS ASBESTOS
AVOID OPERATIONS TO IT THAT
WILL CREATE DUST
CANCER AND LUNG DISEASE HAZARD

13. Please identify the first twelve (12) proceedings wherein you were named as a defendant, respondent or other involuntary participant in a lawsuit, worker's compensation claim or other proceeding involving personal injury or wrongful death alleged to have resulted from exposure to airborne asbestos dust and fibers. Please be specific in your identification by stating:

- (a) the date you received notice of the claim;
- (b) the court or other forum in which it was filed;
- (c) a description of the type of claim (i.e., worker's compensation, third party liability, etc.);
- (d) the type of injury allegedly sustained;
- (e) the case number or identifying letters or name assigned to the action;
- (f) identification each person claiming injury therein;
- (g) copies of all interrogatories propounded to you and all of your answers to those interrogatories; and
- (h) the custodian of all records that relate to the claim, e.g., depositions, expert reports, etc. (in lieu of answering the above question, you may attach copies of any and all such records).

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

After a reasonable investigation, Buffalo Pumps, Inc. states that it was first named as a defendant in a lawsuit alleging personal injury due to alleged exposure to asbestos in approximately October, 1999, in a litigation captioned Susan MacDonald et ux. v. Bondex Int'l., Superior Court of the State of California, Los Angeles County.

14. State separately as to the diseases asbestosis, lung cancer and mesothelioma:

- (a) The date on which Defendant or its subsidiary or predecessor first knew or had reason to know that such disease can result from inhalation of asbestos fibers by humans.
- (b) How Defendant became aware of the existence of the disease.
- (c) Who within the company first discovered, recognized or understood the adverse consequences or effects of the disease and/or of asbestos exposure.
- (d) What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- (e) Whether any such information is still maintained by Defendants or its subsidiary or predecessor in any written form.
- (f) Who is the custodian of such information.
- (g) The date on which you first received knowledge or information that the disease was caused by inhalation or asbestos fibers.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

After a reasonable investigation, Buffalo Pumps, Inc. is not able to state the precise time at or manner in which the Buffalo Pumps Division of the Buffalo Forge Company became aware of any potential adverse health effects associated with exposure to asbestos. To the extent that Buffalo Pumps, Inc. has located documents containing information relating to potential adverse health effects associated with asbestos exposure, Buffalo Pumps, Inc. shall make such documents available for examination, inspection and copying at a mutually convenient time and place.

SUPPLEMENTAL RESPONSE:

Buffalo Pumps, Inc. incorporates by reference its original response to this interrogatory. By way of further response, Buffalo Pumps, Inc. responds as follows:

To the extent that Buffalo Pumps, Inc. has located documents containing information relating to potential adverse health effects associated with asbestos exposure, Buffalo Pumps, Inc. has produced these documents to plaintiff.

SECOND SUPPLEMENTAL RESPONSE:

Buffalo Pumps, Inc. incorporates by reference its original and supplemental responses to this interrogatory. By way of further response, Buffalo Pumps, Inc. responds as follows:

With respect to subparts (b) through (g) of this interrogatory, to the extent any of the requested information is known to Buffalo Pumps, Inc., such information may be obtained from the documents that Buffalo Pumps, Inc. has already produced to plaintiffs in this matter.

15. Do you have knowledge of any asbestos-related deaths or any diagnosis of asbestos-related lung disease or abnormality prior to 1986 among any of your employees or any of their family members. If so:

- (a) identify each such employee or family member;
- (b) provide the job description and years of employment of each such person; and if the person is a family member of an employee, identify the employee and state the employee's job description and years of employment or agency;
- (c) identify all medical records that you received in relation to each such person;
- (d) identify and produce reports of asbestos related disease or abnormality that you furnished to any state or federal governmental body or agency; and
- (e) identify the date you first obtained knowledge of this asbestos-related death, diagnosis, or abnormality.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

Buffalo Pumps, Inc. is not aware that any of its present or former employees or their family members, or those of the Buffalo Pumps Division of the Buffalo Forge Company, suffers or suffered from any asbestos-related disease.

16. Did you receive any reports or communications from your workmen's compensation insurance carrier or products liability insurance carrier with regard to any alleged hazards associated with the use or handling of asbestos-containing products, including but not limited to asbestos containing insulation products? If so, identify and produce each such report and identify the custodian of those records.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

Buffalo Pumps Inc. has not located any such reports or communications. After a reasonable investigation, Buffalo Pumps, Inc. is not aware that the Buffalo Pumps Division of the Buffalo Forge Company ever Buffalo Pumps Inc. received any such reports or communications.

17. State the names and addresses of all professional, trade, industrial, safety, hygiene, health associations, and/or research foundations or organizations you have been a member of since 1930, including but not limited to

- (a) Asbestos Textile Institute (ATI);
- (b) Industrial Hygiene Foundation and/or Industrial Health Foundation (IHF);
- (c) Mineral Wool Institute;
- (d) Industrial Mineral Insulation Manufacturers Institute;
- (e) Magnesia Silica Insulation Manufacturers Association;
- (f) National Insulation Manufacturers Association (NIMA);
- (g) Thermal Insulation Manufacturers Association (TIMA);
- (h) Asbestos Information Association (AIA);
- (i) Quebec Asbestos Mining Association (QAMA);
- (j) National Safety Council;
- (k) Asbestos Cement Producers Association;
- (l) Refractories Institute;
- (m) Chemical Manufacturers Association and/or its predecessor, the Manufacturing Chemist Association;
- (n) any other organizations or associations of manufacturers, asbestos insulation contractors, miners, distributors, importers, labelers, suppliers, and/or sellers of products containing asbestos fibers.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

After reasonable investigation, Buffalo Pumps, Inc. is not aware that it was a member of or participated in any of the organizations listed in this Interrogatory. After reasonable investigation, Buffalo Pumps, Inc. is not aware that the Buffalo Pumps Division of the Buffalo Forge Company was ever a member of or participated in any of the listed organizations. Buffalo Pumps, Inc. has been a member of the Hydraulic Institute.

18. For a each organization listed in response to the preceding Interrogatory,
- (a) state the date(s) of membership;
 - (b) identify all persons attending any of the organization's meetings on your behalf;
 - (c) identify the name(s) and nature of any and all notes, reports, minutes, studies, publications and other writings submitted by you or received by you from such organizations or associations relating to asbestos exposure, the sale, use, or handling of asbestos products, or any alleged health hazards associated with asbestos, any recommendation or discussion of warnings, caution labels, safety procedures, or testing for the asbestos products, any claims for compensation arising out of persons who alleged asbestos related death, disease, abnormality or impairment.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

See Response to Interrogatory 17.

19. State, whether your Board of Directors, prior to 1986, at any time had any meetings which included discussion of or reference to installation, removal, asbestos exposure, the sale, use, or handling of asbestos products, or any alleged health hazards associated with asbestos, any recommendation or discussion of warnings, caution labels, safety procedures, or testing for the asbestos products, any claims for compensation arising out of persons who alleged asbestos related death, disease, abnormality or impairment; and if so, (a) identify and produce all minutes of every meeting of your Board of Directors which makes reference to (directly or indirectly) these discussions or references; and (b) identify the location(s) and custodian(s) of such notes, reports, minutes, studies, publications and other writings.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Buffalo Pumps, Inc. further objects to the use of the phrases "asbestos exposure," "warnings," "asbestos products," and "asbestos related disease," as these phrases are capable of more than one meaning and, therefore, are ambiguous. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

Buffalo Pumps, Inc. was not incorporated until 1985. Buffalo Pumps Inc. is not aware of any such meetings where the subject of asbestos was discussed. After reasonable investigation

Buffalo Pumps, Inc. is not aware that anyone from the Buffalo Pumps Division of the Buffalo Forge Company held any such meetings where the subject of asbestos was discussed.

20. Identify your medical officers from 1940 through 1986. If you did not have a medical officer, please identify what person or persons performed functions related to employee health within your company.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

Buffalo Pumps, Inc. was not incorporated until 1985. Buffalo Pumps, Inc. has not had a medical officer. After a reasonable investigation, Buffalo Pumps, Inc. is unaware that the Buffalo Pumps Division of the Buffalo Forge Company ever had a medical officer.

21. Has Defendant ever given medical examinations or chest x-rays to its employees who were exposed to airborne asbestos dust and fibers? If so, state:

- (a) When said examinations or chest x-rays were given;
- (b) The names and current addresses of the persons who conducted these examinations and/or chest x-rays;
- (c) Whether any employees who were found to have any asbestos-induced abnormality were so advised.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

Buffalo Pumps, Inc. has never performed any such examinations. After reasonable investigation, Buffalo Pumps, Inc. is unaware of the Buffalo Pumps Division of the Buffalo Forge Company ever performing any such examinations.

22. Identify all persons employed by you or hired as independent contractors from 1940 through 1986 who:

- (a) functioned as industrial hygienists; (as used in this Interrogatory an industrial hygienist is one who performs engineering or health studies to identify and evaluate potential occupational health hazards and suggest methods of dealing with the same);

- (b) functioned as a safety officer (i.e. oversaw operational safety, construction safety, compliance with State and Federal safety regulations, compliance with state and Federal environmental regulations, purchasing, repair, and asbestos abatement and containment) in any one of your manufacturing plants, facilities, and/or job sites;
- (c) performed medical research; and
- (d) performed the duties of maintaining your library or collection of medical, industrial hygiene and safety documents, articles and books.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

Buffalo Pumps, Inc. was not incorporated until 1985. Buffalo Pumps, Inc. has not hired any industrial hygienists, safety officers, performed medical research, or maintained a library related to medical, industrial hygiene or safety documents related to potential health hazards regarding asbestos. After reasonable investigation, Buffalo Pumps, Inc. is unaware of the Buffalo Pumps Division of the Buffalo Forge Company ever hiring any such personnel or maintaining such a library.

23. Have any person(s) testified on your behalf or provided information or documents to the Occupational Safety and Health Administration (OSHA), the National Institute of Occupational Safety and Health Administration (NIOSH), any U.S. Congressional committee or sub-committee, or state or federal agency on

- (a) the biological effects on human life from exposure to asbestos;
- (b) the setting, modification, feasibility and acceptance of allegedly safe or proper levels of such exposure to asbestos and asbestos products; and/or
- (c) the diagnostic criteria for asbestos-induced diseases.

If so,

- (d) identify each such person(s);
- (e) produce all documents presented, utilized, submitted or concerning such testimony or submission of information; and
- (f) state the date, place and circumstances of such testimony or submission of information.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither

relevant nor reasonably calculated to lead to discovery of admissible evidence. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

Buffalo Pumps, Inc. has never had any such person testify on its behalf. After reasonable investigation, Buffalo Pumps, Inc. is unaware of the Buffalo Pumps Division of the Buffalo Forge Company ever having any such person testify on its behalf.

24. If you ever became aware that there was any recommended threshold limit value which applied to the dust created from the use of asbestos-containing products, state:

(a) when and how you first became aware of such a threshold limit value and if you passed this information to any customers, clients, employees and/or contractors;

- (i) identify to whom this information was given;
- (ii) the method by which the information was communicated;
- (iii) the exact contents of the information;
- (iv) the specific date such information was communicated to each such person; and
- (v) the identity of any and all documents which contain this information.

(b) when and how you became aware that your asbestos product and/or any place where your employees used, installed, repaired, removed, or handled insulation products was/were within the threshold limit value, and, if ever;

- (i) identify to whom this information was given; ii. the method by which the information was communicated; iii. the exact contents of the information;
- (ii) the specific date such information was communicated to each such person;
- (iii) any studies, reports, tests, etc. upon which you rely in determining your product and/or job site was within threshold limit value; and
- (iv) the identity of any and all documents which contain this information.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Buffalo Pumps, Inc. further objects to the use of the phrases "recommended threshold limit value" and "asbestos product" as these phrases are capable of more than one meaning and, therefore, are ambiguous. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

Buffalo Pumps, Inc. cannot state the date on which it first became aware of the existence of asbestos or total dust threshold limit values. After a reasonable investigation, Buffalo Pumps, Inc. cannot state the date on which the Buffalo Pumps Division of the Buffalo Forge Company first became aware of such values. By way of further response, Buffalo Pumps, Inc. believes that centrifugal pumps of the type manufactured and sold by the Buffalo Pumps Division of the Buffalo Forge Company could be installed without liberating asbestos fibers. The gaskets were

already installed in the pumps and would not have been exposed to the open air as part of the ordinary installation process. While it is possible that some of the pumps sold by the Buffalo Pumps Division of the Buffalo Forge Company may not have had packing already in place, Buffalo Pumps, Inc. understands that the scientific literature indicates that little if any asbestos fiber is released during the installation of new packing. See also Response to Interrogatory 6.

25. State the date, if ever, on which you began complying with any OSHA or other such state or federal regulations regarding asbestos. If you have complied with such regulation, for each regulation state:

- (a) the regulation;
- (b) the method implemented to comply with the regulation;
- (c) whether you were ever fined and/or admonished in any way for failing to comply with OSHA or other such state or federal regulations regarding asbestos, and if so, state
 - (i) the date and the government agency;
 - (ii) the basis of the citation;
 - (iii) any action taken by the agency involved;
 - (iv) the identity of all documents related to such citation and provide copies.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

Buffalo Pumps, Inc. took reasonable steps to comply with applicable regulations, if any. However, Buffalo Pumps, Inc. is unaware of any such applicable regulations related specifically to asbestos-containing component parts such as gaskets and packing. By way of further response, after a reasonable investigation, Buffalo Pumps, Inc. is not aware that it or the Buffalo Pumps Division of the Buffalo Forge Company has ever been cited or admonished by any government agency for asbestos related dust levels.

26. Do you have a record or document "retention" policy, plan, or program? If so, please describe such plan. If the plan is different for separate categories of records, describe the plan for each category, including:

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

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

The Buffalo Pumps Division of the Buffalo Forge Company first implemented a written records retention policy in approximately 1980. Prior to that time, records were retained by various personnel or departments within the Buffalo Pumps Division of the Buffalo Forge Company in accordance with the needs of those personnel and departments. Copies of records retention policies will be made available for inspection and copying at a mutually convenient time.

SUPPLEMENTAL RESPONSE:

Buffalo Pumps, Inc. incorporates by reference its original response to this interrogatory. By way of further response, Buffalo Pumps, Inc. responds as follows:

Buffalo Pumps, Inc. will provide plaintiff with a copy of the policy referred to in its original response to this interrogatory at a mutually convenient time and place. Buffalo Pumps, Inc. identifies Mr. Martin Kraft, Production Manager, as a person knowledgeable about Buffalo Pumps' record retention.

SECOND SUPPLEMENTAL RESPONSE:

Buffalo Pumps, Inc. incorporates by reference its original and supplemental responses to this interrogatory. By way of further response, Buffalo Pumps, Inc. responds as follows:

With respect to subparts (a) (c) and (d) of this interrogatory, to the extent any of the requested information is known to Buffalo Pumps, Inc. such information may be obtained from the documents that Buffalo Pumps, Inc. has already agreed to produce, as stated in its supplemental response to this interrogatory.

27. Have you destroyed any documents, records or writings pertaining to:

- (a) health hazards of asbestos;
- (b) workers compensation claims arising out of exposure to asbestos;
- (c) cautions, caveats, warnings, or safety instructions relating to asbestos;
- (d) funding of studies about health hazards of asbestos;
- (e) the decision to install or remove asbestos from any property owned, rented or leased by you;
- (f) lawsuits arising out of injuries alleged to having been caused by asbestos;
- (g) sales of asbestos products;
- (h) contracts to use, install, repair or remove asbestos products;
- (i) medical records of your employees; and
- (j) industrial hygiene reports including testing for asbestos dust on job sites or your premises.

If so, list every such document destroyed by author, date and subject matter, and person most knowledgeable about document.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Buffalo Pumps, Inc. further objects to the use of the phrases "warnings" and "asbestos product" as these phrases are capable of more than one meaning and, therefore, are ambiguous. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

Buffalo Pumps, Inc. is not aware that it has ever destroyed any documents or writings pertaining to the subject matters listed in this Interrogatory.

28. Do you contend that there is any difference in carcinogenicity between chrysotile fiber, amosite fiber, crocidolite fiber, and/or tremolite fiber in the development of (a) mesothelioma; and (b) lung cancer? If so, explain in detail your contention as to the distinction between or among fiber types in the development of each disease and the medical authority you rely on, including but not limited to the date you first became aware of the distinction, who brought the distinction to your attention, and any documents that support your contention.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

Buffalo Pumps, Inc. presently is aware that there exists a body of medical literature, published over the course of many years, which addresses certain medical conditions and the relationship between asbestos inhalation and those conditions. Studies include epidemiological work, animal studies, mortality studies, etc. The viewpoints, opinions and hypotheses contained in this body of literature vary. Buffalo Pumps, Inc. lacks the expertise and knowledge to evaluate the conclusions reached without seeking expert advice addressing each medical condition discussed in this body of literature, the results of the studies contained in the world's literature and conditions relating to dose, fiber type, fiber size, purpose of the fiber and other potential medical factors such as smoking habits.

Buffalo Pumps, Inc. understands that there is a consensus in the medical and scientific literature that inhalation of asbestos over prolonged periods of time may, in some individuals, result in the development of asbestosis, mesothelioma, lung cancer and certain other conditions of the lungs and respiratory system. Buffalo Pumps, Inc. understands that the relationship between asbestos exposure and the development of these conditions is dose-dependent, and may be impacted by the types of asbestos fibers to which the individual is exposed, and the size and other

characteristics of those fibers. In particular, Buffalo Pumps, Inc. understands that a significant body of medical and scientific literature suggests that exposure to chrysotile asbestos rarely, if ever, results in the development of mesothelioma, and that many mesotheliomas cannot be associated with asbestos exposure. Exposure to chrysotile asbestos also may be less likely to result in the development of asbestosis, lung cancer or other lung conditions than exposure to amphibole asbestos.

Buffalo Pumps, Inc. understands that there is a consensus in the medical and scientific literature that some asbestos fibers, once inhaled, may remain in the lung for substantial periods of time following inhalation. In particular, amphibole asbestos fibers, due to their chemical makeup, morphology and durability, may remain in the lungs for decades. Chrysotile asbestos fibers are much less likely to remain in the lungs than amphibole asbestos fibers because they are much more susceptible to the defense and clearance mechanisms in the lungs, and they dissolve in the lungs over time. Buffalo Pumps, Inc. is aware that some scientists have suggested that most chrysotile fibers remain in the lungs for only a matter of weeks or months.

29. Has Defendant or any of its subsidiary or predecessor companies at any time entered into a "rebranding" agreement with any other company, either as buyer or seller, concerning asbestos materials or asbestos products? If so, state, as to each such agreement:

- (a) The name of the company manufacturing the asbestos products;
- (b) The trade name affixed to those products;
- (c) The periods of time covered by each such agreement;
- (d) The volume, in dollar amount, of each transaction;
- (e) The initial purchaser of the products; and
- (f) The name, address and job title of each person having custody of any

writings or contracts on those rebranding agreements.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Buffalo Pumps, Inc. further objects to the use of the phrases "rebranding agreement" and "asbestos materials or asbestos products" as these phrases are capable of more than one meaning and, therefore, are ambiguous. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

Buffalo Pumps, Inc. has not entered into any such agreements. After reasonable investigation, Buffalo Pumps, Inc. is unaware of the Buffalo Pumps Division of the Buffalo Forge Company ever entering into any such agreement.

30. State whether you or any of your predecessors and/or subsidiaries maintain, from 1940 through the present or for any portion thereof, copies of invoices, shipping documents, bills of lading, purchase orders, or other documents of a similar nature relating to products containing asbestos that you mined, manufactured, marketed, sold or distributed. If so, state:

- (a) The location of such documents.
- (b) The name and address of the custodian of the documents.
- (c) The format in which the documents are kept, i.e., hard copy, microfilm, microfiche, etc.
- (d) In what form the documents can be accessed, i.e., by state, by product, etc., and if by product, whether kept according to asbestos or non-asbestos.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Buffalo Pumps, Inc. further objects to the use of the phrases "manufactured," "distributed," and "marketed" as these phrases are capable of more than one meaning and, therefore, are ambiguous. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

Buffalo Pumps, Inc. possesses certain sales records pertaining to the marketing, advertisement, or delivery of pumps manufactured by the Buffalo Pumps Division of the Buffalo Forge Company, which pumps may have contained asbestos. These documents have been stored on microfiche or microfilm, and the hard copy versions are no longer available. Unless Plaintiffs can identify with reasonable particularity the product at issue, Buffalo Pumps, Inc. cannot reasonably search its business records to ascertain whether products were or were not sold in general, to specific customers, or in specific geographical locations. To the extent that Buffalo Pumps, Inc. locates such documents relating to specific sites identified by plaintiffs in a particular case, it will make such documents available for inspection and copying at a mutually convenient time.

SUPPLEMENTAL RESPONSE:

Buffalo Pumps, Inc. incorporates by reference its original response to this interrogatory. By way of further response, Buffalo Pumps, Inc. responds as follows:

To the extent it has located additional responsive documents related to Buffalo Pumps' pumps supplied during the relevant time period for use aboard the specific vessels at issue in this case, Buffalo Pumps, Inc. will produce these documents at a mutually convenient time and place.

SECOND SUPPLEMENTAL RESPONSE:

Buffalo Pumps, Inc. incorporates by reference its original response and supplemental response to this interrogatory. By way of further response, Buffalo Pumps, Inc. responds as follows:

Pursuant to an agreement with plaintiff's counsel, Buffalo Pumps, Inc. will produce responsive documents related to Buffalo Pumps' pumps supplied during the relevant time period for use aboard the USS Enterprise (CVAN 65) and the USS John F. Kennedy (CVA 67) at a mutually convenient time and place. With respect to the pumps on these vessels, to the extent that the

information sought by this interrogatory is known by Buffalo Pumps, Inc. such information can be obtained from the documents to be produced.

31. Was each of your asbestos products generally expected to reach, or packaged to reach, the consumer or user, without substantial change in the condition in which it was sold? If not, with respect to any such product, explain in what way the Defendant claims its products were altered or substantially changed after sale or distribution and before reaching the user.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Buffalo Pumps, Inc. further objects to the use of the phrases "asbestos products" and "substantial change" as these phrases are capable of more than one meaning and, therefore, are ambiguous. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

Buffalo Pumps, Inc. cannot state the expectations of the Buffalo Pumps Division of the Buffalo Forge Company regarding the use or handling of its products. Centrifugal pumps are of necessity connected with other portions of the structure of the building or vessel into which they are incorporated. The extent to which the product is altered as part of such process is dependent upon the particular application, the customer and other variables.

32. Was it a foreseeable use of your asbestos-containing products that they may have been removed, stripped, or replaced at some time after installation?

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Buffalo Pumps, Inc. further objects to the use of the phrase "asbestos containing products" as this phrase is capable of more than one meaning and, therefore, is ambiguous. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

See Responses to Interrogatories 6 and 24.

SUPPLEMENTAL RESPONSE:

Buffalo Pumps, Inc. understands that plaintiff's counsel has rephrased this interrogatory as follows: Was it foreseeable to Buffalo that the asbestos-containing gaskets and/or packing material contained within Buffalo pumps may have had to be removed and replaced at some time after installation?

Buffalo Pumps, Inc. incorporates by reference its original response and supplemental response to this interrogatory. By way of further response, Buffalo Pumps, Inc. responds as follows:

The need, if any, for removal and replacement of gaskets and packing differed for each pump depending on its function and use. Removal and replacement of gaskets and packing material contained within pumps manufactured by Buffalo Pumps, Inc. and the Buffalo Pumps Division of the Buffalo Forge Company was not performed at any specified time or interval.

33. When, if ever, did Defendant or any of its predecessors-in-interest first receive a copy of the article entitled "A Health Survey of Pipe Covering Operations in Constructing Naval Vessels", published in January, 1946 in the Journal of Industrial Hygiene & Toxicology, and authored by W. Fleischer and P. Drinker, et al ("the Fleischer-Drinker Report")?

(a) Identify the name and position of the employee or officer who received same;

(b) Please produce all documents generated by Defendant which discuss or in any way reference the "Fleischer-Drinker" study prior to 1968;

(c) Please produce all documents upon which your responses above are based;

(d) Please identify the names (s) and address (es) of any person (s) who can verify your above response;

(e) Did Defendant ever rely on the Fleischer-Drinker report in whole or in part as a basis that Defendant's asbestos products could be used in the workplace without risk of asbestos-related health impacts to the consumer and/or bystander;

(f) If so, please produce every document which evidences in any way that Defendant relied on the Fleischer-Drinker Report in whole or in part for the proposition stated in Interrogatory No. 33 (e) above;

(g) If your answer to 33 (e) is yes, when was the first date Defendant relied on the Fleischer Report in whole or in part for the proposition stated in 33 (e) above?

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

After reasonable investigation, Buffalo Pumps, Inc. has not located a copy of or any other information suggesting that it or the Buffalo Pumps Division of the Buffalo Forge Company ever received a copy of this publication.

34. When, if ever, did Defendant or any of its predecessors-in-interest first receive a copy of the article entitled "A Study of Asbestos (sic) in the Asbestos Textile Industry", published in 1938 in Public Health Bill (sic), No. 241, U.S. Public Health Service and authored by W.C. Dreessen ("the Dreessen Report")?

- (a) Identify the name and position of the employee or officer who received same;
- (b) Please produce all documents generated by Defendant which discuss or in any way reference the "Dreessen" study prior to 1968;
- (c) Please produce all documents upon which your responses above are based;
- (d) Please identify the name (s) and address (es) of any person (s) who can verify your above response;
- (e) Did Defendant ever rely on the Dreessen Report in whole or in part as a basis that Defendant's asbestos products could be used in the workplace without risk of asbestos-related health impacts to the consumer and/or bystander;
- (f) If so, please produce every document which evidences in any way that Defendant relied on the Dreessen Report in whole or in part for the proposition stated in Interrogatory No. 34 (e) above;
- (g) If your answer to 34 (e) is yes, when was the first date Defendant relied on the Dreessen Report in whole or in part for the proposition stated in 34 (e) above?

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

After reasonable investigation, Buffalo Pumps, Inc. has not located a copy of or any other information suggesting that it or the Buffalo Pumps Division of the Buffalo Forge Company ever received a copy of this publication.

35. Identify which products manufactured, distributed or otherwise placed into the stream of commerce by Defendant which qualified under any military specifications. For each asbestos-containing product manufactured, distributed, or otherwise placed into the stream of commerce by Defendant that qualified under one or more of the military specifications:

- (a) State which military specification it satisfied; and
- (b) State the inclusive dates that the product was listed on the military qualified products list for that particular military specification.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Buffalo Pumps, Inc. further objects to the use of the phrases "asbestos containing product," "distributed," and "manufactured" as these phrases are capable of more than one meaning and, therefore, are ambiguous. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

See Response to Interrogatory 6. By way of further response, all pumps, as well as any and all equipment manufactured for use aboard U.S. Navy vessels, were built according to Navy specifications or performance requirements under close supervision by personnel employed by the Navy and approved or accepted for installation aboard these vessels exclusively by the Navy and its designated officers and/or employees. Buffalo Pumps, Inc. or the Buffalo Pumps Division of the Buffalo Forge Company would not have been at liberty to diverge from the product manufacture specifications supplied by the Navy in any respect. Individuals involved in the design or preparation of manufacturing specifications may be identified in documents to be produced by Buffalo Pumps, Inc. and/or in publicly-available documents or other documents in the possession of third parties.

SUPPLEMENTAL RESPONSE:

Buffalo Pumps, Inc. incorporates by reference its original response to this interrogatory. By way of further response, Buffalo Pumps, Inc. responds as follows:

Information related to the Navy's requirements for any Buffalo Pumps' pumps supplied during the relevant time period for use aboard the specific vessels at issue in this case may be identified in vessel-specific documents to be produced by Buffalo Pumps, Inc. at a mutually convenient time and place and/or in publicly-available documents or other documents in the possession of third parties.

SECOND SUPPLEMENTAL RESPONSE:

Buffalo Pumps, Inc. incorporates by reference its original response and supplemental response to this interrogatory. By way of further response, Buffalo Pumps, Inc. responds as follows:

Pursuant to an agreement with plaintiff's counsel, Buffalo Pumps, Inc. will produce responsive documents related to Buffalo Pumps' pumps supplied during the relevant time period for use aboard the USS Enterprise (CVAN 65) and the USS John F. Kennedy (CVA 67) at a mutually convenient time and place. With respect to the pumps on these vessels, to the extent that the information sought by this interrogatory is known by Buffalo Pumps, Inc. such information can be obtained from the documents to be produced.

36. Was the composition of any of the asbestos-containing products manufactured and/or distributed by Defendant intentionally different with regard to sales by Defendant of said products to the United States Government or any of its agencies as compared to asbestos-containing products sold and/or distributed by Defendant for sale to non-governmental private industrial consumers? If so, state the following:

(a) The type of asbestos-containing product in which the composition of the product was intentionally different with regard to sales by Defendant to the United States Government or any of its agencies as compared to sales to non-governmental private industrial consumers;

(b) The trade name of any such product;

- (c) The time period during which such intentional variation in the composition of said product(s) occurred;
- (d) Describe each such intentional variation;
- (e) Explain why each such intentional variation occurred; and
- (f) Identify the person or persons who are most knowledgeable concerning these intentional variations.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Buffalo Pumps, Inc. further objects to the use of the phrases "asbestos containing product," "non-governmental private industrial consumers," and "distributed" as these phrases are capable of more than one meaning and, therefore, are ambiguous. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

See Responses to Interrogatories 6 and 35.

37. Was there any difference in the packaging of any asbestos-containing product manufactured and/or distributed by Defendant and sold to the United States Government or any of its agencies and sold by Defendant to non-governmental private industrial consumers? If so, state the following:

- (a) Identify the type of asbestos-containing product which was sold and/or distributed by Defendant to the United States Government or any of its agencies in packages that were substantially different from said products sold and/or distributed by Defendant to non-governmental private industrial consumers;
- (b) The trade name of any such product;
- (c) The time period during which such differences in packaging occurred;
- (d) if there was a reason for each such difference in packaging, state what each such reason was for each packaging variation; and
- (e) Identify and describe all variations in the packaging of asbestos-containing product(s) identified above that was sold to the United States Government which distinguished such packaging from the asbestos-containing product that was sold to non-governmental private industrial consumers.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Buffalo Pumps, Inc. further objects to the use of the phrases "asbestos containing product," "substantially different," "non-governmental private industrial consumers," and "distributed" as these phrases

are capable of more than one meaning and, therefore, are ambiguous. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

See Response to Interrogatory 7.

38. When, if at all, did Defendant first learn that the United States Government knew that the use or handling of asbestos-containing products without respiratory protection could foreseeably cause lung diseases such as asbestosis, lung cancer, or mesothelioma?

- (a) How did Defendant first learn that information;
- (b) Identify the person or persons at Defendant who first learned this information;
- (c) Identify any documents which support Defendant's answer to this interrogatory;
- (d) Identify all persons who have knowledge concerning this interrogatory.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Buffalo Pumps, Inc. further objects to the use of the phrases "asbestos containing products" and "lung diseases" as these phrases are capable of more than one meaning and, therefore, are ambiguous. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

After a reasonable investigation, Buffalo Pumps, Inc. is not able to state the precise time, date, or manner in which the Buffalo Pumps Division of the Buffalo Forge Company became aware of information that the United States Government possessed about the handling of asbestos-containing products.

39. With respect to any plants where Defendant produced asbestos-containing products, describe in detail any changes Defendant made in work practices and/or equipment used and/or policies developed during the period of its production of such asbestos-containing products, concerning the safety of its plant employees with respect to their exposure to airborne asbestos dust and fibers (which would relate to safety procedures, ventilation systems, cleaning procedures, safety equipment, etc.). For any such changes, practices, or policies:

- (a) State the nature of each such change, practice, or policy;
- (b) State the approximate date of such change, practice, or policy;
- (c) State the reason the changes were made; and
- (d) Identify any documents in your possession which reflect such change, practice, or policy; and
- (e) Identify the custodian(s) of said documents.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Buffalo Pumps, Inc. further objects to the use of the phrases "produced" and "asbestos containing products" as these phrases are capable of more than one meaning and, therefore, are ambiguous. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

Buffalo Pumps, Inc. has not taken such actions. After a reasonable investigation, Buffalo Pumps, Inc. is not aware that the Buffalo Pumps Division of the Buffalo Forge Company took such actions, nor is Buffalo Pumps, Inc. aware of any circumstances necessitating such actions with regard to any activities undertaken in its facility. In approximately 1993, Buffalo Pumps, Inc. investigated available protective devices and safety precautions to be used by persons working with or exposed to asbestos containing products, and considered guidelines to be used by its employees in the event it had to perform maintenance work on pumps returned to it from field applications. Buffalo Pumps, Inc. did not implement guidelines on this subject, since it decided to send asbestos-containing pumps received from the field to an outside contractor for service rather than performing such services in-house. See also Response to Interrogatory 4.

40. If Defendant has ever given any information to Defendant's employees concerning any potential hazards of exposure to asbestos, state:

- (a) The specific information given;
- (b) The date(s) on which said information was given;
- (c) The manner in which said information was given;
- (d) By whom was said information given (give names and current addresses);
- (e) To whom was said information given (give names and current addresses);
- (f) The name and current address of the custodian of any records concerning

the information given.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

See Response to Interrogatory 39.

41. With regard to any product containing asbestos sold or distributed by Defendant without cautionary language on the package or on the product itself, has Defendant ever recalled the product for the purpose of affixing cautionary language describing the health hazards of exposure of human beings to airborne asbestos dust and fibers and/or how the product could be safely used.

If so, state:

- (a) What product or products were recalled;
- (b) The date or dates the product or products were recalled; and
- (c) The name or names of persons who have knowledge of the recall of asbestos-containing products by Defendant.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Buffalo Pumps, Inc. further objects to the use of the phrase "product containing asbestos sold or distributed" as this phrase is capable of more than one meaning and, therefore, is ambiguous. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

See Responses to Interrogatories 6 and 12. By way of further response, Buffalo Pumps Inc. is not aware that it ever recalled any such products for this purpose. After reasonable investigation, Buffalo Pumps, Inc. is unaware of the Buffalo Pumps Division of the Buffalo Forge Company ever recalling any such products for this purpose.

42. Has Defendant ever sent any advisory letter or memorandum to any of its customers (specifically including without limitation, any of the plaintiffs employers) which attempts to advise them of any health hazard that may be associated with the use of asbestos-containing products and/or any safety precautions or procedures which should have been followed when handling or using asbestos-containing products.

If so,

- (a) Identify the author of each such advisory letter or memorandum;
- (b) State the content of each such advisory letter or memorandum;
- (c) Identify the person(s) to whom each such letter or memorandum was sent;
- (d) State the date on which each such letter was sent; and
- (e) Identify the custodian of all such advisory letters or memoranda.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Buffalo Pumps, Inc. further objects to the use of the phrase "asbestos containing products" as this phrase is capable of more than one meaning and, therefore, is ambiguous. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

See Response to Interrogatory 12. By way of further response, Buffalo Pumps, Inc. is not aware this it sent out any such letter or memorandum. After reasonable investigation Buffalo Pumps,

Inc. is unaware of the Buffalo Pumps Division of the Buffalo Forge Company ever sending out any such letter or memorandum.

43. Does Defendant contend that its representative, i.e., salesmen or other agents or employees verbally communicated any information to any of its customers, or any agency of the United States Government, and/or plaintiffs employers which attempted to advise them of any health hazard that may be associated with the use of asbestos-containing products or which attempted to advise them of any safety precautions or procedures which should be followed when handling or using asbestos-containing products manufactured, sold, supplied, or distributed by Defendant? If so, identify each such customer or employer and for each such customer or employer:

- (a) Identify the Defendant representative who made each such verbal communication;
- (b) State the content of each such verbal communication;
- (c) Identify the person or persons to whom such verbal communication was made;
- (d) State the date on which each such verbal communication was made; and
- (e) Identify the custodian of any document(s) which concerns, confirms, or related to any such verbal communication.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Buffalo Pumps, Inc. further objects to the use of the phrases "manufactured," "supplied," "distributed," and "asbestos containing products" as these phrases are capable of more than one meaning and, therefore, are ambiguous. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

See Response to Interrogatory 12.

SUPPLEMENTAL RESPONSE:

Buffalo Pumps, Inc. incorporates by reference its original response to this interrogatory. By way of further response, Buffalo Pumps, Inc. responds as follows:

Buffalo Pumps, Inc. is not presently aware that it or the Buffalo Pumps Division of the Buffalo Forge Company ever made such verbal communications.

44. Prior to 1972, did Defendant ever advise any purchaser or user of asbestos-containing products that there was any threshold limit value which applied to the dust created from the use of asbestos-containing products and/or that the dust associated with the use of asbestos-containing products should be kept below the threshold limit value of five million particles per cubic foot? If so,

- (a) Identify all persons, government agencies or companies to whom this information was given;
- (b) Identify the method by which this information was communicated;
- (c) State the exact contents of such information;
- (d) State the specific date such information was communicated to each such person;
- (e) Identify any and all documents which contain this information; and
- (f) Identify the custodian(s) of all such documents.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Buffalo Pumps, Inc. further objects to the use of the phrases "threshold limit value" and "asbestos containing products" as these phrases are capable of more than one meaning and, therefore, are ambiguous. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

See Response to Interrogatory 24.

SUPPLEMENTAL RESPONSE:

Buffalo Pumps, Inc. incorporates by reference its original response to this interrogatory. By way of further response, Buffalo Pumps, Inc. responds as follows:

Buffalo Pumps, Inc. is not aware that it ever advised any purchaser of any threshold limit value relating to asbestos. After a reasonable investigation, Buffalo Pumps, Inc. is not aware that the Buffalo Pumps Division of the Buffalo Forge Company ever advised any purchaser of any threshold limit value relating to asbestos.

45. At any time during which Defendant sold or distributed asbestos-containing products, were you ever advised by any of the persons, government agencies or companies to whom you sold asbestos-containing products that such person knew that the use of asbestos-containing products could cause or contribute to cause illness or disease of any kind? If so:

- (a) Identify each such purchaser of asbestos-containing products that advised you of this information;
- (b) Specifically identify the disease entity of which you were advised;
- (c) State the information concerning the potential hazards of the use of asbestos-containing products that was communicated to you by that purchaser;
- (d) Identify the custodian of the documents which contain, refer, or relate to each such communication; and
- (e) Identify the names of the person(s) who received this information at Defendant.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Buffalo Pumps, Inc. further objects to the use of the phrases "distributed" and "asbestos containing products" as these phrases are capable of more than one meaning and, therefore, are ambiguous. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

See Responses to Interrogatories 6, 14, and 24.

SUPPLEMENTAL RESPONSE:

Buffalo Pumps, Inc. incorporates by reference its original response to this interrogatory. By way of further response, Buffalo Pumps, Inc. responds as follows:

To the extent that Buffalo Pumps, Inc. has located documents containing information relating to potential adverse health effects associated with asbestos exposure, Buffalo Pumps, Inc. has produced these documents to plaintiff.

SECOND SUPPLEMENTAL RESPONSE:

Buffalo Pumps, Inc. incorporates by reference its original and supplemental responses to this interrogatory. By way of further response, Buffalo Pumps, Inc. responds as follows:

With respect to subparts (a) through (e) of this interrogatory, to the extent any of the requested information is known to Buffalo Pumps, Inc. and is not contained in the responses to Interrogatories 6, 14 and 24, such information may be obtained from the documents that Buffalo Pumps, Inc. has already produced to plaintiffs in this matter.

46. Has Defendant sold and/or supplied any asbestos-containing products to persons in the State of Virginia between 1940 and 1986? If your answer to this interrogatory is affirmative, state:

- (a) Whether said products were manufactured and/or distributed by Defendant directly or through a distributor, intermediary, agent, subsidiary, or other company;
- (b) The name of the business entity, if any, to which products containing asbestos were sold for distribution to persons in the State of Virginia;
- (c) The dates that said products were sold and/or distributed to persons in the State of Virginia;
- (d) The trade name of said product(s) sold and/or distributed to persons in the State of Virginia;
- (e) The quantity of said product(s) distributed;
- (f) The names and current addresses of any individuals employed by you or formerly employed by you who have knowledge of the sale(s);
- (g) Whether there are records in existence reflecting the sale or distribution of said products to persons in the State of Virginia; and
- (h) Who currently has possession of such records.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Buffalo Pumps, Inc. further objects to the use of the phrases "supplied" and "asbestos containing products" as these phrases are capable of more than one meaning and, therefore, are ambiguous. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

See Responses to Interrogatories 6 and 30.

SUPPLEMENTAL RESPONSE:

Buffalo Pumps, Inc. incorporates by reference its original response to this interrogatory. By way of further response, Buffalo Pumps, Inc. responds as follows:

To the extent it has located responsive documents related to pumps aboard the specific ships at issue in this case during the relevant time period, Buffalo Pumps, Inc. will make them available at a mutually convenient time and place.

SECOND SUPPLEMENTAL RESPONSE:

Buffalo Pumps, Inc. incorporates by reference its original response and supplemental response to this interrogatory. By way of further response, Buffalo Pumps, Inc. responds as follows:

Pursuant to an agreement with plaintiff's counsel, Buffalo Pumps, Inc. will produce responsive documents related to Buffalo Pumps' pumps supplied during the relevant time period for use aboard the USS Enterprise (CVAN 65) and the USS John F. Kennedy (CVA 67) at a mutually convenient time and place. With respect to the pumps on these vessels, to the extent that the information sought by this interrogatory is known by Buffalo Pumps, Inc. such information can be obtained from the documents to be produced.

47. Prior to 1986, was any information ever given to you by any business entity, or the employees of any business entity, including any other manufacturer, producer, or supplier of asbestos or asbestos-containing products regarding the potential health hazards of exposure to asbestos and/or how to safely use asbestos-containing products distributed by you? If so:

- (a) summarize the advice given;
- (b) state the name(s) and address(es) of all persons employed or formerly employed by you who have knowledge of said advice;
- (c) state the name(s) and address(es) of all persons employed or formerly employed by the business entities who have knowledge of said advice; and
- (d) state the date(s) said advice was first given.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Buffalo Pumps, Inc. further objects to the use of the phrases "distributed" and "asbestos containing products" as these phrases are capable of more than one meaning and, therefore, are ambiguous. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

See Response to Interrogatory 14.

SUPPLEMENTAL RESPONSE:

Buffalo Pumps, Inc. incorporates by reference its original response to this interrogatory. By way of further response, Buffalo Pumps, Inc. responds as follows:

To the extent that Buffalo Pumps, Inc. has located documents containing information relating to potential adverse health effects associated with asbestos exposure, Buffalo Pumps, Inc. has produced these documents to plaintiff.

SECOND SUPPLEMENTAL RESPONSE:

Buffalo Pumps, Inc. incorporates by reference its original and supplemental responses to this interrogatory. By way of further response, Buffalo Pumps, Inc. responds as follows:

With respect to subparts (a) through (d) of this interrogatory, to the extent any of the requested information is known to Buffalo Pumps, Inc. and is not contained in the responses to Interrogatory 14, such information may be obtained from the documents that Buffalo Pumps, Inc. has already produced to plaintiffs in this matter.

48. For the time period 1998 to the present, identify each of your current or former employees who have provided deposition testimony and/or trial testimony in any lawsuit in any state or federal court or any workers' compensation proceeding involving personal injury or wrongful death allegedly caused by exposure to asbestos products that were manufactured, sold, processed or distributed by you, and for each such witness, state:

- (a) the name of such witness;
- (b) the date on which such witness testified;
- (c) the case name, jurisdiction, and civil action number where such testimony was given;
- (d) the subject matter of such testimony;
- (e) any and all exhibits that were referenced in such testimony.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither

relevant nor reasonably calculated to lead to discovery of admissible evidence. Buffalo Pumps, Inc. further objects to the use of the phrases "asbestos products," "manufactured," "processed," and "distributed" as these phrases are capable of more than one meaning and, therefore, are ambiguous. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

Mr. Terrence Kenny testified in a deposition taken in July 2002 in a litigation captioned *Susan MacDonald, et ux. v. Bondex Int'l*, Superior Court of the State of California for the County of Los Angeles. Furthermore, Mr. Martin Kraft testified in a deposition taken in January 2004 in a litigation captioned *Petersen v. Ashland*, District of Brazoria County, Texas. By way of further response, Buffalo Pumps, Inc. will make available for production at a mutually convenient time non-privileged documents responsive to this Interrogatory.

SUPPLEMENTAL RESPONSE:

Buffalo Pumps, Inc. incorporates by reference its original response to this interrogatory. By way of further response, Buffalo Pumps, Inc. responds as follows:

Buffalo Pumps, Inc. will provide copies of these deposition transcripts with exhibits at a mutually convenient time and place.

49. For the time period 1998 to the present, identify each person who has testified as an expert for you at trial or provided a deposition to Plaintiffs' Counsel in response to having been designated as an expert by you in any lawsuit in any state or federal court or any workers' compensation proceeding involving personal injury or wrongful death allegedly caused by exposure to asbestos products that were manufactured, sold, processed or distributed by you, and for each such expert, state:

- (a) the name of such witness;
- (b) the date on which such witness testified;
- (c) the case name, jurisdiction, and civil action number where such testimony was given;
- (d) the subject matter of such testimony;
- (e) any and all exhibits that were referenced in such testimony.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Buffalo Pumps, Inc. further objects to the use of the phrases "asbestos products," "manufactured," "processed or distributed" as these phrases are capable of more than one meaning and, therefore, are ambiguous. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

Disclosure of the work of the aforementioned experts shall be provided in accordance with the Virginia Civil Practice Act and the Court's applicable case management orders.

50. Produce all documents which relate, directly or indirectly, to your answers to any and all interrogatories above, including all subparts of each such interrogatory.

RESPONSE:

Buffalo Pumps, Inc. incorporates by reference herein the foregoing Preliminary Statement and General Objections. Buffalo Pumps, Inc. further objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, and seeks information that is neither relevant nor reasonably calculated to lead to discovery of admissible evidence. Without waiver of and subject to its objections, Buffalo Pumps, Inc. responds as follows:

See all Responses to Plaintiff's Interrogatories above. Subject to and consistent with those responses, to the extent it has located responsive documents, Buffalo Pumps, Inc. will make them available for inspection and copying at a mutually convenient time.

SUPPLEMENTAL RESPONSE:

Buffalo Pumps, Inc. incorporates by reference its original response to this interrogatory. By way of further response, Buffalo Pumps, Inc. responds as follows:

Buffalo Pumps, Inc. has produced a set of documents responsive to this request. To the extent it has located additional responsive documents related to Buffalo Pumps' pumps supplied during the relevant time period for use aboard the specific vessels at issue in this case, Buffalo Pumps, Inc. will produce these documents at a mutually convenient time and place.

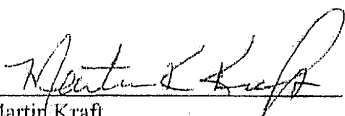
SECOND SUPPLEMENTAL RESPONSE:

Buffalo Pumps, Inc. incorporates by reference its original response and supplemental response to this interrogatory. By way of further response, Buffalo Pumps, Inc. responds as follows:

Pursuant to an agreement with plaintiff's counsel, Buffalo Pumps, Inc. will produce responsive documents related to Buffalo Pumps' pumps supplied during the relevant time period for use aboard the USS Enterprise (CVAN 65) and the USS John F. Kennedy (CVA 67) at a mutually convenient time and place. With respect to the pumps on these vessels, to the extent that the information sought by this interrogatory is known by Buffalo Pumps, Inc. such information can be obtained from the documents to be produced.

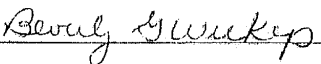
VERIFICATION

I, Martin Kraft, being duly sworn, state that I am the Production Manager at Buffalo Pumps, Inc. and am authorized to make this verification for and on behalf of Buffalo Pumps, Inc. I have read Defendant Buffalo Pumps, Inc.'s Supplemental Responses to Interrogatories and am familiar with the contents thereof. The answers of Buffalo Pumps, Inc. are true to the best of my knowledge, information, and belief, as I am informed by limited records and information available with respect to the subject matters at issue.


Martin Kraft

Subscribed and sworn to me

This 13 day of July, 2005



Notary Public, State of New York
Qualified in Niagara County
My Commission Expires: 5/9/09

HICKS SUPPLEMENTAL