

IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO



ROGER DALE BLAKE, ET AL.,

Plaintiffs,

vs.

A-BEST PRODUCTS COMPANY ET AL.,

Defendants.

CASE NO. CV96 01 0191

DEFENDANT COMBUSTION ENGINEERING, INC.'S REVISED
RESPONSES TO PLAINTIFFS' MASTER SET OF INTERROGATORIES

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

Defendant Combustion Engineering, Inc.'s responses to these Interrogatories each incorporate this Preliminary Statement and these General Objections.

Combustion Engineering, Inc. began manufacturing asbestos-containing insulation products on June 5, 1963 and discontinued the manufacture of all such products on August 30, 1972. As a result, its responses to these Interrogatories respond within that time frame. To the extent that these Interrogatories call for information outside of that time frame, this Defendant objects on the grounds that they are overly broad, unduly burdensome, seek information neither relevant nor material to the subject matter of this case, and are not reasonably calculated to lead to the discovery of admissible evidence.

Combustion Engineering, Inc. makes the following additional General Objections to each of these Interrogatories:

1. This Defendant objects to these Interrogatories to the extent that they purport to require it to "identify" documents on the grounds that such requests to "identify" are overly broad, unduly burdensome and oppressive.

2. This Defendant objects to these Interrogatories to the extent that information subject to the attorney/client privilege and/or which constitutes privileged attorney work product is sought.

3. This Defendant objects to the definitions provided with these Interrogatories as being overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. This Defendant asserts that all terms should be given their usual and ordinary interpretation.

4. This Defendant objects to those Interrogatories that request information regarding the ultimate sales or distribution of products manufactured by this Defendant, which may not lead to the discovery of admissible evidence regarding product shipments that may have been utilized at job sites where Plaintiffs are claiming exposure, because information sought regarding other sales or distribution of Combustion Engineering, Inc.'s products is irrelevant and immaterial and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORIES

1. For each Interrogatory below, please state the name and last known address of each person answering it, including whether he/she is employed by Defendant and if employed by Defendant include job title, length of time employed by Defendant and a year by year list of all other positions, titles, or jobs held when working for Defendant.

ANSWER: In preparing these responses, reference has been made to responses prepared in the course of litigation pending over many years. These responses were based on conversations and document reviews occurring throughout this period. It is impossible to relate the preparation of any particular response to any particular person. This Defendant states that these interrogatories are being verified on behalf of this Defendant by M. John Hornik of Combustion Engineering, Inc. based on information and belief. Mr. Hornik was employed by Combustion Engineering, Inc. from 1941 to 1985 in the contract administration area.

2. Please state whether or not Defendant is a corporation. If so, please state:

- (a) Your correct corporate name;
- (b) The state of your incorporation;
- (c) The address of your principal place of business;
- (d) Your registered agent for service in the state of Ohio.

ANSWER: Yes, this Defendant is a corporation

- (a) Combustion Engineering, Inc.;
- (b) Delaware;
- (c) Windsor, CT;
- (d) CT Corporation, 17 S. High Street, Columbus, OH 43215.

3. Please describe Defendant's corporate history including any:

- (a) Mergers;
- (b) Consolidations;
- (c) Asset purchases;
- (d) Acquisitions; or

(e) Spinoffs.

ANSWER: This Defendant objects to this interrogatory on the grounds that it is vague and seeks information which is neither relevant to the subject matter of this case nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, this Defendant states that it was incorporated in Delaware on October 25, 1912, as the Locomotive Superheater Company. On March 1, 1921, the name was changed to the Superheater Company and subsequently changed on December 31, 1948, to Combustion Engineering Superheater, Inc., and finally changed on April 15, 1953, to Combustion Engineering, Inc. Also, see response to Interrogatory No. 4.

4. Please state whether or not the Defendant has purchased, assumed, or in any other manner acquired any of the assets and/or liabilities of any corporation or entity (such corporations or entities being limited to those engaged in the mining, selling, manufacturing, marketing or distribution of asbestos-containing products.) If so, please state the following:

(a) The name of each such corporation or entity;

(b) Date of acquisition;

(c) The nature of the company as it relates to asbestos.

ANSWER: This Defendant objects to this interrogatory on the grounds that it is vague and seeks information which is neither relevant to the subject matter of this case nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, this Defendant states as follows:

On June 5, 1963, Combustion Engineering, Inc. acquired substantially all of the assets of the company previously known as Refractory & Insulation Corporation, (a New Jersey corporation). This involved the acquisition of a refractories and insulation manufacturing plant in Port Kennedy, Pennsylvania. The consideration for the purchase was cash in the amount of \$1,932,500. Combustion Engineering expressly assumed certain enumerated liabilities, which did not include the assumption of any tort liability. There were no common directors of the two companies and no common management prior to the acquisition.

On April 3, 1964, Combustion Engineering, Inc., purchased the Insulation Division assets of the M.H. Detrick Company (a Delaware corporation). Again, this acquisition was for cash, i.e., land, building, machinery and equipment - \$275,000; existing inventories and pending sale orders - \$61,503.32. No tort liability of Detrick was assumed in this transaction. The facilities acquired were in Aurora, Illinois. As in the previous asset acquisition, there were no common directors of the two companies. There was no common management prior to the acquisition and the M.H. Detrick Company continued to exist after the acquisition and still exists today.

On March 27, 1969, Combustion Engineering, acquired Walsh Refractories Corporation (a Missouri corporation). This acquisition was by way of statutory merger and thus Combustion Engineering assumed whatever liabilities Walsh may have had. Walsh Refractories was in St. Louis, Missouri. Its principal business was the manufacture and sale of refractories, although it did manufacture three or four products containing asbestos, which products were of specialized nature, usually made to order for a limited number of customers.

5. Has Defendant ever engaged in the mining, manufacturing, selling, marketing, installation or distribution of asbestos-containing products? If so, please state the following:

(a) The name of the company engaged in the activity (whether it is Defendant, Defendant's predecessor, or Defendant's subsidiary);

(b) As to each product mined, manufactured, sold, marketed, installed or distributed, please state the following:

1. The trade or brand name.
2. Its identification number (model, serial number, etc.).
3. The time period it was manufactured, mined, marketed, distributed or sold.
4. Its physical description including color, general composition, and form.

5. A detailed description of its intended use and purpose.
 6. A detailed description of the type package in which it was sold, listing the dates of each type of package used, a physical description of the package, and a description of any printed material or trademarks that appeared thereon.
 7. The percent of asbestos which it contained.
 8. The percent of asbestos by asbestos type (amosite, crocidolite, tremolite, anthophyllite).
- (c) The time period during which each of these products were on the market;
 - (d) A description of the physical composition of each product;
 - (e) How each of these asbestos-containing product can be distinguished from those of competitors;
 - (f) A description of the physical appearance of such product;
 - (g) A detailed description of the intended uses.

ANSWER: This Defendant objects to this interrogatory on the grounds that it is vague and seeks information which is neither relevant to the subject matter of this case nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, this Defendant states, see Preliminary Statement. Furthermore, and without waiving this objection, this Defendant states this Defendant never mined asbestos.

- (a) This Defendant states that its asbestos-containing insulation products were manufactured, distributed and sold by a subsidiary, Refractory and Insulation Corporation, a Delaware Corporation, from June, 1963 until 1967, when the name of the subsidiary was changed to R&I Ramtite Corporation. On December 31, 1967, R&I Ramtite merged into Combustion Engineering, Inc., and the asbestos-containing insulation products were thereafter manufactured, distributed and sold by the C.E. Refractories division of Combustion Engineering, Inc.
- (b) (1) See Exhibit A attached hereto;

- (2) Not applicable;
- (3) See Exhibit A attached hereto;
- (4) See Exhibit A attached hereto;
- (5) Actual use of this Defendant's asbestos-containing insulation products varied according to industry practice. The products were generally intended to be used for thermal insulation. Also, see Exhibit A attached hereto;
- (6) See Exhibits A, B and C attached hereto ;
- (7) See Exhibit A attached hereto;
- (8) See Exhibit A attached hereto;
- (c)(d) See Exhibit A attached hereto;
- (e) This Defendant objects to this subsection on the grounds that it is vague, overly broad, unduly burdensome and seeks information which is neither relevant to the subject matter of this case nor reasonably calculated to lead to the discovery of admissible evidence. Furthermore, this interrogatory requires this Defendant to be familiar with all products made by other manufacturers, which it is not;
- (f) For the most part, this Defendant's asbestos-containing insulation products were white or off-white in color. Also, see Exhibit A attached hereto;
- (g) See response to Interrogatory No. 5(b).

6. Does Defendant or any of its subsidiary companies claim that any patent would cover any product listed in answer to Interrogatory No. 5? If so, please state the following:

- (a) The date of each patent;

(b) The date same was issued;

(c) The number of each patent application that is pending.

ANSWER: This Defendant had no patents with respect to asbestos-containing products.

7. Have any of the products listed above in answer to Interrogatory No. 5 been altered in chemical composition since first being marketed? If so, please state the following:

(a) The trade name of each such product;

(b) The date each such product was altered;

(c) The nature of the alteration;

(d) The reason for the alteration.

ANSWER: This Defendant objects to this interrogatory on the grounds that it is vague and seeks information which is neither relevant to the subject matter of this case nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, this Defendant states that the only substantive alteration was the deletion of asbestos from all of this Defendant's asbestos-containing insulation products.

8. Have any of the asbestos-containing products listed in response to Interrogatory No. 5 ever been marketed, distributed, packaged, labeled, and/or sold by any other company or business? If so, please state the following:

(a) The name and address of each such company.

(b) The names and address of Defendant's distributors in Ohio and Illinois since 1940.

- (c) The date of each sale.
- (d) The name of the person at each location with whom you primarily dealt.
- (e) A list of all asbestos-containing products that you sold to each location from 1945 to 1980.
- (f) The amount of each asbestos product sold to each location during this period.
- (g) Please identify all documents relating to this distributor for the particular location.

ANSWER: This Defendant objects to this interrogatory on the grounds that it is vague and seeks information which is neither relevant to the subject matter of this case nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, this Defendant states that it sold Griptex Block, Super 711 Insulating Cement and Utility Thermal Finish Cement from 1963 through 1972 to Kaiser Refractories for resale under Kaiser's name. Furthermore, and without waiving this objection, this Defendant states its distributors in Ohio were Clark Asbestos, 1964-72 and Miller Refractories, 1968-72, Foseco 1970-1972, A.J. Phipps and RD. Kramig & Co. , Ohio Asbestos & Insulation (minimal sales) and S. Obermeyer.

8.1 Does Defendant have reason to believe that the asbestos-containing products listed in response to Interrogatory No. 5 were used at the ARMCO/A.K. Steel Middletown Plant and/or the ARMCO/A.K. Steel Hamilton Plant. If your answer is "yes", please state the basis of your answer.

ANSWER: This Defendant's sales records indicate the following sales to Armco Steel, Middleton, Plant:

1968	40	50 lb. bags Super Stic-tite	\$	226.00
1970		Griptex	\$	93.02
1970		Griptex	\$	2,212.71

1970

Super 711

\$ 116.88

8.2 For each company or business that Defendant knows may have marketed, distributed, installed, and/or sold, those products listed in response to Interrogatory No. 5 ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant, please state the following:

- (a) The name and address of each such company;
- (b) The date of each sale from Defendant to such other company;
- (c) The name of the person at each other company with whom Defendant primarily dealt.
- (d) Names and quantities of the asbestos-containing products that you marketed, distributed, installed, and/or sold to each such company from 1950 to 1974.
- (e) Please identify all documents relating to the sales to each such company.

ANSWER: The 1968 sale was purchased directly from Combustion Engineering, Inc. The 1970 purchase of Griptex was sold to Loftus Engineering, c/o Kaiser Refractories and was shipped by M.H. Detrick. The 1970 invoice for Griptex and Super 711 indicates the products were sold to M. H. Detrick and then shipped to ARMCO.

8.3 If you do not know any business that may have marketed, distributed, installed, and/or sold the products listed in response to Interrogatory No. 5 to ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant, please state the names and last known addresses of those companies who Defendant knows marketed, distributed, and/or sold their asbestos-containing products in Ohio from 1950 to 1974. For each of those companies, please state the following:

- (a) Name and address of each such company;
- (b) The dates of each sale from Defendant to such other company;
- (c) The name of the person at each other company with whom Defendant primarily dealt;
- (d) The names of the asbestos-containing products that Defendant marketed, distributed, and/or sold to each such company from 1950 to 1974.

ANSWER: This Defendant objects to this interrogatory on the grounds that it is vague and seeks information which is neither relevant to the subject matter of this case nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection see response to Interrogatory No. 8. Also, M.H. Detrick bought products from this Defendant and had then shipped to ARMCO Steel in Middletown. See response to Interrogatory No. 8.2.

8.4 Does Defendant have records and/or any knowledge that reflects sales of their asbestos-containing products to ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant? If so, please state:

- (a) The names and last known addresses of those people with such knowledge.
- (b) The location of such records.

ANSWER: This Defendant no longer has the invoice for 1968 sale of Super Stic-tite. See attached invoices for Griptex and Super 711.

- (a) Frank Christenson, Valley Forge, Pennsylvania
- (b) Invoices are located at this Defendant's national counsel, Arter & Hadden in Columbus, Ohio

9. Did Defendant or any of Defendant's distributors, as listed in response to Interrogatory Nos. 8.1, 8.2, and/or 8.3 have sales representatives who specifically called on ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant, from 1945 to 1975? If your response is yes, as to each facility, please state the following:

- (a) The name and last known address of each such representative and whether they are still employed by Defendant;
- (b) The period of time they acted as your representative;
- (c) Their general responsibility as to each facility; and
- (d) Whether that person is still alive.

ANSWER: This Defendant states that its salesmen in Ohio assigned to the Middleton, Ohio area were Frank Pavlick, 1967-70 and Fred Bees 1963-66; 1971-72. These individual are no longer employed by the Defendant.

10. Did Defendant ever have any division or subsidiary engaged in the contract business of applying asbestos-containing products? If so, please state:

- (a) The name of each subdivision;
- (b) The full address of the home office and the date such subdivision or subsidiary was engaged in this contracting business; and
- (c) Whether said division or subsidiary conducted such business at ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant, from 1954 to 1975?

If so, please state:

- (1) The dates of such contracts;

(2) The specific asbestos-containing products that were used in each contract.

ANSWER: This Defendant did not have such a contract division or subsidiary.

11. Did Defendant ever have any division or subsidiary engaged in the contract business of applying asbestos-containing refractory? If so, please give the name of each subdivision, the full address of the home office and the date such subdivision or subsidiary was engaged in this contracting business.

ANSWER: Although this Defendant had a department which applied non-asbestos containing refractories, it did not have a contract unit which applied asbestos-containing products.

12. Please identify by location and product produced, each plant in which products listed in your answer to Interrogatory No. 5 have been manufactured and/or assembled and the dates said plants have been in operation.

ANSWER: This Defendant's asbestos-containing insulation products were manufactured at the following plant locations: Port Kennedy, Pennsylvania - June 5, 1963 through June 30, 1972; Aurora, Illinois - April, 1964 through June 30, 1973; St. Louis, Missouri - March 27, 1969 through June 30, 1972.

13. Has Defendant, at any time, entered into a "rebranding" agreement with any other company, either as a buyer or a seller, concerning any asbestos-containing products and/or materials? If so, please state:

(a) The name of the company manufacturing the asbestos products under such agreement;

(b) The trade name affixed to such products;

(c) The periods of time covered by each such agreement;

(d) The volume (in dollars amounts) of each such transaction;

(e) The purchaser of such products;

(f) Does Defendant currently have in its possession any of the writings or contracts concerning such rebranding agreement?

ANSWER: This Defendant objects to this interrogatory on the grounds that it is vague and seeks information which is neither relevant to the subject matter of this case nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, this Defendant states that it purchased two products called Thermalkote and Trowel Mastic from the Flintkote Company and relabeled and sold Thermalkote as Weatherkote and Thermal Coat and Trowel Mastic as Air Check; see Exhibit A. This Defendant purchased a fibers in emulsion product from the Anderson Prichard Company and relabeled it and sold it as Permiseal. This Defendant purchased a fibers in emulsion product from the Gibson Homans Company and relabeled it and sold it as Duriseal. There are no existing documents reflecting these transactions.

14. What is the name, address and job title of each individual who participated in the design and preparation of manufacturing specifications for each such product listed above in answer to Interrogatory No. 5?

ANSWER: This Defendant objects to this interrogatory on the grounds that it is vague and seeks information which is neither relevant to the subject matter of this case nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, this Defendant states that to the best of its knowledge, the following persons may have been involved with the design and preparation of the manufacturing specifications: Horace N. Clark (now deceased); Louis Jacobs, Vice President of Research and

Development (now deceased); Robert Nelson, President, C-E Minerals, Valley Forge, Pennsylvania (deceased); Irving Gower, Manager, Research and Development, Port Kennedy, Pennsylvania (now retired); Thomas Brown, Research and Development, Port Kennedy, Pennsylvania (no longer with company). The following individuals were involved with quality control: George Woods.(no longer with company) and Al Momme (retired).

15. As to each product listed in response to Interrogatory No. 5, please describe how each product was to be cut, shaped, scribed, mixed and applied on the job. (In answering this question, give particular reference as to whether or not the materials were to be sawed or cut on the job, blown into confined areas, mixed with water in a cement or paste.)

ANSWER: See response to Interrogatory No. 5(b).

16. Based upon the material contents of the asbestos containing products, the method of manufacturing, and the method of application, please state which products listed in Interrogatory No. 5 could be applied by a worker without creating dust.

ANSWER: This Defendant objects to this interrogatory on the grounds that it seeks information which is neither relevant to the subject matter of this case nor reasonably calculated to lead to the discovery of admissible evidence and improperly assumes that this Defendant's asbestos-containing insulation products emitted dust.

17. Do any documents, including but not limited to, written memoranda, specifications, recommendations, blueprints or other written materials of any kind or

character now exist relating to the design and preparation of the products listed in answer to Interrogatory No. 5? If so, please:

- (a) List each such written material or document;
- (b) Identify the person or persons presently in possession of each such document;
- (c) State where each such document is located.

ANSWER: This Defendant objects to this interrogatory on the grounds that it is vague and seeks information which is neither relevant to the subject matter of this case nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, this Defendant states that to the best of its knowledge, it has no such documents other than a limited number of quality control records in the custody of this Defendant's national coordinating counsel, Arter & Hadden in Columbus, Ohio.

18. Prior to releasing the products listed in Interrogatory No. 5 for sale and usage, were any tests (either animal or human) conducted on said products to determine potential health hazards involved in the use of, or exposure to, the materials and/or products? If so, please state:

- (a) The name of the products tested and the date of each test.
- (b) The name, address, and job classification of each individual who conducted such tests;
- (c) The results of such tests.

ANSWER: This Defendant objects to this interrogatory on the grounds that it is vague and seeks information which is neither relevant to the subject matter of this case nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, this Defendants states no.

19. Does Defendant have or control any documents, including but not limited to, written memoranda, specifications, recommendations, blueprints or other written materials of any kind or character relating to the testing of the products listed in Interrogatory No. 5 hereinabove?

- (a) Identify each such written material or document;
- (b) Identify each person who presently has possession of each such document;
- (c) State where each such document is located.

ANSWER: See response to Interrogatory No. 17.

20. Were any design changes or modifications made as a result of such tests listed in answer to Interrogatory No. 18 hereinabove? If so, please state:

- (a) The trade name of the product changed or modified;
- (b) The nature of the change made and the date of such changes or modifications;
- (c) The name, address, and job classification of each person in charge of making a change.

ANSWER: Not applicable. See response to Interrogatory No. 18.

21. After releasing for sale, distribution or marketing the products listed in answer to Interrogatory No. 5, did Defendant conduct any tests (either on animals or humans) to determine potential health hazards involved in the use of said materials and/or products?

- (a) The names of the products tested and the dates of said tests;
- (b) The name, address, and job classification of each person and/or agency conducting said tests;
- (c) The results of said tests;
- (d) Whether, as a result of any tests conducted, any products were removed from the market;
- (e) The names of all products removed from the market as a result of said tests.

ANSWER: This Defendant objects to this interrogatory on the grounds that it is vague and seeks information which is neither relevant to the subject matter of this case nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, this Defendant states no.

22. Has Defendant ever conducted or caused to be conducted any studies concerning the effects of the inhalation of asbestos dust and/or fibers on workers or other persons applying, using and/or working around any of the asbestos products manufactured, sold, distributed and/or relabeled for distribution by you or your predecessor? If so, please state:

- (a) The dates and nature of such studies;
- (b) The names and addresses of persons conducting such studies;
- (c) The purpose of such studies;
- (d) Identify and list those persons to whom such reports were given and the date of such dissemination:

(e) State any publication or other written dissemination of the results of such studies;

(f) State the nature of any action to eliminate or minimize the inhalation of asbestos dust fibers: and

(g) Attach a copy of reports based upon such studies.

ANSWER: This Defendant objects to this interrogatory on the grounds that it is vague and seeks information which is neither relevant to the subject matter of this case nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, this Defendant states no.

23. Before placing in the market the asbestos-containing products that Defendant, mined, manufactured, sold, marketed, installed or distributed on the market, did Defendant make or cause to be made, any studies to determine whether their asbestos-containing products would be hazardous to people? If so, please state:

- (a) The date of said studies;
- (b) What studies were done; and
- (c) The titles of each study.

ANSWER: This Defendant objects to this interrogatory on the grounds that it is vague and seeks information which is neither relevant to the subject matter of this case nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, this Defendant states no.

24. Please state whether or not Defendant ever conducted or caused to be conducted any tests in the field (where asbestos-containing products were applied, removed or utilized) to determine the nature and extent of asbestos dust and/or fiber exposure to insulators, applicators, fellow employees, or other workers removing and/or

tearing out asbestos-containing products, and/or other workers in the vicinity thereof? If so, please identify:

- (a) The date, place and nature of each and every test;
- (b) The particular asbestos-containing products to which each test applied;
- (c) The results of each test with particular reference to the number of asbestos fibers per cubic centimeter of air found at each site; and
- (d) The persons to whom the results said tests were given and the date of such dissemination.

ANSWER: This Defendant objects to this interrogatory on the grounds that it is vague and seeks information which is neither relevant to the subject matter of this case nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, this Defendant states no.

25. Please state whether or not Defendant ever obtained any knowledge concerning the likelihood of asbestos being hazardous to human health. If so, please state:

- (a) When Defendant first became aware of the hazardous potential of asbestos dust and asbestos fibers;
- (b) The manner in which the Defendant, Defendant's predecessor, or Defendant's subsidiary companies first obtained this knowledge and became aware of said hazard and from what source this information was obtained;
- (c) What information was disseminated within Defendant's company, or its subsidiary or predecessor regarding such adverse consequences or effects;
- (d) Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form.

(e) The name, address and job classification of the custodian of such information.

ANSWER: (a)(b) This Defendant objects to this interrogatory on the grounds that it is vague and seeks information which is neither relevant to the subject matter of this case nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, this Defendant states that it has no records or other information regarding how it first became aware of certain alleged potential health hazards associated with the use and/or fabrication of asbestos-containing products. Nonetheless, this Defendant had become aware of certain alleged potential health hazards associated with the use and/or fabrication of asbestos-containing products by 1969 when it began to use warnings.

(c)-(e) Beginning in 1969, all production workers in Defendant's plants who worked with asbestos were required to wear respirators. This Defendant has no records from which it can determine specifically how employees were informed of the requirement. Also see Exhibit D which is a Combustion Engineering, Inc. Industrial Hygiene Bulletin dated March, 1972. Beginning in 1969, exact date unknown, this Defendant began printing, stamping or stenciling warnings on all of the packages of its asbestos-containing insulation products. See Exhibit B.

26. Please state when Defendant first became aware of the possible association between inhalation of asbestos dust and/or fibers and the contraction of asbestosis and cancers including, but not limited to gastrointestinal cancer, laryngeal cancer, renal cancer, lymphoma, lung cancer and mesothelioma. As to each disease or condition, please state the source of that information, including a description of all tests conducted relative to the possibility of such a relationship.

ANSWER: This Defendant objects to this interrogatory on the grounds that it is vague and seeks information which is neither relevant to the subject matter of this case nor reasonably calculated to lead to the discovery of admissible evidence. This Defendant further objects to this interrogatory on the grounds that it improperly calls for a medical or scientific opinion which this

Defendant is not qualified to give. Without waiving this objection, see response to Interrogatory No. 25.

27. Please identify all physicians, industrial hygienists, and other employees (including their names and addresses) who were employed, retained or otherwise engaged by Defendant for research, investigation or study concerning asbestos or asbestos-related diseases.

ANSWER: This Defendant objects to this Interrogatory on the grounds that it seeks information which is neither relevant to the subject matter of this case nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, this Defendant states that during the time that it manufactured, distributed and sold asbestos-containing insulation products, industrial hygienists were hired primarily to comply with regulations of the Atomic Energy Commission. Robert Hancock was responsible for industrial hygiene during the time frame in which this Defendant manufactured asbestos-containing insulation products. In addition, the following individuals were responsible for various aspects of health and safety and may have been involved regarding the potential medical, toxicological or industrial hygiene aspects of asbestos or asbestos containing products. Paul Osimo, industrial hygienist; Reynold Hoover, Manager of Health and Safety; Carl L. Green, Environmental Control Engineer. The only physicians employed by this Defendant were employed to conduct routine physical examinations and to handle emergencies. This Defendant is unaware of the identity of these physicians nor is it in the possession of their records.

28. As to each person who acted in a medical advisory capacity (as it relates in any way to asbestos) to Defendant, please list their name, the date individual acted in this capacity, and that person's current address and job title.

ANSWER: This Defendant objects to this interrogatory on the grounds that it is vague and seeks information which is neither relevant to the subject matter of this case nor reasonably calculated to lead to the discovery of admissible evidence. During the time that this Defendant engaged in the manufacture,

distribution and sale of asbestos-containing insulation products, it did not have a "medical director."

29. Please state if any medical officer or industrial hygienist or medical consultant ever made at any time any recommendations and/or suggestions to Defendant pertaining to the risks or hazards to persons involved in the manufacture or use of asbestos products and, if so, please state when, by whom or to whom such recommendations and/or suggestions were made and the substance of each recommendation.

ANSWER: See responses to Interrogatory Nos. 27 and 28. Also see Exhibit D.

30. Please state the scientific and/or medical periodicals to which Defendant, its medical department, research department, industrial hygiene divisions, engineering department or consulting physicians subscribed between 1945 and 1975.

ANSWER: This Defendant objects to this interrogatory on the grounds that it seeks information that is neither relevant to the subject matter of this case nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, this Defendant states that it has no records regarding what periodicals this Defendant subscribed to during the time period in which it manufactured asbestos-containing insulation products.

31. State in detail what test, if any, Defendant ever made with regard to the quantity, quality, or threshold limit values of asbestos dust, fibers or particles to which

workers were exposed while using, working with and/or around, installing and/or applying your asbestos-containing products.

ANSWER: This Defendant objects to this interrogatory on the grounds that it is vague, seeks information that is neither relevant to the subject matter of this case nor reasonably calculated to lead to the discovery of admissible evidence, and improperly assumes that this Defendant's asbestos-containing insulation products emitted asbestos dust, fibers or particles. Without waiving this objection, this Defendant states that it did not conduct such tests.

32. For each test described in Interrogatory No. 31, please give the name of the person conducting the test, the date of the test, and attach true copies of any documents, including but not limited to, reports, findings or memoranda concerning such tests or studies.

ANSWER: Not applicable. See response to Interrogatory No. 31.

33. Please state the year that Defendant was first advised of either threshold limit values or maximum allowable concentrations of both asbestos dust and total dust by the American Conference of Governmental Industrial Hygienists and state the name of the employee/official of the company receiving such advice.

ANSWER: This Defendant objects to this interrogatory on the grounds that it seeks information which is neither relevant to the subject matter of this case nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, this Defendant states that it is unable to state the date or source of its first knowledge of threshold limit values.

34. Does Defendant maintain a library dealing with industrial hygiene, medicine, safety and engineering and/or research? If so, state:

- (a) The date each such library was established;
- (b) The location of each library;
- (c) The name(s) of the librarian(s) since 1930;
- (d) List all journals subscribed to by you concerning asbestos, industrial hygiene, medicine, safety, and/or engineering;
- (e) List all books and articles dealing with asbestos and asbestos-related diseases and the date acquired.

ANSWER: This Defendant objects to this interrogatory on the grounds that it is vague and seeks information which is neither relevant to the subject matter of this case nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, this Defendant does not maintain a library dealing specifically with industrial hygiene, medicine, industrial safety and industrial engineering; however, this Defendant has for a number of years maintained a corporate library which may contain material dealing with these subjects. The library is located in Windsor, Connecticut. The name of the librarian is Barbara Drelich-Dembek. A number of publications involving occupational health generally have been received over the years. Specific articles containing information with respect to asbestos products would be difficult to ascertain; however, some of the articles would include:

Occupational Health, May R. Meyers, M.D., The Williams & Wilkins Company, Baltimore, MD, 1969, pp. 48-50, 58, 294, 296; Industrial Environmental Health, Lester V. Cralley, George D. Clayton and John A. Jurgiel, Academic Press New York and London, 1972, pp. 4-9, 94, 292, 313, 344; Accident Prevention Manual for Industrial Operations, National Safety Council, Chicago, Illinois, 1974, pp. 1030, 1045, 1128; Fundamentals of Industrial Hygiene, Julian R. Oleshifski and Frank E. McElray, National Safety Council, Chicago, Illinois, 1971, pp. 1123, 751-861; Occupational Cancer, U.S. Department of Labor, July, 1975, Vol. 3, No. 7; Asbestos: Airborne Danger, U.S. Department of Labor, 1972; TLV's ACGIH, including 1976; Job Safety and Health, U.S. Department of Labor, pp. 13-14, March, 1976; OSHA Federal Register, Title 29 Labor Part 1910, Subpart G - Occupational Health & Environmental Control, 1910.932 -

Asbestos; Industrial Hygiene Progress Reports, Environmental Science Laboratory, Mt. Sinai School of Medicine, New York; Occupational Safety and Health Reporter, BNA, Washington, D.C.

35. Did Defendant in the 1920's or 1930's commission, or participate in the arrangements with Metropolitan Life Insurance Company for studies at the Trudeau Foundation at Saranac Lake, New York, concerning the effect of inhalation or ingestion of asbestos fibers upon human and/or animal bodies.

ANSWER: This Defendant objects to this interrogatory on the grounds that it is vague and seeks information which is neither relevant to the subject matter of this case nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, no.

36. When was Defendant first aware of reports of studies of the Trudeau Foundation at Saranac Lake, New York, entitled "Effects of the Inhalation of Asbestos Dust in the Lungs of Asbestos Workers" by A.J. Lanza, Assistant Medical Director published in the J. Public Health Report, Vol. 50, No. 1, dated January 4, 1935 ("Lanza Report")?

ANSWER: This Defendant objects to this interrogatory on the grounds that it seeks information which is neither relevant to the subject matter of this case nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, this Defendant states that it does not know when it first became aware of such studies but believes it only became aware of such studies through the course of asbestos-related litigation after it ceased manufacturing asbestos-containing insulation products.

37. Please state whether the Defendant at any time has been a member of any "trade organization" or "trade association" composed by other manufacturers, miners, distributors, and/or sellers of asbestos-containing products and, if so, please identify the name and address of each such association or organization, the dates of membership, and the names of any publications issued or written by such association or organization.

ANSWER: This Defendant objects to this interrogatory on the grounds that it is vague and seeks information which is neither relevant to the subject matter of this case nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, this Defendant states that it belonged to no associations, foundations or organizations relating to asbestos.

38. With respect to each trade organization or association listed in answer to Interrogatory No. 37, please state whether the minutes of the group's meetings and any correspondence between the members of such groups concerning the hazards of asbestos exposure are available.

ANSWER: Not applicable. See response to Interrogatory No. 37.

39. Please identify by name the technical and trade association periodicals to which the Defendant subscribed, and state whether Defendant had knowledge of any articles being printed, or withheld from printing, in said periodicals pertaining to the potential hazards of asbestos. If so, please state the following:

(a) The title of each such article;

(b) The periodical in which each such article was published;

(c) The date each such article was published;

(d) A detailed explanation of the reason for withholding any such article for printing;

(e) Produce documentation which refers, alludes or mentions articles which were withheld for publication.

ANSWER: See responses to Interrogatory Nos. 30 and 34.

40. Please state whether, prior to 1975, the Defendant sponsored, or attended any meeting, seminar, conference, convention or legislative hearing where the subject of occupational health and exposure to asbestos was discussed and, if so, please state the date and place of such meeting and the name and address of any speakers or participants.

ANSWER: This Defendant objects to this interrogatory on the grounds that it is vague and seeks information which is neither relevant to the subject matter of this case nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, this Defendant states that while it would be impossible to determine whether any employee of this Defendant at any time ever attended any meeting, seminar, conference, convention or legislative hearing, this Defendant, to the best of its knowledge, never sponsored or sent a representative to such meeting, seminar, conference, convention or legislative hearing.

41. As to each product listed in response to Interrogatory No. 5, please state whether Defendant, at any time, published and/or distributed any printed materials, including but not limited to brochures, pamphlets, catalogs, packagings or other written materials of any kind or character that contain any warnings, cautions, caveats or

directions concerning the possible health effects of the products on a person. If so, please state as to each product:

- (a) The name of each relevant product;
- (b) The wording of each such warning;
- (c) A description of each such printed material;
- (d) The method used to distribute the warning to persons who are likely to use the products;
- (e) The date each such warning was issued;
- (f) Whether any warning accompanied any of your asbestos-containing products' sales literature, handout or pamphlets;
- (g) Please attach a copy of the warning and date said warning was issued;
- (h) The name, address, and job classification of each person who presently has possession of the above-described documents;
- (i) The name or names and addresses of the company who provided, produced, or manufactured the boxes or containers on which the warning appeared and dates these boxes with the warnings appeared.

ANSWER: Yes.

- (a) See Exhibit A attached hereto;
- (b)(c)(g) See Exhibit B attached hereto;
- (d)(e) Beginning in 1969, exact date unknown, this Defendant began printing, stamping or stenciling warnings on all of the packages of its asbestos-containing insulation products. The warnings were prominently displayed on the packaging;
- (f) This Defendant did not advertise its asbestos-containing insulation products;

- (h) See Exhibit B attached hereto;
- (i) This Defendant has no information regarding the company which provided, produced or manufactured the containers and, therefore, cannot answer this interrogatory. See responses to (d) and (e).

42. Has sales material been prepared by Defendant or its agents for purposes of marketing or advertising the asbestos products listed in answer to Interrogatory No. 5? If so, please state:

- (a) The name and address of each person or entity who prepared same;
- (b) The name, address and job title of each person who presently has possession of same;
- (c) The date same was prepared;
- (d) The media used to disseminate the sales material.

ANSWER: This Defendant did not advertise its asbestos-containing insulation products. Also, see response to Interrogatory No. 43.

43. Has any written material of any kind or character been prepared by Defendant, Defendant's predecessor or any of Defendant's subsidiary companies or their agents indicating how the products listed in answer to Interrogatory No. 5 should be used or maintained by the ultimate user? If so, please state the following:

- (a) The name, address and job classification of each person who prepared same;

(b) The name, address and job classification of each person who presently has possession of same;

(c) The dates and manner in which said material was distributed to purchasers of the products in answer to Interrogatory No. 5.

ANSWER: This Defendant objects to this interrogatory on the grounds that it is vague and seeks information which is neither relevant to the subject matter of this case nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, this Defendant states that although this Defendant did not advertise its asbestos-containing insulation it did distribute technical information and materials from time to time. Defendant prepared a booklet in 1970 and also has some incomplete material prepared in 1964. To the best of this Defendant's knowledge, the information contained in the 1970 materials was prepared by Donald Peterson, formally the Administrative Assistant to the Vice-President of Sales, and Kenneth Cohn, formally Office Manager of the Sales Department. This Defendant has no records regarding who prepared the 1964 materials. Copies of such extant materials are attached hereto as Exhibit C.

44. Was any written material of any kind prepared by Defendant and distributed to those individuals listed in response to Interrogatory No. 9? If so, please state the following:

(a) Identify the written material by content and date;

(b) To whom was it delivered.

ANSWER: See response to Interrogatory No. 43.

45. Does Defendant contend that asbestos-containing products can be manufactured so as to eliminate all potential health hazards to persons working with or around, installing or applying same? If so, please state the following:

- (a) The date that Defendant first determined that another product could be used in place of asbestos;
- (b) The chemical of the substitute;
- (c) Whether the substitute is suitable for the purpose for which they are to be used;
- (d) Whether Defendant used the substitute for asbestos to 1971;
- (e) Whether Defendant ever used the substitute for asbestos for high or low heat insulation.

ANSWER: This Defendant objects to this interrogatory on the grounds that it is vague and seeks information which is neither relevant to the subject matter of this case nor reasonably calculated to lead to the discovery of admissible evidence because this interrogatory relates to products not manufactured by this Defendant, which this Defendant cannot be expected to be knowledgeable about. Without waiving this objection, this Defendant denies that its products posed a potential health hazard to those working with these products. This Defendant further states that there is no totally equivalent substitute for asbestos.

46. Did Defendant give any warnings to ARMCO/A.K. Steel Middletown Plant and/or ARMCO A.K. Steel Hamilton Plant regarding the potential health hazards of any product listed in response to Interrogatory No. 5. If yes, please state:

- (a) Name of person most knowledgeable about this communication.
- (b) Name of person at ARMCO/A.K. Steel Middletown Plant and/or RMCO/A.K. Steel Hamilton Plant most knowledgeable about this communication.
- (c) Dates of each communication.
- (d) Contents of each communication.

ANSWER: This Defendant has no information or documents from which it can respond to this interrogatory specifically. See response to Interrogatory No. 41.

47. Did any person prior to 1970, file a claim against any Workers' Compensation carrier covering Defendant alleging that he or she contracted a disease as a result of exposure to asbestos? If so, please state the following:

- (a) A list of each such claim by claimant's name, date filed, the caption and jurisdiction involved;
- (b) The disease alleged in each such claim;
- (c) A brief summary of the disposition of each such claim; and
- (d) The name, address and job classification of the person or persons having custody of the records pertaining to each such claim.

ANSWER: This Defendant objects to this interrogatory on the grounds that it is vague and seeks information which is neither relevant to the subject matter of this case nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, to the best of this Defendant's knowledge, no.

48. Did Defendant receive notice prior to 1968 that any person was claiming injury as a result of using asbestos products manufactured, sold, installed, and/or distributed by Defendant? If so, please state:

- (a) The name and address of each claimant;
- (b) The date of notice of each claim;
- (c) A description of the claim;
- (d) The type of injuries allegedly sustained;

(e) The name and address of each attorney representing the individuals making such claims;

(f) The style and court number of each such claim;

(g) The resolution of each claim.

ANSWER: This Defendant objects to this interrogatory on the grounds that it seeks information which is neither relevant to the subject matter of this case nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, this Defendant states that to the best of its knowledge, it first received notice of such a claim in 1967 when it was served with a summons and complaint regarding alleged health impacts resulting from exposure to asbestos. The case was filed in Beaumont, Texas in Federal Court by Claude Tomplait.

49. Has Defendant obtained statement from any witnesses including the Plaintiffs? If so, please:

(a) list each witness who has given a statement and the name, address, and job title of each person having custody of any such statement.

ANSWER: This Defendant objects to this interrogatory on the grounds that it seeks protected attorney work product. Without waiving this objection, this Defendant has not obtained any such statements other than deposition testimony.

50. Do you contend that the Plaintiff/Decedent improperly used those products listed in response to Interrogatory No. 5? If so, please set out in detail in what respect the product was improperly used.

ANSWER: When discovery is completed, all proper contentions will be made

51. As to the ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant, and as to each Plaintiff/Decedent, please state whether Defendant contends that there was any substance other than asbestos which contributed or caused Plaintiff/Decedent's injuries. If your answer is yes, please state the following:

(a) The facts upon which you rely;

(b) The identity of the sources upon which you rely which substantiate these facts.

ANSWER: When discovery is completed, all proper contentions will be made

52. Would any respirator, mask or other breathing devices prevent inhalation of the asbestos dust and fibers contained in products listed in answer to Interrogatory No. 5? If so, state:

(a) When the respirator was sold;

(b) A detailed description of such respirator or other breathing devices, including name of manufacturer and model number;

(c) The basis of your claim that such respirators or other breathing devices will prevent the inhalation of such dust and fibers;

(d) Identify any tests performed regarding the efficaciousness of such respirators and other breathing devices in preventing the inhalation of asbestos dust and fibers including date, title, author and number;

(e) List all documents which mention, allude or refer to tests performed on breathing devices which prevented the inhalation of asbestos dust and/or fibers.

ANSWER: This Defendant objects to this interrogatory on the grounds that it is vague and seeks information which is neither relevant to the subject matter of this case nor reasonably calculated to lead to the discovery of admissible evidence and further on the grounds that it incorrectly assumes that this Defendant's asbestos-containing insulation products emit asbestos dust and fibers and improperly calls for an expert scientific opinion. Without waiving this objection, this Defendant states that the warning label attached as Exhibit B specifically referenced the use of respirators.

53. Does Defendant expect to call expert witnesses at the trial of this case? If so, please state the following:

- (a) Their identity, last known address;
- (b) The subject matter on which the expert is expected to testify;
- (c) The expert's specific conclusion and specific opinions and the specific basis therefore;
- (d) The expert's qualifications to render the opinions set forth above;
- (e) Whether any person identified in sub-paragraph (a) above has provided a report or other documentation to you, and if so, identify such document or report;
- (f) Identify all documents that you have provided to each person identified in response to sub-paragraph (a) above; and
- (g) Describe in detail the education and work history of, and identify any books, treatises, articles, published and unpublished reports, studies or other scholarly works authored by any individual identified in response to sub-paragraph (a) above. Alternatively, in lieu of said response, attach a copy of a resume or curriculum vitae and a list of publications to your answer.

ANSWER: Because discovery in this matter is ongoing, this Defendant is unable to identify its witnesses at this time, but will timely identify such witnesses and relevant information regarding their testimony prior to trial.

54. Please state the name and last know address of each expert witness who is not retained or employed for that purpose who is an employee of Defendant and will render an opinion within his expertise at the time of trial.

ANSWER: Because discovery in this matter is ongoing, this Defendant is unable to identify its witnesses at this time, but will timely identify such witnesses prior to trial.

55. Does Defendant admit that service of process was properly had on it in these cases? If not, please state why.

ANSWER: Yes.

56. Does Defendant have policies of insurance that might cover the claims that have been made by the Plaintiffs herein?

-(a) If so, please list the name of each insurance carrier who may have coverage, the amount of such coverage, and the dates of each such policy.

ANSWER: This Defendant objects to this interrogatory on the grounds that it is vague, calls for speculation, and seeks information which is neither relevant to the subject matter of this case nor reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, this Defendant states during the time that this Defendant manufactured asbestos-containing insulation products, it carried liability insurance with the Travelers Insurance Company, Hartford, Connecticut, primary policy \$500,000; umbrella policy

\$5,000,000; plus various layers of excess insurance, all subject to varying deductibles depending upon the year of coverage and subject to the terms, limitations and conditions of the respective policies.

57. Please state the name and address of each person who has knowledge of relevant facts regarding claims and defenses of this lawsuit.

ANSWER: This Defendant objects to this interrogatory to the extent that it calls for privileged attorney work product. Without waiving this objection, this Defendant states that because discovery in this matter is ongoing, this Defendant is unable to identify its witnesses at this time, but will timely identify such witnesses prior to trial.

58. State the last date that this Defendant sold, distributed, manufactured, installed, and/or otherwise placed asbestos-containing products into the stream of commerce.

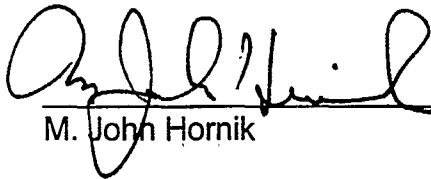
ANSWER: See Exhibit A, attached hereto and this Defendant's Preliminary Statement.

57812.1C

VERIFICATION

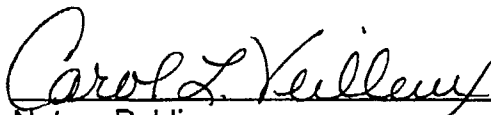
STATE OF CONNECTICUT)
)SS.
COUNTY OF HARTFORD)

M. John Hornik, of Combustion Engineering, Inc., being first duly sworn says that he is authorized to execute this Affidavit on behalf of Combustion Engineering, Inc. and that the foregoing Revised Responses of Defendant Combustion Engineering, Inc. to Plaintiffs' Interrogatories are true based upon information and belief.



M. John Hornik

Sworn to before me and subscribed in my presence on this 8th day of September, 1997.



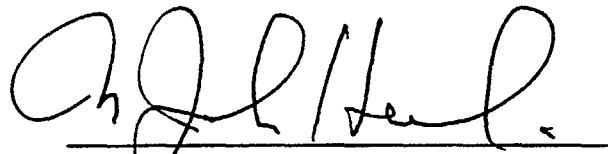
Notary Public

CAROL L. VEILLEUX
NOTARY PUBLIC
My Commission Expires Aug. 31, 2001

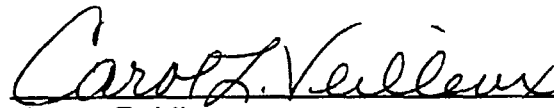
VERIFICATION

STATE OF CONNECTICUT)
) ss:
COUNTY OF HARTFORD)

M. John Hornik, of Combustion Engineering, Inc., being first duly sworn, says that he is authorized to execute this affidavit on behalf of Combustion Engineering, Inc. and that the foregoing Defendant Combustion Engineering, Inc.'s Responses to Plaintiffs' Master Set of Interrogatories are true based upon his information and belief.


M. John Hornik

Sworn to before me and subscribed in my presence this 23rd day of April, 1997.


Notary Public

CAROL L. VEILLEUX
NOTARY PUBLIC
My Commission Expires Aug. 31, 2001

CEPREFACTORIES

DIVISION OF COMBUSTION ENGINEERING, INC.

GENERAL OFFICES
PORT KENNEDY
PENNSYLVANIA
TELEPHONE: 215-666-0450
TELETYPE: 510-660-4839

REMIT TO:
P.O. BOX 91427
CHICAGO, ILLINOIS 60690

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INVOICE. WE CERTIFY THAT WITH RESPECT TO THE PRODUCTION OF ARTICLES AND/OR THE PERFORMANCE OF THE SERVICES COVERED BY THIS INVOICE, WE HAVE FULLY COMPLIED WITH THE REQUIREMENTS OF FAIR LABOR STANDARDS ACT OF 1938, AS AMENDED, OR ANY REGULATORY ORDERS.