

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

FREDERICK LE GRANDE :

Plaintiff, :

-vs- :

CIVIL NO. 741-57

JOHNS MANVILLE PRODUCTS
CORPORATION, a corporation
of the State of Delaware :

INTERROGATORIES

Defendant. :

TO: STRYKER, TAMS & HORNER, ESQS.,
Attorneys for Defendant

SIRS:

PLEASE TAKE NOTICE that the plaintiff demands of the defendant, answers to the following Interrogatories, under oath, within the time prescribed by law:

1. List products containing asbestos and diatomite by name and by description which defendant sold to H. W. Porter & Co. or its controlled subsidiaries, listing which ones were sold during of the following years, 1952, 1953, 1954, 1955 and 1956, and state the name, address and registered agent of entity making the sale.

2. For each of the foregoing products, and for the type and form sold to H. W. Porter and Co., state, by weight or such other definible standard as may be used, the content of asbestos per unit and for for each state the range of size of the asbestos particles contained and the form in which asbestos particles (fibres, dust, etc.) may be present.

3. For each of the foregoing products, and for the type and form sold to H. W. Porter and Co. state, by weight or such other definible standard as may be used, the content of diatomite per unit and for each state the range of size of the diatomite particles contained and the form in which diatomite particles (figres, dust, etc.) may be present.

4. State whether there is any financial or stock relationship as common or interlocking ownership between H. W. Porter & Co. and Johns-Manville Products Corporation and state:

- (a) Whether H. W. Porter & Co. is a subsidiary controlled by defendant.
- (b) Which company owns stock in the other
- (c) Percentage of stock thus held of total stock issued and whether the same represents a controlling interest.
- (d) Class of stock held and voting rights of that class.
- (e) Names of individuals who are employed or serve either as directors, officers, or common employees of both H. W. Porter & Co. and Johns-Manville Products Corporation.

5. For each of the products recited in Interrogatory 1, not contained in this list, state whether the same was supplied to H. W. Porter Co. during the years set forth in Interrogatory 1 by any other supplier than Johns-Manville and if so, state the name and address of the supplier, the type of material supplied, how that material compared with similar product supplied by Johns-Manville, the name or designation of the material supplied by each supplier for each year, dates when such materials were supplied and estimated quantity of material supplied by such supplier.

6. For each of the following materials:

- (a) Magnesite
- (b) Wool-reit
- (c) Asbestos cement
- (d) Hi-Temp Block
- (e) Rock Wool
- (f) Spintex
- (g) Rock Cork

Re:
Sequence of
2: 6 is
reversed.

- (h) Fibrocel
- (i) 450 Cement
- (k) 362 Cement
- (l) One-Cote cement

state:

(a) The materials and substances of which each were made and the percentage of each such material and substance.

(b) Percentage by weight of asbestos in any form, describing form of and size range of asbestos particles.

(c) Percentage by weight of diatomite and others, in any form, describing form of and size range of diatomite particles.

(d) Percentage by weight of silica in any form, and form of, and size of silica particles.

(e) Period by years during which each product has been manufactured by Defendant.

(f) Period by years during which each product has been sold by Defendant to E. W. Porter & Co.

(g) Whether the content and make-up of each has remained unchanged during the last five years ^(1952 to date) and if there has been any such change, specify and describe the same for each product.

7. With reference to the Defendant corporation, state:

(a) The net worth of Defendant corporation at the end of the last fiscal year.

(b) The annual appropriations for research into improving products manufactured by defendant for each year from 1940 to date.

(c) The appropriations for research into means of improving or enhancing the safety of products containing asbestos for those regularly exposed to said products.

(d) Year when such research ^{as in (c)} was commenced and years during which such research was commenced and years during

which such research was continued and names of persons engaged in such research.

(e) Description by years of nature and extent of such research ^{as in (c)} and what such research accomplished or yielded.

8. List any and all publications, reports, memoranda, articles, or other writings known to Defendant, describing, discussing or analyzing the effect of, risk of, or consequences of exposure to asbestos particles or to silico dust of the type contained in Defendant's products, and for each such writing, etc., state:

(a) Date of publication and publication in which contained.

(b) Whether a copy of the same is known by Defendant to be available and if so where.

(c) The name, status and responsibilities of the author or authors at the time of the writing.

(d) The title of the said article.

(e) Date when Defendant, through its staff, became aware of the existence of each such publication.

9. Recite the names and addresses of any person or persons known to Defendant, or its research staff to have made investigations or studies of any of the products set forth in ^{Interrogatory} one as to the contents or effect of asbestos in such products and if same was written, answer (a), (b), (c), (d) as set forth in the previous interrogatory.

10. For any experimentation, study or inquiry as to the effect of asbestos or silicosis in products manufactured and sold by Defendant directly or through its subsidiaries, state:

(a) The dates when such studies, etc. were commenced

and periods during which same continued.

(b) Names and addresses of person or persons and department making the same,

(c) Place where same were made.

(d) For each such person set forth in (b) the present whereabouts (address) of such person and present employer, if known.

(e) Whether any records, journals, experiment books were kept of the studies, etc. and present location of each such record, journal, etc. and information contained in such record, journal, etc.

11. State whether Defendant, its subsidiaries, or its other staff or employees have been or are aware of any instance of asbestosis contracted by asbestos workers who had sustained exposure to any of the products listed in interrogatories 1 or comparable products containing asbestos, and, if so, state:

(a) Name and address of each such person or persons

(b) Whether Defendant was advised or received any report relating causally the sustained exposure to products containing asbestos to the contracting of asbestosis.

(c) If the answer to (b) is affirmative, state the name and address of the person or persons making the report, date of report, whether the same was in writing, if so where published or where is a copy of such report at this time.

(d) For each such worker, the conditions under which each worker was exposed to asbestos, period of time and where.

(e) The name of the manufacturers of the product or products containing asbestos particles to which said worker was exposed.

12. State whether Defendant, or its subsidiaries, in behalf of its or other employees, provided any safety or protective devices to those who by reason of their employment

are exposed to asbestos particles and if so, state:

(a) Each such safety or protective device or measure utilized by Defendant, its subsidiaries, employees, or agents.

(b) Period of time when each such device or measure was utilized (stating year when commenced and year when terminated, if it was terminated).

(c) Place and circumstances under which device or measure was utilized

(d) Facts and circumstances which caused Defendant to employ or utilize such device or measure.

(e) Date or year when Defendant first became aware of the facts or circumstances which caused it to resort to device or measure as in (d) above.

(f) With reference to defendant's own employees, state the date as nearly as is possible when Defendant first learned that any of its own employees had contracted the disease commonly called asbestosis.

15. With reference to the products named in (1) state which products are known to Defendant, or Defendant has reason to believe contains particles or dust which may cause fibrosis if inhaled in sufficient quantity and for each such state:

(a) Facts or information on which Defendant's knowledge or belief are based.

(b) Time when these facts or information were first available to Defendant.

(c) The year when Defendant first had the knowledge or belief that the said product or products contained particles or dust which may cause fibrosis if inhaled in sufficient quantity.

14. Did Defendant or its subsidiaries provide instructions or warnings to any of its employees to minimize the likelihood of contracting disease from sustained exposure to asbestos particles and if so, date:

(a) When the said instructions were first given, where and under what circumstances, by whom and to whom.

(b) Whether there were any such instructions, precautions, warnings or the like issued by Defendant, its subsidiaries or in its behalf in writing and if so, when, where, by whom, to whom and where a copy of such writing is presently available.

15. Did Defendant at any time issue any instructions, warnings or precaution with respect to the use or handling or risk of use or handling of any of its products containing asbestos particles to anyone other than its employees and if so, state:

(a) Was such warning, caution or instruction submitted to H. W. Porter & Co., its agents, or employees, and if so, when, where, in what form and to whom.

(b) Whether any such writing was contained in any package or as part of any label and if so, when, and for what material.

(c) Whether any instruction or warning sheets were ever published or composed and if so, when, where, by whom and how were the same utilized, and what was the substance or text of the same.

16. In any of the jurisdictions in which Defendant or its subsidiaries operate, have there been any investigation or inquiry by any public agency as to the production, manufacture, use, application, or effect of any product of Defendant's or its subsidiary containing asbestos as to the possible toxic effect of the asbestos particles contained therein and if so, state what jurisdiction, date, nature of

inquiry, agency making same, scope of inquiry, names and addresses of person or persons participating in the same, and consequences of the inquiry.

17. State whether any private agency, organization or group known to Defendant conducted any investigation or inquiry as to the production, manufacture, use, application or effect as set forth in the previous interrogatory and if so, state the name and location of such agency, date of inquiry, nature and scope of same, any and all writings or data accumulated therefrom, where the same is presently obtainable and the contents of the same.

18. With reference to masks utilized to limit or minimize exposure to asbestos dust, state whether the same have ever been utilized or made available by Defendant or its subsidiaries in any part of its operation and if so, state:

(a) When first used or made available, where, when, by whom and under what circumstances.

(b) Extent of use by Defendant or its subsidiaries during each year from 1940 through 1956, stating approximate number of such masks, where used, by how many employees and under what circumstances (as to exposure to asbestos particles).

(c) Describe in detail type or types of mask used and relate whether same was designed by Defendant specifically for use by persons exposed to asbestos dusts and features of mask making the mask specifically applicable for that purpose.

(d) Contents or substance of any instructions, stating when and how to use said mask and form of such instructions.

19. State whether Defendant has, between 1940 and 1956 taken any steps to minimize or reduce the contents of potentially toxic or noxious asbestos dust or particles con-

trained in any of its products and if so state:

(a) What steps taken were research or experimental in character describing the dates, nature of the problem to which research directed, location and persons involved in such research or experimentation.

(b) What steps actually resulted in changes in the final product or its packaging, content or form, means of manufacture.

(c) If there were steps outlined in (b) above, compare the changes effected by Defendant, dates when effected, reasons for such changes and the results observed or ascertainable from such changes.

20. State the names and address of all persons having knowledge of facts relevant to this cause.

21. For each person named in 20 above, state the matters to which such person has knowledge.

22. State the names and addresses of all expert witnesses who may testify on behalf of Defendant and state:

(a) Matters on or fields in which they will be qualified as expert.

(b) All publications or writings on these matters which the said expert has participated in preparing.

(c) Matters on which said expert will testify.

(d) Qualifications of such expert.

23. With respect to the second defense of the First Count of Defendant's Answer, specify the nature and source of the danger which Defendant alleges plaintiff assumed.

24. With respect to the second defense, state the facts on which Defendant bases its allegation that the danger was "open, obvious and apparent".

(a) To plaintiff

(b) To Defendant

25. State the precautionary measures which Defendant asserts plaintiff should have utilized in the use of Defendant's products and state:

(a) Instances known to Defendant that establish these measures as standard in plaintiff's trade, giving location, date and particulars of each such instance.

(b) The facts on which Defendant bases its allegation that plaintiff did not exercise or utilize such precautionary measures.

(c) Steps taken by Defendant to publicize or recommend any such measures to persons in the same status or class as plaintiff, i.e. asbestos workers.

26. For the products sold to H. W. Porter & Co. recited in Interrogatory 1, state the names and addresses of registered agent or principals of all entities involved in the mining, manufacture, packaging, distribution, sale or research on products sold to H. W. Porter & Co.

27. With reference to plaintiff's employment from 1946 to date, state:

(a) The name and address of each employer known to Defendant

(b) Name, address and location of each job

(c) The dates (initial and permanent) when plaintiff worked on that job

(d) The nature of the work undertaken

(e) The nature of plaintiff's job

(f) Name and description of all materials containing asbestos utilized on the job and sold by Defendant

(g) Name and description of all materials containing asbestos utilized on the job sold by a supplier other than Johns Manville Products Corporation.

William L. Brach
William L. Brach,
Attorney for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

FREDERICK LE GRANDE,)

Plaintiff,)

-vs-

Civil No. 741-57

JOHNS MANVILLE PRODUCTS)
CORPORATION, a corpora-)
tion of the State of)
Delaware,)

ANSWERS TO INTERROGATORIES

Defendant.)

The defendant, Johns Manville Products Corporation, answering the interrogatories propounded by the plaintiff, states on information and belief the following:

1. This defendant has no controlled subsidiaries nor did it sell any products to H. W. Porter & Co. This defendant has been informed that the following products manufactured by this defendant have been sold to H. W. Porter & Co. by Johns-Manville Sales Corporation during the years 1952 to 1956, inclusive:

Superex

Moulded pipe covering and blocks and cement calcined diatomaceous silicate combined with asbestos fiber.

Thermobestos

Moulded pipe covering and blocks hydrous calcium silicate combined with asbestos fiber.

Magnesia Pipe covering

Moulded pipe covering and blocks and cement hydrated basic carbonate of magnesia bonded with asbestos fiber.

Asbesto-Sponge Felted

Pipe insulation, sheets and blocks laminated asbestos fiber felts.

Asbestocel

Pipe insulation sheets and blocks and flexible roll form laminated asbestos felts.

B-6 10

12-22-56

WMM

Millboard
 Fire Felt
 D. C. Flexstone
 Firetard
 Bonded asbestos fibers.

Insulating Cements 301, 302
 Asbestos fiber with various bonding materials.

2 & 3. The foregoing products have the percentage of asbestos fibers and diatomite as follows:

	<u>Asbestos</u>	<u>Diatomite</u>
Magnesia Pipe covering	5- 10	
Superex	5- 10	60-70
Thermobestos	10- 15	40-50
Asbestos Sponge Felt	85- 95	
Asbestocel	85- 95	
D. C. Flexstone	60- 70	
Fire Felt	90-100	
Millboard	85- 95	
Firetard	60- 70	
Insulating Cements		
301	10- 15	10-15
302	40- 50	20-30

4. No.

5. Stricken by order of Hon. Reynier J. Wortendyke, Jr. dated January 17, 1958.

6. Stricken by order of Hon. Reynier J. Wortendyke, Jr. dated January 17, 1958.

7. (a), (b), (c), (e) stricken by order of Hon. Reynier J. Wortendyke, Jr. dated January 17, 1958.

(d) No such research was conducted by this defendant.

8. Stricken by order of Hon. Reynier J. Wortendyke, Jr. dated January 17, 1958.

9. Stricken by order of Hon. Reynier J. Wortendyke, Jr. dated January 17, 1958.

10. (As modified by order of Hon. Reynier J. Wortendyke, Jr. dated January 17, 1958) See answer to No. 7 (d).

11. (As modified by order of Hon. Reynier J. Wortendyke, Jr. dated January 17, 1958) It was not.

12. (As modified by order of Hon. Reynier J. Wortendyke, Jr. dated January 17, 1958)

(a) This defendant supplies respirators to such of its employees as are engaged in manufacturing operations in which asbestos particles are used. The respirators are not limited to a particular brand, but any brand may be used which has the approval of the U. S. Bureau of Mines for use for pneumoconiosis producing dusts.

(b) Respirators have been used intermittently for approximately 25 years.

(c) See (a). The respirators have been used at various plants of this defendant.

(d) The use of respirators was adopted as a result of various Industrial Hygiene Foundation surveys.

(e) Approximately 25 years ago.

(f) This deponent has no knowledge of any case of asbestosis ever being contracted by an applicator. Asbestosis was first contracted by an employee of this defendant at one of its plants in 1946.

13. This deponent has been informed that the product named in the answer to interrogatory No. 1 which may contain particles or dust which may cause fibrosis if the particles

are of the requisite size and are inhaled in sufficient quantities: Magnesia Pipe covering, Superex Block Insulation, Superex M Block Insulation and Superex Combination Pipe Insulation. We have no knowledge of any case of disease ever being developed by an applicator of the products listed above. We know from experience in our plants that workmen engaged in the formation of these products have developed such a disease. See answer to No. 12 (f).

14. Stricken by order of Hon. Reynier J. Wortendyke Jr. dated January 17, 1958.

15. Since this defendant never received notice of any claim of asbestosis resulting to any persons other than our employees who were engaged in the manufacture of the products, we had no reason to issue any warnings, instructions or preventions to any other persons.

16, 17 and 18. Stricken by order of Hon. Reynier J. Wortendyke, Jr. dated January 17, 1958.

19. See answer to No. 15. Since this defendant never had any reason to believe its products were toxic or noxious, it has not taken any action to reduce or minimize such supposed hazards in its products.

20 and 21. This deponent does not know what facts may be regarded as relevant to this cause; however, the only persons now known to this deponent who have any knowledge concerning the matters set forth in the complaint or in these answers, in addition to himself, are:

Kenneth W. Smith, M.D., A. M. Schmidt, Frank Deeg, 22 East 40th Street, New York City; Wilbur H. Morris and Alton Stevens, H. W. Porter Co., Newark, New Jersey.

22. (As modified by order of Hon. Reynier J. Wortendyke, Jr. dated January 17, 1958)

The name and address of persons, expert or otherwise, who may have knowledge of any facts in the case, in addition to those listed in the answer to the foregoing interrogatory No. 20 and No. 21, will be submitted to the plaintiff's attorney before trial.

23. To establish this defense this defendant will rely upon the nature of the products, the work performed, the knowledge and experience of the plaintiff and such facts as may be developed upon further discovery procedures and upon the trial of the case.

24. See No. 23.

25. See No. 23.

26. Stricken by order of Hon. Reynier J. Wortendyke Jr. dated January 17, 1958.

27. (a - e) This deponent has been told that the plaintiff worked for H. W. Porter & Co., but none of the other details of his employment is known.

(f) See answer to No. 1.

(g) See answer to No. 1.

Whether H. W. Porter purchased products other than those which this defendant manufactured this deponent does not know, but since the business of this defendant is highly competitive, it is quite probable that H. W. Porter used products of other manufacturers as well.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

FREDERICK LE GRANDE,)

Plaintiff,)

-vs-

Civil No. 741-57

JOHNS MANVILLE PRODUCTS)

CORPORATION, a corpora-)

tion of the State of)

Delaware,)

Defendant.)

ANSWERS TO SUPPLEMENTAL
INTERROGATORIES

The defendant, Johns Manville Products Corporati
answering the supplemental interrogatories propounded by the
plaintiff, states on information and belief the following:

1. There have been no substantial changes.
2. No.
3. See No. 12 (a).

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

I, Herbert Morton Ball of full age, being duly sworn according to law upon my oath, depose and say:

1. I am Secretary of Johns Manville Products Corporation and am duly authorized to execute this affidavit on its behalf.

2. I have read the foregoing answers to interrogatories and the interrogatories, and the answers are true to the best of my information and belief.

Herbert Morton Ball

Subscribed and sworn to
before me this 24th day
of April, 1958.

Robert H. Seberle

ROBERT H. SEBERLE
NOTARY PUBLIC, STATE OF NEW YORK
No. 60-3578150
Qualified in Westchester County
Certificates filed in the following offices:
County Clerk - New York
Commission Expires March 30, 1959

risk to some persons who installed industrial insulation products containing asbestos, in that inhalation of excessive quantities of asbestos fibers over prolonged periods of time under certain conditions might create a risk of the contracting of asbestosis to some persons. The label in use from 1972 to 1978 was prescribed by the United States Department of Labor, Occupational Safety and Health Administration (OSHA) pursuant to 29 C.F.R. Sec. 1910.1001, such regulation being promulgated by OSHA in 1972.

This label was revised by Defendant to include a no-smoking warning, implementation of which commenced in November, 1978.

In addition, sales and service personnel, whose identity is presently unknown to Defendant, may have in the ordinary course of business communicated information to those using products manufactured by Johns-Manville Products Corporation or employees installing such products as to the then current threshold limit values.

Defendant has on a continuing basis, furnished customers information as to the proper use and application of its insulating products. Defendant has directly or indirectly advised industrial insulation contractors to utilize ventilation equipment, such as respirators, at the sites where finished insulation products were being worked with and applied. Those respirators which have been recommended are approved by NIOSH (formerly the responsibility of the United States Bureau of Mines) for use as protection against pneumoconiosis-producing dusts.

Defendant has also affixed the caution instructions to product packaging regarding the handling of these products set forth, supra.

Defendant distributed to customers copies of the following booklet providing instructions designed to reduce health and safety risks in the fabrication, handling and application of asbestos products:

"Recommended Health Safety Practices for
Handling and Applying Thermal Insulation
Products Containing Asbestos" (1968)

A copy of which is available for copying at the office of Defendant's counsel.

Defendant has participated in, and contributed to, the informational and educational program of the National Insulation Manufacturers Association. This program is designed to educate the insulation contractors' industry with respect to the health aspects of fibrous materials through regional meetings of insulation contractors' associations. The purpose of these meetings is to aid the contractors in minimizing or eliminating the inhalation of, among other things, asbestos fibers by those working with and/or installing and/or applying the products of Defendant and other manufacturers, i.e., industrial insulation applicators. In 1967, and again in 1968, programs have been presented at the regional meetings of industrial insulation contractors. Approximately 400 industrial insulation contractors have attended each year. These programs include a verbal review (of approximately three hours' duration) of the biological effects of fibrous materials, the threshold limit value of fibrous materials, methods for evaluating concentrations of dust, and engineering the method change recommendations to assist the contractors in dust abatement and environment control. In addition to the verbal presentations, booklets have been prepared by the National Insulation Manufacturers Association (NIMA), largely through Defendant's participation and efforts. The booklet entitled "Recommended Safe Practices for Handling and Applying Thermal Insulation Products Containing Asbestos", printed May 1, 1968, described above, was written by members of the NIMA Education and Information Committee. The Chairman of the Committee was Clifford L. Sheckler, who at that time, was also Manager, Accident Prevention and Health Administration

of Johns-Manville Corporation. Other members of the Committee included John Vyverberg, Owens-Corning Fiber Glass Corporation; Harry Mesler, Ruberoid Company; Leon Horowitz, Certain-teed Corporation; and Jack Barnhart, Executive Secretary of the National Insulation Manufacturers Association. The aforesaid booklet was produced and circulated during the 1968 meetings. Also, subsequent to the meetings with the contractors, considerable work has been done in conjunction with environmental control, especially in the area of fixed machinery and equipment.

In addition, over the past several years, there have been many oral presentations and meetings at the plant level concerning safety practices related to asbestos exposure.

Defendant has cooperated with the Asbestos Information Association in the production of the following booklets:

"Recommended Work Practices - Molding and Fabrication of Asbestos-Containing Plastic Products".

"Recommended Work Practices - Fabrication and Use of Asbestos Friction Materials".

"Recommended Work Practices - Shop and Field Fabrication of Asbestos Sheet Products".

"Recommended Work Practices - Fabrication and Use of Asbestos Paper Products".

"Recommended Work Practices - Use and Handling of Asbestos Textile Products".

Such booklets may be obtained from the AIA, 1600 L Street, N.W. Washington, D.C. 20036.

Additionally, Defendants participated in 1971 through the Occupational Health and Safety Committee of the National Insulation Contractors Association in the preparation of a booklet entitled, "Safety Reminders". Such booklet is available from NICA, 8630 Fenton Street, Silver Spring, Maryland 20910, at a cost of 60 cents per copy.

Defendant has also made available the following:

A booklet entitled, "What you Should Know About Asbestos and Health", published by Johns-Manville Corporation in January of 1975.

A copy of which is available for inspection and/or copying at the office of Defendants' attorneys. This booklet was distributed to all employees at all locations using asbestos fiber or handling products containing asbestos fiber.

A booklet entitled, "What Every Employee Should Know About Asbestos", published by Johns-Manville Corporation in 1973.

A copy of which is available for inspection and/or copying at the office of Defendants' attorneys. This booklet was distributed to all employees at all locations using asbestos fiber or handling products containing asbestos fiber.

A pamphlet entitled, "Recommended Safety Practices for Handling Asbestos Fiber", published by Johns-Manville Corporation in November, 1973.

A copy of which is available for inspection and/or copying at the office of Defendants' attorneys. This pamphlet was distributed to all employees at all locations using asbestos fiber or handling products containing asbestos fiber.

An employee notification form entitled "Dear Johns-Manville Employee", published by Johns-Manville Sales Corporation.

A copy of which is available for inspection and/or copying at the office of Defendants' attorneys. This was inserted in paychecks of all employees at all Johns-Manville Sales Corporation contract units beginning in 1970.

Since 1976, Defendant has made available a Catalog of Occupational/Environmental Health and Safety Programs as listed below. All the publications, audio-visual programs and other material listed in this catalog are available to Johns-Manville

customers and public interest groups as well as to all Johns-Manville personnel.

A pamphlet entitled, "Occupational Health Guide - Asbestos", published by Johns-Manville in 1976.

A copy of which is available for inspect. and/or copying at the office of Defendants' attorneys. This guide is designed as a reference for supervisory personnel.

A 25-minute slide/tape presentation on industrial hygiene programs at Johns-Manville.

A 20-minute slide/tape program on health aspects of working with asbestos.

A 25-minute motion picture on occupational health risks associated with asbestos fiber.

A newspaper entitled, "The Asbestos Report", published by Johns-Manville in 1976.

A copy of which is available for inspection and/or copying at the office of Defendants' attorneys.

Interrogatory No. 28: Have you received notice that any other person was claiming injury as a result of using asbestos products manufactured, and/or sold by your company or any of your subsidiary companies (both prior to and subsequent to the filing of this action)?

Answer: Yes.

Interrogatory No. 29: 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, if any.
- (d) The type of injuries allegedly sustained.
- (e) The name and address of each attorney who represents individuals making such claims.
- (f) The style and court number of each claim currently pending.
- (g) The resolution of each claim that has been settled or taken to judgment.

Answer: A list of litigation representing claims of alleged injuries from both raw asbestos fiber and asbestos-containing thermal insulation products brought against Johns-Manville Corporation and any of its subsidiaries is attached hereto as Exhibit F. Included in that list is the caption of each case identifying the court in which the case is pending and the case number. Defendant objects to furnishing additional information as the same is a matter of public record in the court file of each case and readily available to Plaintiff.

Interrogatory No. 30: Do you or any of your subsidiary companies have any records indicating that any of the above-described products containing asbestos fibers were sold to any of the companies listed on the attached Exhibit "A"?

Answer: Yes.

Interrogatory No. 31: If so, please state:

(a) The name, address, and job classification of each individual who currently has possession of such records.

(b) Please list the names of each company listed on Exhibit "A" to whom said products have been sold.

(c) Please state the dates of each such sale and the amount and kind of materials sold.

Answer: See Exhibit G attached hereto for available sales records of asbestos-containing industrial thermal insulation products sold to those companies listed on Exhibit A. Due to Defendant's record retention policy, sales records are not available prior to 1972. Sales records have been located which were furnished in earlier litigation for Associated Insulation of California for the year 1969.

Interrogatory No. 32: Are your asbestos products marketed and sold by companies other than your own?

Answer: Products are also marketed through distributors.

Interrogatory No. 33: If so, please list the name and address of each such company.

Answer: See Answer to Interrogatory No. 32. Defendant objects to the balance of this Interrogatory on the grounds that the same is overly broad and unduly burdensome.

Interrogatory No. 34: Please list each individual who has acted in a medical advisory capacity to your company for the past 25 years and the current address and job title of each such individual.

Answer: Defendant has had a medical function beginning in the middle 1930's.

Since the middle 1930's, this function was administered by John P. Syme, Director of Industrial Relations. Mr. Syme is deceased.

In 1947, a formal health and medical program was initiated for the benefit of employees of Defendant, under the administration of H. J. Jackson, Safety Director, Johns-Manville Corporation, Ken-Caryl Ranch, Littleton, Colorado.

Beginning in 1952, the health and medical program was administered by H. J. Jackson, Manager, Industrial Health and K.W. Smith, M.D., Medical Director. Dr. Smith is deceased.

Beginning in 1960, the health and medical program was administered by C. L. Sheckler, Manager, Accident Prevention and Industrial Health and K.W. Smith, J.D., Medical Director. Mr. Sheckler's address is 838 South Drive, Metadeconk, New Jersey.

Beginning in 1966, the health and medical program was administered by C. L. Checkler, Manager, Accident Prevention and Health Administration.

Beginning in 1970 until 1972, the health and medical program was administered by C.L. Sheckler, Manager, Accident Prevention and Health Administration, and T.H. Davison, M.D., Corporation

Medical Director. Dr. Davison's address is 2069 Deerfield Road, Deerfield, Illinois.

Beginning in November, 1972, to November 30, 1973, the health and medical program was administered by F.E. Marriner, M.D., Medical Director. Dr. Marriner's address is Mallard Crossing, Rt. 11, P.O. Box 290, Gainesville, Georgia 30501.

Beginning in 1972 until June 1, 1974, the corporate medical and health program was administered by W.R. Reitze, Manager, Accident Prevention and Health Administration.

Beginning June, 1974 to date, the corporate medical and health program has been administered by Paul Kotin, M.D., Senior Vice President, Health, Safety and Environment.

Beginning on July 1, 1977, William Paul, M.D. became Corporate Medical Director of Johns-Manville Corporation under Dr. Paul Kotin, with Dr. Kotin retaining all responsibilities as Senior Vice President of Health, Safety and Environment.

Interrogatory No. 35: Does Defendant have, in its possession, any books, pamphlets, memoranda or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings?

Answer: Since October, 1974, Defendant has maintained a library of medical/scientific information relative to the biological effects of asbestos. Such library is maintained within Defendant's Health, Safety and Environment Department.

Interrogatory No. 36: If so, please state for each such publication:

(a) The name of each such publication, document or written material.

(b) The date each such document, memoranda or written material was published and the name of the publisher and author.

(c) The name, job title and address of each person who currently has possession of such documents.

Answer: Defendant has in its possession a recently compiled bibliography of material contained within said library, which is available for copying and inspection in the office of Defendant's counsel.

Interrogatory No. 37: Has Defendant undertaken to investigate the occurrences alleged in Plaintiff's complaints?

Answer: No; preparation of this case is in the initial phases.

Interrogatory No. 38: If so, please state:

(a) The name, address, and job title of the persons participating in each such investigation.

(b) List each written record pertaining to such investigation and its location and custodian.

(c) Has Defendant obtained statements from any witnesses?

(d) If so, please 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: Not applicable.

Interrogatory No. 39: Does Defendant admit that service of process was properly had on Defendant in this case?

Answer: Yes.

Interrogatory No. 40: If the Answer to Interrogatory No. 39 is negative, please explain the reason for such answer.

Answer: Not applicable.

Interrogatory No. 41: Has Defendant or any of its subsidiary companies, at any time, been a member of any "trade organization" or "association" composed of other manufacturers, miners, and/or sellers of asbestos products?

Answer: Johns-Manville belongs or has belonged to the following organizations:

Thermal Insulation Manufacturers Association, Inc.
441 Lexington Avenue
New York, NY 10017
(approximately 1969 to present)

National Insulation Contractors Assn.
8630 Fenton Street
Silver Spring, MD 20910
(10/66 - present)

National Insulation Manufacturers Association, Inc.
441 Lexington Avenue
New York, NY 10017
(approximately 1968-1968)

Asbestos Information Association/North America
Suite 402
1835 K Street, N.W.
Washington, D.C. 20006
(approximately 1971 to present)

Asbestos Textile Institute
P.O. Box 471
Willow Grove, PA 19090
(11/16/44 - 1973)

Quebec Asbestos Mining Association
Suite 412, 5 Place Ville Marie
Montreal, Canada H3B 2G2
(approximately 1930 to present)

Asbestos Cement Pipe Producers Association
Suite 1308
1600 Wilson Blvd.
Arlington, VA 22209
(approximately 1972 to present)

Asbestos Cement Product Assn. (defunct)
New York, NY
(approximately 1955 - 1967)

Interrogatory No. 42: If so, please state:

(a) The name and address of each such association or organization.

(b) The dates during which Defendant or any of its subsidiary companies was a member.

(c) The names of any publications published by or written by such association or organization.

Answer: (a)-(b) See Answer to Interrogatory No. 41.

(c) Defendant objects to this Interrogatory on the grounds that the same is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. In addition, Defendant contends that each association's publications are available to Plaintiff through the respective associations.

Interrogatory No. 43: Please identify by location and product produced, each plant in which products listed in your answer to Interrogatory No. 6 have been manufactured and/or assembled and the dates said plants have been in operation.

Answer: Johns-Manville Products Corporation's major asbestos-containing industrial thermal insulation product manufacturing plants and their locations were as follows: Manville, New Jersey; Waukegan, Illinois; and Long Beach, California.

Interrogatory No. 44: Please list the name and address of each business entity from whom you have received raw asbestos and the dates and amounts received.

Answer: Defendant objects to this Interrogatory on the grounds that the same is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory No. 45: Has sales material been prepared by Defendant or any of its subsidiary companies or their agents for purposes of marketing or advertising said asbestos products?

Answer: Yes.

Interrogatory No. 46: 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: Defendant objects to this Interrogatory on the grounds that the same is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence.

Interrogatory No. 47: Has any written material of any kind or character been prepared by Defendant or any of its subsidiary companies or their agents indicating how such products should be used and maintained?

Answer: Yes, as to use. Defendant's products require no maintenance.

Interrogatory No. 48: If so, please state as follows:

(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 Defendant's products.

Answer: Defendant objects to this Interrogatory on the grounds that the same is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection but in an effort to be responsive, Defendant refers to its Answer to Interrogatory No. 27.

Interrogatory No. 49: Does Defendant contend that Plaintiff improperly used its products?

Answer: Unknown by Defendant at the present time.

Interrogatory No. 50: If so, please set out in detail in which respect said products were improperly used.

Answer: Not applicable.

Interrogatory No. 51: Does Defendant have policies of insurance that might cover the claims that have been made by Plaintiffs herein?

Answer: Yes.

Interrogatory No. 52: 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: The Travelers Insurance Company
Hartford, Connecticut

\$200,000 per person
500,000 each occurrence
500,000 aggregate
(1971 to 7/1/75)

\$2,000,000 aggregate, bodily injury and
property damage (7/1/75 - 7/1/77)

The Home Insurance Company
New York, New York

\$10,000,000 aggregate (7/1/72 - 7/1/75)
4,000,000 aggregate (7/1/75 - 7/1/76)

As of 7/1/76, all primary coverage -- self insured
with excess coverage to a total of \$50,000,000.

Interrogatory No. 53: Does Defendant expect to call expert witnesses at the trial of this case?

Answer: Unknown by Defendant at the present time.

Interrogatory No. 54: If so, please state:

(a) The name, address, and job classification of each such expert witness.

(b) The testimony expected to be given by each such expert witness.

Answer: See Answer to Interrogatory No. 53.

Interrogatory No. 55: On what date did Defendant first become aware that inhalation of asbestos fibers by human beings could cause adverse health consequences?

Answer: The Corporation became aware of the relationship between asbestos and the disease known as asbestosis among workers

MILLER, STRATVERT, TORGERSON & BRANDT

By KRB Brandt
Kenneth R. Brandt
Attorneys for Johns-Manville
P.O. Box 25687
Albuquerque, New Mexico 87125
Tel: (505) 842-1950

I hereby certify that a true
copy of the foregoing pleading
was mailed to counsel of record
this 14th day of March, 1980.

KRB Brandt
Kenneth R. Brandt