

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION



EMIL A. PFANNEBECKER, et al.)
)
 'Plaintiffs,)
)
 vs.) Cause No. 80-694C (B)
)
JOHNS-MANVILLE SALES)
CORPORATION, et al.,)
)
 Defendants.)

ANSWERS OF DEFENDANT CAREY CANADA, INC.
TO PLAINTIFFS' INTERROGATORIES

Comes now Defendant Carey Canada, Inc. and for its answers to Plaintiffs' interrogatories states as follows:

1. (a) (c) Defendant, Carey Canada, Inc., was incorporated in Quebec, Canada, in 1955 and began operation in 1958. Defendant's original corporate name was Carey Canadian Mines, Ltd. Defendant has mined asbestos from 1958 to the present, with its place of business located at East Broughton Station, Quebec, Canada. Defendant's address is Post Office Box 190, East Broughton Station, Quebec, Canada.

(d) Defendant has only been involved in the mining and milling of raw chrysotile asbestos fiber. Although Defendant sells several different lengths of fiber, the vast majority of the fiber which is mined and milled is of the grade 7 classification (short).

(e) Defendant objects to this interrogatory as it is irrelevant and not likely to lead to the discovery of admissible evidence. Without waiving this objection and pursuant to the Rules of Civil Procedure, Defendant will state that such records are available at Defendant's place of business in Quebec, Canada, and that upon proper request and showing of relevancy, such information can be obtained for the Plaintiff for the years 1958 to 1979.

2. Refer to Corporate History attached, marked Exhibit "A".

3. Available records indicate that Defendant made some sales of asbestos fiber to divisions of Certain-Teed Company in Pennsylvania. Available records do not indicate any sales

to a Keasbey and Mattison Company plant or a Certain-Teed Company plant on St. Cyr Road in St. Louis, Missouri. As investigation is still continuing in this case, Defendant will file supplemental answers to these interrogatories if applicable information is subsequently obtained.

4. See answer to No. 3 above.

5. Defendant objects to this interrogatory insofar as it requests Defendant to render a medical opinion. Defendant is not a medical expert and is not required to render a medical opinion. Without waiving its objection, Defendant will state that it is now aware of statistics showing a connection with lung illness where there is a prolonged exposure to asbestos. However, this association has only in recent times been established and accepted by the medical, scientific, and industrial community. In addition, Defendant has been advised that mesothelioma is a form of cancer and that the actual cause of cancer is unknown. Defendant is aware of the continuing controversy, and it is attempting to keep abreast of the relevant medical information as it is developed.

6. In July of 1971, Defendant used the following caution label on its bags of raw asbestos:

CAUTION
THIS BAG CONTAINS CHRYSOTILE ASBESTOS FIBERS.
PERSONS EXPOSED TO THIS MATERIAL SHOULD USE
ADEQUATE PROTECTIVE DEVICES BECUASE IT HAS BEEN
ALLEGED THAT INHALATION OF THIS MATERIAL OVER
LONG PERIODS MAY BE HARMFUL

In 1972, Defendant used the following caution label on its bags:

CAUTION
CONTAINS ASBESTOS FIBERS
AVOID CREATING DUST
BREATHING ASBESTOS DUST MAY CAUSE
SERIOUS BODILY HARM

The warning would have been stamped on the bags as indicated above. In July, 1979, Carey Canada, Inc. revised the warning label to read as follows:

CAUTION
CONTAINS ASBESTOS FIBERS
AVOID CREATING DUST
BREATHING ASBESTOS DUST MAY CAUSE SERIOUS
BODILY HARM. INCLUDING CANCER AND ASBESTOSIS
IF DUST IS CREATED, PERSONS EXPOSED TO THIS MATERIAL
SHOULD USE ADEQUATE PROTECTIVE DEVICES.
SMOKING GREATLY INCREASES THE RISK
OF SERIOUS BODILY HARM

7. Not to this Defendant's knowledge.

8. This Defendant is not aware of any shipments of asbestos fiber or asbestos products from itself to be used or consigned by Certain-Teed Company or Keasbey and Mattison Company during the years 1940 through 1980. For information concerning shipment of asbestos fibers in general, Defendant furnishes the following name:

A. H. Bagenstose, Vice President of Sales and Marketing, Carey Canada, Inc., P.O. Box 190, East Broughton Station, Quebec, Canada.

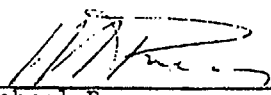
9. (a) - (e) See attached Exhibit "B".

This Defendant objects to subsection (f) as seeking information that is beyond the scope of discovery and not likely to lead to the discovery of admissible evidence. Defendant also objects to subsection (f) in that it calls for a privileged communications.

10. Defendant admits to being a named Defendant in a number of asbestos-related cases. However, Defendant declines to produce and/or identify the tremendous volume of paperwork involved in these cases. In addition, this information is a matter of public record and equally available to Plaintiff's counsel. Defendant also objects to furnishing this information on the grounds that it is irrelevant and unduly burdensome.

Without waiving this objection, Defendant has possession of numerous documents relating to every Workmen's Compensation Claim filed against Defendant on or before July 1, 1978. There are a total of thirteen Workmen's Compensation Claims, with the first claim being made on December 12, 1968. Each of the thirteen claims involves numerous documents, all of which are in French. Twelve of the thirteen claims were filed on or after October 12, 1974.

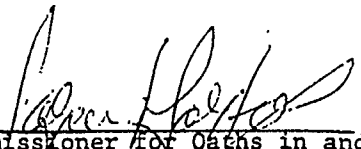
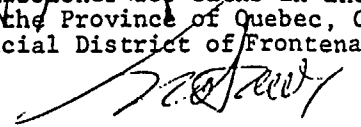
The undersigned, Michael Prus, President and General Operating Officer of Carey Canada Inc., East Broughton Station, Quebec, Canada GON-1HO, signs these Interrogatories as authorized officer. However, he has no personal knowledge (except as indicated otherwise herein) of the facts as set forth herein. And further, such facts are the result of the investigation by attorneys on behalf of Carey Canada Inc. and he affirms these Answers for purposes of taking necessary official action by Carey Canada Inc. only.


Michael Prus,
CAREY CANADA INC.
President and
General Operating Officer

PROVINCE OF QUEBEC
DISTRICT OF FRONTENAC

Before me the undersigned, a Commissioner for Oaths in and for the Province of Quebec, Judicial District of Frontenac Quebec, Canada, this day appeared Michael Prus, who stated he is authorized to execute the foregoing Answers and Objections to Interrogatories on behalf of Carey Canada Inc., and that the matters stated in said Answers are true and correct to the best of his knowledge, information and belief.

SUBSCRIBED AND SWORN TO BEFORE ME, this 26th day of February, 1981.


Commissioner for Oaths in and
for the Province of Quebec, Canada
Judicial District of Frontenac


HISTORY OF
CAREY CANADA INC.

Carey Canadian Mines, Ltd. was incorporated in the Dominion of Canada on 2/14/55 as an independent corporation. It was not a successor to any other corporation. Carey Canadian Mines, Ltd. was a wholly-owned subsidiary of the Philip Carey Manufacturing Company.

Supplementary Letters of Patent (the Canadian equivalent of Articles of Incorporation) were filed on 2/25/64, 12/30/64 and 10/26/77.

The Celotex Corporation acquired Carey Canadian Mines, Ltd. as a wholly-owned subsidiary, as a result of the merger between The Celotex Corporation and Panacore Corporation in April of 1972.

On 10/26/77, Carey Canadian Mines, Ltd. changed its name to Carey Canadian Mines, Ltd.--Les Mines Carey Canadiennes Ltée. On 4/30/79, Carey Canadian Mines, Ltd.-- Les Mines Carey Canadiennes Ltée, changed its name to Carey Canada Inc.

Carey Canada Inc. presently mines, mills and distributes chrysotile asbestos (FCB Canada) and operates as an independent Canadian subsidiary of The Celotex Corporation.

EXHIBIT "A"

CAREY-CANADA, INC.
GENERAL LIABILITY CARRIERS.

The primary insurers involved, with policy numbers and terms of coverage, are:

<u>INSURER</u>	<u>POLICY NO.</u>	<u>TERM</u>
Aetna Casualty & Surety	985LG30584SCA	11/15/76 - 10/1/77
CNA Assurance	CCP 248-3280	10/1/76 - 11/15/76
" "	CCP 248-3414	10/1/75 - 10/1/76
" "	834-0276	10/1/74 - 10/1/75
" "	822-5714	10/1/73 - 10/1/74
" "	822-5714	10/1/72 - 10/1/73
" "	822-4673	4/18/72 - 10/1/72
" "	822-3476	1/1/71 - 4/18/72
Lumbermen's Mutual	OYL 295175	1/1/70 - 1/1/71
" "	9YL 295175	1/1/69 - 1/1/70
Employers of Wausau	2790421047	1/1/68 - 1/1/69
General Accident	GLA 36-748-15	1/1/67 - 1/1/68
" "	ICG 427410	1/1/64 - 1/1/67
" "	ICG 372750	1/1/61 - 1/1/64
" "	ICG 301750	1/1/58 - 1/1/61
" "	ICG 242300	1/1/57 - 1/1/58

The excess insurers involved, with policy numbers and terms of coverage, are:

<u>INSURER</u>	<u>POLICY NO.</u>	<u>TERM</u>
Continental Casualty	RDX9230603	8/1/67 - 1/1/71
" "	RDU9397039	1/1/67 - 8/1/67
" "	RDU9910225	1/1/64 - 1/1/67
" "	All prior coverage	
American Reinsurance	M1222-1-2001	8/1/67 - 1/1/71
Lloyd's of London	ENL601000501	1/1/71 - 4/18/72
" "	FML600029601	1/1/71 - 4/18/72
" "	ENL610011501	1/1/71 - 4/18/72
" "	CN1106/67/68/69	8/1/67 - 1/1/71
Home Insurance	HEC9557890	8/1/67 - 1/1/71