

VAUGHN PEARSE VILLIERE,

Plaintiff,

VS.

CROWN CORK AND SEAL COMPANY,
INC., ET AL

Defendants.

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IN THE DISTRICT COURT

ORANGE COUNTY, TEXAS

128TH JUDICIAL DISTRICT

**KAISER GYPSUM COMPANY, INC.'S RESPONSES AND
OBJECTIONS TO PLAINTIFF'S INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO DEFENDANTS**

Kaiser Gypsum Company, Inc. (hereinafter "Kaiser Gypsum") responds to Plaintiff's Master Interrogatories and Requests for Production as follows:

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

Kaiser Gypsum was formed in 1952 and ceased all manufacturing operations in 1978. Thus, all Kaiser Gypsum product sales occurred between 1952 and 1978. Therefore, Kaiser Gypsum's responses to these discovery requests are based on its on-going review of documents presently available. In responding to these discovery requests, Kaiser Gypsum has been furnished with such information as is presently available and these responses are based upon facts known or believed to be true by Kaiser Gypsum at the time. The information sought by plaintiff in these discovery requests involves events that occurred many years prior and is, therefore, difficult or impossible to secure or reconstruct.

Kaiser Gypsum has not yet completed investigating the facts relating to these cases, has not completed discovery in these matters, and has not completed preparation for trial. All responses contained herein are based only upon such information and documents which are presently available to and specifically known to Kaiser Gypsum. It is anticipated that further discovery, independent investigation, legal research, and analysis will supply additional facts, add meaning to the known facts, as well as establish entirely new factual conclusions and legal contentions, all of which may lead to additions to, changes in, and variations from the responses herein set forth.

Plaintiff herein alleges injuries resulting from exposure to asbestos-containing products over extended periods of time. Therefore, Kaiser Gypsum's answers are limited by time and place. First, these answers are limited to the time periods in which Kaiser Gypsum produced products that contained chrysotile asbestos as a component ingredient and are in no way meant to encompass those portions of the employment history of the plaintiff during which time Kaiser Gypsum did not produce products that contained chrysotile asbestos as a component ingredient. Second, these answers are limited to those products that contained chrysotile asbestos as a component ingredient manufactured by Kaiser Gypsum that plaintiff allege exposure to and are in no way meant to encompass all products manufactured by Kaiser Gypsum that contained chrysotile asbestos as a component ingredient.

Kaiser Gypsum objects to the entire set of discovery requests to the extent they seek to impose obligations greater than those required under Texas law. This response is in accordance only with the express requirements of Texas law. Kaiser Gypsum objects to this entire set of discovery requests on the grounds that it is not reasonably framed in terms of the facts and subject

matter of the present action, with the result that Kaiser Gypsum is called upon to speculate as to what information is relevant to the present cases, if any, and may be deemed to fall within the scope of the written discovery as phrased. Kaiser Gypsum objects to all interrogatories and requests for production to the extent they would require the disclosure of privileged or protected information.

Kaiser Gypsum objects to the entire set of discovery to the extent it calls for information about Kaiser Gypsum employees or premises, or policies pertaining to Kaiser Gypsum employees or premises. Because plaintiff does not allege that he/she or the decedent was ever employed by Kaiser Gypsum or worked at any job site controlled by Kaiser Gypsum, such information is irrelevant and immaterial to these cases.

Kaiser Gypsum reserves the right to introduce at trial evidence which is presently unknown and/or is discovered subsequent to the date of these responses and reserves the right to amend or supplement these responses without motion at any time. All responses below are subject to the general objections set out above, without waiving same, and are given without prejudice to Kaiser Gypsum's right to produce evidence of any subsequently discovered facts. These general objections are incorporated by reference into Plaintiff's Master Interrogatories and Requests for Production.

RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1:

State the name, address, 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 of each person who has supplied any information used in answering these interrogatories.

ANSWER:

See Preliminary Statement and General Objections above as if fully incorporated herein. In addition, the answers are verified by Carroll LaGrafte, Assistant Secretary and Custodian of records for Kaiser Gypsum.

INTERROGATORY NO. 2:

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

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Kaiser Gypsum states: See Preliminary Statement and General Objections and the response to Interrogatory No. 1 above as if fully set forth herein. The correct name of the corporation is, Kaiser Gypsum Company, Inc. The entity authorized to accept service is, C.T. Corporation Systems, 520 Pike Street, Seattle, WA 98101. Kaiser Gypsum's authority to transact business in the state of Texas was withdrawn on December 9, 1989.

INTERROGATORY NO. 3:

Has Defendant or any of its predecessor or subsidiary companies at any time engaged in the mining and subsequent sale of material containing asbestos fibers? If so, identify the location of the mine(s), the years of its operation, the type of asbestos mined and whether you sold any asbestos to any Defendants in the Orange County asbestos litigation.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. Kaiser Gypsum objects to the phrase "material containing asbestos fibers" as vague, ambiguous and overbroad. This interrogatory is not limited as to time or location of plaintiff's alleged exposure to products manufactured by Kaiser Gypsum. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving said objections, Kaiser Gypsum states: Kaiser Gypsum was never in the business of mining asbestos.

INTERROGATORY NO. 4:

Identify by name each product containing asbestos fibers that Defendant or any of its predecessor or subsidiary companies at any time manufactured or sold.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. Kaiser Gypsum objects to the phrase "product containing asbestos fibers" as vague, ambiguous and overbroad. This interrogatory is not limited as to time or location of plaintiff's alleged exposure to products manufactured by Kaiser Gypsum. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving said objections, Kaiser Gypsum states: Kaiser Gypsum manufactured and sold, for limited periods of time over limited areas of distribution, a limited number of products that contained small amounts of chrysotile asbestos as a component ingredient. Kaiser Gypsum sold the following products in the State of Texas in limited amounts at various times during times the years 1963 to 1971:

1. Joint Cement/Joint Compound

The trade name of this product originally was Kaiser Joint Cement. In about 1957 it was changed to Kaiser Joint Compound. Kaiser Gypsum marketed Kaiser Joint Cement in 1952, but did not itself manufacture all of the product sold. Chrysotile asbestos was used as a component ingredient. Kaiser Gypsum last manufactured Kaiser Joint Compound with chrysotile asbestos as a component ingredient in 1975. The product consisted primarily of limestone and mica. Other component ingredients included casein, polyvinyl, clay, and talc. The product included between 8% and 16% by weight chrysotile asbestos as a component ingredient depending on the formula in effect at a given date. This product was a white to off-white powder. It was packaged and sold in 10 or 25 lb. sacks, and in boxes of 5 or 18 lbs. Each container was labeled with the name Kaiser Gypsum Company, Inc., the product name, and directions for use. This product was a dry powder which, when mixed with water, formed a thick paste. Upon application it dried to a hard, durable surface. It was used to fill gypsum wallboard joints, embed joint reinforcing tape, finish joints, and to cover and finish nail heads and metal cornerbead.

2. Finishing (Topping) Compound/Finishing Cement

The trade name of this product originally was Kaiser Gypsum Finishing Cement. The name was changed to Finishing (Topping) Compound in 1957. Kaiser Gypsum began manufacturing Finishing Cement in 1956, and chrysotile asbestos was used as a component ingredient. Kaiser Gypsum last manufactured Finishing (Topping) Compound with chrysotile asbestos as a component ingredient in 1975. This product consisted primarily of limestone, soapstone and mica. Other component ingredients included clay, casein, and talc. The product included between 5.2% and 16% by weight chrysotile asbestos as a component ingredient, depending on the formula in effect at a given time. This product was a white to off-white

powder. It was packaged and sold in 25 lb. sacks. Each container was labeled with the name Kaiser Gypsum Company, Inc., the product name, and instructions for use. This product was a dry powder which, when mixed with water, formed a thick paste. Upon application it dried to a hard, durable surface. It was used to top and finish gypsum wallboard joints.

3. Pre-Mix Joint Compound

The trade name of this product was Kaiser Gypsum Pre-Mix Joint Compound. Kaiser Gypsum began manufacturing Pre-Mix Joint Compound in 1960, and chrysotile asbestos was used as a component ingredient at that time. Kaiser Gypsum stopped manufacturing Pre-Mix Joint Compound with chrysotile asbestos as a component ingredient in 1975. The ingredients of this product are currently unknown. Investigation and discovery is continuing and ongoing. This product was a white to off-white or light buff-colored paste. Investigation and discovery is continuing and ongoing into the packaging of this product. Each container was labeled with the name of the manufacturer, Kaiser Gypsum Company, Inc., the name of the product, and directions for its use. This product was a thick paste-like material which, upon application, dried to a hard, durable surface. It was used to finish gypsum wallboard joints, embed joint reinforcing tape, finish joints, and to cover and finish nailheads and metal cornerbead.

4. Laminating Compound

The trade name of this product was Kaiser Gypsum Laminating Compound. Kaiser Gypsum began manufacturing Laminating Compound in 1960, at which time chrysotile asbestos was used as a component. Kaiser Gypsum last manufactured Kaiser Gypsum Laminating Compound with chrysotile asbestos as a component ingredient in 1972, at which time the product was discontinued. The product consisted primarily of kaysoy, flour, sheroid and Lincoln clay. Other component ingredients included sodium carbonate and Dowicide A&G. The product included between 6.6% and 10% by weight chrysotile asbestos as a component ingredient, depending upon the formula in effect at a given date. This product was a white to off-white powder. It was packaged and sold in sacks of 25 lbs. Each container was labeled with the name Kaiser Gypsum Company, Inc., the product name, and directions for use. This product was a dry powder, which, when mixed with water, formed a thick paste. It was used as an adhesive to laminate one piece of gypsum wallboard to another, which was occasionally done to create gypsum drywall partitions having thicker wallboard than could be created by a single sheet.

5. Cover-Tex (TSS) Wall Texture

The trade name of this product was Kaiser Gypsum Cover-Tex (TSS) Wall Texture Paint. Kaiser Gypsum began manufacturing Cover-Tex Wall Texture in 1968, at which time chrysotile asbestos was used as a component ingredient. Kaiser Gypsum last manufactured Cover-Tex Wall Texture with chrysotile asbestos as a component ingredient in 1975. The product consisted primarily of casein, limestone, talc and mica. Other component ingredients included clay, titanox and dowtesin. The product included between 4.3% - 8.7% by weight

chrysotile asbestos as a component ingredient, depending upon the formula in effect at a given date. The product was a white to off-white powder. It was packaged and sold in 50 lb. sacks. Each container was labeled with the name Kaiser Gypsum Company, Inc., the product name, and directions for use. This was a dry powder which, when mixed with water, formed a paint-like product designed for hand or spray application. When dry, it produced a hard, durable surface. It was used to produce texture effects over gypsum wallboard surfaces.

6. K-Spray Ceiling Texture

The trade names for this product included Kaiser Gypsum K-Spray Ceiling Texture, K-Spray Ceiling Texture, K-Spray Ceiling Texture Paint (Polystyrene), K-Spray Texture Paint with mineral filler, K-Spray Texture with mineral aggregate and K-Spray Ceiling Texture Paint (mineral aggregate). Kaiser Gypsum began manufacturing K-Spray Ceiling Texture in 1961, at which time chrysotile asbestos was used as a component ingredient. Kaiser Gypsum last manufactured K-Spray Ceiling Texture with chrysotile asbestos as a component ingredient in 1975. The product consisted primarily of sheroid, clay, vicron, talc, limestone, and mica. Other constituent ingredients included titanox, polystyrene aggregate, styrene aggregate, bentanite wyogel, titanium pigment, casein, monsarto KGR resin, expanded vermiculite and expanded perlite. The product included between 1.3% and 14% by weight chrysotile asbestos as a component ingredient, depending upon the formula in effect at a given date. The product was a white powder. It was packaged and sold in 32 lb. sacks. Each container was labeled with the name Kaiser Gypsum Company, Inc., the product name, and directions for use. This was a dry powder which, when mixed with water, formed a paint-like product designed for spray application. When dry, it produced a hard, durable surface. It was used to produce texture effects over gypsum wallboard or interior concrete ceilings.

7. Fire-Rated Mineral Fiberboard

The trade name of this product was Kaiser Mineral Fiberboard - U.L. Fire-Rated (Underwriters' Laboratories, Inc. Design). The product was used for acoustical ceiling tile and suspended lay-in board in circumstances where a 2-hour fire resistance classification was specified. Kaiser Gypsum began manufacturing Mineral Fiberboard-U.L. Fire-Rated with chrysotile asbestos as a component ingredient in 1963. Kaiser Gypsum last manufactured Mineral Fiberboard-U.L. Fire-Rated with chrysotile asbestos as a component ingredient in 1974, when the 2-hour fire-rated product was discontinued. Kaiser Mineral Fiberboard U.L. Fire-Rated (Underwriter's Laboratories, Inc. Design) was made primarily of mineral fiber, clay, starch and pulp. This product included 1.6% - 3.4% by weight chrysotile asbestos as a component ingredient. This product consisted of ceiling tiles and lay-in boards with face side white or colored, and with a perforated or fissured design for acoustical treatment. The tiles were packaged and sold in boxes of various quantities. The boxes contained the name Kaiser Gypsum Company, Inc., and the product name. Kaiser Gypsum's 2-hour fire-rated ceiling tiles and suspended ceiling lay-in board were required to be specially marked because they looked similar to other Kaiser Gypsum mineral fiberboard ceiling tiles and lay-in boards (that did not contain

asbestos as a component.) It is believed that 2-hour fire-rated ceiling tile and suspended ceiling lay-in board were stamped on the back with either the initial "KG" or the word "Kaiser Gypsum." It is believed that this marking was employed during the entire period that the 2-hour fire-rated products were manufactured by Kaiser Gypsum.

8. Null-A-Fire Type-X Gypsum Wallboard

In 1954, Kaiser Gypsum introduced Null-A-Fire brand wallboard, a 5/8" thick gypsum wallboard that was approved by the Uniform Building Code and listed by Underwriters Laboratories, Inc. for a one-hour rating. Wallboard products that were fire-rated were labeled as "Type X" to distinguish them from ordinary gypsum wallboard products that had not passed fire-rating tests.

When introduced in 1954, the primary component of Kaiser Gypsum's Null-A-Fire wallboard was gypsum. Glass fiber and expanded perlite, were used to increase fire resistance required for UL approval.

In 1965, Kaiser Gypsum began developing wallboard products that contained raw vermiculite. Once fire-rated and approved, Kaiser Gypsum began marketing gypsum wallboard containing raw vermiculite under its Null-A-Fire, Type X, brand. It continued to market such products until April 1978. The formulas varied over the years, but the vermiculite ore percentage did not exceed 5% by weight of the products.

W.R. Grace, (Grace), the supplier of some of the vermiculite used by Kaiser Gypsum, informed Kaiser Gypsum that the vermiculite obtained from Grace's Libby, Montana mine was contaminated with asbestiform tremolite. But that the tremolite that contaminated the vermiculite obtained from Grace's Kearney mine, Enoree, South Carolina, was predominantly non-fibrous. Kaiser Gypsum had previously purchased the vermiculite used in its Jacksonville, Florida and Delanco, New Jersey plants from the Kearney mine. Kaiser Gypsum identified the Kearney mine and the Palabora Mining Co., Ltd., So. Africa, as approved sources for the vermiculite used in Kaiser Gypsum plants throughout the nation.

Kaiser Gypsum states that none of the Null-A-Fire products it produced contained asbestiform tremolite in concentrations greater than 1.0 % by weight. Kaiser Gypsum further contends that any attempt under state law to deem any products that have less than the amount that would subject them to federal regulation to be asbestos-containing products would be preempted by federal law and the Supremacy Clause of the U.S. Constitution

Discovery and investigation is ongoing and continuing.

INTERROGATORY NO. 5:

Identify by name each product containing asbestos fibers that Defendant or any of its predecessor or subsidiary companies at any time marketed or sold.

ANSWER:

See response to Interrogatory No. 4 above as if fully incorporated herein.

INTERROGATORY NO. 6:

If the answer to one or more of the last three interrogatories is in the affirmative or lists any products state as to each named product the following:

- A. As to each product, state whether such product was mined, manufactured, marketed, and/or sold.
- B. The names of the companies mining, manufacturing, marketing, and/or selling each product mined, manufactured, marketed, and/or sold.
- C. The trade or brand name of each of those products mined, manufactured, marketed and/or sold.
- D. The date each of the named products was placed on the market.
- E. A description of the physical (chemical) composition of each of the named products, including the type of asbestos contained in the product and the percentage of asbestos put in each product.
- F. The date each of the products was removed from the market and no longer sold or distributed and the reason of reasons therefore.
- G. The date asbestos was removed from such products, if ever, and the reason therefore.
- H. A description of the physical appearance of each of the named products.
- I. A detailed description of the intended uses of the named products.
- J. Identify the last year that you sold each asbestos-containing product.

ANSWER:

See response to Interrogatory No. 4 above as if fully incorporated herein.

INTERROGATORY NO. 7:

Do any documents, including but not limited to written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the design, preparation, or introduction into the market of the products listed in Interrogatory No. 6 still exist? If so, state:

- A. A description of each such document.
- B. The name, address, and job title of each person who currently has possession of each document, and where the documents are currently located.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. This interrogatory is not limited as to time or location of plaintiff's alleged exposure to products manufactured by Kaiser Gypsum. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections Kaiser Gypsum states: Kaiser Gypsum was formed in 1952 and ceased all manufacturing operations in 1978. Thus, all Kaiser Gypsum product sales occurred between 1952 and 1978. Kaiser Gypsum's responses to these discovery requests are based on its on-going review of documents presently available. Kaiser Gypsum is currently in the process of reviewing thousands of documents, some of which may be responsive to Interrogatory No. 7. Kaiser Gypsum may not have in its possession or be capable of identifying all documents that would be responsive to plaintiff's requests. Kaiser Gypsum reserves the right to supplement the response to this interrogatory at the conclusion of the current review of documents.

INTERROGATORY NO. 8:

Before distributing, selling or placing the products listed in your response to Interrogatory Nos. 3-6 into the stream of commerce, were any tests conducted to determine potential health hazards involved in the use of, or exposure to, the materials such as asbestos, contained in those products? If the answer is affirmative, state:

- A. The names of the products tested and the date of each test.
- B. The name, address, and job title of each person conducting the tests or involved with conducting the tests.
- C. The results of the test.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. This interrogatory is not limited as to time or location of plaintiff's alleged exposure to products manufactured by Kaiser Gypsum. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections Kaiser Gypsum states: The Gypsum Association, a national organization that Kaiser Gypsum belonged to, performed tests on the dust exposure related to the use of joint compounds as compared to the threshold limit values for dust exposures. Kaiser Gypsum's products were not used in conducting the tests. Kaiser Gypsum was provided with the test results.

Discovery and investigation is ongoing and continuing.

INTERROGATORY NO. 9:

Do any documents, including but not limited to, written memoranda, specifications, recommendations, blueprints, or other written material of any kind or character, relating to the testing of the products referred to in Interrogatory No. 6 now exist? If so, state:

- A. A description of each such document.
- B. The name, address, and job title of each person who currently has possession of each document, and where it is presently located.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. This interrogatory is not limited as to time or location of plaintiff's alleged exposure

to products manufactured by Kaiser Gypsum. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections Kaiser Gypsum states: See responses to Interrogatory Nos. 1 and No. 8 above as if fully incorporated herein.

INTERROGATORY NO. 10:

Did defendant or any of its predecessor or subsidiary companies make any design changes or modifications as a result of those tests described in response to Interrogatory No. 8? If the answer is affirmative, state:

- A. The trade names of the products changed.
- B. The nature of the changes made and the date of such changes or modifications.
- C. The name, address, and job title of each person responsible for having caused a change to be made, or having made a change or modification.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. This interrogatory is not limited as to time or location of plaintiff's alleged exposure to products manufactured by Kaiser Gypsum. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Kaiser Gypsum states: Kaiser Gypsum was in the process of developing "asbestos free" products before the tests were performed by the Gypsum Association.

INTERROGATORY NO. 11:

After releasing the products listed in Interrogatory No. 6 to the public, were any tests conducted on them to determine potential health hazards resulting from the use of or exposure to the materials, such as asbestos, contained in those products? If the answer is affirmative, state:

- A. The names of the products tested and the dates of such tests.
- B. The name, address, and job title of each person who conducted those tests.
- C. The results of those tests.
- D. Whether, as a result of the tests, any products were removed from the market.
- E. The names of all products removed from the market as a result of these tests.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. This interrogatory is not limited as to time or location of plaintiff's alleged exposure to products manufactured by Kaiser Gypsum. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Kaiser Gypsum states: See response to Interrogatory No. 8 above as if fully incorporated herein.

INTERROGATORY NO. 12:

Do any documents, including but not limited to written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the potential health hazards of the products listed in Interrogatory No. 6 now exist? If so, state:

- A. The name of each product.
- B. A description of each document and how it relates to each product.
- C. The name, address, and job title of each person who currently has possession of each document, and where it is presently located.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. This interrogatory is not limited as to time or location of plaintiff's alleged exposure to products manufactured by Kaiser Gypsum. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Kaiser Gypsum states: No.

Discovery and investigation is continuing and ongoing.

INTERROGATORY NO. 13:

Did Defendant or any of its subsidiary companies make any design changes as a result of the tests discussed in your response to Interrogatories No. 8 or 11? If the answer is affirmative, state:

- A. The names of the products changed or modified.
- B. The name, address, and job title of each person responsible for having made a change or modification.
- C. The nature of the hazard or defect which resulted in such change or modification.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. This interrogatory is not limited as to time or location of plaintiff's alleged exposure to products manufactured by Kaiser Gypsum. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Kaiser Gypsum states: See response to Interrogatory No. 10 above as if fully incorporated herein.

INTERROGATORY NO. 14:

Has Defendant or any of its predecessor or subsidiary companies at any time published or distributed any printed material, including brochures, warning signs or statements, pamphlets, catalogs, packaging or other written material or any kind or character containing any warnings concerning the possibility of injury resulting from the use of the asbestos-containing products listed in interrogatory number 6? If so, state:

- A. The names of each relevant product.
- B. The exact wording of each warning statement on each printed material.
- C. A description of the printed material other than the warning statement
- D. The method used to distribute the warnings to persons likely to use the product.
- E. The date each warning was first issued, distributed or placed on packaging.
- F. The name, address, and job title of each person responsible for having drafted or issued the warning.
- G. The current location of any such printed material and the custodian thereof.
- H. The form in which such literature or printed material can be accessed, i.e., the manner in which such literature is indexed or stored.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to this interrogatory to the extent that it would require the disclosure of privileged or protected information. Kaiser Gypsum objects to the phrases "asbestos containing products" and "exposure to asbestos" as vague, ambiguous and overbroad. Without waiving these objections, Kaiser Gypsum states: Beginning in 1972, in response to regulations adopted by

the U.S. Occupational Safety and Health Administration (see 37 Fed. Reg. 11318, June 7, 1972), Kaiser Gypsum affixed caution labels to the packages and containers of its products that contained chrysotile asbestos as a component ingredient. The OSHA regulations requiring this label were made subject to the limitation that "no label is required where asbestos fibers have been modified by a bonding agent, coating, binder, or other material so that during any reasonably foreseeable use, handling, storage, disposal, processing, or transportation, no airborne concentrations of asbestos in excess of the exposure limits prescribed in paragraph B. of this section will be released." In light of then-existing ambiguities as to what tests OSHA would recognize as adequate to demonstrate a product's falling within this exception, Kaiser Gypsum applied the caution label to all its then-manufactured products in which chrysotile asbestos was used as a component ingredient.

Initially, the labels were four inches by eight inches in size and had yellow backgrounds with red letters. They were affixed to the bag or container of the product by adhesive in a prominent place. Plant managers were also informed of the option to hand stamp containers with the caution statement if the labels were not available. Later, as new bags and containers were purchased, the labels were printed onto the side of the bag or container and are believed to have been the same color or colors as the bag/container or the printing thereon. The warning label as prescribed by OSHA read:

CAUTION: contains asbestos fibers; avoid creating dust; breathing
asbestos dust may cause serious bodily harm.

Additionally, Kaiser Gypsum Technical Bulletins 5703-A, dated October 1973, and 5707, dated October 1973 and November 1976, prescribed the use of respirators during spray application. The Technical Bulletins were given to members of the Kaiser Gypsum Sales Department. Sales personnel were responsible for sharing, verbally or in writing, the information contained in the Technical Bulletins with customers.

INTERROGATORY NO. 15:

Before 1970, had you received notice that any individual or individuals, other than those plaintiffs who have filed personal injury actions in Texas State Courts is or are claiming or has or have claimed an injury as a result of using asbestos products manufactured and/or sold by your company or any of its predecessors or subsidiaries before 1970? If so, 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 who represents each individual making a claim.
- F. The style and court number of each claim.
- G. The disposition of each claim that has been settled or taken to judgment.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Kaiser Gypsum states: Before 1970, Kaiser Gypsum was unaware of any individual or individuals claiming an injury as a result of being exposed to the chrysotile asbestos that was contained in the products it manufactured.

INTERROGATORY NO. 16:

Were your asbestos products distributed, marketed, packaged, labeled and/or sold by companies other than your own? If the answer is affirmative, list the names and addresses of each of those companies and the products in question.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "asbestos products" as vague, ambiguous and overbroad. Without waiving these objections, Kaiser Gypsum states: Kaiser Gypsum is unaware of any information that indicates that the products identified in response to Interrogatory No. 6 were distributed, marketed, packaged, labeled or sold within the State of Texas by companies other than Kaiser Gypsum.

INTERROGATORY NO. 17:

Did you or any of your predecessors, successors, or subsidiaries have any distributors or sales representatives of asbestos products in the states of Alabama, Florida, Mississippi, Oregon, Washington, Georgia, Tennessee, Arkansas, Texas and Virginia? If so, state:

- A. The name and address of each such distributor or sales representatives.
- B. The years in which such company or person distributed, marketed, or sold your products.

C. What products were distributed, marketed, or sold and in what years.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "asbestos products" as vague, ambiguous and overbroad. Kaiser Gypsum objects to this interrogatory to the extent that it seeks information unrelated to the claims filed in this jurisdiction. Without waiving these objections, Kaiser Gypsum states: Other than employees of Kaiser Gypsum, no.

INTERROGATORY NO. 18:

List each employee (including only physicians and/or hygienists) who has acted in a medical advisory capacity to your company at any time during the past 40 years, including, but not limited to, physicians and industrial hygienists, and the current address, telephone number and job title of each of those individuals and who has, had or may have had any knowledge regarding the hazards of asbestos.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections Kaiser Gypsum states: Kaiser Gypsum did not have a "Medical Department" or anyone employed in a "medical advisory capacity." During the early 1970's, Mr. A.J. Trommershausen, an industrial hygienist, who was not an employee of Kaiser Gypsum, was retained by Kaiser Gypsum as a consultant to conduct plant inspection and air sampling tests to evaluate and ensure compliance with U.S. Occupational Safety and Health Administration requirements. Each plant had a contract with a local physician to address medical issues, but local physicians were not responsible for industrial medicine issues.

INTERROGATORY NO. 19:

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? If so, state:

- A. The name of each such publication.
- B. The date of publication and the names of the author and publisher (if any).
- C. The date received by Defendant, if known.

- D. The name, job title, and address of each person who currently has possession of each publication and its present location.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. Kaiser Gypsum objects to the phrase "asbestos fibers" as vague, ambiguous and overbroad. This interrogatory is not limited as to time and seeks the production of documents protected by the work product and attorney-client privileges. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections Kaiser Gypsum states: In 1965, Kaiser Gypsum was provided by the Gypsum Association, a national trade group that Kaiser Gypsum belonged to, a copy of an article reporting on the work of Dr. Irving Selikoff. In 1968 and 1970, Kaiser Gypsum received Asbestos Toxicology Reports from Union Carbide. In 1972, Union Carbide provided to Kaiser Gypsum a science letter entitled "Airborne Asbestos." In 1972, Carey Canadian wrote to Kaiser Gypsum informing Kaiser Gypsum of the lack of health complications experienced by its employees in a chrysotile mine. In 1972, Pacific Asbestos wrote Kaiser Gypsum concerning possible health concerns associated with exposure to asbestos. In 1973, Kaiser Gypsum was provided with a report from the World Health Organization concerning possible health issues associated with exposure to asbestos dust.

Investigation and discovery is continuing and ongoing.

INTERROGATORY NO. 20:

Has Defendant or any of its subsidiary or predecessor companies at any time been a member of any trade organization or association that published or disseminated any documents or information relating to the hazards of asbestos comprised of other manufacturers, miners, marketers, and/or sellers of asbestos products? If so, state:

- A. The name and address of each such association or organization.
- B. The dates during which Defendant or any of its subsidiaries or predecessors were members.
- C. The names and dates of any publications, minutes, or reports published, written, or disseminated by any of the named associations or organizations.
- D. Whether any of those publications are still in your possession, and if so:

1. A description of the publications, including the date.
2. The current location of such publications.
3. The custodian of such publications.
4. The method or manner in which such publications are maintained.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections Kaiser Gypsum states: See response to Interrogatory No. 8 above as if fully incorporated herein. The exact dates of membership in the Gypsum Association is currently unknown.

INTERROGATORY NO. 21:

Identify by name and location each plant or manufacturing facility in which the products listed in your answers to Interrogatory Nos. 3-6 were manufactured, assembled, or prepared for sale or marketing, specifying which plants produced each item, the dates each plant is or was in operation, and the time span during which each named items was produced or manufactured.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. This interrogatory is not limited as to time or location of plaintiff's alleged exposure to products manufactured by Kaiser Gypsum. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections Kaiser Gypsum states: At various times Kaiser Gypsum operated manufacturing plants in Delanco, New Jersey; Jacksonville, Florida; Rosario, New Mexico; Santa Ana, California; Antioch, California; St. Helens, Oregon; and Seattle, Washington where small amounts of chrysotile asbestos was used as a component ingredient in a limited number of the products manufactured.

INTERROGATORY NO. 22:

Have printed sales materials been prepared by Defendant or any of its subsidiary or predecessor companies or their agents for purposes of marketing or advertising products containing asbestos? If so, state:

- A. The name, address, and job title of each person or entity who prepared such materials.
- B. The name, address, and job title of each person who currently has possession of such materials and their present location.

1. A description of the publications, including the date.
2. The current location of such publications.
3. The custodian of such publications.
4. The method or manner in which such publications are maintained.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections Kaiser Gypsum states: See response to Interrogatory No. 8 above as if fully incorporated herein. The exact dates of membership in the Gypsum Association is currently unknown.

INTERROGATORY NO. 21:

Identify by name and location each plant or manufacturing facility in which the products listed in your answers to Interrogatory Nos. 3-6 were manufactured, assembled, or prepared for sale or marketing, specifying which plants produced each item, the dates each plant is or was in operation, and the time span during which each named items was produced or manufactured.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. This interrogatory is not limited as to time or location of plaintiff's alleged exposure to products manufactured by Kaiser Gypsum. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections Kaiser Gypsum states: At various times Kaiser Gypsum operated manufacturing plants in Delanco, New Jersey; Jacksonville, Florida; Rosario, New Mexico; Santa Ana, California; Antioch, California; St. Helens, Oregon; and Seattle, Washington where small amounts of chrysotile asbestos was used as a component ingredient in a limited number of the products manufactured.

INTERROGATORY NO. 22:

Have printed sales materials been prepared by Defendant or any of its subsidiary or predecessor companies or their agents for purposes of marketing or advertising products containing asbestos? If so, state:

- A. The name, address, and job title of each person or entity who prepared such materials.
- B. The name, address, and job title of each person who currently has possession of such materials and their present location.

- C. The date the materials were prepared.
- D. The media used to disseminate the sales materials.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Kaiser Gypsum states: Kaiser Gypsum had sales and/or promotional literature during the years it manufactured building products some of which contained chrysotile asbestos. Many of these brochures, pamphlets, catalogs and other product listings did not differentiate between products containing small amounts of chrysotile asbestos and other products. Kaiser Gypsum advertised its products through various forms of media. However, Kaiser Gypsum cannot state with any more specificity how it advertised its products within the state of Texas.

INTERROGATORY NO. 23:

Have any written or printed materials or instructions of any kind or character been prepared by Defendant or any of its subsidiary or predecessor companies or their agents indicating how asbestos products should be used and maintained? If so, state:

- A. The name, address, and job title of each person who prepared such materials or instructions or assisted in their preparation.
- B. The name, address and job title of each person who currently has possession of such materials or instructions and their present location.
- C. The dates of distribution or use and the manner in which such materials or instructions were distributed to purchasers of Defendant's products or those of its subsidiaries or predecessors.
- D. The year each such written material or instruction was prepared and disclosed to potential customers.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "asbestos products" as vague, ambiguous and overbroad. Without waiving these objections, Kaiser Gypsum states: See response to Interrogatory No. 14 above as if fully incorporated herein.

INTERROGATORY NO. 24:

Does Defendant have insurance policies that might cover the claims made by Plaintiff in these cases? If so, list the name of each insurance carrier, the amount of initial coverage, amount of coverage remaining at the present time, and the effective dates of each policy. (If properly answered, this Interrogatory need not be supplemented as to the remaining amount of coverage).

ANSWER:

Kaiser Gypsum is insured under a number of general corporate liability insurance policies that were issued by primary insurance carriers, including Truck Insurance Exchange, Fireman's Fund, The Home Insurance Company and National Union Insurance Company, which Kaiser Gypsum maintains provide coverage for personal injury claims. Certain policy terms and conditions are subject to disputes between Kaiser Gypsum and its carriers. Kaiser Gypsum also believes that it is insured under a number of excess liability insurance policies that were issued by a number of different insurance carriers, including some that may no longer be capable of responding to their obligations. The terms and conditions of these excess policies may be subject to dispute.

Kaiser Gypsum will supplement this response in the event the circumstances in a particular case may make more detailed information on insurance policies of relevance, taking into account the carrier and dispute resolution status pertaining at that time.

INTERROGATORY NO. 25:

As to the disease asbestosis, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.
- B. How Defendant became aware of the existence of the disease.
- C. Who within the company first discovered, recognized or understood the adverse consequences or effects of the disease and/or of asbestos exposure.
- D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- E. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form.
- F. Who is the custodian of such information.

- G. The date on which you first received knowledge or information that asbestosis was caused by inhalation of asbestos fibers.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "asbestos fibers" as vague, ambiguous and overbroad. Without waiving these objections, Kaiser Gypsum states: It became generally aware in the 1970s that users of some building products that included asbestos as a component ingredient could be at risk of inhaling quantities of respirable asbestos fibers sufficient to pose a potential hazard to their health.

Discovery and investigation is ongoing and continuing.

INTERROGATORY NO. 26:

As to the disease lung cancer, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.
- B. How Defendant or its subsidiary or predecessor became aware of the disease and its relationship to asbestos exposure.
- C. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects?
- E. Whether any such information is still maintained by Defendants or its subsidiaries or predecessors in a written form.
- F. Who is the custodian of such information.
- G. The date on which you first received knowledge or information that lung cancer was caused by inhalation of asbestos dust and fibers.

ANSWER:

See response to Interrogatory No. 25 above as if fully incorporated herein.

INTERROGATORY NO. 27:

As to pleural disease, pleural thickening or pleural plaques, state:

- A. The date on which Defendant or its subsidiary or predecessor learned that such disease was caused by inhalation of asbestos fibers by humans.
- B. How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos.
- C. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- E. Whether any such information is still maintained by Defendants or its subsidiaries or predecessors in a written form.
- F. Who is the custodian of such information.

ANSWER:

See response to Interrogatory No. 25 above as if fully incorporated herein.

INTERROGATORY NO. 28:

As to the disease mesothelioma, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned such disease was caused by inhalation of asbestos fibers by humans.
- B. The date on which Defendant first suspected that mesothelioma was caused by inhalation of asbestos dust and fibers.
- C. How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos.
- D. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- E. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.

- F. Whether any such information is still maintained by Defendants or its subsidiary or predecessor in a written form.
- G. Who is the custodian of such information.
- H. Whether Defendant agrees that there is no known medical cure for mesothelioma.

ANSWER:

See response to Interrogatory No. 25 above as if fully incorporated herein.

INTERROGATORY NO. 29:

As to gastro-intestinal cancer, laryngeal cancer, pharyngeal cancer or lymphatic cancer, state:

- A. The type of cancer and the date on which Defendant or its subsidiary or predecessor first learned that such diseases were caused by inhalation of asbestos fibers by humans.
- B. What cancers has the Defendant or its subsidiary or predecessor become aware can be caused by exposure to asbestos fibers?
- C. The date on which Defendant first suspected other cancers were caused by asbestos inhalation.
- D. Who within the company or its subsidiary or predecessor first discovered the adverse consequences or effects of asbestos exposure.
- E. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- F. Whether any such information is still maintained by Defendants or its subsidiary or predecessor in a written form.
- G. Who is the custodian of such information.

ANSWER:

See response to Interrogatory No. 25 above as if fully incorporated herein.

INTERROGATORY NO. 30:

Does Defendant contend that asbestos products can be manufactured or designed so as to eliminate all potential health hazards to persons working with or exposed to them? If the answer is affirmative, explain in detail, and attach any studies or surveys on which this answer is based.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. Kaiser Gypsum objects to the phrases "asbestos products" and "all potential health hazards" as vague, ambiguous and overbroad. Without waiving these objections, Kaiser Gypsum states: Chrysotile asbestos-containing products pose no excess health risks unless the user is exposed to massive doses similar to those experienced by Quebec chrysotile miners and millers. Chrysotile fibers of all lengths appear to be cleared from lung tissue by the body's normal defense mechanisms. The half life of chrysotile in lung tissue appears to be roughly 90 days with clearance continuing thereafter.

Below are representative articles which support this answer:

Acheson, E. D., M. J. Gardner, et al. (1982). "Mortality of two groups of women who manufactured gas masks from chrysotile and crocidolite asbestos: a 40-year follow-up." *Br J Ind Med* 39:344-8.

Case, B. W., Churg, A., Dufresne, A., Sébastien, P., McDonald, A.D., and McDonald, J.C. (1997). "Lung Fibre Content for Mesothelioma in the 1891-1920 Birth Cohort of Quebec Chrysotile Workers: A Descriptive Study." *Annals of Occupational Hygiene* 41: 231-236.

Case, B. W. and P. Sebastien (1987). "Environmental and occupational exposures to chrysotile asbestos: a comparative microanalytic study." *Arch Environ Health* 42(4): 185-91.

Churg, A. and F. Green (1990). "Re: Mesothelioma in railroad machinists." *Am J Ind Med* 17(4): 523-30.

Churg, A. and S. Vedal (1994). "Fiber burden and patterns of asbestos-related disease in workers with heavy mixed amosite and chrysotile exposure." *Am J Respir Crit Care Med* 150(3): 663-9.

INTERROGATORY NO. 31:

Describe in detail the types of packages or packaging which Defendant or any of its subsidiary or predecessor companies used for asbestos material or products, listing the dates each type of package was used, a physical description of each type of package, and providing a description of any printed material or trademarks that appeared thereon.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "asbestos material" as vague, ambiguous and overbroad. Without waiving these objections, Kaiser Gypsum states: See response to Interrogatory No. 4 above as if fully incorporated herein.

INTERROGATORY NO. 32:

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

- A. The name of the company manufacturing the asbestos products.
- B. The trade name affixed to those products.
- C. The periods of time covered by each such agreement.
- D. The volume, in dollar amount, of each transaction.
- E. The initial purchaser of the products.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "asbestos materials" and "asbestos products" as vague, ambiguous and overbroad. Without waiving these objections, Kaiser Gypsum states: To the best of its knowledge, Kaiser Gypsum did not enter into any "rebranding" agreements concerning any of the products that were sold in the state of Texas.

INTERROGATORY NO. 33:

List the name and address of each company from which Defendant or its subsidiary or predecessor purchased materials or asbestos products which Defendant sold or distributed in any form, stating the form of the materials, the dates of such purchases, and the ultimate disposal of such materials.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "asbestos products" as vague, ambiguous and overbroad. Without waiving these objections, Kaiser Gypsum states: Kaiser Gypsum is aware of the following suppliers of chrysotile asbestos:

Harrison & Crosfield
Carmonia Chemical Co.
Western Chemical Co.
Philip Carey Corp. (Carey Canadian Asbestos)
Johns-Manville
Union Carbide Corp.
E.S. Browning

Current addresses, if any, are not known to Kaiser Gypsum. The specific time periods during which these firms supplied asbestos and the amounts of asbestos supplied are unknown.

Discovery and investigation is continuing and ongoing.

INTERROGATORY NO. 34:

Does Defendant or any of its subsidiaries or predecessors currently have possession of any writings or contracts on those rebranding agreements set forth in the answer to Interrogatory No. 32? If the answer is affirmative, state:

- A. The name, address, and job title of each person having custody of each of those documents and their current location.
- B. A brief description of each such document, including the dates and the parties' signatory.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Kaiser Gypsum states: See response to Interrogatory No. 32 above as if fully incorporated herein.

INTERROGATORY NO. 35:

Prior to 1968, did any person file a claim against a Worker's Compensation carrier covering Defendant or any of its subsidiaries or predecessors alleging that he/she contracted a disease from inhaling asbestos fibers? If so, provide:

- A. A list of the claims, including each claimant's name, address and the date each claim was filed, and including the caption and jurisdiction of the claim.
- B. The disease alleged in each such claim.
- C. A brief summary of the disposition of each such claim.
- D. The name, address and title of the person having custody of the records pertaining to each such claim.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "asbestos fibers" as vague, ambiguous and overbroad. Without waiving these objections, Kaiser Gypsum states: No.

INTERROGATORY NO. 36:

Did Defendant or any of its subsidiaries or predecessors maintain written minutes of corporate meetings, either board of directors, departmental, or otherwise, which reflect discussions pertaining to any subject matter related to asbestos, asbestos health hazards or asbestos products? If so, for each such set of minutes, state:

- A. The dates of each such meeting.
- B. The general subject matter discussed at each meeting.
- C. Who was in attendance at each meeting.
- D. Where and by whom the written minutes are presently maintained.
- E. By whom the minutes were taken and put into final format.
- F. Whether the minutes were abstracted and reports disseminated to other individuals, and if so, the names and job titles of those individuals.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. Kaiser Gypsum objects to the phrase "asbestos health hazards" and "asbestos products" as vague, ambiguous and overbroad. Without waiving these objections, Kaiser Gypsum states that it is currently unaware of any "minutes" responsive to this interrogatory.

Discovery and investigation is ongoing and continuing.

INTERROGATORY NO. 37:

Do you or any of your subsidiaries, including foreign business entities, currently manufacture any products containing asbestos? If so, state:

- A. As to each product, whether such product is mined, manufactured, and/or marketed or sold.
- B. The names and addresses of the companies mining, manufacturing, marketing, and/or selling each of those products.
- C. The trade or brand name of each of those products mined, manufactured, marketed, and/or sold.
- D. The date each of the named products was placed on the market.
- E. A description of the physical (chemical) composition of each of the named products, including the type of asbestos contained in the product.
- F. A description of the physical appearance of each product and its packaging.
- G. A detailed description of the intended uses of each of the named products.
- H. Whether there are any warning labels on said products or containers regarding the potential asbestos-related health hazards.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Kaiser Gypsum states: See Preliminary Statement and General Objections above as if fully incorporated herein.

INTERROGATORY NO. 38:

State whether you or any of your predecessors and/or subsidiaries maintain, from 1940 through the present or for any portion thereof, copies of invoices, shipping documents, bills of lading, purchase orders, or other documents of a similar nature relating to the mining, manufacture, marketing, sale or distribution of asbestos products. If so, state:

- A. The location of such documents.
- B. The name and address of the custodian of the documents;
- C. The format in which the documents are kept, i.e., hard copy, microfilm, microfiche, etc.
- D. In what form the documents can be accessed, i.e., by state, by product, etc., and if by product, whether kept according to asbestos or non-asbestos.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. Kaiser Gypsum objects to the phrase "asbestos products" as vague, ambiguous and overbroad. Without waiving these objections, Kaiser Gypsum states: Kaiser Gypsum has some retained sales information for products which it sold. The original sales records are stored in California. The records custodian is Carroll LaGrafte.

INTERROGATORY NO. 39:

Will you call company representatives as witnesses at the trial of any of these cases? If so, list:

- A. The name, address, and job title of each company representative who may be called.
- B. A summary of the testimony expected to be given by each such witness.
- C. List any and all previous times that the named witnesses have either given deposition or trial testimony in an asbestos-related case, including the jurisdiction, style of the case, case number, date of testimony, and the name of the attorney taking the deposition for the Plaintiffs in that case.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. Kaiser Gypsum objects to the phrase "asbestos-related case" as vague, ambiguous and overbroad. Without waiving these objections, Kaiser Gypsum states:

1. **Carroll LaGrafte**, Assistant Secretary and Custodian of records for Kaiser Gypsum, 2080 Bishop Drive #225, San Ramon, CA 94583 (live or by deposition). Ms. LaGrafte may testify about the history of the corporation, its operations, the products manufactured and their packaging, the extent to which such products contained asbestos, and whether and when Kaiser Gypsum ever manufactured, distributed, or sold the types of products at issue in this case.
2. **George B. Kirk** (live or by deposition), c/o Ken Petty, Esq. or Bob Manlowe, Esq., Williams, Kastner & Gibbs PLLC, Two Union Square, Suite 4100, Seattle, WA 98101-2380. Mr. Kirk was employed by Kaiser Gypsum from 1952 through 1978. Mr. Kirk may testify about the history of the corporation, its operations, the products manufactured, their packaging, the use of warnings on the product packaging, the formulations and extent to which such products contained asbestos and whether and when Kaiser Gypsum ever manufactured, distributed or sold the types of products at issue in this case.

Please see Defendant's Exhibit and Witness Lists attached hereto. Discovery and investigation is continuing and ongoing. Kaiser Gypsum expressly reserves the right to supplement the response to this interrogatory.

INTERROGATORY NO. 40:

Have Defendant or its subsidiaries or predecessors ever acquired through purchase, reorganization, or merger another corporation, company, or business which manufactured, sold, processed, distributed, or contracted or supplied products containing asbestos? If so, for each such entity, state:

- A. Full and correct name;
- B. Principal place of business;
- C. State of incorporation;
- D. Date of acquisition by Defendant;
- E. Whether or not the business entity was ever authorized to transact business in the State of Texas.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Kaiser Gypsum states: No.

INTERROGATORY NO. 41:

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

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "asbestos products" as vague, ambiguous and overbroad. Without waiving these objections, Kaiser Gypsum states: See response to Interrogatory No. 4 above as if fully incorporated herein.

INTERROGATORY NO. 42:

For each asbestos-containing product identified in response to Interrogatory No. 6, identify all foreseeable users such as insulators, helpers, pipefitters, welders, machinists, plasterers, drywall finishers, carpenters, boilermakers, shipwrights, and riggers, etc. of any of Defendant's asbestos-containing products.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "asbestos containing products" as vague, ambiguous and overbroad. Without waiving these objections, Kaiser Gypsum states: See response to Interrogatory No. 4 above as if fully incorporated herein concerning foreseeable uses and users of Kaiser Gypsum's products.

INTERROGATORY NO. 43:

Based on the material contents of your asbestos-containing products, the method of manufacturing, and the method of application, can such products be generally applied without liberating asbestos fibers into the air?

- A. If there is a different answer concerning different products manufactured, sold, distributed, or used by your company, then specify the different products by precise manufacturer's name and popular name.
- B. If there is a difference in your answer depending on the year or years in which a particular product was used, then specify in detail what year or years you are referring to and the specific products you are referring to and year involved.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "asbestos containing products" as vague, ambiguous and overbroad. Without waiving these objections, Kaiser Gypsum states: Kaiser Gypsum manufactured and distributed, for limited periods of time, a limited number of products that contained small amounts of chrysotile asbestos as a component ingredient. In the mid 1970's, Kaiser Gypsum ceased using chrysotile asbestos as a component ingredient in the products it manufactured.

INTERROGATORY NO. 44:

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

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "asbestos containing products" as vague, ambiguous and overbroad. Without waiving these objections, Kaiser Gypsum states: See response to Interrogatory No. 4 above as if fully incorporated herein concerning the foreseeable use of Kaiser Gypsum's products.

INTERROGATORY NO. 45:

Before 1970, did you or your subsidiaries or predecessor(s) ever arrange for any labor inspectors, insurance company inspectors or anyone from your company to go to job sites where your products were being used or installed to make or take dust level counts? If so, state when this procedure started, the purpose of such procedures, and all results of such procedures.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. Kaiser Gypsum objects to the phrase "your products" as vague, ambiguous and overbroad. This interrogatory is not limited as to time or location of plaintiff's alleged exposure to products manufactured by Kaiser Gypsum. Without waiving these objections, Kaiser Gypsum states: To the best of its knowledge Kaiser Gypsum had neither an ownership or possessory interest in the work sites where its products were "being used." Kaiser Gypsum has no information as to whether the site owners, possessors or anyone else with a legal right to do so conducted any such samplings.

INTERROGATORY NO. 46:

If Defendant performed or had performed any dust level counts, what action, based on the results, did your company take?

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Kaiser Gypsum states: See response to Interrogatory Nos. 8 and No. 10 above as if fully incorporated herein.

INTERROGATORY NO. 47:

Has your company or its subsidiaries or predecessor(s) ever conducted or caused to be conducted any studies designed to assist in minimizing or eliminating the inhalation of asbestos dust and fibers by those exposed to the use of your company's products? If so, give the following:

- A. Name of the person or firm conducting such studies;
- B. The date the studies began and the date they were completed;
- C. Any publication or other written dissemination of the results of the studies;
- D. The nature of any action to eliminate or minimize the inhalation of asbestos dust fibers;

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "asbestos dust" and "fibers" as vague, ambiguous and overbroad. Without waiving these objections, Kaiser Gypsum states: See response to Interrogatory No. 8 above as if fully incorporated herein.

INTERROGATORY NO. 48:

Does your company have, has it ever had, or have your predecessor(s) or subsidiaries ever had, a Research Department? If so, give the year such Research Department was established, and whether or not such Research Department has operated continuously since being established. State also:

- A. The amount of time and money expended each year on research concerning asbestos or asbestos-containing products?
- B. What percentage of gross sales did your company or its predecessor(s) spend on research concerning the health effects of asbestos?
- C. State in detail the purposes, duties, and responsibilities of such Research Department.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "asbestos containing products" as vague, ambiguous and overbroad. Without waiving these objections, Kaiser Gypsum states: Kaiser Gypsum had a research department since its formation in 1952. In response to subparts (a) and (b) of this interrogatory, Kaiser Gypsum states: Unknown.

The Kaiser Gypsum Research Department supervised the quality control program throughout the company, developed new or improved existing products and provided technical advice through out Kaiser Gypsum.

Discovery and investigation is ongoing and continuing.

INTERROGATORY NO. 49:

Does your company have, or has it ever had, or have your predecessor(s) or subsidiaries ever had, a Medical Department? If so, state:

- A. The year such Medical Department was established;
- B. Whether or not such Medical Department has operated continuously since being established;
- C. The name of each director, chief, or head of your Medical Department, year by year, beginning with the first year you had a Medical Director or Medical Department, and the last known address and phone number of each;
- D. State the duties and responsibilities of such Medical Department.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections Kaiser Gypsum states: Kaiser Gypsum did not have a "Medical Department."

INTERROGATORY NO. 50:

Did your company or its predecessor(s) or subsidiaries ever place any warning directly on any of its asbestos-containing product or on their packaging. If so, identify the product(s) and year said warning was first applied.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to this interrogatory to the extent that it would require the disclosure of privileged or protected information. Kaiser Gypsum objects to the phrase "asbestos containing products" as vague, ambiguous and overbroad. Without waiving these objections, Kaiser Gypsum states: See response to Interrogatory No. 14 above as if fully incorporated herein.

INTERROGATORY NO. 51:

Did your company or its predecessor(s) or subsidiaries ever stamp or place the name of the company, its initials, or any identifying logo on any of its asbestos-containing products? If so, please state the name brand names of such products, a description of such stamp or logo and the dates such were placed on the referred products.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to this interrogatory to the extent that it would require the disclosure of privileged or protected information. Kaiser Gypsum objects to the phrase "asbestos containing products" as vague, ambiguous and overbroad. Without waiving these objections, Kaiser Gypsum states: See response to Interrogatory No. 4 above as if fully incorporated herein.

INTERROGATORY NO. 52:

Has your company, or your predecessor(s) or subsidiaries, ever devised a research plan to develop, or actually developed or had developed, a product which did not contain asbestos and which could be substituted for one or more of your asbestos-containing products? If so, state the date that such research plan was begun and when such asbestos-free product was first placed on the market.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to this interrogatory to the extent that it would require the disclosure of privileged or protected information. Kaiser Gypsum objects to the phrases "asbestos containing products" and "asbestos-free" as vague, ambiguous and overbroad. Without waiving these objections, Kaiser Gypsum states: See response to Interrogatory No. 4 above as if fully incorporated herein.

INTERROGATORY NO. 53:

Did your company or its predecessor(s) or subsidiaries ever recall any products containing asbestos from the market or stream of commerce? If so, state:

A. All details of such recall;

- B. The name of the product recalled, including the reason for the recall and the names and current addresses of those individuals who determined that it should take place;
- C. The dates of recall;
- D. The purpose for the recall.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to this interrogatory to the extent that it would require the disclosure of privileged or protected information. Without waiving these objections, Kaiser Gypsum states: No.

INTERROGATORY NO. 54:

Before 1970, did you ever manufacture or sell products which did not contain asbestos and which could be substituted for your asbestos-containing products? If so, state the date such asbestos-free products were first placed on the market.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to this interrogatory to the extent that it would require the disclosure of privileged or protected information. Kaiser Gypsum objects to the phrases "asbestos containing products" and "asbestos-free" as vague, ambiguous and overbroad. Without waiving these objections, Kaiser Gypsum states: See response to Interrogatory No. 4 above as if fully incorporated herein. In addition, the majority of products manufactured by Kaiser Gypsum never contained chrysotile asbestos as a component ingredient. In the early 1970s, Kaiser Gypsum began the process of developing a complete line of products that did not contain chrysotile asbestos as a component ingredient.

INTERROGATORY NO. 55:

Have any products you identified in your response to Interrogatory Nos. 52 and 54 not performed as intended? Please list all such products that have not performed as intended.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to this interrogatory to the extent that it would require the disclosure of privileged or protected information. Without waiving these objections, Kaiser Gypsum states: See response to Interrogatory Nos. 52 and 54 above as if fully incorporated herein. In addition, Kaiser Gypsum received a number of complaints relating to the performance of the products it developed that did not contain chrysotile asbestos as a component ingredient.

INTERROGATORY NO. 56:

Did your company or its predecessor(s) or subsidiaries ever make, order, or arrange for any industrial hygiene surveys regarding asbestos or asbestos-containing dust? If so, give the date of such surveys and state who, or what entity, was responsible for completion of such surveys.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to this interrogatory to the extent that it would require the disclosure of privileged or protected information. Kaiser Gypsum objects to the phrase "asbestos containing dust" as vague, ambiguous and overbroad. Without waiving these objections, Kaiser Gypsum states: That in 1971 and thereafter, surveys were conducted in Kaiser Gypsum's manufacturing plants to evaluate dust levels. In addition, see response to Interrogatory No. 18 above as if fully incorporated herein.

INTERROGATORY NO. 57:

As to either the threshold limit values or maximum allowable concentrations of both asbestos dust and total dust provided by the American Conference of Governmental Industrial Hygienists, state:

- A. The year in which Defendant or any predecessor(s) or subsidiaries were first advised of such limits or concentrations;
- B. The name of the employee or official of the company receiving such advice;
- C. How Defendant received notice of such limits or concentrations.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Kaiser Gypsum states: Kaiser Gypsum is currently unaware when it was first informed of TLVs for exposure to asbestos fibers and currently has no record of being provided with information concerning TLVs for exposure to asbestos fibers by the American Conference of Governmental Industrial Hygienists.

Discovery and investigation is continuing and ongoing.

INTERROGATORY NO. 58:

Were the threshold limit values or maximum allowable concentrations inquired about in Interrogatory No. 57 for total dust, and not asbestos dust alone?

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Kaiser Gypsum states: See response to Interrogatory No. 57 above as if fully incorporated herein.

INTERROGATORY NO. 59:

State in detail what tests, if any, Defendant ever made with regard to the quantity, quality, or threshold limit values of asbestos dust or particles to which workers were exposed while using, working with or around, or installing your asbestos-containing products.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. Kaiser Gypsum objects to the phrase "asbestos-containing products" as vague, ambiguous and overbroad. This interrogatory is not limited as to time or location of plaintiff's alleged exposure to products manufactured by Kaiser Gypsum. This interrogatory is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving said objections, Kaiser Gypsum states: See response to Interrogatory No. 8 above as if fully incorporated herein.

INTERROGATORY NO. 60:

Please state the following with respect to each expert witness that you may call during trial of these cases. Please designate with specificity the expert witnesses that you may call, including:

- A. The name, address, and job classification of each such expert witness;
- B. The subject matter on which the expert is expected to testify;
- C. The substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion;
- D. Whether any person identified in subparagraph A above has provided a report or other documentation to you, and if so, identify and produce each such document or report;
- E. Identify all documents that you have provided to each person identified in response to subparagraph A above;
- F. 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 subparagraph (a) above. Alternately, in lieu of said response, attach a copy of a resume or curriculum vitae and a list of publications to your answers.

ANSWER:

At this time, it is premature to designate expert testimony and/or reports in any particular case. This information will be designated and produced to plaintiff in accordance with the Texas Rules of Civil Procedure. Without waiving these objections, Kaiser Gypsum states: Please see Defendant's Exhibit and Witness Lists attached hereto. Discovery and investigation is ongoing and continuing. Kaiser Gypsum expressly reserves the right to supplement the response to this interrogatory.

INTERROGATORY NO. 61:

Please state the name, present address and present telephone number, along with the experience and qualifications, if applicable, of each and every person, known to Defendant or to Defendant's agents, having knowledge of facts relevant to these cases involving, but not limited to:

- A. Identification of asbestos-containing products to which each and every individual Plaintiff, separate and distinct from all other Plaintiffs within the group, allegedly

was exposed or facts disputing the identification of asbestos-containing products in this case.

- B. Each and every individual Plaintiff's, separate and distinct from all other Plaintiffs within the group, alleged damages, injuries, and/or facts disputing each and every Plaintiff's alleged damages and/or injuries;
- C. The negligence of any person or entity other than Defendant which Defendant contends was a cause of each and every individual Plaintiff's, separate and distinct from all other Plaintiffs within the group, alleged injuries and/or damages;
- D. Each of Defendant's defenses enumerated in Defendant's last filed Answer in each of these cases.

ANSWER:

At this time, it is premature to provide such information requested. Further, it is harassing and impossible to provide such case-specific information. Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections Kaiser Gypsum states: Kaiser Gypsum relies upon the witnesses identified by plaintiff throughout discovery. In addition, please see Defendant's Exhibit and Witness Lists attached hereto. Discovery and investigation is ongoing and continuing. Kaiser Gypsum expressly reserves the right to supplement the response to this interrogatory.

- A. See response to Interrogatory No. 61(a) above as if fully incorporated herein.
- B. See response to Interrogatory No. 61(a) above as if fully incorporated herein.
- C. See response to Interrogatory No. 61(a) above as if fully incorporated herein.
- D. See response to Interrogatory No. 61(a) above as if fully incorporated herein.

INTERROGATORY NO. 62:

Please identify documents which will be used at time of trial (Exhibit List, Deposition List), which are relevant to each of Defendant's enumerated defenses in Defendant's last filed Answer.

ANSWER:

At this time, it is premature to designate documents which may be used in any particular case. Please see Defendant's Exhibit and Witness Lists attached hereto. Discovery and investigation is ongoing and continuing. Kaiser Gypsum expressly reserves the right to supplement the response to this interrogatory.

INTERROGATORY NO. 63:

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

- A. Identify the name and position of the employee or officer who received same;
- B. Please produce all documents generated by Defendant which discuss or in any way reference the "Fleischer-Drinker" study prior to 1968;
- C. Please produce all documents upon which your responses above are based;
- D. Please identify the name(s) and address(es) of any person(s) who can verify your above response;
- E. Did Defendant ever rely on the Fleischer-Drinker Report in whole or in part as a basis that Defendant's asbestos products could be used in the workplace without risk of asbestos-related health impacts to the consumer and/or bystander;
- F. If so, please produce every document which evidences in any way that Defendant relied on the Fleischer-Drinker Report in whole or in part for the proposition stated in Interrogatory No. 63(a) above;
- G. If your answer to 63(e) is yes, when was the first date Defendant relied on the Fleischer-Drinker Report in whole or in part for the proposition stated in 63(e) above?

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Kaiser Gypsum states: Kaiser Gypsum has no record of receiving this article.

INTERROGATORY NO. 64:

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

- A. Identify the name and position of the employee or officer who received same;
- B. Please produce all documents generated by Defendant which discuss or in any way reference the "Dreessen" study prior to 1968;
- C. Please produce all documents upon which your responses above are based;
- D. Please identify the name(s) and address(es) of any person(s) who can verify your above response;
- E. Did Defendant ever rely on the Dreessen Report in whole or in part as a basis that Defendant's asbestos products could be used in the workplace without risk of asbestos-related health impacts to the consumer and/or bystander;
- F. If so, please produce every document which evidences in any way that Defendant relied on the Dreessen Report in whole or in part for the proposition stated in Interrogatory No. 63(a) above;
- G. If your answer to 63(e) is yes, when was the first date Defendant relied on the Dreessen Report in whole or in part for the proposition stated in 63(e) above?

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Kaiser Gypsum states: Kaiser Gypsum has no record of receiving this article.

INTERROGATORY NO. 65:

Please identify documents or things, including x-rays, MRI's, CT-scans or other material which will be used at time of trial (Exhibit List, Deposition List), which are relevant to each of Defendant's enumerated defenses in Defendant's last filed Answer.

ANSWER:

See response to Interrogatory No. 62 above as if fully incorporated herein.

RESPONSES TO REQUEST FOR PRODUCTION

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

Kaiser Gypsum was formed in 1952 and ceased all manufacturing operations in 1978. Thus, all Kaiser Gypsum product sales occurred between 1952 and 1978. Therefore, Kaiser Gypsum's responses to these discovery requests are based on its on-going review of documents presently available. Kaiser Gypsum is currently in the process of reviewing hundreds of thousands of documents, some of which may be responsive to plaintiff's requests for production. Kaiser Gypsum may not have in its possession or be capable of producing all documents that would be responsive to plaintiff's requests. Kaiser Gypsum reserves the right to produce documents at the conclusion of the current review and to supplement these responses.

REQUEST FOR PRODUCTION NO. 1:

Please produce a true and correct copy of each photograph of each asbestos-containing product identified in answer to Interrogatory No. 4.

RESPONSE:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "asbestos-containing product" as vague, ambiguous and overbroad. Without waiving these objections, Kaiser Gypsum states: See the Preliminary Statement and General Objections and response to Interrogatory No. 4 above as if fully incorporated herein.

REQUEST FOR PRODUCTION NO. 2:

Please produce any diagrams or schematics indicating, stating, or detailing the existence of any of your subsidiaries, predecessors, or divisions as defined on Page 1 of these Interrogatories and Request for Production.

RESPONSE:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Kaiser Gypsum states: See the Preliminary Statement and General Objections above as if fully incorporated herein.

REQUEST FOR PRODUCTION NO. 3:

Please provide a copy of all documents and other materials and reports identified in Answer to Interrogatory No. 60 (d), other than Depositions and Medical History provided by Plaintiff.

RESPONSE:

See response to Interrogatory No. 60.

REQUEST FOR PRODUCTION NO. 4:

Please provide a copy of all documents and reports other than Deposition and Medical History provided by Plaintiff identified in Answer to Interrogatory No. 60(e).

RESPONSE:

See response to Interrogatory No. 60.

REQUEST FOR PRODUCTION NO. 5:

Please provide a copy of all documents, reports, and other materials identified in Answer to Interrogatory No. 62.

RESPONSE:

See response to Interrogatory No. 62.

REQUEST FOR PRODUCTION NO. 6:

Please produce any and all x-rays, MRI's, CT-scans, videotapes or other electronically or technologically created representations, depictions, picturizations, imaging or imagery collected by Defendant in the course of discovery.

RESPONSE:

Kaiser Gypsum objects to this request as vague, ambiguous, overbroad and unduly burdensome. All documents responsive to this request were collected by Kaiser Gypsum through formal discovery. All such documents responsive to this request were equally available to or already in plaintiff's possession.

REQUEST FOR PRODUCTION NO. 7:

All documents which support, contradict, or are otherwise relevant to Plaintiff's claims of exposure to Defendants' products at any worksite identified in Plaintiff's response to discovery.

RESPONSE:

Kaiser Gypsum objects to this request as vague, ambiguous, overbroad and unduly burdensome. All documents responsive to this request were collected by Kaiser Gypsum through formal discovery. All such documents responsive to this request were equally available to or already in plaintiff's possession.

Respectfully submitted,
DEHAY & ELLISTON, L.L.P.
3500 BANK OF AMERICA PLAZA
901 Main Street
Dallas, Texas 75202-3437
(214) 210.2400/210.2500 (fax)

By: _____

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HEATHER A. BERNER
TEXAS STATE BAR NO. 24029076
PAMELA ISAACSON
TEXAS STATE BAR NO. 24002337

**ATTORNEYS FOR DEFENDANT
KAISER GYPSUM COMPANY, INC.**

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing instrument has been forwarded to counsel of record for Plaintiff listed below, via certified mail, return receipt requested, and all other known counsel of record by copy of cover letter to the Court this 23rd day of October, 2002.

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Baron & Budd
3102 Oak Lawn Avenue, Suite 1100
Dallas, Texas 75219

J. CARLISLE DEHAY, JR.
(1922 - 1991)

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CHRISTOPHER P. MANNING
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KIMBERLY R. WEDDER

October 24, 2002

Via Courier and CM RRR # 7002 0860 006 4837 5233

William K. Tapscott
BARON & BUDD
The Centrum
3102 Oak Lawn Ave.
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Dallas, Texas 75219-4281

RE: Cause No. A010649-C: *I Vaughn Pearse Villiere, et al*; In the 128th Judicial District

CERTIFICATE OF WRITTEN DISCOVERY

Dear William:

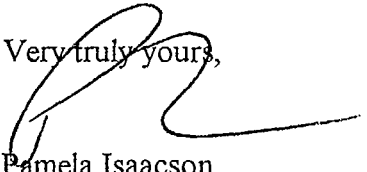
Enclosed please find the following:

- (1) Defendant Kaiser Gypsum Company, Inc.'s Responses and Objections to Plaintiffs' Master Interrogatories and Requests for Production Propounded to Defendant; and
- (2) Defendant Kaiser Cement Corporation Now Known as Hanson Permanente Cement, Inc.'s Responses and Objections to Plaintiffs' Master Interrogatories and Requests for Production Propounded to Defendant.

William K. Tapscott
October 23, 2002
Page -2-

Pursuant to Texas Rule of Civil Procedure 191.4 regarding the filing of discovery, only this letter is being filed with the Court. By copy of this letter, notice is being served upon all other known counsel of record via regular mail. Copies of the enclosed will be forwarded to all other counsel of record pursuant to their request for same.

Very truly yours,



Pamela Isaacson

PI/dlv
encl.

cc: Orange County District Clerk - Via CMRRR 7002 0860 0006 4837 5189
All Known Counsel of Record - Via Facsimile