

STATE OF INDIANA)
)
 COUNTY OF LAKE)

IN THE LAKE SUPERIOR COURT
 ROOM NUMBER ONE

IN RE: Lake County Asbestos Litigation

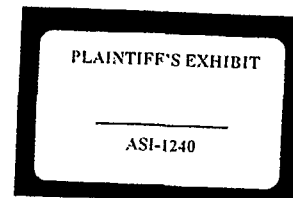
ORIGINAL

WILLIAM M. PARKS and)
 WILMA PARKS, h/w)

vs.)

A.P. GREEN SERVICES, INC., et al)

NO. 45D01-9902-CT-154



**DEFENDANT AMERICAN STANDARD INC.'S
 RESPONSES TO MASTER INTERROGATORIES
 AND REQUESTS FOR PRODUCTION TO ALL DEFENDANTS**

Pursuant to the Indiana Rules of Civil Procedure, Defendant American Standard Inc. ("ASI" or "this Defendant") provides the following Responses to Master Interrogatories and Requests for Production to All Defendants.

**PRELIMINARY STATEMENT AND
 GENERAL OBJECTIONS**

This Defendant's Response to each of these Interrogatories and Requests for Production incorporates this Preliminary Statement and these General Objections.

The information used in responding to these Interrogatories and Requests for Production was assembled by authorized employees and counsel for this Defendant and was derived primarily from ongoing discussions with this Defendant's past and present employees. Because much of the information is of, or relates to, events of many years ago, it is difficult, if not

impossible, for this Defendant to retrieve or reconstruct some of the requested information. Many of the individuals who might have had personal knowledge of the matters to which Plaintiffs' discovery relates are deceased or are otherwise unavailable to Defendant, and investigations to date indicate that at least some information and documents which might relate to matters inquired into by Plaintiffs' discovery may have been destroyed pursuant to Defendant's normal record retention policy or are otherwise unable to be found. Defendant is engaged in a continuing investigation in an attempt to locate or confirm the absence of such information or documents and Defendant also is engaged in a continuing investigation with respect to the matters inquired into by Plaintiffs' discovery. Therefore, this Defendant reserves the right to amend these Responses if new or more accurate information becomes available, or if errors are discovered. Furthermore, these Responses are given without prejudice to this Defendant's right to rely at trial on subsequently discovered information or on information inadvertently omitted from these Responses as a result of mistake, error or oversight.

Moreover, in responding to these Interrogatories and Requests for Production, this Defendant does not concede the relevancy, materiality or admissibility of any information sought by the discovery requests or any responses thereto. These responses are made subject to and without waiver of any questions or objections as to the competency, relevancy, materiality, privilege or admissibility of evidence, documents, or information referred to herein, or the subject matter thereof, in any proceeding, including trial.

This Defendant makes the following additional General Objections to these Interrogatories and Requests for Production.

GENERAL OBJECTION NO. 1:

These Interrogatories and Requests for Production request information going back many years. Because much of the information is of, or broadly relates to, events of many years ago, it is difficult, if not impossible, for this Defendant to retrieve or reconstruct some of the requested information. ASI has been in business since 1929 when American Radiator Company, formed in 1892, was merged with Standard Sanitary Manufacturing Company, formed in 1899. Since 1929 there have been numerous mergers, acquisitions and dispositions relating to ASI. Many of the individuals who might have had personal knowledge of the matters to which Plaintiffs' discovery relate are deceased or are otherwise unavailable to Defendant, and investigations to date indicate that at least some information and documents which might relate to matters inquired into by Plaintiffs' discovery may have been destroyed pursuant to Defendant's normal record retention policy or are otherwise unable to be found. Therefore, ASI objects on the grounds that these Interrogatories and Requests for Production are overly broad, burdensome, oppressive and not reasonably calculated to lead to discovery of admissible evidence.

GENERAL OBJECTION NO. 2:

In light of the breadth of Plaintiffs' inquiries and the fact that information is sought for a virtually unlimited time period, it is essentially impossible for this Defendant to conduct a complete search for the information sought. Further, even a limited search will be prejudicially time-consuming and costly. This Defendant no longer has, or never had, many of the documents required to respond to these Interrogatories and Requests for Production. Therefore, this Defendant objects to Plaintiffs' Interrogatories and Requests for Production on the foregoing

grounds. In searching for information responsive to Plaintiffs' Interrogatories and Requests for Production, this Defendant has undertaken searches of its files that appear reasonably calculated to contain documents, if documents do exist, relevant to the facts of the above-captioned cases.

GENERAL OBJECTION NO. 3:

The information used in responding to these Interrogatories and Requests for Production was assembled by authorized employees and counsel for this Defendant and was derived primarily from an ongoing review of records and from ongoing discussions with this Defendant's past and present employees. Defendant is engaged in a continuing investigation in an attempt to locate or confirm the absence of responsive information or documents and Defendant also is engaged in a continuing investigation with respect to the matters inquired into by Plaintiffs' discovery. Therefore, this Defendant reserves the right to amend these Responses if new or more accurate information becomes available, or if errors are discovered. Furthermore, these Responses are given without prejudice to this Defendant's right to rely at trial on subsequently discovered information or on information inadvertently omitted from these Responses as a result of mistake, error or oversight. To the extent information contained herein differs in any material respect from any prior responses to discovery, this response shall be deemed to update and supersede such prior responses, to the extent they may be inconsistent.

GENERAL OBJECTION NO. 4:

ASI objects to these Interrogatories and Requests for Production insofar as the information sought is not limited in time or to activities which transpired in a geographical area to which the Plaintiffs would have had contact. This Defendant objects to those Interrogatories and Requests for Production that request information regarding the ultimate sale or distribution

of products distributed or sold by this Defendant other than to job sites where Plaintiffs worked and which may not lead to the discovery of admissible evidence regarding product shipments that may have been utilized at job sites where Plaintiffs are claiming exposure, because information sought regarding other sales or distribution of this Defendant's products is irrelevant and immaterial and not reasonably calculated to lead to the discovery of relevant, admissible evidence and is burdensome and oppressive.

GENERAL OBJECTION NO. 5:

ASI does not now manufacture nor has it ever manufactured asbestos or asbestos-containing insulation products, as that term is commonly used and understood in this litigation. Therefore, ASI objects to any Interrogatory or Request to Produce referring to, or assuming that, such products are or have been manufactured by ASI. ASI thus asserts that questions referring to the manufacture of such products are not appropriately addressed to ASI.

GENERAL OBJECTION NO. 6:

This Defendant objects to these Interrogatories and Requests for Production to the extent that they seek information or documents subject to the attorney-client privilege or which constitute protected work product.

GENERAL OBJECTION NO. 7:

ASI objects to these Interrogatories and Requests for Production insofar as they seek production of any proprietary and/or confidential business information constituting a trade secret, confidential financial data or other confidential research, development or commercial

information. This Defendant's responses to these Interrogatories and Requests for Production are made without waiver of any such privilege or protection against disclosure.

GENERAL OBJECTION NO. 8:

ASI objects to any Interrogatory or Request to Produce that purports to impose upon it any obligations not expressly set forth in the Indiana Rules of Civil Procedure.

GENERAL OBJECTION NO. 9:

In responding to these Interrogatories and Requests for Production, this Defendant does not concede the relevancy, materiality or admissibility of any information sought by the discovery requests or any responses thereto. These responses are made subject to and without waiver of any questions or objections as to the competency, relevancy, materiality, privilege or admissibility of evidence, documents, or information referred to herein, or the subject matter thereof, in any proceeding, including trial.

GENERAL OBJECTION NO. 10:

Plaintiffs' Interrogatories and Requests for Production are not product specific, nor are the places of alleged exposure and corresponding time periods identified and, as such, Defendant objects.

RESPONSES TO INTERROGATORIES AND REQUESTS FOR PRODUCTION

NO. 1:

State the name, address, employer and job position of the person or persons answering these interrogatories on your behalf, including each person who was consulted with or who assisted in the answering of these interrogatories.

RESPONSE TO NO. 1:

See Preliminary Statement. As noted therein, the information used in responding to these Interrogatories and Requests has been assembled by authorized employees and counsel and was derived primarily from an ongoing review of records and from ongoing discussions with this Defendant's past and present employees. However, the following individuals have provided assistance:

Mary Jane Mahoney
Assistant Secretary
American Standard Inc.
P.O. Box 6820
Piscataway, New Jersey 08855-6820

David T. Kerr
Consultant
P.O. Box 62
Wilmerding, Pennsylvania 15148

NO. 2:

State whether you are a corporation, and if so, state:

- (a) your correct corporate name;
- (b) the date of incorporation;
- (c) the state of incorporation;
- (d) the address of your principal place of business;
- (e) whether or not you have a registered agent for the purpose of accepting service in this state; and if so, the name and address of the agent; and,
- (f) state whether or not you have or have had any subsidiary, affiliate, corporate parent or predecessor corporation(s) which manufactured, mined, distributed, sold, installed, or otherwise placed asbestos or asbestos-containing products into the stream of commerce, and if so, state:
 - (i) the name of the corporation;
 - (ii) the nature of its involvement in the manufacturing, mining, distribution, sales, or installation of asbestos or asbestos-containing products;
 - (iii) the dates each such entity was involved in each aspect of this business;
 - (iv) the relationship between defendant and each such entity;
 - (v) the date which your relationship with each such entity commenced, and if applicable, ended; and,
 - (vi) if applicable, state the manner by which each such entity was acquired by you, i.e. purchase, merger, change of name, etc.

RESPONSE TO NO. 2:

To the extent this Interrogatory requests information regarding predecessors or subsidiaries, presumably worldwide, Defendant objects as the Interrogatory is overly broad, unduly burdensome and seeks information which is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

Moreover, as set forth in the Preliminary Statement and General Objections above, American Standard is a large, decentralized company that has operated various divisions at various points in time. It has been involved in numerous mergers, acquisitions and dispositions over the course of the past century, many of which, on information and belief, are totally irrelevant to the issues in this litigation.

In their complaint, Plaintiffs reference Defendant as the alleged successor to Westinghouse Air Brake Co. and further reference Defendant's alleged "other predecessor Ideal." In their complaint, Plaintiffs also allege exposure to gaskets, brake shoes and brake linings, as well as boilers and cement. In their Answers to Defendant's Master Set of Interrogatories and Requests for Production, Plaintiff William Parks broadly lists "WABCO gaskets, brake linings and cement" as products to which he was allegedly exposed. Also in their Answers to Defendant's Master Set of Interrogatories and Requests for Production, Plaintiff William Parks indicates that he was a boilermaker and as such had worked on all types of boilers and furnaces at various locations. Subject to and without waiving such objections, and limiting its response to such entities and products, Defendant states as follows:

(a) American Standard Inc.

(b) March 26, 1929

- (c) Delaware
- (d) One Centennial Avenue, Piscataway, New Jersey
- (e) CT Corporation Systems, One North Capitol Avenue, Indianapolis, Indiana 46204.
- (f) American Standard commenced with a merger in 1929 of American Radiator

Company and the Standard Sanitary Manufacturing Company. Standard Sanitary commenced in 1875 as the Standard Manufacturing Company of Allegheny, Pennsylvania and in 1900 changed its name to Standard Sanitary Manufacturing Company with headquarters in Pittsburgh, Pennsylvania.

American Radiator Company commenced in 1892 with headquarters in Chicago, Illinois. In 1897, American Radiator bought the Ideal Boiler Co.

Following the merger in 1929, the company was known as the American Radiator & Standard Sanitary Corporation, until 1967 when it changed its name to American Standard Inc.

By 1975, American Standard had completely exited the boiler business.

Prior to some time in 1974, American Standard, through its predecessors and divisions, engaged in the manufacture of relatively small boilers or pre-packaged boilers and burners for use in residential, commercial, institutional and industrial settings. American Standard has never engaged in the mining, milling, manufacture, sale or distribution of asbestos or asbestos fiber. It has never manufactured asbestos-containing insulation products. On occasion, prior to the late 1920s, but not thereafter, it may have offered, in unaltered condition, small quantities of asbestos cement and asbestos pipe covering manufactured by others as accessories to boiler sales. On occasion, prior to 1972, it may have offered, in unaltered condition, small quantities of rubberized asbestos-containing gaskets, rope and packing for replacement use in boilers.

Some boilers manufactured and sold by American Standard in some instances at some points in time, may have contained asbestos-containing components such as block, cement, gaskets, rope, air cell, board, tape, paper and/or packing manufactured by other companies such as Johns-Manville, Grant-Wilson, Palmer Asbestos & Rubber Company, James Asbestos Co., Eagle-Picher and Garlock. Other manufacturers may have supplied products as well. Such components were used by American Standard in its products in unaltered condition. Most of the above products were located beneath the boiler jacket. Commencing in the 1930s, metal jackets were utilized to insulate and enclose boilers. Also, fiberglass began to be used in the place of asbestos in boilers in the 1940s. By the early 1950s, American Standard believes that all boiler jackets manufactured by it were insulated with fiberglass and mineral wool. On information and belief, asbestos was removed from block and cement by 1972.

Westinghouse Air Brake Company ("WABCO") was founded on September 28, 1869. In 1968, WABCO was purchased by American Standard. In 1979, WABCO was merged into American Standard and was thereafter operated as a wholly-owned division of American Standard. On February 28, 1990, American Standard sold WABCO.

From 1958 through August 1980, WABCO supplied a very limited number of chrysotile asbestos-containing COBRA® high friction composition brake shoes with truck mounted railroad brake assemblies that WABCO sold to freight car builders for railroad use. The COBRA® shoes were supplied "as is" with no physical change, as component parts of WABCOPAC® air brake assemblies sold by WABCO. COBRA® shoes were manufactured by Johns-Manville Corporation. From 1958 to 1968, chrysotile asbestos was contained only within the thin backing between the metal plate and the wear stock of the COBRA® shoe. In 1968,

chrysotile asbestos was added to the wear stock of COBRA® composition shoes. The COBRA® composition brake shoes that contained asbestos contained chrysotile fibers totally encapsulated in a resin and synthetic bond.

From 1927 through 1964, WABCO manufactured and sold steam driven air compressors for railroad steam locomotives. Within these compressors were certain high temperature gaskets that contained chrysotile asbestos. WABCO did not manufacture the gaskets but bought them in completed form. Such gaskets contained 1/32" asbestos completely encased between layers of copper sheeting. Those gaskets were called "Cobestos" and made by Metallo Gasket Company.

From 1944 through 1985, WABCO sold diesel driven air compressors for use in diesel electric railroad locomotives. Those compressors contained certain high temperature gaskets that contained small amounts of encapsulated, chrysotile asbestos fiber. The high temperature gaskets were not manufactured by WABCO, but were purchased in completed form without change. Such gaskets were manufactured by Armstrong or Garlock.

From late 1969 or early 1970 until 1976, WABCO occasionally supplied Budd style disc brakes which contained brake linings with an unknown, but encapsulated, chrysotile fiber content. Such brakes were applied strictly to some mass transit commuter vehicles and to AMTRAK intercity vehicles. The brake linings were not manufactured by WABCO, but were purchased in completed form without material alteration. From 1970-74, the linings were manufactured by Raybestos-Manhattan. From 1974-76, the linings were manufactured by Johns-Manville Corporation. The trade name of Budd disc brake was initially used for the disc brakes

supplied by WABCO. After 1970, the disc brakes supplied were sold under the name WABCO disc brake.

NO. 3:

If you are not a corporation, state:

- (a) the form of legal entity, whether sole proprietorship, partnership, or other, under which you transact business;
- (b) the address of your principal place of business.

RESPONSE TO NO. 3:

Subject to and without waiving the previously interposed objections, please see Response to Interrogatory No. 2.

NO. 4:

If defendant, defendant's predecessor, or any of defendant's subsidiary companies, affiliates or corporate parents engaged in the mining of asbestos or the manufacture, marketing, distributing, installation, and/or sale of commercial and/or industrial products (including equipment) containing asbestos fibers, then state as to each activity the following:

- (a) the name of the company mining, manufacturing, marketing, distributing, installing, or selling such products;
- (b) the trade or brand name of each such product mined, manufactured, marketed, distributed, installed, and/or sold;
- (c) the date each such product was placed on the market;
- (d) the date each such product was withdrawn from the market;
- (e) a description of the physical (the chemical) composition of each such product, including the type of asbestos contained in each such product (e.g., amosite, chrysotile or crocidolite) and the quantitative percentage of each type of asbestos in each such product;
- (f) a description of the physical appearances of each such product, including its color and texture;
- (g) the form, sizes and weight in which the product was sold, e.g. bags, boxes, cans, etc.;
- (h) the type of packages in which the product was sold or distributed, listing the dates that each type of package was used, a physical description thereof, and a

description of any printed material, trademark, insignia, or corporate logo that appeared thereon. Annex hereto a photograph or copy of each such logo so described;

- (i) a detailed description of the intended uses of each such product; and,
- (j) if any warnings or instructions concerning the possibility of injury were ever affixed to or distributed with any of the asbestos or asbestos-containing products marketed or distributed, then set forth the following information:
 - (i) the brand and tradename of each such product that contained a warning or instruction;
 - (ii) the date a warning or instruction was attached to or distributed with each such product;
 - (iii) the method used to distribute the warning or instruction to persons likely to use the product;
 - (iv) the exact wording of each warning or instruction;
 - (v) annex hereto copies of each such warning or instruction.

RESPONSE TO NO. 4:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to a relevant time frame, geographic area or product, if any, at issue in this litigation. Subject to and without waiving the foregoing objections, see Objections and Responses to Interrogatory No. 2.

NO. 5:

State whether defendant or defendant's predecessor, subsidiary companies, affiliates, or parent corporations have ever purchased, assumed, or in any other manner acquired any of the assets and/or liabilities of any corporation or entity engaged in the mining of asbestos or the manufacturing, marketing, installing, distributing, or selling of asbestos-containing products which were identified in your answer to Interrogatory No. 4. If so, state the following:

- (a) the name of each such corporation or entity;
- (b) the manner in which each such corporation or entity, or interest therein, was acquired (e.g., purchase, merger, change of name, transfer of assets or product line);

- (c) the date of each such acquisition;
- (d) the state in which such acquisition was effected;
- (e) the state law governing each such acquisition if specified by contract; and,
- (f) the state of incorporation and principal place of business of each corporation acquired or of each corporation in which an interest was acquired.

RESPONSE TO NO. 5:

Subject to and without waiving the previously interposed objections, see Responses to Interrogatories Nos. 2 and 4.

NO. 6:

Has defendant, defendant's predecessor, subsidiary companies, affiliates, or corporate parents ever sold or distributed, either directly or indirectly, or installed, any of the products listed in the answer to Interrogatory no. 4 to or at the worksites, employers, or distributors so identified by the plaintiff?

RESPONSE TO NO. 6:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. The Interrogatory is not limited to the products at issue in this litigation, if any, or to a relevant time frame. It also calls for speculation. Plaintiffs should focus their Interrogatories on the specific American Standard product to which Plaintiff William Parks claims he was exposed, if any, the particular job sites at which Plaintiff Parks believes he was exposed to such product, and the relevant dates during which Plaintiff Parks worked at such places. Without information as to the specific American Standard product at issue, Defendant cannot make a reasonable investigation in order to formulate a specific response. Subject to and without waiving such objections, if Plaintiffs will properly identify the exposure location, time frame and

American Standard product at issue in this litigation, if any, Defendant will supplement this Response to the extent possible. However, American Standard has been out of the boiler business for decades and, consequently, retains no records to reflect sales of its boilers to particular jobsites. Similarly, American Standard retains no records of former WABCO sales.

NO. 7:

If your answer to interrogatory no. 6 is in the affirmative:

- (a) identify the party to which each such product was sold, delivered or installed;
- (b) state the date, quantity, and product that was the subject of each sale, distribution, or installation;
- (c) identify the name and address of all persons who have knowledge of such facts, including all persons whom to your knowledge have given testimony regarding such sales, distribution, or installation; and,
- (d) affix to your answer all documents or records of such sales, distribution, or installation.

RESPONSE TO NO. 7:

Subject to and without waiving the previously interposed objections, see Response to Interrogatory No. 6.

NO. 8:

Did defendant, defendant's predecessor, subsidiary companies, affiliates, or corporate parents do business with or utilize any distributors in the State of Indiana for purposes of selling or installing its asbestos products? If so:

- (a) identify each such entity;
- (b) indicate and describe the nature of the business that you did with each such entity; and
- (c) set forth the dates during which this business relationship existed.

RESPONSE TO NO. 8:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. The Interrogatory is not limited to the products at issue in this litigation, if any, or to a relevant time frame. It also calls for speculation. Plaintiffs should focus their Interrogatories on the specific American Standard product to which Plaintiff William Parks claims he was exposed, if any, the particular job sites at which Plaintiff Parks believes he was exposed to such product, and the relevant dates during which Plaintiff Parks worked at such places. Without information as to the specific American Standard product at issue, Defendant cannot make a reasonable investigation in order to formulate a specific response. Subject to and without waiving such objections, if Plaintiffs will properly identify the exposure location, time frame and American Standard product at issue in this litigation, if any, Defendant will supplement this Response to the extent possible.

NO. 9:

During the years that defendant, defendant's predecessor, subsidiary companies, affiliates, or corporate parents manufactured, sold, and/or installed asbestos-containing materials, did such entity prepare and/or publish any sales or promotional literature which depicted and described these products? If so:

- (a) describe the particular literature which was prepared and indicate the information that the literature contained; and
- (b) attach a copy of all sales or promotional literature.

RESPONSE TO NO. 9:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, argumentative, assumes facts not in evidence and is not reasonably calculated to lead to the discovery of relevant, admissible evidence. Defendant objects to this Interrogatory on the grounds that it does not identify and is not limited to any American Standard product to which Plaintiffs claim exposure, and for that reason, it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of relevant, admissible evidence. The Interrogatory is not limited to a relevant time frame. Plaintiffs should focus their Interrogatories on the specific American Standard product to which Plaintiff William Parks claims exposure, if any, the particular job sites at which he was exposed and the relevant dates during which Plaintiff worked at such places. Without information as to the specific American Standard products at issue, Defendant cannot make a reasonable investigation in order to formulate a specific response. Subject to and without waiving such objections, from time to time, Defendant published and distributed various sales brochures and product manuals relating to the various products that it has manufactured and sold over the course of the last century. Due to the lapse of time, and standard document retention policies, Defendant no longer retains copies of the majority of such materials. If Plaintiffs will properly identify the American Standard product, if any, at issue in this litigation, further response may be possible.

NO. 10:

Did defendant, defendant's predecessor, subsidiary companies, affiliates, or corporate parents manufacture asbestos-containing products and materials which were distributed by another entity or corporation under the other entity's name or trademark? If so:

- (a) identify each such entity which sold or distributed these products; and,
- (b) indicate which products that this entity marketed and indicate the inclusive dates that this particular commercial arrangement existed.

RESPONSE TO NO. 10:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of relevant, admissible evidence. The Interrogatory is not limited to the specific American Standard products at issue, if any, or to any relevant time period. Subject to and without waiving such objections, see Objections and Responses to Interrogatory No. 2.

NO. 11:

Did defendant, defendant's predecessor, subsidiary companies, affiliates, or corporate parents market under its own name or trademark any asbestos-containing products which were manufactured by another corporation? If so:

- (a) identify each and every product marketed which was manufactured by another corporation; and,
- (b) indicate the inclusive dates that you marketed each product.

RESPONSE TO NO. 11:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of relevant, admissible evidence. The interrogatory is not limited to the products alleged to be at issue in this litigation, if any, or to any relevant time period. Subject to and without waiving such objections, see Objections and Responses to Interrogatory No. 2.

NO. 12:

Did defendant, defendant's predecessor, or any of defendant's subsidiary companies, affiliates or corporate parents, ever purchase asbestos fiber for use in its business or for manufacturing its products? If so, set forth the following information:

- (a) the inclusive dates that your company purchased asbestos fiber;
- (b) the name and address of each and every entity that you purchased asbestos fiber from;
- (c) the nature and types of products that your company used asbestos fibers for; and
- (d) the type of asbestos fiber (e.g., amosite, chrysotile or crocidolite) that your company purchased.

RESPONSE TO NO. 12:

Not applicable.

NO. 13:

Prior to releasing the products listed in response to interrogatory No. 4 for sale, were any studies or tests conducted on the same to determine any potential health hazards involved in the use of the materials contained therein? If so:

- (a) identify each individual who conducted such studies or tests;
- (b) describe the nature, manner and method of each study or test in detail;
- (c) describe the results of such studies or tests;
- (d) identify the amount of funds spent on such studies or tests; and,
- (e) affix to your answer all documents that relate to these facts.

RESPONSE TO NO. 13:

Defendant objects to this Interrogatory on the grounds that it does not identify and is not limited to any American Standard product to which Plaintiffs claim exposure, and for that reason, it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of relevant, admissible evidence. Plaintiffs should focus their Interrogatories on the specific American Standard products to which Plaintiff William Parks claims he was

exposed, if any, the particular job sites at which he believes he was exposed to these products, and the relevant dates during which Plaintiff worked at such places. Without information as to the specific American Standard products at issue, Defendant cannot make a reasonable investigation in order to formulate a specific response. The Interrogatory is not limited to a relevant time frame or to products at issue in this litigation. Subject to and without waiving such objections, Defendant would state as follows:

See Response to Interrogatory No. 2. Defendant did not design or manufacture asbestos products. The boilers manufactured and sold by American Standard were certainly tested prior to commercial sale. However, it is unknown whether any of the asbestos-containing components of those products, which Defendant purchased from others "as is", were tested by their manufacturers. As noted in Response to Interrogatory No. 2, the bulk of such products were installed into Defendant's boilers, without substantial change, and were located beneath the boiler jacket and/or otherwise encapsulated and, as such, Defendant had no reason to believe that any of such products posed any danger to health from asbestos.

With regard to chrysotile asbestos containing COBRA® high friction composition railroad brake shoes, Defendant is aware that several tests were conducted by various entities to determine whether such shoes emitted harmful levels of respirable asbestos fibers during installation, use or removal. The tests revealed that no harmful levels of respirable asbestos fibers were released.

In 1971, in Wilmerding, Pennsylvania, WABCO and Johns-Manville personnel conducted a particle emissions study, utilizing dynamometer simulation, to determine the maximum fiber emission of COBRA® brake shoes. Those tests confirmed that 99% of the

asbestos fiber in COBRA® brake shoes was converted to non-harmful forsterite during use. No respirable asbestos fibers were released.

On information and belief, in 1977, Johns-Manville conducted in-service tests on COBRA® brake shoes in use in the subway system of Boston, Massachusetts. Those tests confirmed the results of WABCO's dynamometer test. Any fiber release was well below established OSHA limits.

Clayton Consultants conducted testing on COBRA® high friction composition railroad brake shoes in 1994, which tests confirmed that no countable asbestos fibers were released during brake shoe handling.

NO. 14:

After releasing the products listed in response to interrogatory no. 4 for sale, were any studies or tests conducted on the same to determine any potential health hazards involved in the use of the materials contained therein? If so:

- (a) identify each individual who conducted such studies or tests;
- (b) describe the nature, manner and method of each study or test in detail;
- (c) describe the results of such studies or tests;
- (d) identify the amount of funds spent on such studies or tests; and,
- (e) affix to your answer all documents that relate to these facts.

RESPONSE TO NO. 14:

See Objections and Response to Interrogatory No. 13.

NO. 15:

Has any officer, employee, or representative of your company ever visited the plaintiff's work sites, employers, or distributors for the purpose of promoting, selling, or discussing the use of your asbestos-containing products or for inspecting or reviewing their use? If so, identify:

- (a) the name, address, and title of each employee who made such a visit;
- (b) the date of each visit;
- (c) the purpose of each visit;
- (d) who he or she saw or spoke to on each occasion; and,
- (e) whether the possible health hazards from exposure to asbestos were ever discussed.

RESPONSE TO NO. 15:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. The Interrogatory is not limited to the products at issue in this litigation, if any, or to a relevant time frame. It also calls for speculation. Plaintiffs should focus their Interrogatories on the specific American Standard product to which Plaintiff William Parks claims he was exposed, if any, the particular job sites at which Plaintiff Parks believes he was exposed to such product, and the relevant dates during which Plaintiff Parks worked at such places. Without information as to the specific American Standard product at issue, Defendant cannot make a reasonable investigation in order to formulate a specific response. Subject to and without waiving such objections, if Plaintiffs will properly identify the exposure location, time frame and American Standard product at issue in this litigation, if any, Defendant will supplement this Response to the extent possible.

NO. 16:

Did defendant or its agents or employees ever go out to construction sites, factories or power houses where its asbestos or asbestos-containing products were being used to determine or measure the levels of asbestos dust or fibers in the work environment? If so, for each such study that was conducted, set forth the following information:

- (a) when and where each measurement, study or test was conducted;

- (b) who conducted each measurement, study or test;
- (c) what types of equipment were utilized to measure the levels of asbestos dust or fibers in the air;
- (d) what the results of each measurement, test or study were; and,
- (e) attach a copy of all reports concerning the measurements, tests or studies.

RESPONSE TO NO. 16:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. The Interrogatory is not limited to the products at issue in this litigation, if any, or to a relevant time frame. It also calls for speculation, assume facts not in evidence, and is argumentative. Plaintiffs should focus their Interrogatories on the specific American Standard product to which Plaintiff William Parks claims he was exposed, if any, the particular job sites at which Plaintiff Parks believes he was exposed to such product, and the relevant dates during which Plaintiff Parks worked at such places. Without information as to the specific American Standard product at issue, Defendant cannot make a reasonable investigation in order to formulate a specific response. Subject to and without waiving such objections, not to present knowledge. Defendant did not control the jobsites where its products may have been used. Moreover, on information and belief, since Defendant's products did not emit harmful levels of respirable asbestos fibers, no measurements of fiber release were believed necessary.

NO. 17:

If defendant, defendant's predecessor, subsidiary companies, affiliates, or corporate parents ever manufactured any products which contained asbestos and which were commonly used by insulation workers and pipe coverers, describe how the following products were cut, shaped, mixed and applied when used:

- a. asbestos cement;
- b. asbestos containing pipe covering; and,
- c. asbestos block.

RESPONSE TO NO. 17:

Subject to and without waiving the previously interposed objections, this Defendant has never manufactured any product which contained asbestos which was commonly used by insulation workers and pipe coverers, including asbestos cement, asbestos-containing pipe covering and asbestos block.

NO. 18:

Do you contend that the intended uses of defendant's asbestos-containing products did not release asbestos fibers into the air? If so:

- (a) identify all intended uses of defendant's asbestos-containing products;
- (b) identify all tests, studies, reports, investigations, or other data or observations which support the contention;
- (c) describe in detail the nature, manner, and method of each test, study, report, investigation, data collection or observation;
- (d) provide the results of each test, study, report, investigation, data collection or observation;
- (e) identify each individual who conducted or participated in each such test, study, report, investigation, data collection or observation; and,
- (f) attach all documents which relate to these facts.

RESPONSE TO NO. 18:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, harassing, vague and ambiguous, irrelevant and not reasonably calculated to lead to the discovery of relevant, admissible evidence. The Interrogatory does not identify, and is not limited to, products alleged to be at issue in this litigation, if any. Subject to and without waiving such objections, upon information and belief, Defendant's products did not emit harmful levels of respirable asbestos fibers. See also Responses to Interrogatories No. 2, 13 and 14.

NO. 19:

Identify all tests conducted by defendant, defendant's predecessor, subsidiary companies, affiliates, or corporate parents to determine if the intended use of its asbestos-containing products exceeded the then existing threshold limit value for exposure to asbestos dust.

RESPONSE TO NO. 19:

Subject to and without waiving the previously interposed objections, see Responses to Interrogatories Nos. 13 and 14.

NO. 20:

Is defendant or its counsel aware of any tests, studies, reports, investigations, data collections or observations that have been made by anyone or any entity to determine whether, and to what extent, asbestos fibers are released from the handling of defendants' asbestos-containing products or materials? If so:

- (a) identify and provide the date and place for all such tests, studies, reports, investigations, or other data or observations;
- (b) describe in detail the nature, manner, and method of each test, study, report, investigation, data collection or observation, and identify the particular asbestos product or material to which each test applied;
- (c) provide the results of each test, study, report, investigation, data collection or observation with reference to the number of asbestos fibers per cubic centimeter of air determined by each test;
- (d) identify each individual who conducted or participated in each such test, study, report, investigation, data collection or observation; and,
- (e) attach all documents which relate to these facts.

RESPONSE TO NO. 20:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, harassing, vague and ambiguous, irrelevant and not reasonably calculated to lead to the discovery of relevant, admissible evidence. The Interrogatory is not limited to products

alleged to be at issue in this litigation, if any. Subject to and without waiving such objections, see Responses to Interrogatories Nos. 13 and 14.

NO. 21:

Did defendant, defendant's predecessor, subsidiary companies, affiliates, or corporate parents manufacture or distribute any asbestos-containing products after July 7, 1972 which were not labeled with a warning or caution label concerning the possibility of injury resulting from the use of the product? If so:

- (a) identify those asbestos-containing products which were not so labeled;
- (b) identify the period of time during which each such product was not so labeled;
- (c) provide the grounds or basis, if any, for the failure to provide a warning or caution label;
- (d) identify each individual who was involved in the decision not to provide a warning or caution label; and,
- (e) attach all documents which relate to these facts.

RESPONSE TO NO. 21:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, argumentative, assumes facts not in evidence and is not reasonably calculated to lead to the discovery of relevant, admissible evidence. Subject to and without waiving such objections, Defendant did not manufacture asbestos products. Any asbestos-containing components it incorporated into products it manufactured were included "as is" and, on information and belief, did not emit harmful levels of respirable asbestos fibers. Therefore, it was not believed that any warning regarding asbestos was necessary on products manufactured by Defendant, and at issue, if any, in this litigation. See also Responses to Interrogatories Nos. 2, 13 and 14.

NO. 22:

State whether or not defendant, defendant's predecessor, defendant's subsidiary companies, affiliates or parent corporations ever obtained any knowledge concerning the likelihood of asbestos being hazardous to human health? If so, state:

- (a) when defendant, defendant's predecessor, defendant's subsidiary companies, affiliates or parent corporations first became aware of any knowledge concerning the likelihood of asbestos being hazardous to human health;
- (b) the manner in which defendant, defendant's predecessor, defendant's subsidiary companies, affiliates or parent corporations first obtained this knowledge and became aware of said hazards and from what source this information was obtained;
- (c) the identity of persons who first became aware of the hazards; and
- (d) attach all documents that relate to these facts.

RESPONSE TO NO. 22:

Defendant objects to this Interrogatory on the grounds that it is vague, ambiguous and improperly calls for medical opinion. The Interrogatory does not specify what level or type of exposure is claimed to be at issue. The Interrogatory fails to distinguish between different fiber types and ignores important factors such as differences in the friability of asbestos fibers in different products, different uses of asbestos-containing products, different exposures of individuals at different work sites, engaged in different crafts and the frequency, proximity, regularity and duration of particular exposures. Subject to and without waiving such objections, Defendant is not currently nor has it ever been aware of any clinical, epidemiological, toxicological, industrial hygiene, medical and/or scientific literature or study demonstrating that its products caused asbestos-related adverse health consequences. The amount of materials published in both the technical and popular press that discuss possible correlations between asbestos, especially friable, amphibole asbestos, and human health consequences is voluminous.

Thus, Defendant is unable to definitively answer on what specific date it first became aware of a possible correlation between asbestos, in particular circumstances, and certain human health consequences. At all relevant times, Defendant and its respective business divisions kept apprised of the prevailing industry standards and standards of medical art as they related to the operation of Defendant's respective businesses. Defendant presumably received notice of the hazards of asbestos at approximately the same time as did the general public, which is presently believed to have been in the 1970s.

NO. 23:

State the date and the circumstances when the defendant, defendant's predecessor, defendant's subsidiary companies, affiliates, or parent corporations first acquired knowledge concerning the association between the inhalation of asbestos fibers and the contraction of cancer including, but not limited to, mesothelioma, and state:

- (a) the source of that information;
- (b) a description of all tests conducted relative to the possibility of such a relationship; and
- (c) attach all documents that relate to these facts.

RESPONSE TO NO. 23:

Defendant objects to this Interrogatory on the grounds that it is vague, ambiguous, argumentative and calls for a medical opinion, which this Defendant is not qualified to render. Further, see Objections and Response to Interrogatory No. 22.

NO. 24:

State the date and the circumstances when the defendant, defendant's predecessor, defendant's subsidiary companies, affiliates, or parent corporations first acquired knowledge

concerning the association between the inhalation of asbestos fibers and the development of asbestosis, and state:

- (a) the source of that information;
- (b) a description of all tests conducted relative to the possibility of such a relationship; and,
- (c) attach all documents that relate to these facts.

RESPONSE TO NO. 24:

Defendant objects to this Interrogatory on the grounds that it is vague, ambiguous, argumentative and calls for a medical opinion, which this Defendant is not qualified to render. Further, see Objections and Response to Interrogatory No. 22.

NO. 25:

Has any worker employed by the defendant, defendant's predecessor, defendant's subsidiary companies, affiliates, or parent corporations, ever filed a worker's compensation claim against defendant, its predecessors, affiliates, subsidiaries, or parent corporations for an occupational disease or condition which was allegedly caused by exposure to asbestos, asbestos products, asbestos dust or fibers? If so, set forth:

- (a) the date each claim was made;
- (b) where each claim was made;
- (c) the name and address of the person making the claim;
- (d) the name and address of the party against whom the claim was made;
- (e) the occupational disease or condition alleged in the claim; and,
- (f) identify all documents relating to these facts.

RESPONSE TO NO. 25:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. Moreover, the Interrogatory is not limited to alleged exposures to the products, if any,

at issue in this litigation. Subject to and without waiving such objections, and so limiting its response, not to current knowledge.

NO. 26:

If any employee, former employee or officer of defendant, defendant's predecessor, defendant's subsidiary companies, affiliates, or parent corporations has testified at trial or given testimony in a deposition in any litigation involving an alleged occupational exposure to asbestos, or at any governmental hearing on the issue of occupational exposure to asbestos, state:

- (a) name, address and title of each such person who testified;
- (b) date, location and form of testimony;
- (c) the title of the proceeding in which the testimony was taken, the jurisdiction, and the docket number or cause number; and,
- (d) whether defendant has a copy of such testimony.

RESPONSE TO NO. 26:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and seeks information protected by the work product and/or attorney-client privilege. Moreover, the Interrogatory is not limited to the product(s) and division(s) of the Defendant allegedly at issue in this litigation, if any. Subject to and without waiving such objections, and so limiting its response, Defendant has employed numerous persons over the course of many decades. It has no central repository for information of the type sought by way of this discovery. Defendant is not presently aware of any testimony given by its employees or officers at any governmental hearing. If Plaintiff William Parks will identify the American Standard product to which he claims exposure, if any, Defendant will identify any depositions of its employees or officers, presently known to it, which relate to such product. The following persons have been deposed in asbestos litigation involving American Standard's U.S. Plumbing

& Heating Division or WABCO. Counsel for this Defendant retains a copy of the transcribed testimony.

Deborah Bedard, *Annie Ziemer, et al. v. Owens Corning, et al.*, Alameda County Superior Court, CA, Case No. 764451-5, taken September 11, 1996. Plaintiff's counsel - Kazan, McClain, Edises, Simon & Abrams, 171 12th Street, Suite 300, Oakland, CA 94612; Court reporter - Aiken & Welch, One Kaiser Plaza, Suite 505, Oakland, CA 94612.

David T. Kerr, *Ralph Carravaca v. Southern Pacific*, San Francisco Superior Court, Case No. 839767, taken January 8, 1987 before Haines Reporting of Sacramento, CA. Plaintiffs' counsel was Gilbert Purcell of Sayre, Moreno, Purcell & Boucher, 10351 Santa Monica Blvd., Los Angeles, CA 90025; *Johnnie Mae Hamilton v. Illinois Central Railroad*, Hinds County, Mississippi, Circuit Court, Case No. 93-75-32, taken in 1994, but not transcribed. The name of the court reporter is not known. Plaintiffs' counsel was Jonathan Fairbank, Esq., Jackson, Mississippi.

Vincent Olafsen, *Frank Leogrande v. Keene Corp., et al.*, Middlesex County Superior Court, NJ, Docket No. L-042890-86, taken April 27, 1989. Plaintiff's counsel - William Paulus, Garruto, Galex & Cantor, 180 Tices Lane, East Brunswick, NJ; Alan Grant, Ozzard, Wharton, Rizzlo, Klein, Mauro, Savo & Hogan, 75-77 North Bridge Street, Somerville, NJ.

Mary Jane Mahoney, Assistant Secretary, *Robert L. Abernathy, et al. v. AC &S, Inc., et al.*; In the District Court of Orange County, Texas, 128th Judicial District, Case No. A-920,967-C, taken September 13, 1994, Court reporter - MGM Court Reporting; *Danny Harris, et al. v. Asbestos Defendants (BHC)*, In the Superior Court of the State of California, County of San

Francisco, Case No. 991114, taken May 27, 1999, Court reporter - Tooker & Antz Court Reporting.

E. W. Kojza, WABCO Engineering, *Meador v. Illinois Central Gulf Railroad Co.*, In the Circuit Court of Warren County, Mississippi, Case No. 13571, taken April 6, 1988; Court reporter- Keefe Reporting Co.

NO. 27:

Identify each individual who acted in a medical advisory capacity to defendant, defendant's predecessor, defendant's subsidiary companies, affiliates, or parent corporations during the period of 1930 to 1985 and the current address and job title of each such individual.

RESPONSE TO NO. 27:

Defendant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to products, if any, at issue in this litigation. Without waiving such objections, Defendant is unaware of any individual who acted in a medical advisory capacity.

NO. 28:

State if any medical officer, industrial hygienist, medical consultant, or any other person ever made at any time any recommendations and/or suggestions to the defendant, defendant's predecessor, defendant's subsidiary companies, affiliates, or parent corporations pertaining to the possible risks or hazards to persons exposed to asbestos dust? If so, identify:

- (a) the names, addresses and job positions of the person(s) who made the recommendations and/or suggestions;
- (b) the person(s) to whom the recommendations and/or suggestions were made;
- (c) the date(s) when such recommendations and/or suggestions were made;

- (d) the substance of the recommendations and/or suggestions; and,
- [sic] (f) attach all documents which relate to these facts.

RESPONSE TO NO. 28:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, vague and not reasonably calculated to lead to the discovery of relevant, admissible evidence. The Interrogatory is not limited to statements regarding any product at issue in this litigation, if any; in fact, it is not limited to statements relating to any product of Defendant but presumably encompasses plant conditions totally unrelated to Defendant's products. Moreover, the Interrogatory seeks information protected by the work product privilege.

NO. 29:

Did defendant, defendant's predecessor, defendant's subsidiary companies, affiliates, or parent corporations ever affix any warnings concerning the possibility of injury to any of the asbestos or asbestos-containing products that it marketed or distributed? If so, for each such product that contained a warning, set forth the following information:

- (a) the brand and tradename of each such product that contained a warning;
- (b) the date a warning was attached to each such product;
- (c) the exact wording of each warning;
- (d) annex hereto copies of each such warning.

RESPONSE TO NO. 29:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It calls for speculation. This Interrogatory does not identify and is not limited to any American Standard product to which Plaintiffs claim exposure. The Interrogatory is not limited to a time frame or geographic area relevant to this litigation. Plaintiffs should focus their

Interrogatories on the American Standard product to which Plaintiff William Parks claims he was exposed, if any, the particular job sites at which Plaintiff believes he was exposed to such product, and the relevant dates during which Plaintiff worked at such places. Without waiving such objections, Defendant did not manufacture asbestos products. Any asbestos-containing components it incorporated into products it manufactured were included "as is" and, on information and belief, did not emit harmful levels of respirable asbestos fibers. Therefore, it was not believed that any warning regarding asbestos was necessary on products manufactured by Defendant, and at issue in this litigation, if any.

NO. 30:

Have defendant, defendant's predecessor, defendant's subsidiary companies, affiliates, or parent corporations ever been a member of the National Safety Council, the Industrial Health Foundation, the Industrial Hygiene Foundation, the Asbestos Textile Institute, the National Insulation Manufacturers Association (also known as the Magnesite Insulation Manufacturers Association and as the Thermal Insulation Manufacturers Association), or the National Insulation Contractors Association? If so, state:

- (a) the dates of membership of each;
- (b) whether such organization ever provided you with any information concerning any possible health hazards associated with exposure to asbestos;
- (c) when and by whom such information was received;
- (d) the names, dates, and titles of any employee or representative of yours who attended meetings of each organization; and
- (e) attach all documents from any of the organizations which is in your possession, custody, or control which relates to any possible health hazards associated with exposure to asbestos.

RESPONSE TO NO. 30:

Defendant objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome. Without waiving such objections, Defendant is a large, decentralized company that has had numerous employees in numerous divisions, over the course of a century. Defendant's employees may have held memberships in various organizations from time to time, but Defendant has no central repository for information of this type. As such, it is impossible for it to identify all organizations to which its employees may have belonged in the past. At present, it is known that Defendant was a member of the Industrial Hygiene Foundation from 1969 to 1971. American Standard rejoined this organization in 1981 and remains a member at present. Westinghouse Air Brake Company may have also been a member of this organization. However, the dates of membership are presently unknown to Defendant. American Standard has also, at various times, held a membership in the American Society for Testing and Materials.

NO. 31:

Did defendant, defendant's predecessor, defendant's subsidiary companies, affiliates, or parent corporations ever institute any industrial hygiene procedures to protect its employees from exposure to asbestos dust, including any procedures required by governmental occupational health and safety standards or regulations? If so:

- (a) describe the procedures so instituted, and
- (b) identify the dates when such procedures were instituted.

RESPONSE TO NO. 31:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to products, if any, at issue in this litigation. Moreover, it is

argumentative and assumes facts not in evidence. Moreover, conditions in Defendant's plants, unrelated to its end products, are not relevant to this litigation. Subject to and without waiving such objections, since, on information and belief, Defendant's products did not emit harmful levels of respirable asbestos fibers, there was no need to institute any industrial hygiene procedures regarding asbestos in American Standard's end products. Also, see Response to Interrogatory No. 13.

NO. 32:

Did defendant, defendant's predecessor, defendant's subsidiary companies, affiliates, or parent corporations ever require its employees who worked with asbestos-containing products or materials to wear respirators, face masks, protective clothing, or other protective devices? If so, set forth:

- (a) which employees by job classification were required to wear such protective devices;
- (b) when the directive relative to same was issued for each type of employee; and
- (c) specify what type of device was to be worn by each type of employee.

RESPONSE TO NO. 32:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, harassing, vague, ambiguous, irrelevant and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to products, if any, at issue in this litigation, or to a relevant time frame. Moreover, it is argumentative and assumes facts not in evidence. Moreover, conditions in Defendant's plants, unrelated to its end products, are not relevant to this litigation. Subject to and without waiving such objections, since, on information and belief, Defendant's products did not emit harmful levels of respirable asbestos fibers, no

respirator, mask, protective clothing or other protective device was believed necessary or required when working with or around such products.

NO. 33:

Did defendant, defendant's predecessor, defendant's subsidiary companies, affiliates, or parent corporations ever warn or instruct its employees regarding any possible hazards from exposure to asbestos? If so:

- (a) describe and state the warnings or instructions that were provided;
- (b) identify date when such warnings or instructions were first provided; and,
- (c) attach all documents which relate to these facts.

RESPONSE TO NO. 33:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, harassing, vague and ambiguous, irrelevant and not reasonably calculated to lead to the discovery of relevant, admissible evidence. This Interrogatory is not limited to products alleged to be at issue in this litigation, if any, or to a relevant time frame. Conditions in Defendant's plants are not relevant to this litigation. Defendant further objects to this Interrogatory as argumentative, insofar as it assumes, wrongfully, that health hazards were presented by Defendant's products. Subject to and without waiving such objections, on information and belief, Defendant's products did not emit harmful levels of respirable asbestos fibers, and therefore no warning was necessary.

NO. 34:

For each separate defense, including for each separate affirmative defense contained in your answer to the complaint:

- (a) state the facts upon which you rely;
- (b) identify all persons who have knowledge of these facts; and,

(c) attach all documents that relate to these facts.

RESPONSE TO NO. 34:

Defendant objects to this Interrogatory as harassing, overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. Subject to and without waiving such objections, discovery is continuing. To date, Plaintiff has not identified, with any specificity, any American Standard product from which he claims exposure.

As noted herein, Defendant is aware of no clinical, epidemiological, technological, toxicological, industrial hygiene, medical or scientific literature or study demonstrating that its products caused asbestos-related health consequences. On information and belief, Defendant's products did not emit asbestos fibers in excess of OSHA and other governmental limits. Support for such statement can be found in medical literature and will be supported by expert testimony.

Moreover, upon information and belief, Plaintiff smoked cigarettes which caused or contributed to any lung or breathing problems he may have.

To the extent that Plaintiff may have any asbestos-related condition or disease, which is denied, it was caused or contributed to by exposure to asbestos in products neither manufactured or sold by this Defendant.

NO. 35:

Does defendant contend that the plaintiff or his employer improperly used the defendant's products? If so, set out in detail in what respects said products were improperly used.

RESPONSE TO NO. 35:

Discovery is ongoing. At present, Defendant lacks sufficient information regarding any claimed use by Plaintiff of any particular product of Defendant to enable Defendant to assess this issue. This Response will be supplemented.

NO. 36:

Do you contend that any of defendant's asbestos-containing products were not intended for eventual removal during repair, renovation, or remodeling activities? If so, identify:

- (a) those products not intended for eventual removal;
- (b) the basis for your contention; and
- (c) attach all documents which relate to these facts.

RESPONSE TO NO. 36:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. The Interrogatory is not limited to the products at issue in this litigation, if any, or to a relevant time frame. It also calls for speculation. Plaintiffs should focus their Interrogatories on the specific American Standard product to which Plaintiff William Parks claims he was exposed, if any, the particular job sites at which Plaintiff Parks believes he was exposed to such product, and the relevant dates during which Plaintiff Parks worked at such places. Without information as to the specific American Standard product at issue, Defendant cannot make a reasonable investigation in order to formulate a specific response. Subject to and without waiving such objections, if Plaintiffs will properly identify the exposure location, time frame and American Standard product at issue in this litigation, if any, Defendant will supplement this Response to the extent possible.

NO. 37:

Do you contend in this lawsuit that the plaintiff was knowledgeable of the hazards of asbestos when he allegedly used or was exposed to your product? If so:

- (a) state all facts in support of this contention;
- (b) identify by name, title and last known address all persons who are knowledgeable of such facts; and,
- (c) attach all documents that relate to these facts.

RESPONSE TO NO. 37:

Subject to and without waiving the previously interposed objections, see Responses to Interrogatories Nos. 35 and 38. Discovery is continuing, and American Standard reserves the right to supplement its response to this Interrogatory.

NO. 38:

Do you contend that the illness of the plaintiff and/or the death of the decedent in this action was not causally related to an occupational exposure to asbestos dust and fibers? If so, give a full and detailed description of your contentions.

RESPONSE TO NO. 38:

Subject to and without waiving the previously interposed objections, see Responses to Interrogatories Nos. 13, 18, 22, 32, 33 and 35. Discovery is continuing. Defendant does claim that any illness or death of Plaintiff was not causally related to exposure to asbestos from Defendant's products. Upon information and belief, Defendant's products do not emit harmful levels of respirable asbestos fibers. If Plaintiff claims to have used American Standard products for purposes other than which they were designed, then such use was a misuse of the product. Moreover, if Plaintiff smoked cigarettes, such conduct caused or contributed to any breathing difficulties or lung problems, if any, he may have.

NO. 39:

Has defendant and/or its agents or employees obtained any statements from anyone who has knowledge of the facts concerning this cause of action? If so, set forth:

- (a) name, address and job position of the person that obtained the statement;
- (b) the name, address and job position of the person who gave the statement;
- (c) the date the statement was given;
- (d) attach a copy of all written statements.

RESPONSE TO NO. 39:

To the extent this Interrogatory seeks information protected by the attorney/client or work product privileges, this Defendant objects. Subject to and without waiving such objections, no non-privileged statements have been obtained.

NO. 40:

Except for those expert reports which are controlled by the Order Scheduling Discovery and Trial Dates for this case, identify by name and address each person whom defendant expects to call as an expert witness at trial, and as to each proposed expert:

- (a) state the subject matter on which the proposed expert is expected to testify;
- (b) state the substance of the facts and opinions to which the proposed expert is expected to testify;
- (c) set forth a summary of the grounds for each opinion to which the proposed expert witness is expected to testify; and,
- (d) if the expert intends to testify regarding his examination of the plaintiff's or the decedent's pathological slides or his physical examination of the plaintiff, produce all reports from the expert regarding such examinations.

RESPONSE TO NO. 40:

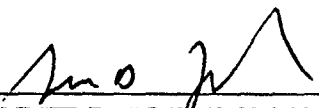
Defendant objects to this Interrogatory to the extent it exceeds the requirements of the Indiana Rules of Civil Procedure and any scheduling order entered by the Court. Discovery is

continuing and this Response will be supplemented in accordance with the Rules and any scheduling order entered by the Court.

THIS, the 23rd day of June, 1999.

Respectfully submitted,

AMERICAN STANDARD INC.

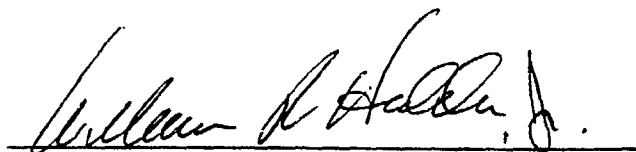
By: 
LONNIE D. JOHNSON (IN BAR # _____)
Mallor Clendening Grodner & Bohrer
511 Woodscrest Drive
Post Office Box 5787
Bloomington, Indiana 47407
TEL: (812) 336-0200
FAX: (812) 333-0083

VERIFICATION

STATE OF NEW JERSEY

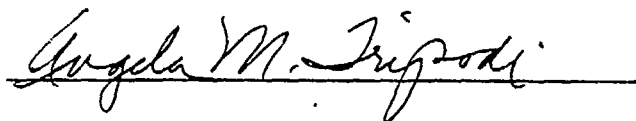
COUNTY OF MIDDLESEX

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, the within named William R. Hedden, Jr., who, having been first by me duly sworn, stated on his oath that he signed the above and foregoing American Standard Inc.'s Responses to Interrogatories and Requests for Production for and on behalf of American Standard Inc. and that he is duly authorized so to do; that the matters stated in the above and foregoing Responses to Plaintiffs' Interrogatories are not solely within his personal knowledge, but that he is informed that there is no single officer of American Standard Inc. who has personal knowledge of all such matters; that the facts stated in said Responses to Plaintiffs' Interrogatories have been assembled by various persons, including counsel for American Standard Inc.; and that he is informed and believes that the facts set forth in said Responses to Plaintiffs' Interrogatories are true and correct as therein stated.



WILLIAM R. HEDDEN, JR.
Corporate Counsel

SWORN TO AND SUBSCRIBED BEFORE ME, this the 21ST day of June, 1999.



NOTARY PUBLIC

My Commission Expires:

March 4, 2001

ANGELA M. TRUPODI
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION END MARCH 4, 2001