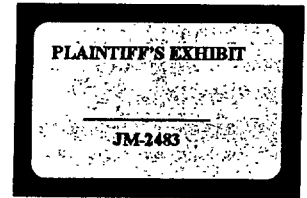


5-11

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO



MARY L. FELTY, et al.,

Plaintiffs,

vs.

No. CIV 78 927 M

JOHNS-MANVILLE SALES
CORPORATION, et al.,

Defendants.

ANSWERS OF DEFENDANT
JOHNS-MANVILLE SALES CORPORATION
TO PLAINTIFFS' FIRST SET OF INTERROGATORIES

In accordance with the provisions of Rule 33, Federal Rules of Civil Procedure, Johns-Manville Sales Corporation hereby answers the Interrogatories of Plaintiff served on Defendant's counsel.

Defendant reserves the right to amend or supplement its answers if it finds that inadvertent omissions or errors have been made or if additional or more accurate information becomes available that is required to be provided by the Federal Rules of Civil Procedure.

Interrogatory No. 1: Please state the name, address and job title of each person who has supplied information used in answering these Interrogatories.

Answer: This document is signed by R. B. Von Wald, Assistant General Counsel of Johns-Manville Corporation and Vice President of Johns-Manville Sales Corporation, Ken-Caryl Ranch, Denver, Colorado, (303) 979-1000, solely to satisfy the rules of procedure, as no single officer or agent of Defendant has the exclusive knowledge or information required to supply the necessary answers. Answers were prepared from a number of sources, i.e., files and records of Defendant's various divisions and departments

and interviews with various employees. The above signing officer has been informed that those files, documents and interviews support the responses herein based upon a diligent search of available information conducted as of the date of signature.

Interrogatory No. 2: Please state whether or not you are a corporation; if so, please state your correct corporate name, the state of your incorporation, the address of your principal place of business and whether or not you have ever held a Certificate of Authority to do business in the State of New Mexico.

Answer: Yes. Johns-Manville Sales Corporation was incorporated in Delaware in 1929. Defendant's principal place of business is Ken-Caryl Ranch, Denver, Colorado, and Defendant is authorized to do business in all fifty (50) states, including New Mexico.

Interrogatory No. 3: Has Defendant or any of its subsidiary companies, at any time, engaged in the manufacture and sale of products containing asbestos fiber?

Answer: Yes.

Interrogatory No. 4: Has Defendant or any of its subsidiary companies, at any time, engaged in the mining and subsequent sale of material containing asbestos fibers?

Answer: Yes.

Interrogatory No. 5: Has Defendant or any of its subsidiary companies, at any time, engaged in the marketing and sale of products containing asbestos fibers?

Answer: Yes.

Interrogatory No. 6: If the answer to one or more of the last three questions is affirmative, please state as to each

affirmative answer the following:

(a) The name of the company manufacturing, mining, marketing or selling such product.

(b) The trade or brand name of each such product mined, manufactured, and/or marketed.

(c) The dates each of such products were placed on the market.

(d) The dates each of such products were 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.

(f) A description of the physical appearance of each such product.

(g) A detailed description of the intended uses of each such product.

(h) The name of the manufacturer of each such product.

Answer: Defendant objects in part to this Interrogatory on the grounds that it calls for information concerning products other than asbestos-bearing industrial thermal insulation products, which are the only products at issue in this case, and to that extent, the information called for in response to this Interrogatory is immaterial, irrelevant and not calculated to lead to the discovery of admissible evidence and is unduly burdensome. In partial response, Defendant has attached as Exhibit A, a list of asbestos-bearing industrial thermal insulation products manufactured by Johns-Manville Products Corporation (Johns-Manville Products Corporation was merged into Johns-Manville Sales Corporation effective December 31, 1975). Johns-Manville Sales Corporation owned 80% of the Coalinga Mine in Coalinga, California which was in operation from March, 1962 until June, 1974.

(a)-(d) See Exhibit A. Trade names are in capital letters.

(e) Generally, Defendant's industrial thermal insulation products contained magnesia, silica, lime, clay and asbestos fiber. During the entire period of the manufacture of the products listed in Exhibit A, the approximate percentage of asbestos fiber is set forth in Exhibit B attached hereto. Defendant objects to providing the precise chemical composition of each said product on the grounds that the same constitutes a trade secret, and in any event would be irrelevant and immaterial to the issues in the case at bar.

(f) See Exhibit A attached hereto. In general, the products listed under the headings Block and Pipe were various block and pipe covering insulations. Sheets denotes asbestos cement sheets for construction in cooling towers or where protection against heat or fire was required. Finishes were weather or vapor barrier coatings for the various insulations. Paper, Felts, Blankets consisted of products used for pipe covering, interlining in steel cars, fireproofing electrical apparatus, insulating turbine flanges, valve bonnets, diesel exhausts, and numerous other insulating uses. The products listed under Cements were used with pipe and block insulations for patching, covering irregular shapes, etc. and for sealing jackets and for bonding the various insulations onto other materials, such as brick, concrete, metal, etc.

(g) The intended use for each product was for general insulation applications for protection against heat, cold and noise. Specific uses are and have been within the sole discretion of purchasers.

(h) Johns-Manville Products Corporation manufactured all of the products listed on Exhibit A prior to its merger into

Johns-Manville Sales Corporation. Johns-Manville Sales Corporation continues to manufacture certain accessory items containing "locked-in" fiber as indicated on Exhibit A.

Interrogatory No. 7: Does Defendant or any of its subsidiary companies claim that any patent would cover any product listed above in Interrogatory No. 6?

Answer: Yes.

Interrogatory No. 8: If so, for each such product, please state:

- (a) The number of each patent;
- (b) The date same was issued;
- (c) The number of each patent application that is pending.

Answer: Insofar as can be ascertained from existing identifiable records of the Patent Department of Johns-Manville, the list of United States Patents below identifies those patents which Johns-Manville believes are or may be of relevance to certain of the Johns-Manville asbestos-containing products designated in the Interrogatory. Because these records do not permit the unequivocal identification of specific patents with individual grades or versions of different types of products, the patents are listed by product groups rather than by individual products:

<u>Product Group</u>	<u>Patent No.</u>	<u>Issue Date</u>
MARINITE products	2,326,516	1943
MARINITE products	2,326,517	1943
MARINITE products	2,873,480	1959
MARINITE products	3,778,954	1973
MARINITE products	3,882,598	1975
MIN-K products	2,808,338	1957
MIN-K products	2,811,457	1957
MIN-K products	3,055,831	1962
MIN-K products	3,152,034	1964
MIN-K products	3,176,354	1965
MIN-K products	3,285,808	1966
MIN-K products	3,366,001	1968
MIN-K products	3,950,259	1976

ASBESTOCEL	3,232,865	1966
METAL-ON products	3,058,860	1962
METAL-ON products	3,193,894	1965
METAL-ON products	3,222,777	1965
METAL-ON products	3,269,164	1966
THERMO-MAT products	3,240,658	1966
MICROBESTOS products	3,365,358	1968
THERMOBESTOS products	2,699,097	1955
THERMOBESTOS products	3,352,746	1967
THERMOBESTOS products	3,449,141	1969
THERMOBESTOS products	3,661,607	1972
SUPEREX products	3,394,913	1968
Asbestos felt and paper products	3,037,895	1962
Asbestos felt and paper products	3,212,960	1965
Asbestos felt and paper products	3,269,889	1966
Asbestos felt and paper products	3,383,230	1968
Asbestos felt and paper products	3,519,475	1970
Asbestos felt and paper products	3,729,917	1973
Asbestos millboard products	3,954,556	1976

Because of established record retention policies, both of Johns-Manville Corporation and the Patent Department thereof, records do not exist or are not presently identifiable which would permit any other Johns-Manville patents to be unequivocally related to any of the designated products.

Similarly, for those products designated in this Interrogatory which do not fall within the product groups set forth above, records do not exist or are not presently identifiable which would permit Johns-Manville to determine unequivocally whether any of these products would ever have been covered by patents. In this regard it is noted that many of the designated products commenced service many years ago. The pertinent United States patent laws have long required that a patent on a product be applied for not later than one (or previously two) years after the product becomes commercial. Therefore, any patents which

might have been obtained on such older products would have been obtained years ago, would long since have expired, and can no longer be identified unequivocally from present records.

The existing identifiable records indicate that there are not at present any pending United States patent applications which are or may be of relevance to any of the designated asbestos-containing products.

To the extent that other documents of Johns-Manville which have been called for by Plaintiff may pertain to the identification of patents not above listed, such documents may be inspected by Plaintiff to the extent that such inspection is permitted by the appropriate Rules and Orders regulating discovery.

It is also noted that all United States Patents and the file histories thereof are available to the public at the United States Patent and Trademark Office in Arlington, Virginia, and it is no greater burden on Plaintiff than on Johns-Manville Corporation to inspect such records pertaining to expired United States patents for which Johns-Manville's own records no longer exist.

Interrogatory No. 9: Have any of the products listed in Interrogatory No. 6 above been altered in chemical composition since first being marketed.

Answer: Yes.

Interrogatory No. 10: If so, please state:

- (a) The trade name of each such product.
- (b) The date each such product was altered.
- (c) The nature of the alteration.
- (d) The reason for the alteration.

Answer: The manufacture of thermal pipe and block insulation products containing asbestos was discontinued in 1972-73; some

products were replaced by newer non-asbestos bearing industrial thermal insulation products in an effort to improve and update Johns-Manville Products Corporation's industrial thermal insulation field in light of medical and technological developments and governmental standards. See Exhibit C attached hereto for the products and dates of replacement.

Interrogatory No. 11: What is the name, address, and the job title of each individual who participated in the design and preparation of manufacturing specifications for each such product?

Answer: Defendant objects to this Interrogatory on the grounds that the same is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the foregoing objection, Defendant states that new products are designed primarily by the Research and Development Department of Johns-Manville Corporation.

Interrogatory No. 12: Do any written memoranda, specifications, blueprints or other written materials of any kind or character relating to the design and preparation of said products now exist?

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

Interrogatory No. 13: If so, please state:

- (a) List each such written material or document;
- (b) Who presently has possession of each such document;
- (c) Where it is located?

Answer: See answer to Interrogatory No. 12.

Interrogatory No. 14: Prior to releasing the products listed

in Interrogatory No. 6 above for sale to the public, were any tests conducted on same to determine potential health hazards involved in the use of materials contained therein.

Answer: Tests were made of asbestos-containing industrial thermal insulation products as a whole, rather than of individual products. See Exhibits D and E attached hereto.

Interrogatory No. 15: If so, please state:

(a) The name, address and job classification of each individual who conducted such tests.

(b) The results of such said tests.

Answer: See Exhibits D and E attached hereto.

Interrogatory No. 16: Do any written memoranda, specifications, recommendations or other written materials of any kind or character exist relating to the testing of the said products?

Answer: See Exhibits D and E attached hereto.

Interrogatory No. 17: If so, please state:

(a) List each such written material or document;

(b) Who presently has possession of each such document, and where is it located.

Answer: See Exhibits D and E attached hereto.

Interrogatory No. 18: Did Defendant make any design changes as a result of such tests?

Answer: See Answer to Interrogatory No. 10.

Interrogatory No. 19: If so, please state:

(a) The nature of the change made;

(b) The name, address, and job classification of each person in charge of making a change.

Answer: See Answer to Interrogatory No. 10.

Interrogatory No. 20: After releasing said products to the public, were any tests conducted thereon to determine potential health hazards involved in the use of materials contained therein?

Answer: See Exhibits D and E attached hereto.

Interrogatory No. 21: If so, please state:

(a) The name, address, and job classification of each person conducting said tests.

(b) The results of said tests.

Answer: See Exhibits D and E attached hereto.

Interrogatory No. 22: Do any written memoranda, specifications, recommendations or other written materials of any kind or character relating to the potential health hazards of the daid products exist?

Answer: See Exhibits D and E attached hereto.

Interrogatory No. 23: If so, please state:

(a) List each such written material or document.

(b) Who presently has possession of each such document, and where is it located.

Answer: See Exhibits D and E attached hereto.

Interrogatory No. 24: Did Defendant or any of its subsidiary companies make any design changes as a result of such tests?

Answer: See Answer to Interrogatory No. 10.

Interrogatory No. 25: If so, please state:

(a) The nature of the change made.

(b) The name, address, and job classification of each person responsible for making such a change.

Answer: See Answer to Interrogatory No. 10.

Interrogatory No. 26: Has Defendant or any of its subsidiary companies, at any time, published and/or distributed any brochures, pamphlets or other written materials of any kind or character that contain any warnings concerning the possibility of injury resulting from the use of the products listed in Interrogatory No. 6?

Answer: Yes.

Interrogatory No. 27: If so, please state:

- (a) The wording of each such warning;
- (b) A description of each such printed material;
- (c) The method used to distribute the warning to persons who are likely to use the products;
- (d) The date each such warning was issued;
- (e) The name, address, and job classification of each person who presently has possession of the above described documents.

Answer: Defendant placed warning notices on the packaging of its industrial thermal insulation products which contained asbestos which might release dust upon installation. The warning labels and the dates of use are as follows:

CAUTION

THIS PRODUCT CONTAINS ASBESTOS FIBER.

INHALATION OF ASBESTOS IN EXCESSIVE
QUANTITIES OVER LONG PERIODS OF TIME
MAY BE HARMFUL.

IF DUST IS CREATED WHEN THIS PRODUCT
IS HANDLED, AVOID BREATHING THE DUST.

IF ADEQUATE VENTILATION CONTROL IS NOT
POSSIBLE, WEAR RESPIRATORS APPROVED BY
THE U. S. BUREAU OF MINES FOR PNEUMOCONIOSIS-
PRODUCING DUSTS.

(1964-1970)

CAUTION

THIS PRODUCT CONTAINS ASBESTOS FIBER.
AVOID BREATHING THE DUST. INHALATION
OF ASBESTOS IN EXCESSIVE QUANTITIES
OVER LONG PERIODS OF TIME MAY BE HARMFUL.

IF DUST IS CREATED WHEN THIS PRODUCT
IS HANDLED, USE PROPER PROTECTION.

IF PROPER DUST CONTROL CANNOT BE PROVIDED,
RESPIRATORS APPROVED BY THE U. S. BUREAU OF
MINES FOR PROTECTION AGAINST PNEUMOCONIOSIS-
PRODUCING DUSTS SHOULD BE WORN.

(1970-1972)

CAUTION

CONTAINS ASBESTOS FIBER
AVOID CREATING DUST
BREATHING ASBESTOS DUST MAY CAUSE
SERIOUS BODILY HARM

(1972-1978)

CAUTION

CONTAINS ASBESTOS FIBERS
AVOID BREATHING DUST
BREATHING ASBESTOS DUST MAY
CAUSE SERIOUS BODILY HARM
SMOKING GREATLY INCREASES THE
RISK OF SERIOUS BODILY HARM

(1978-PRESENT)

These warnings or some modification thereof were used on the packaging of all industrial thermal insulation products of Defendant which contained asbestos which might release dust upon application. Use of warning labels was commenced during 1964. Defendant used such warning notices because in 1964, it was reported by a member of the medical profession that there might exist a

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Answer: Yes.

Interrogatory No. 29: If so, please state:

- (a) The name and address of each claimant.
- (b) The date of notice of each claim.
- (c) A description of the claim, if any.
- (d) The type of injuries allegedly sustained.
- (e) The name and address of each attorney who represents individuals making such claims.
- (f) The style and court number of each claim currently pending.
- (g) The resolution of each claim that has been settled or taken to judgment.

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

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

Answer: Yes.

Interrogatory No. 31: If so, please state:

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

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

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

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

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

Answer: Products are also marketed through distributors.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Interrogatory No. 38: If so, please state:

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

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

(c) Has Defendant obtained statements from any witnesses?

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

Answer: Not applicable.

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

Answer: Yes.

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

Answer: Not applicable.

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

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

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

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

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

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

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

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

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

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

Interrogatory No. 42: If so, please state:

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

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

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

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

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

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

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

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

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

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

Answer: Yes.

Interrogatory No. 46: If so, please state:

(a) The name and address of each person or entity who prepared same.

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

(c) The date same was prepared.

(d) The media used to disseminate the sales material.

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

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

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

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

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

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

(c) The dates and manner in which said material was distributed to purchasers of Defendant's products.

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

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

Answer: Unknown by Defendant at the present time.

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

Answer: Not applicable.

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

Answer: Yes.

Interrogatory No. 52: If so, please list the name of each insurance carrier who may have coverage, the amount of such coverage, and the dates of each such policy?

Answer: The Travelers Insurance Company
Hartford, Connecticut

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

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

The Home Insurance Company
New York, New York

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

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

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

Answer: Unknown by Defendant at the present time.

Interrogatory No. 54: If so, please state:

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

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

Answer: See Answer to Interrogatory No. 53.

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

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

MILLER, STRATVERT, TORGERSON & BRANDT

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

KRB
Kenneth R. Brandt