

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

NUMBER _____

DIVISION _____

RODIE S. ADAMS, ALIEN OF JOSEPH S. ADAMS

VERSUS

JOHNS-MANVILLE CORPORATION, JOHNS-MANVILLE SALES CORPORATION,
SUCCESSOR BY MERGER WITH JOHNS PRODUCTS CORPORATION, CANADIAN
JOHNS-MANVILLE ASBESTOS, LTD., SABBATE AND MARSHALL LINES (PVT)
LTD. FORMERLY KNOWN AS RHODESIAN AND GENERAL ASBESTOS
CORPORATION (PVT) LTD., CLIFFORD SHECKLER, HUGH M. JACKSON,
EDMUND A. FENNER, J. B. JOBE, J. A. MCKINNEY AND THEIR INSURANCE
COMPANIES TRAVELERS INSURANCE COMPANY AND HOME INSURANCE COMPANY;
KING SAFETY APPLIANCE COMPANY AND THEIR INSURANCE COMPANIES,
TRAVELERS INSURANCE COMPANY AND INSURANCE COMPANY OF NORTH
AMERICA; NELSON CORPORATION, NORTON, CO., INC., TETRON, INC. AND
THEIR INSURANCE COMPANY, ABC INSURANCE COMPANY

FILED: _____ DEPUTY CLERK: _____

ANSWERS OF DEFENDANT JOHNS-MANVILLE SALES CORPORATION,
SUCCESSOR BY MERGER WITH JOHNS-MANVILLE PRODUCTS CORPORATION,
TO PLAINTIFF'S INTERROGATORIES

ALL INTERROGATORIES OF PLAINTIFF

In accordance with the Federal Rules of Civil Procedure,
Johns-Manville Sales Corporation, successor by merger with
Johns-Manville Products Corporation, hereby answers Plaintiff's
interrogatories 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 said rules.

1. Please describe the various types of products
manufactured by your company during the period 1943 until 1969 and
for each product state the following:

- 1) Trade name
- 2) Inclusive dates of manufacture
- 3) Place and address of location where products were
manufactured

EXHIBIT Defendant objects to this Interrogatory on the
grounds that its calls for information concerning products other
than asbestos-containing products and to that extent, the information
called for in response to this Interrogatory is immaterial.

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PLAINTIFF'S
EXHIBIT

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irrelevant, not calculated to lead to the discovery of admissible evidence and is unduly burdensome. However, in an effort to be responsive, Defendant has attached as Exhibit A a list of asbestos-bearing industrial thermal insulation products manufactured by Johns-Manville Products Corporation and sold by Johns-Manville Sales Corporation and their dates of manufacture. Trade names are in capital letters.

2. Please describe by trade name, size and appearance the products manufactured by your company at Marrero, Louisiana during the period in which Mr. Joseph S. Adams was employed and for each product state the name of all of the materials which go into the manufacturing process or combine to compose the finished product.

ANSWER: Defendant objects in part to this Interrogatory on the grounds that it calls for information concerning products other than asbestos-containing 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, not calculated to lead to the discovery of admissible evidence, and is unduly burdensome. However, in an effort to be responsive, Defendant states that the following asbestos-containing products were produced at Defendant's Marrero, Louisiana Plant during the period in which the plaintiff was employed: asbestos and vinyl floor tile; asbestos cement pipe and products; asbestos cement shingles; and Black Line Products, which are asbestos-containing asphalt, roof paints and putties.

Generally, these products contained asbestos fiber, cement, sand and vinyl. 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.

3. State the date on which you began manufacturing each product referred to in the preceding Interrogatory and the date ceased, if applicable.

ANSWER: Defendant is unable to respond to this Interrogatory as Defendant's records are not maintained or broken down in such a manner, and it would be unduly burdensome and expensive to compile

the information necessary to respond to this Interrogatory. However, in an effort to be responsive, Defendant states that the Marrero Pipe Division of its Marrero, Louisiana Plant, which division manufactured transite pipe, commenced operation in 1947 and terminated same in 1970.

4. State the name and address of the persons or company or supplier from whom you purchased or obtained asbestos during the years of plaintiff's employment and for use at the Marrero Louisiana Plant.

DEFENDANT: Defendant objects to this Interrogatory on the grounds that furnishing information as to all vendors who supplied Defendant with asbestos fiber during the years of Plaintiff's employment and for use at the Marrero Plant, if in fact records of the same exist, would be unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. However, in an effort to be responsive, Defendant states that it has purchased asbestos fiber from the following vendors which, as Defendant can best determine, was used at the Marrero, Louisiana Plant: Johns-Manth (S.A.) Pty., Ltd.; British Metal Corporation; Colonial Sugar Refining Co.; Antony Gibbs & Co., Ltd.; Turner & Newall, Ltd.; Cassiar Asbestos Corp., Ltd.; Bell Asbestos Mines, Ltd.; Cape Blue Mines (Pty.), Ltd.; Asbestos Investment (Pty.), Ltd.; Forma Corporation; Sneepe (Pty.), Ltd.; Turner's Asbestos Fibres, Ltd.; General Services Administration; and Johns-Manville Canada Inc.

5. Did you, prior to employing Mr. Joseph S. Adams require or provide a pre-employment physical examination for him?

DEFENDANT: Yes.

6. If so, please state:

- (a) The date on which each examination was performed;
- (b) The name and address of each physician conducting each examination;
- (c) Whether each physician rendered a written report or X-ray report of each examination;
- (d) Whether there were any abnormalities reported as a result of any such examination;

(a) Whether you will provide plaintiff with a copy of each report identified and, if so, enclose a copy with your answers to these interrogatories.

ANSWER: See Plaintiff's medical and personnel files attached hereto.

7. What were the inclusive dates of Mr. Joseph S. Adams' employment. If Mr. Joseph S. Adams is no longer employed by you state the date he last worked and the reason for leaving.

ANSWER: See Plaintiff's medical and personnel files attached hereto.

8. In what capacity was Mr. Joseph S. Adams first employed and what were his assigned job duties?

ANSWER: See Plaintiff's medical and personnel files attached hereto.

9. In what other job capacities did Mr. Joseph S. Adams work while in your employ and for each one state:

- (a) Date began and date ceased working in that capacity
- (b) Description of duties of each job capacity
- (c) Description of places within the plant that he was assigned to work for each job.

ANSWER: See Plaintiff's medical and personnel files attached hereto.

10. Was Mr. Joseph S. Adams required to work with or around raw asbestos fibers while in your employ?

ANSWER: Unknown at the present time until further discovery.

11. Did Mr. Joseph S. Adams, during the normal course of employment work in the proximity of the manufacture of products containing asbestos?

ANSWER: See Answer to Interrogatory No. 10.

12. During the time Joseph S. Adams was employed by you, did you provide him with a respirator, face mask or respiratory device?

ANSWER: Yes.

13. If so, please state the following:

- (a) Name and address of the vendors or suppliers
- (b) Name and address of the manufacturer

(c) The model number and color

(d) On what date did you first begin using same and ceased using same, if applicable

(e) If you changed type or model during Mr. Joseph S. Adams' employment state the date for which the respective types and models were used or supplied to the employees

(f) The unit cost of each

INTER: Defendant objects to this Interrogatory on the grounds that the same is overly broad and unduly burdensome. However, in an effort to be responsive Defendant answers as follows:

Johns-Manville supplies to employees with a hazardous exposure to airborne asbestos fiber respirators approved by NIOSH (formerly the responsibility of the U.S. Bureau of Mines) for protection against pneumoconiosis producing dusts. These respirators have been available on a continuing basis to our employees for many years.

Specifically, these respirators include:

Mine Safety Appliances 201 North Braddock Ave. Pittsburgh, Pennsylvania 15208	Dustfox 77 Dustfox 55 Custom 204 w/s Filter
American Optical Corp. Safety Products Division Southbridge, Mass. 01550	R2000 4/25, 90 Filter R3000 4/20 Filter R5-00 4/90 Filter
Willson Products Division ESS Inc. P.O. Box 522 Reading, Pennsylvania 19603	1000 Mask 500A Single Cartridge #460 Double Cartridge #350C

For the last few years Defendant has utilized reusable respirators manufactured by Mine Safety Appliances Company and American Optical as well as a disposable respirator, Norton 7170.

14. Please state whether you received any literature whatsoever, including but not limited to warnings or instruction from any manufacturer, vendor or supplier regarding the use of such respirator or face masks during Mr. Joseph S. Adams' employment, and if so, please describe each piece of literature in as much detail as possible and state the (approximate) dates or years received.

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ANSWER: Defendant has conducted a diligent search of its available files and has located no such literature as described by this Interrogatory. Defendant will continue to conduct a search and will supplement its answer if further information should become available.

15. Please attach copies or representative copies of any literature received from either the manufacturer, vendor or supplier of each respirator or face mask used during Mr. Joseph S. Adams' employment.

ANSWER: See Answer to Interrogatory No. 14 above.

16. Please state:

(a) If a claim has ever been made against you by anyone alleging to have contracted or manifested the disease commonly known as "asbestosis" or any other respiratory disease who worked at the same plant as Mr. Joseph S. Adams;

(b) If so, the name, address and job title of each person making said claim and the date each claim was made;

(c) The ultimate outcome or disposition of each claim;

(d) The court, case number or other reference of each claim in which legal action was taken.

ANSWER: (a) Yes.

(b-d) Defendant objects to this Interrogatory on the grounds that the information requested is a matter of public record and is as readily available to Plaintiff as it is to Defendant.

17. Have you, or anyone acting in your behalf obtained any statements from any person in any way relating to this case?

ANSWER: No statements have been taken.

18. If so, please state:

(a) The name, address, employer and job title of each person from whom a statement was obtained;

(b) The date each statement was obtained and whether each statement is written or recorded;

(c) Please attach copies to your answers to these Interrogatories.

ANSWER: Not applicable.

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19. Do you have possession of any photographs of the plant or work areas where plaintiff was employed and if so, state:

(a) The total number of photographs obtained and a description of each;

(b) The date on which each photograph was obtained;

(c) If you will allow plaintiff to view and make copies of said photographs at his own expense.

ANSWER: At the present time, with the exception of photographs previously submitted to Plaintiff's counsel in discovery, Defendant has not located any additional photographs. Defendant will continue to conduct a search and will supplement its Answers if further documents become available. Defendant reserves the right to all pertinent objections should any further material be located.

20. Have you at any time, filed a notice of claim, or a report with your liability insurer relating to the instant claim?

ANSWER: Yes.

21. If so, please state:

(a) The date the notice was filed;

(b) The person employed by you who filed the notice;

(c) Whether you will provide plaintiff with a copy of each notice or report of claim.

ANSWER: Defendant objects to this Interrogatory on the grounds that the information called for falls within the scope of attorney's work product and is protected by the attorney-client privilege and for the further reason that information developed in conjunction with the defense of other litigation is irrelevant and immaterial to the case at bar and that, as such, this Interrogatory constitutes improper discovery procedure.

22. Have you, or anyone acting in your behalf, ever written to your liability insurer relative to the accident in suit describing the circumstances which may have led to the claim by Mr. Joseph S. Adams?

ANSWER: See Answer to Interrogatory No. 21.

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23. If your answer to the preceding interrogatory is in the affirmative, please state the date on which the letter or memorandum was written, the name and job title of the person writing it, and whether you will provide plaintiff with a copy of said letter or memorandum.

ANSWER: See Answer to Interrogatory No. 21.

24. Has anyone, including but not restricted to, private consultants, safety engineers or employees of your liability or health insurers, or employees of your company ever informed you, or anyone connected with your company that exposure to asbestos has been known or is believed to cause "asbestosis" or other respiratory lung disease.

ANSWER: Defendant objects to this Interrogatory on the grounds that the same is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. However, in an effort to be responsive, the Corporation became aware of the relationship between asbestos and the disease known as asbestosis among workers involved in mining, milling and manufacturing operations and exposed to high levels of virtually 100% raw asbestos fibers over long periods of time by the early 1930's. The Corporation has followed and become aware of the general state of the medical art relative to asbestos and its relationship to disease processes, if any. Defendant first became aware of a possible hazard associated with the use of its asbestos-bearing industrial thermal insulation products at or about the time of the meeting of the New York Academy of Sciences, "Biological Effects of Asbestos" held in New York City in October, 1964.

25. If so, please state:

- (a) The date on which you were first so informed;
- (b) The name, employer, and job title of the person or persons so informing you;
- (c) The name of the person employed by you was so informed;
- (d) Whether the notice to you was written or oral;
- (e) If written, the date of each written notice;

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(f) Whether you will provide plaintiff with a copy of written notice so identified.

ANSWER: See Answer to Interrogatory No. 24.

25. Have you, or anyone acting in your behalf, issued any instructions or warnings, regarding the dangers of the exposure to raw asbestos in the manufacturing process of products containing asbestos.

ANSWER: Defendant has, on a continuing basis, furnished customers information as to the proper use and application of its insulating products. Answering 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 caution instructions to products regarding the handling of these products as set forth in Defendant's Answer to this Interrogatory as set forth below.

Defendant also 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

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Defendant and other manufacturers; i.e., industrial insulation applicators. In 1957, 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 and method change recommendations to assist the contractors in dust abatement and environmental 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. Shackler, who at that time, was also Manager, Accident Prevention and Health Administration of Johns-Manville Corporation. Other members of the Committee included John Vyverberg, Owens-Corning Fiberglass Corporation; Harry Wesler, Rubberoid Company; Leon Horowitz, Certain-teed Corporation; and Jack Barnhart, Executive Secretary of the National Insulation Manufacturers Association. The aforesaid booklet was produced and circulated during the 1968 meetings. Also, subsequent to the meetings with the contractors, considerable work has been done in conjunction with environmental control, especially in the area of fixed machinery and equipment.

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

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

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

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

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

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

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

Such booklets may be obtained from the AIA, 1500 L Street, N.W. Washington, D.C. 20035.

Additionally, Defendant participated in 1971 through the Occupational Health and Safety Committee of the National Insulation Contractors Association in the preparation of a booklet entitled, "Safety Reminders". Such booklet is available from NICA, 3330 Fenton Street, Silver Spring, Maryland 20910, at a cost of 50 cents per copy, as set forth below.

Defendant has distributed the following:

A booklet entitled, "What You Should Know About Asbestos and Health", published by Johns-Manville Corporation in January of 1975, a copy of which is available for inspection and/or copying at the office of Defendants' attorneys. This booklet was distributed to all employees at all locations using asbestos fiber or handling products containing asbestos fiber.

A booklet entitled, "What Every Employee Should Know About Asbestos", published by Johns-Manville Corporation in 1973, a copy of which is available for inspection and/or copying at the office of Defendants' attorneys. This booklet was distributed to all employees at all locations using asbestos fiber or handling products containing asbestos fiber.

A pamphlet entitled, "Recommended Safety Practices for Handling Asbestos Fiber", published by Johns-Manville Corporation in November, 1973, a copy of which is available for inspection and/or copying at the office of Defendants' attorneys. This booklet was distributed to all employees at all locations using asbestos fiber or handling products containing asbestos fiber.

An employee notification form entitled "Dear Johns-Manville Employee", published by Johns-Manville Sales Corporation, a copy of which is available for inspection and/or copying at the office of Defendants' attorneys. This was inserted in paychecks of all employees at all Johns-Manville Sales Corporation contract units beginning in 1970.

Since 1975, Defendant has made available a Catalog of Occupational/Environmental Health and Safety Programs as listed below. All the publications, audio-visual programs and other

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material listed in this catalog are available to Johns-Manville customers and public interest groups as well as to all Johns-Manville personnel.

A pamphlet entitled, "Occupational Health Guide - Asbestos", published by Johns-Manville in 1976, a copy of which is available for 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 action picture on occupational health risks associated with asbestos fiber.

A newspaper entitled, "The Asbestos Report", published by Johns-Manville in 1975, a copy of which is available for inspection and/or copying at the office of Defendants' attorneys.

Defendant placed warning notices on the packaging of its asbestos fiber. The warning labels and the dates of use are as follows:

CAUTION

THIS BAG CONTAINS ASBESTOS FIBER.

PERSONS EXPOSED TO THIS MATERIAL SHOULD
USE ADEQUATE PROTECTIVE DEVICES AS
INHALATION OF THIS MATERIAL OVER LONG
PERIODS MAY BE HARMFUL.

(1969-1972)

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)

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Use of warning labels was commenced during 1969. The label in use from 1972 to 1973 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, 1973. Defendant also places this warning on all bags containing asbestos fiber in five additional languages; i.e., French, Dutch, German, Spanish and Japanese.

27. If so, please state:

(a) The date the instructions or warnings were first issued and by whom they were issued;

(c) Whether the instructions or warnings were oral or written;

(d) If written state the manner in which the written instructions were disseminated and the places they appeared, i.e. whether on the packaging, etc. and the dates placed thereon;

(e) If written, will you provide plaintiff with a copy of each instruction or warning issued or alternatively state the name and address of the person in control of same.

ANSWER: See Answer to Interrogatory No. 26.

28. Are you now aware that exposure to asbestos fibers has been known to or is believed to cause the disease known as "asbestosis" or any other respiratory or lung disease.

ANSWER: See Answer to Interrogatory No. 24.

Defendant recognizes that excessive respiration of asbestos fibers by those occupationally exposed to asbestos over long periods of time may cause the disease asbestosis in some people.

29. If so, on what year did your company first become aware of this fact and by what means was it first brought to your attention?

ANSWER: See Answer to Interrogatory No. 24.

30. Are you in possession of any information, verbal or lay, that caused you to believe that Mr. Joseph S. Adams was affected by exposure to asbestos or had contracted any respiratory or lung disease prior to the date he was first employed by you?

ANSWER: See Plaintiff's medical and personnel records attached hereto.

31. If so, please state:

- (a) The nature of said information;
- (b) The date said information first became known to you;
- (c) Whether said information is oral or written;
- (d) Whether said information consists in whole or in part of the reports of any physician or other document and, if so, describe;
- (e) If so, the name and address of each physician;
- (f) Whether you will provide plaintiff with a copy of each physician's report or other document identified.

ANSWER: See Answer to Interrogatory No. 30.

32. Are you in possession of any information, medical or lay, which would indicate that Mr. Joseph S. Adams contracted a respiratory or lung disease subsequent to the date he was first employed by you?

ANSWER: See Answer to Interrogatory No. 30.

33. If so, please state:

- (a) The nature of said information;
- (b) The date said information first became known to you;
- (c) Whether said information is written or oral;
- (d) Whether said information consists in whole or in part of the report of any physician or in any other document and, if so, describe;
- (e) If so the name and address of each physician or author of the document;
- (f) Whether you will provide plaintiff with a copy of each physician's report or other document identified.

ANSWER: See Answer to Interrogatory No. 30.

34. Are you in possession of any information, medical or lay, that caused you to believe that Mr. Joseph S. Adams had any abnormal or suspicious chest X-rays during the course of his employment with your company. If so, state:

- (a) Manner in which you obtained this information;
- (b) Date you first became aware;

(c) Name and address of anyone who was aware of this information.

ANSWER: See answer to Interrogatory No. 30.

35. Please state plaintiff's gross and net yearly earning during the time he was employed by you as reflected by W-2 forms or any other records which you may have.

ANSWER: See answer to Interrogatory No. 30.

36. If you were insured for the liability asserted in their lawsuit please state:

- (a) The name of your insurer, primary and excess;
- (b) The limit liability, primary and excess;
- (c) The number of each policy of insurance, both primary and excess;
- (d) The effective dates of all applicable policies, primary and excess.

ANSWER: Primary Coverage:

The Travelers Insurance Company
Hartford, CT

Combined Bodily Injury & Property Damage Limit:
\$2 million per occurrence
\$2 million aggregate
(7/1/73 - 7/1/75)

Bodily Injury Limits:
\$1 million per occurrence
\$1 million aggregate
(7/1/74 - 7/1/75)

\$200,000 per occurrence
\$500,000 aggregate
(7/1/53 - 7/1/74)

\$150,000 per occurrence
\$500,000 aggregate
(7/1/47 - 7/1/53)

It is believed that Jones-Jarville also has the following primary insurance:

Commercial Union Assurance Companies - Boston, MA
(previously: The Employers' Liability Assurance Corporation, Limited)

\$150,000 per person
\$250,000 per occurrence
(7/1/54 - 7/1/65)

Umbrella (or excess) policies:

Jones-Jarville has excess insurance totalling approximately \$350 million in the aggregate covering the years from 1951 to 7/1/75. The annual aggregates vary from a low of \$2 million to a high of \$35 million.

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Jonas-Manville has umbrella (excess) insurance with annual aggregates of at least \$50 million starting 7/1/75 to the present.

37. Beginning with the first year of plaintiff's employment, and for each succeeding year please describe in detail the ventilation system in use at the plant where plaintiff was employed.

ANSWER: Defendant objects to this Interrogatory on the grounds that the same is overly broad—unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

38. For the period of time Dr. Joseph S. Adams was employed by you please state:

(a) Whether or not you required or provided periodic physical examinations or X-rays of your employees during the term of their employment;

(b) If your answer to the above is in the affirmative please state:

1) The date when you began providing these examinations or X-rays;

2) The name and address of all physicians involved in conducting said examinations or X-rays;

3) Whether Dr. Joseph S. Adams was examined or X-rayed over the course of his employment;

4) If Dr. Joseph S. Adams was examined or X-rayed, the name and address of the physician making same;

5) Do you have a written record or report of any examination or X-ray result of Dr. Joseph S. Adams?

6) If you do have a written record or report please enclose a copy of same with your answers to these interrogatories or, alternatively, provide interrogatories, or, affirmatively, provide the name and address of the person in custody of same.

ANSWER: (a) Yes.

(b) See Answer to Interrogatory No. 30.

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39. Did you, at any time prior to, during or subsequent to the time Joseph S. Adams was employed by you ever employ, retain or consult an industrial hygienist, environmental expert or safety expert relative to working conditions at the plant where Mr. Joseph S. Adams was employed?

ANSWER: The following individuals have been involved in the field of industrial hygiene as the same relates to the use of asbestos and exposure to asbestos fibers:

Hugh I. Jackson
Director, Corporate Training and Management Development
P. O. Box 5723
Denver, Colorado 80217
Employed by Johns-Manville since 1937; most
accountant; Industrial Relations Department;
Corporate Safety Engineer.

Edmund M. Farnes
Director, Environmental Services
P. O. Box 5723
Denver, Colorado 80217
Employed by Johns-Manville since 1940; Research
Engineer, Engineering Project Manager; Founding
Director, Environmental Control Department.

J. S. Jobe
2900 South University #54
Denver, Colorado 80120
Employed by Johns-Manville since 1935; sales clerk;
staff manager; special representative to the
aviation industry nationally; Regional Manager for
Southern California and operated insulation
contract unit; Merchandise Manager of Industrial
Insulation Division; Sales Manager, IID; Senior
officer in charge of five divisions including
industrial insulation, packaging and frictions,
Dutch Brand, Canada, and the Fibre Division and
later International; Executive Vice President and
Chief Operations Officer until retirement in 1973.

K. W. Smith, I.D.
Deceased
Previously employed by Canadian Johns-Manville from
1944-45 as Medical Officer at Asbestos, P.Q.;
Medical Director 1946-51. Medical Director,
Johns-Manville Corporation, New York, New York,
approximately 1952 until 1966.

F. J. Solon
Vice President - Presidential Assistant
Vice President - Economic Affairs
P. O. Box 5723
Denver, Colorado 80217
Employed by Johns-Manville since 1961; Assistant
Director, Director and Vice President, Advertising
and Public Relations; Vice President Corporate
Relations; Vice President Environmental Affairs;
Vice President Environmental Relations.

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William B. Seitzer
Director, Health, Safety and Environment
P. O. Box 5723
Denver, Colorado 80217

Previously employed by CIBA Corporation in the area of toxicology, pharmacology; inspector with U. S. Department of Health; Industrial Hygiene Health and Safety, Johns-Manville since 1969.

Clifford Shankler
936 S. Drive
Metairie, New Jersey
Consultant

Previously employed by Johns-Manville as Construction Engineer, Supervisor of Construction, Safety Engineer, Supervisor of Safety and Industrial Hygiene, Corporate Manager of Industrial Health, Manager of Occupational and Environmental Control.

Paul Kotin, M.D.
Senior Vice President, Health, Safety and Environment
P. O. Box 5723
Denver, Colorado
Employed by Johns-Manville since June, 1974.

40. If so, please state:

- (a) The name, address and specialty of each such person;
- (b) The date on which each such person was employed,

retained or consulted.

ANSWER: See Answer to Interrogatory No. 39.

41. For the period of time Mr. Joseph S. Adams was employed by you, please state:

- (a) The full description of any training or instructions given to Mr. Joseph S. Adams and/or his fellow employees, relative to use of respirators or respiratory protection;
- (b) The date when you first gave such instructions or training;

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

42. If written, please attach copies to your answers to these Interrogatories, or alternatively, state the name and address of the person in custody of same.

ANSWER: See Answer to Interrogatory No. 41.

43. Please describe in detail or attach copies of any catalogues, advertisements or publications received from any

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manufacturers or suppliers, regarding all of the masks, or respirators used by your employees during the period of time Mr. Joseph S. Adams was in your employ.

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

44. Please attach copies of any building plans, shop drawing or other diagrams of the plant in which Mr. Joseph S. Adams was employed.

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

45. Please state whether you have retained or consulted with any expert witnesses in connection with this case and, if so, state:

(a) Name and address

(b) Field of expertise

(c) Nature and summary of their opinions and conclusions

ANSWER: No, not at the present time.

46. Please state the names and present and last known addresses of all of the foremen, supervisors, and plant superintendents who directly supervised Mr. Joseph S. Adams while he was employed with you.

ANSWER: Defendant objects to this Interrogatory on the grounds that the same is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. However, in an effort to be responsive, listed below are the plant managers of Defendant's Marrero Plant and years employed in that position.

Classified

J. E. Murphy, deceased

1948 - 9/1/52

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... reflects, regarding all of the asks, or
... your employees during the period of time etc.
... in your employ.

... objects to this Interrogatory on the
... is overly broad, unduly burdensome and not
... to lead to the discovery of admissible

... copies of any building plans, shop drawing
... of the plant in which Mr. Joseph S. Adams was

... objects to this Interrogatory on the
... is overly broad, unduly burdensome and not
... to lead to the discovery of admissible

... state whether you have retained or consulted with
... in connection with this case and, if so,

... and address

... field of expertise

... nature and summary of their opinions and

... not at the present time.

... state the names and present and last known

... of the foremen, supervisors, and plant

... who directly supervised Mr. Joseph S. Adams while
... with you.

... objects to this Interrogatory on the
... is overly broad, unduly burdensome and not
... to lead to the discovery of admissible
... ever, in an effort to be responsive, listed below
... managers of Defendant's Harpers Plant and years
... in position.

...

... deceased

1948 - 9/1/52

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T. Eaton
3 Chisneys
Croyal Oak, Maryland 21552

9/1/52 - 2/1/55

J. W. Miles
500 Gordin Avenue
Brahman, LA

2/1/55 - 1/1/58

L. Inguapinto
15 Caloka Dr.
Gretna, LA 70053

1/1/63 - 3/1/59

A. E. Volviler
Greenwood Plaza
Denver, CO 80217

7/1/69 - 5/1/70

E. J. Riley
135 S. Highway Dr.
New Orleans, LA

5/1/70 - 2/73

J. E. Smith

2/73 - present

Dated this ____ day of February, 1981.

JONES, WALKER, WAECHTER,
POITEVENT, CARRERE AND DENEGRE

By: _____

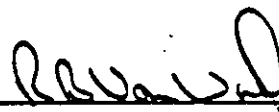
Attorney for Defendant
Johns-Manville Sales Corporation
225 Baronne Street
NEW ORLEANS, LA 70112
(504) 581-5541

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AFFIDAVIT

STATE OF COLORADO)
) ss:.
COUNTY OF JEFFERSON)

R. B. VON WALD being duly sworn according to law deposes and says he is Vice President and Corporate Counsel of JOHNS-MANVILLE SALES CORPORATION, successor by merger with JOHNS-MANVILLE PRODUCTS CORPORATION, a defendant in this action, that he is authorized to make this Affidavit on its behalf and that the facts set forth in the foregoing pleading have been supplied to him by others upon whom he relies and are true and correct to the best of his knowledge, information and belief.



R. B. VON WALD

Sworn and subscribed to
before me this 5 day
of February, 1981.



NOTARY PUBLIC

My Commission expires Nov. 22, 1984

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