

CAUSE NO. CC-99-8033-B

MALCOLM LEE MURPHY, JR. and
ANNETTE HARBERT MURPHY§
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IN THE COUNTY COURT

V.

AT LAW NO. 2

OWENS CORNING (a/k/a OWENS
CORNING CORPORATION); ET AL

DALLAS COUNTY, TEXAS

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

Defendant American Standard Inc. ("American Standard," "ASI," or "this Defendant"), for its Responses to Plaintiffs' Master Interrogatories and Requests for Production, states as follows:

**PRELIMINARY STATEMENT AND GENERAL OBJECTIONS
ANSWERS AND OBJECTIONS TO SPECIFIC INTERROGATORIES****PRELIMINARY STATEMENT AND GENERAL OBJECTIONS**

American Standard Inc. ("American Standard" or "the Company") submits these responses as amendments and supplementary to responses filed in this litigation based on additional information and documents obtained since those answers were filed, reflecting its continuing effort to provide by way of reconstructed records and events accurate responses to the requests. This Defendant's response to each of these Interrogatories incorporates this Preliminary Statement.

American Radiator & Standard Sanitary Corporation ("ARSS") was formed in 1929 when American Radiator Company, formed in 1892, was merged with Standard Sanitary Manufacturing Company, formed in 1899. In 1897, American Radiator had acquired the Ideal Boiler Company. In 1927, American Radiator had acquired the assets of Kewanee Boiler Company. Since 1929 there have been numerous mergers, acquisitions and dispositions relating to ARSS and the company has been engaged in the manufacture and sale of a wide range of products through its many current and

former divisions during its seventy-one year history. In 1967, ARSS formally changed its name to American Standard Inc. At no time, to the best of this Defendant's knowledge and belief did American Standard or any entity that it owned through acquisition or merger, whether now disposed of or currently owned, ever manufacture, asbestos or asbestos-containing insulation products, as that term is commonly used and understood. It is impossible for this defendant to investigate each of the thousands of products made by a widely diverse group of former divisions and subsidiaries, whenever or wherever manufactured and discontinued, to rule out the possibility that any one of them may have had an asbestos-containing internal component. (Occasionally, other current or former divisions have been identified. For example, Westinghouse Air Brake Company, a subsidiary from 1969 to 1977, a division from 1978 to 1990, and sold in 1990, has been sued in asbestos-related personal injury actions that involve the use of railway equipment which it sold to the railroad and rail equipment manufacturing industries. Trane Company had acquired a boiler line in the 1970's and sold that line until discontinuing it in 1978, six years before ASI acquired Trane in 1984.) American Standard has been joined in this and similar litigation based on its past connections to the manufacture and sale of American Standard and Kewanee boilers and boiler-related products and, accordingly, it is responding based on its search for records and information relating to those operations and product lines.

Through 1930, ARSS and its predecessor generally sold hydronics products under the trade name "Ideal." Thereafter, that trade name was limited to use in the sale of heating and plumbing products outside the United States, principally in Europe. (ARSS continued to sell an "Ideal" line of boilers under the name "American Radiators & Standard Sanitary Corporation," until that line was

phased out.) From approximately 1930 through approximately 1949, ARSS manufactured several lines of low pressure cast-iron boilers for residential, and small commercial and industrial applications through its United States Plumbing and Heating Division (later "Hydronics Division") and sold such boilers under the trade name "American Radiator & Standard Sanitary Corporation."

Between approximately 1950 and 1974, it sold those and successor lines of boilers under the trade name "American-Standard". It distributed its boilers through supply houses and independent distributors. In 1974 - 1975, American Standard closed its Hydronics Division and exited the boiler manufacturing business. The Hydronics Division's spare parts were sold to Oswald Supply Company and certain assets in plant equipment, tools, and drawings were sold to Burnham Corporation in 1974-75.

Kewanee was at all times operated separately from the American Standard Plumbing & Heating Division. It manufactured a completely separate line of steel boilers at its plant in Kewanee, Illinois.

In 1927, American Radiator acquired the assets of Kewanee Boiler Company, an Illinois Corporation ("Kewanee-Illinois"), and formed a wholly owned subsidiary, Kewanee Boiler Corporation, a Delaware Corporation ("Kewanee-Delaware"). When American Radiator acquired the identified assets of Kewanee Boiler Company ("Kewanee - Illinois"), there existed at that time, and apparently unknown to American Radiator, another corporation, Kewanee Boiler Company, a New York corporation ("Kewanee-New York"), owned and operated by a former officer of Kewanee-Illinois. Prior to 1927, Kewanee-New York had sold Kewanee-Illinois boilers in New York state and elsewhere. In or prior to 1927, Kewanee-New York acquired Fitzgibbon Boiler

Company and commenced manufacturing, marketing and selling its own line of boilers under the name "Kewanee Boiler Company." At least through 1938, it sold boilers that it manufactured under at least one model designation, "Z-U," which it continued to sell unabated in many geographic markets over Kewanee-Delaware's objection for an unknown period. Documents reflect that in 1938, ARSS and its subsidiary, Kewanee-Delaware, demanded that Kewanee-New York differentiate its boiler lines from those Kewanee-Delaware manufactured and sold under the name "Kewanee Boiler Corporation" by marking its boilers as "Kewanee Boiler Company of New York, Inc." This defendant has no further information relating to products sold by Kewanee-New York after that date, except that the records of the Pennsylvania Secretary of State currently list Kewanee Boiler Company, Inc., a New York corporation, as an active corporation. Those records also reflect that it merged with Fitzgibbons Boiler Company, Inc., incorporated in its own name in New York in 1933.

Kewanee-Delaware remained a subsidiary of ARSS until 1952. That year it was merged with another ARSS subsidiary to form Kewanee-Ross Corporation, which company then marketed its boiler lines and heat exchangers under the name "Kewanee Boilers - Kewanee Ross Corporation." In 1955, Kewanee-Ross was dissolved. For several years after 1956, the Kewanee boiler line was marketed under the name "Kewanee Boiler Division of American-Standard." In or about 1960 and continuing until approximately 1966, "Kewanee Boilers" were marketed by American-Standard Industrial Division, and from 1967 until January 1970 by American-Standard Heat Transfer Products Department.

In January, 1970, American Standard sold the assets and liabilities of Kewanee Boiler to Kewanee Boiler Corporation n/k/a OakfabCo, Inc. ("New Kewanee"), an unrelated entity, that was incorporated to acquire all Kewanee Boiler assets and liabilities. New Kewanee continued manufacturing and selling the Kewanee Boiler product line. As a part of that agreement, new Kewanee agreed to defend, indemnify and hold American Standard harmless against any and all liabilities, claims or suits arising from or related to prior sales of Kewanee boilers for which American Standard otherwise would be liable, if at all.

With the sale of Kewanee in January, 1970 and the discontinuance of operation of the Hydronics Division in 1974, American Standard had no businesses or divisions involved in the manufacture or sale of boilers or boiler products. As a result, American Standard's records and many of its employees possessing knowledge concerning such business went to the acquiring companies. Between 1974 and 1986, when American Standard was first named in an asbestos-related personal injury case, remaining employees most knowledgeable concerning boiler-related matters left the company, and remaining records relating to the manufacture and sale of boilers were disposed of pursuant to the company's record retention policy. American Standard has no current employees or record keepers who were employed by either Kewanee Boiler or American Standard Hydronics Division. Reconstruction of records began some time after the first asbestos-related lawsuit was served upon American Standard and has continued to the present. In approximately 1989, at the direction of corporate counsel, the Technical Services Department undertook a company-wide effort to collect any boiler related documents that could be found. All the drawers in the Trenton facility were checked and all boiler related documents gathered. Notices

were sent to then current employees to turn over any boiler related documents that they might have. American Standard's Bethel, CT records retention facility also was checked for boiler related documents. Vincent Olafsen, a retired American Standard employee from the Technical Services Department, also collected and turned over to American Standard his own personal collection of boiler related documents which had been in storage in Olafsen's garage. Other materials have been acquired or obtained from other third party sources. Upon information and belief, plaintiffs' counsel in different jurisdictions have from time to time produced documents that they had acquired and these, too, may have been integrated into those documents assembled during the retrospective reconstruction. All the presently existing documents were pooled and, with few exceptions, it is not possible to discern which document came from which source. Mary Jane Mahoney, Assistant Corporate Secretary, is the corporate officer most knowledgeable concerning all such corporate matters by virtue of her corporate position, longevity of employment and familiarity with the custodian of corporate records, including its corporate records retention plan. As such, she is the corporate representative designated to execute responses to discovery for the purpose of binding the corporation. Colleen Koester, Insurance Administrator, has given a deposition relating to insurance coverage and claims history.

Other sources of information include prior deposition testimony taken of former American Standard employees Vincent Olafsen and Richard Olson, and then current employee Deborah Bedard. Also, former Kewanee employee George Kasparian was produced for deposition on behalf of new Kewanee, n/k/a Oakfabco, Inc. Other former American Standard employees have been located and interviewed from time to time to obtain information regarding specific American

Standard products and/or practices that have been at issue in different cases. Two such employees, John Uhl and Conrad Arnold, have executed affidavits that have been filed in support of motions for summary judgment. A third was designated to give trial testimony, when the case was resolved.

The aforesaid reflects American Standard's corporate effort to comply in good faith and with its obligations under the laws and procedures of this jurisdiction and other jurisdictions where discovery is sought.

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, ongoing 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. 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. 1:

American Standard objects on the grounds that many Interrogatories and Requests posed herein are overly broad, unduly burdensome and oppressive due to the virtually unlimited breadth of Plaintiffs' inquiries which essentially makes it impossible for this Defendant to conduct a complete search for and reasonable investigation of the information sought. Therefore, this

Defendant objects to Plaintiffs' Interrogatories and Requests on the foregoing grounds and incorporates its Preliminary Statement.

GENERAL OBJECTION NO. 2:

American Standard objects to those Interrogatories and Requests that seek information not limited in time or to activities which transpired in a geographical area to which the Plaintiffs asserting claims against Defendant would have had contact and regarding the ultimate sale or distribution of products distributed or sold by this Defendant other than to jobsites where said Plaintiffs worked and which may not lead to the discovery of admissible evidence regarding product shipments that may have been utilized at jobsites where Plaintiffs are claiming exposure. Information sought regarding other sales or distribution of this Defendant's products is irrelevant, immaterial, and not reasonably calculated to lead to the discovery of relevant, admissible evidence. Moreover, unless there is an allegation that plaintiff or plaintiff's decedent actually performed work that would have exposed him to fibers released from internal asbestos-containing components of any specific product of American Standard, discovery relating to such products can produce only information that is irrelevant to the subject matter of the pending litigation, which is not reasonably calculated to lead to the discovery of admissible evidence, and is burdensome and oppressive.

GENERAL OBJECTION NO. 3:

American Standard 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, American Standard objects to any Interrogatories or Requests referring to, assuming or inferring that such products are or have been manufactured by American Standard.

American Standard thus asserts that questions referring to the manufacture of such products are not appropriately addressed to American Standard.

GENERAL OBJECTION NO. 4:

This Defendant objects to these Interrogatories and Requests to the extent that they seek information or documents subject to the attorney-client privilege, or which constitute protected work product. This Defendant specifically objects and asserts a privilege based on attorney-client privilege as to any communications between counsel and any member of the corporate control group, including communication with current or former counsel for this Defendant relating to any issues raised in plaintiff's Complaint. This Defendant specifically objects on the basis of work product and, where applicable, attorney-client privilege relating to any communication between counsel and any potential witnesses, including former employees of this defendant with whom consultations may have occurred for the purpose of educating counsel relating to products or matters at issue in the Complaint.

GENERAL OBJECTION NO. 5:

If this Defendant does respond to any one or more of these Interrogatories and Requests over objection, 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. 6:

American Standard objects to any Interrogatories or Requests that purport to impose upon it any obligations not expressly set forth in the Texas Rules of Civil Procedure.

Subject to and without waiving the foregoing, this Defendant responds to Plaintiffs' specific interrogatories as follows:

INTERROGATORY NO. 1:

State the name, address, job title, length of time employed by Defendant, and a year-by-year list of all other positions, titles, or jobs held when working for Defendant of each person who has supplied any information used in answering these interrogatories.

ANSWER TO INTERROGATORY NO. 1:

Defendant incorporates the Preliminary Statement and General Objections. Without waiving such objections, these answers have been prepared by counsel and authenticated on behalf of the Defendant by Mary Jane Mahoney, Assistant Secretary and Corporate Affairs Administrator for American Standard, a person authorized by the corporation to bind the company by such answers, whose authentication is based on information and belief, and not personal knowledge.

INTERROGATORY NO. 2:

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

ANSWER TO INTERROGATORY NO. 2:

Yes. American Standard Inc.; Delaware; One Centennial Avenue, Piscataway, New Jersey; American Standard Inc. was qualified to do business in the State of Texas on January 12, 1959. The agent for service of process is CT Corporation, 350 North Saint Paul Street, Dallas, Texas 75201.

INTERROGATORY NO. 3:

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

ANSWER TO INTERROGATORY NO. 3:

Defendant incorporates the Preliminary Statement and General Objections. Without waiving the objections, and subject thereto, Defendant has never mined, milled, purchased or sold raw asbestos, nor did it ever manufacture asbestos insulation products.

INTERROGATORY NO. 4:

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

ANSWER TO INTERROGATORY NO. 4:

American Standard incorporates herein its Preliminary Statement and General Objections set forth above.

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. Old product books printed prior to 1930 suggest that rebranded asbestos cement was sold under the trade name "Ideal" during that pre-1930 time period. The corporate histories of "Kewanee" and American-Standard as they relate to the manufacture and sale of boiler and heating products are set forth in the Preliminary Statement and incorporated herein. Because this litigation involves the manufacture and distribution of boiler products manufactured by those divisions since 1930 and through January, 1970 for Kewanee and 1974 for American Standard, these responses are limited to those products. During the relevant times, Kewanee manufactured primarily low pressure steel boilers, some steel boilers with up to 150 lb. working pressure, packaged generators, boiler-burner combinations, and water heaters for a range of uses that did not include ship propulsion or power plant generation. Kewanee's steel boilers were built at its manufacturing plant in Kewanee, IL and shipped as complete to the purchaser's sites. Prior to the 1960's, the only field assembly required on a Kewanee boiler was the mounting of the boiler shell on the frame for larger models. Assembly of non-Kewanee burners or other controls would also be required at the site. Those that were purchased as Kewanee combination boiler-burner units

were shipped as a package from the Kewanee, Illinois manufacturing site as a complete combination boiler-burner with no field assembly required. Kewanee sold and distributed its products through independent sales representatives to installation contractors. The contractor would merely locate the boiler and connect it to water, fuel, and electrical sources and internal piping and external exhaust. Kewanee offered metal jackets to insulate certain models as early as 1929 and on all models by the 1960's. Documents reflect that by the 1950's, and possibly earlier, the jacketed boilers were insulated with mineral wool or glass fiber. Kewanee boilers shipped without jackets were shipped bare metal, without insulation or recommendation for the use of insulation. It is not certain what boiler models did contain internal asbestos-containing components, except that a former Kewanee employee has advised that asbestos may have been used in gaskets to seal the manway and hand hold covers in most models, and in rubberized gaskets on the flue doors and in packing or rope to seal the mounting flange and observation port on forced air burner models. Any such asbestos-containing sealants were put and installed at the Kewanee factory, and would not give off asbestos fibers during unpacking and setup. According to parts lists, earlier Kewanee boilers may have included small internal components that included asbestos packing or tape. It is not clear whether jacketed boilers manufactured prior to 1950 contained insulation and, if so, whether it contained asbestos. After the sale of Kewanee Boiler in January 1970, any boilers manufactured and sold in the name of "Kewanee" or "Kewanee Boiler Corporation" were manufactured by Kewanee Boiler Corporation, an entity unrelated to American Standard. For the reasons stated in the Preliminary Statement, some boilers sold prior to January, 1970 under the name "Kewanee" were manufactured, distributed, licensed, and sold by Kewanee Boiler Company, a New York corporation, or its successors, which entity was not in any way related or otherwise connected to Kewanee Boiler Corporation, Kewanee-Ross Corporation, or American-Standard.

American-Standard's United States Plumbing and Heating Products Division (later known as the "Hydronics Division") manufactured a completely different line of relatively small, low pressure cast-iron boilers/burners, furnaces, and winter air-conditioners for use in residential and smaller commercial, institutional and industrial settings. American Standard distributed its boiler products primarily through independent distributors. As a supplement to its independent distributors, prior to 1972, in certain locations, American Standard sold its bathroom, plumbing, and heating products, as well as plumbing and heating products manufactured by others, including a few that contained asbestos as late as 1951. Such boilers were not engineered for and were unsuited for use in ship propulsion, power plant generation, or other large industrial facilities. As noted, prior to 1930, American Standard marketed boilers under the trade name "Ideal." American Standard did not supply asbestos cement with any of its boilers sold after 1930 (one model 1939 furnace shipped cement as standard equipment). A mix of Portland and asbestos cements was recommended to seal the line along the base of the sections and top of the combustion chamber and/or along the floor of some models of sectional boilers. From 1930 until approximately 1949-50, several different product lines were marketed under the name American Radiator and Standard

Sanitary Corporation. In approximately 1950, the Company began to market its line of boilers exclusively under the trade name American-Standard. Its line of products changed during those same time periods. Between 1930 and 1950, all oil and gas-fired products were jacketed and coal-fired burners had optional jackets. Aircell asbestos was used inside the jackets for some product models. Any boiler shipped without a jacket was shipped bare metal, without insulation. After World War II and by 1950, American Standard renewed its entire product line, using fiberglass as the insulating material inside the jacket. By 1950, every boiler manufactured by American Standard was offered with a metal jacket with fiberglass insulation. Oil and gas-fired units required fiberglass-insulated metal jackets, because they were designed and tested with those jackets to meet applicable safety and performance standards. Coal-fired boilers were not tested with jackets. However, if a contractor wanted to install an insulated coal-fired boiler, it could purchase a factory-built jacketed boiler that was less expensive and easier to install and functionally more efficient than any unjacketed version that he would have to insulate at the installation site. Thus, non-jacketed coal-fired boilers were rarely, if ever, ordered after 1950. American Standard built and shipped smaller units from the factory as complete packaged units. Larger boilers were shipped in sections for assembly and jacketing in the field. American Standard boilers were specially machined so that they did not require rope to seal the sections, as did some competitor models. Documents reflect that prior to 1950, some models and some lines had small amounts of precut, generally factory-installed materials, including gaskets, cement, wick, rope, board, tape, wire, or paper inside the boiler. With the exception of a one inch precut asbestos board in the base of the combustion chamber of a model of oil-fired boiler, boilers sold after 1950 did not use any asbestos insulating material inside or outside the boilers. Pre-cut gaskets, wire, or cushions were used on pressure plate burner connections on some oil burners. Gasket, wick, or rope were used as sealant for high temperature air-tight connections on some models. Some product brochures indicate that a piece of asbestos wick or tape was used to seal the canopy on some models; however, persons familiar with those products and product lines recall that non-asbestos boiler putty was used for that purpose.

The only manufacturers/suppliers of such asbestos-containing components who can be identified from the limited available records are Grant Wilson, Inc., Garlock, Palmer Asbestos Rubber Company, Eagle-Picher, Johns-Manville, and Janos Asbestos Co.

INTERROGATORY NO. 5:

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

ANSWER TO INTERROGATORY NO. 5:

See objection and Response to Interrogatory No. 4 and No. 7. As reflected in the available records, Defendant manufactured many different boiler lines, most of which had different models and sizes and each of which was introduced and discontinued in different years, some of which may have had design changes during these periods of production, which may have included changes in parts that used or ceased using asbestos. Further, with regard to packaged units shipped to the job site for installation and containing fiberglass insulated jackets, no asbestos fibers could be given off because the only asbestos-containing products on the vast majority of all such units, especially those sold after 1950, were pre-cut, factory-installed gaskets, packing, or rope sealants that were tightly sealed within the unit in order to perform their intended function. Thus, it is not possible to answer this question further, except by reference to Response to No. 4 or to the records made available in response to No. 7.

INTERROGATORY NO. 6:

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

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

- I. A detailed description of the intended uses of the named products.**
- J. Identify the last year that you sold each asbestos-containing product.**

ANSWER TO INTERROGATORY NO. 6:

A-J. Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, seeks irrelevant information and is not reasonably calculated to lead to the discovery of relevant, admissible evidence. Subject to and without waiving such objections, see Preliminary Statement and Objections and Response to Interrogatory No. 4 and No. 7. In addition, ASI responds as follows:

E. Any asbestos-containing components of ASI boilers were manufactured by others and incorporated into the boilers "as is," without material change. ASI exited the boiler business by 1974 and, as a result, has few documents and little information regarding such products. American Standard currently has no information as to the type, grade, or percentage of asbestos that any asbestos-containing components may have contained, except, on information and belief, such asbestos-containing components are generally believed to have contained chrysotile asbestos.

F. American Standard's Kewanee Boiler Division was sold in 1970. American Standard's Hydronics Division, which consisted of its remaining boiler business, was sold in 1974.

G. See also Objection and Response to Interrogatory No. 52.

J. See also Preliminary Statement and Objection and Response to Interrogatory No. 6(f).

INTERROGATORY NO. 7:

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

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

ANSWER TO INTERROGATORY NO. 7:

Defendant incorporates the Preliminary Statement and General Objections set forth above. Defendant further objects to this interrogatory because it is not limited to a product, if any, at issue in this litigation. Subject thereto and without waiving such objections, American Standard can make available all such reconstructed documents and product brochures so assembled for review and copying at American Standard, One Centennial Avenue, Piscataway, NJ at a time mutually convenient and agreed upon by the parties.

INTERROGATORY NO. 8:

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

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

ANSWER TO INTERROGATORY NO. 8:

See Preliminary Statement and General Objections. Subject to and without waiving such objections, Defendant is a corporation that was at all relevant times engaged in the manufacture of boilers and other heating products. Defendant no longer maintains any records regarding any specific tests run on any particular boiler or boiler line. However, according to persons knowledgeable concerning such matters, each boiler was designed, manufactured and sold after being tested and certified as meeting numerous safety standards applicable to such products, which were promulgated by organizations that included the Institute of Boiler Research (Hydronics Institute), American Society of Mechanical Engineers, American Gas Association, American National Standards Institute, Gas Appliances Manufacturers Association, American Society for Testing and Materials, and Underwriters Laboratories. Such certifications were generally required before such boilers could be installed and connected to any state or community supplied or regulated utilities. On information and belief, at all relevant times, Defendant and its respective business divisions kept apprized of the prevailing industry standards, customs, and practices and utilized any published information and information from its own suppliers relating to hazardous materials used in the manufacture of its products in order to provide a reasonably safe workplace for its own employees and reasonably safe products. The focus of American

Standard employees involved assessing risks relating to the handling of potentially hazardous materials that the corporation used in great bulk quantities, which would not have included asbestos. It is not possible for this defendant to know what any particular employee of the company knew about asbestos at any point in time through the time that it ceased manufacture of any hydronics products in 1974. As to asbestos being released from any of its own products, 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 exposure to any of its boiler or other heating products released any respirable fibers in the breathing zone during installation and use or released respirable fibers in excess of limits established by the ACGIH, or subsequently by OSHA. Nonetheless, the state of American Standard's corporate knowledge through 1974 may have included a generalized knowledge that asbestos was a mineral listed among various dusts and chemicals that could cause harm when exposures exceeded recommended limits as reflected in published literature and in standards promulgated by the American Conference of Governmental Industrial Hygienists ("ACGIH") including the asbestos standards adopted by ACGIH, particularly between 1946 and 1971, as well as the pre-OSHA standards and regulations adopted by different state departments of labor, by the federal government relating to the performance of federal contracts, and by naval and maritime standards. Later, American Standard would have been on notice as of late 1971, of U.S. government standards, commencing with the 1971 OSHA emergency asbestos standard and the 1972 comprehensive OSHA standards, which standards substantially adopted then existing ACGIH standards.

INTERROGATORY NO. 9:

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

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

ANSWER TO INTERROGATORY NO. 9:

Defendant incorporates the Preliminary Statement and General Objections set forth above. This interrogatory is further objectionable because it is not limited to a product, if any, at issue in this litigation. Subject to, and without waiving such objections, see Objections and Response to Interrogatory No. 8. Defendant has no information that it ever tested any boiler or boiler related product for potential release of asbestos during installation or use. To the

extent any such documents still exist, American Standard can make them available for review and copying at American Standard, One Centennial Avenue, Piscataway, NJ at a time mutually convenient and agreed upon by the parties.

INTERROGATORY NO. 10:

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

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

ANSWER TO INTERROGATORY NO. 10:

Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving such objections, and subject thereto, see Responses to No. 8 and No. 9.

INTERROGATORY NO. 11:

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

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

ANSWER TO INTERROGATORY NO. 11:

See Objections and Responses to Interrogatories Nos. 8, 9, and 10.

INTERROGATORY NO. 12:

Do any documents, including written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the potential health hazards of the products listed in Interrogatory No. 6 now exist? If so, state:

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

ANSWER TO INTERROGATORY NO. 12:

See Objections and Responses to Interrogatory No. 8, 9, 10, and 11.

INTERROGATORY NO. 13:

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

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

ANSWER TO INTERROGATORY NO. 13:

See Objections and Response to Interrogatories Nos. 8, 9, 10, 11, and 12.

INTERROGATORY NO. 14:

Has Defendant or any of its predecessor or subsidiary companies at any time published or distributed any printed material, including brochures, pamphlets, catalogs, packaging or other written material or any kind of character containing any warnings concerning the possibility of injury resulting from the use of the asbestos-containing products listed in Interrogatory No. 6? If so, state:

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

ANSWER TO INTERROGATORY NO. 14:

American Standard incorporates the Preliminary Statement and General Objections set forth above. American Standard also objects to this Interrogatory in that it is argumentative overly broad and unduly burdensome to the extent that it assumes, wrongfully, that American Standard boiler products posed a health hazard due to asbestos-containing components, or that American Standard had any duty to warn. Moreover, this Interrogatory does not identify and is not limited to any American Standard product to which Plaintiff claims he was exposed, if any, and is not limited to any particular time frame. Plaintiff should focus his interrogatories on the American Standard product to which Plaintiff 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. Subject thereto to and without waiving such objections, American Standard did not manufacture asbestos products. Any asbestos-containing components it incorporated into its boiler products were manufactured by others and incorporated into its products "as is," without material change;

and American Standard reasonably relied on the expertise of such suppliers and upon the product information provided by the manufacturers of such products, as such information may have related to the latest characteristics of such products and materials. To this date, American Standard possesses no information or knowledge that the asbestos content of such components would give off quantities of asbestos fibers in the regulated, respirable fiber size sufficient to require warnings. Moreover, such components were located under the boiler jacket and/or encapsulated or otherwise non-friable. American Standard was not and is not currently aware of any evidence that any component part of any of its heating products emitted harmful levels of respirable asbestos fibers. Therefore, because it was not required under the law, regulations, and standards applicable to the manufacture and sale of asbestos containing products to issue any warning, and it did not have any information by which to be informed that any warning was necessary or appropriate, it did not place any warning on any Kewanee or American Standard boiler or boiler-related product that related to asbestos.

INTERROGATORY NO. 15:

Before 1970, had you received notice that any individual or individuals, other than those Plaintiffs who have filed personal injury actions in Dallas County, Texas, is or are claiming or has or have claimed an injury as a result of using asbestos products manufactured and/or sold by your company or any of its predecessors or subsidiaries before 1970? If so, state:

- A. The name and address of each claimant.**
- B. The date of notice of each claim.**
- C. A description of the claim.**
- D. The type of injuries allegedly sustained.**
- E. The name and address of each attorney who represents each individual making a claim.**
- F. The style and court number of each claim.**
- G. The disposition of each claim that has been settled or taken to judgment.**

ANSWER TO INTERROGATORY NO. 15:

Defendant did not manufacture "asbestos products." Prior to 1970 (the date indicated), American Standard received no notice of any asbestos-related injuries alleged to have occurred as a result of using Defendant's boilers or boiler-related products.

INTERROGATORY NO. 16:

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

ANSWER TO INTERROGATORY NO. 16:

Objection. Defendant did not manufacture "asbestos products." This interrogatory is argumentative, answers facts not in evidence, is overly broad and burdensome. See Preliminary Statement and General Objections and Response to Interrogatory No. 4 regarding the products that it manufactured. Subject to and without waiving the foregoing, no such product was manufactured by it and licensed for re-labeling by any other company.

INTERROGATORY NO. 17:

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

- A. The name and address of each such distributor or sales representative.**
- B. The years in which such company or person distributed, marketed, or sold your products.**
- C. What products were distributed, marketed, or sold and in what years.**

ANSWER TO INTERROGATORY NO. 17:

Defendant incorporates the Preliminary Statement and General Objections, above. Defendant further objects to this interrogatory in that it is overly broad, unduly burdensome, harassing, irrelevant, and not reasonably calculated to lead to the discovery of relevant admissible evidence. It is not limited to a relevant product, time frame, job site, and geographic area. Based on discovery to date, plaintiff was allegedly exposed to asbestos and worked almost exclusively in the State of Oklahoma. He did not identify exposure in the other listed states. Subject thereto, and without waiving such objections, American Standard does not have records with which to respond fully to this interrogatory, and more specifically, the identity of independent sales representatives who sold Kewanee boilers and boiler-related products. The only American Standard document responsive hereto is a 1969 list of Plumbing and Heating Division Distributors. Investigation continues in an effort to locate a sample or exemplar Distribution Agreement used during the time frame when boiler

products were sold. Attached hereto is a list of all distributors listed therein who were located in the state of Oklahoma.

INTERROGATORY NO. 18:

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

ANSWER TO INTERROGATORY NO. 18:

See Preliminary Statement and General Objections. After a review of the limited available corporate records and documents, to the best of American Standard's knowledge, there is no evidence to show that it employed any physicians for the purpose of evaluating the alleged hazards of asbestos. American Standard did not have a medical department. The only record indicating that it ever employed a medical director refers to the year 1981, when it employed Dr. Raymond Yerg as a medical director.

INTERROGATORY NO. 19:

Does Defendant have in its possession any books, pamphlets, memoranda, or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings? If so, state:

- A. The name of each such publication.**
- B. The date of publication and the names of the author and publisher (if any).**
- C. The name, job title, and address of each person who currently has possession of each publication and its present location.**

ANSWER TO INTERROGATORY NO. 19:

See Preliminary Statement and General Objections, and Objection and Response to Interrogatory No. 18. After review of the limited available corporate records and documents, Defendant is unaware of any such documents relating to its boiler or boiler-related products.

INTERROGATORY NO. 20:

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

- A. The name and address of each association or organization.**
- B. The dates during which Defendant or any of its subsidiaries or predecessors were members.**
- C. The names and, dates, of any publications, minutes, or reports published, written, or disseminated by any of the named associations or organizations.**
- D. Whether any of those publications are still in your possession, and if so:**
 - 1. A description of the publications, including the date.**
 - 2. The current location of such publications.**
 - 3. The custodian of such publications.**
 - 4. The method or manner in which such publications are maintained.**

ANSWER TO INTERROGATORY NO. 20:

See Preliminary Statement and General Objections. Subject thereto and without waiving such objections, American Standard is a large decentralized company that has had numerous employees in numerous divisions over the course of a century. American Standard's employees may have held memberships in various organizations from time to time, but American Standard 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. Upon information and belief, American Standard employees, at various times, held memberships in the Institute of Boiler Research (Hydronics Institute), the American Society of Mechanical Engineers, the American Gas Association, the American National Standards Institute, the Gas Appliance Manufacturing Association, and the American Society for Testing and Materials. In addition, American Standard is informed that it was a member of the Industrial Hygiene Foundation between 1936-1958 and again from 1969-71. Another subsidiary not involved in the manufacture or sale of heating products was a member from 1976-1978. American Standard has been a member of the American Ceramic Society since 1981, and it is informed that it had been a member from 1934 to an unknown date.

INTERROGATORY NO. 21:

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

ANSWER TO INTERROGATORY NO. 21:

Defendant incorporates the Preliminary Statement and General Objections, above. This interrogatory is further objected to in that it is not limited to a relevant product, time frame, job site and geographic area. Subject to, and without waiving such objections, see Objection and Response to Interrogatory No. 4. Kewanee boilers were manufactured in Kewanee, IL. American Standard boilers were manufactured in the U.S. at plants in various locations, primarily in Buffalo, NY.

INTERROGATORY NO. 22:

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

- A. The name, address, and job title of each person or entity who prepared such materials.**
- B. The name, address, and job title of each person who currently has possession of such materials and their present location.**
- C. The date the materials were prepared.**
- D. The media used to disseminate the sales materials.**

ANSWER TO INTERROGATORY NO. 22:

Defendant incorporates the Preliminary Statement and General Objections, above. Without waiving such objections, however, and subject thereto, see Objections and Responses to Interrogatory No. 7.

INTERROGATORY NO. 23:

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

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

ANSWER TO INTERROGATORY NO. 23:

See Objections and Responses to Interrogatory No. 7.

INTERROGATORY NO. 24:

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

ANSWER TO INTERROGATORY NO. 24:

American Standard incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections, American Standard claims to have liability insurance coverage, depending on the years of alleged exposure in question, for varying amounts from varying insurers. Various companies acquired by American Standard over the years may also have had insurance coverage. Insurance available to pay asbestos-related claims is aggregate and dependent on the time and circumstances underlying each claim and the payments made under each policy. For some claims, no insurance may exist, depending on the dates of exposure. American Standard is continuing to analyze the claims made

against it and will supplement this response if it is able to accurately assess insurance coverage for these claims.

American Standard is presently able to state that it has had coverage provided to it or to different corporate predecessors at varying times from INA/Cigna/Ace, Michigan Mutual Insurance Company, Hartford Accident & Indemnity, Aetna Casualty, Travelers Indemnity Company, USF&G and, perhaps, others.

INTERROGATORY NO. 25:

As to the disease asbestosis, state:

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

ANSWER TO INTERROGATORY NO. 25:

American Standard incorporates the Preliminary Statement and General Objections set forth above. The interrogatory is vague and overly broad in that it does not specify what level or type of exposure is claimed to be at issue. The Interrogatory fails to distinguish between 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 different individuals at different work sites engaged in different crafts and the frequency, proximity, regularity and duration of particular exposures or how such theoretical, potential exposure might have compared to regulatory standards then in effect which would

reflect or tend to reflect the existing knowledge of levels at which there might be a risk to humans.

Subject to and without waiving such objections, and answering in the abstract, Defendant is a corporation, which has employed numerous persons throughout the course of its business, any one of whom may have obtained varying degrees of knowledge regarding asbestos and asbestos-related disease at varying points in time. Thus, Defendant is unable to definitively answer on what specific date, as a corporation, it first became aware of a possible correlation between asbestos, in particular circumstances, and certain human health consequences, or when under different sets of circumstances and occupational exposures there was a consensus view that the scientific evidence supported a relationship between any claimed level of exposure and a particular outcome. On information and belief, at all relevant times, Defendant and its respective business divisions kept informed of the prevailing industry standards, customs, practices and medical information as they related to the operation of Defendant's respective own businesses. It is impossible to know exactly which employees had actual knowledge concerning the precise information available at any particular time. Moreover, it is more probable that its employees focused on materials the corporation used in great bulk quantities, which would not have included asbestos, when assessing risks relating to the handling of potentially dangerous materials. American Standard would have utilized such information in the manufacture of its products to provide a reasonably safe workplace as information regarding workplace hazards arising from exposure to certain dusts became known. American Standard continually reviewed its product lines and relied on information and advice from a wide variety of sources, [including suppliers of asbestos-containing materials to determine whether such asbestos-containing components did or did not create respirable fibrous dust at injury-producing levels as research into such uses became known, was digested, and became accepted in a period commencing some time in the 1960's and continuing to the present] in order to continually improve the safety, efficiency, reliability, and affordability of its products. 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 the installation or use of any of its boiler or burner products released any respirable fibers in the breathing zone or released any respirable fibers in excess of the ACGIH or OSHA standards, such that it never had any information that its products had any potential to cause asbestosis, lung cancer, mesothelioma, pleural plaques, or thickening or other cancers. As a general proposition, the state of American Standard's corporate knowledge through 1974 regarding the potential of asbestos fibers to cause harm can be determined from the published literature, as such literature related to materials used in and released by its products, and the response to such literature as reflected in the development of industrial exposure limits to asbestos fibers. Literature published in the 1930's directly influenced the American Conference of Governmental Industrial Hygienists ("ACGIH"), which adopted exposure limits in 1946 that were reviewed annually thereafter and which published limits were the most influential through 1971, and thereafter. Other pre-OSHA standards and regulations that reflected the

general industrial appreciation of the hazards associated with exposures to asbestos included standards adopted by different state departments of labor, by the federal government relating to the performance of federal contracts, and in naval and maritime standards. In late 1971 the Occupational Health & Safety Administration ("OSHA") issued an emergency asbestos standard, and in 1972, it adopted a comprehensive OSHA standards, which largely incorporated the then existing ACGIH standards.

Answering further, in regard to issues of medical causation, American Standard is not itself competent to know the effect of a particular exposure or cumulative exposures experienced by a particular plaintiff on his or her own respiratory system and related systems. Instead, it generally relies upon the advice and opinions of independently retained medical experts and/or experts in industrial hygiene, mineralogy or epidemiology. In general, such experts are of the belief that there is a relationship between asbestos exposure and asbestosis that is dose responsive with a threshold level even for the most susceptible, that there is a strong and direct correlation between smoking and lung cancer and that the risk can be enhanced if there is underlying asbestosis and relative to the extent of the fibrosis.

Relating specifically to the disease asbestosis, the medical and scientific literature reported in the 1930's that exposures to heavy daily doses of free floating asbestos fibers in a manufacturing setting were causing asbestosis. Asbestosis was not reported to be a significant occupational hazard to lesser exposed workers until a series of reports on shipyard and general construction asbestos insulation workers were published in the mid-1960's, relating to such workers applying and removing friable insulation products, especially in tight, unventilated working quarters. See also Objections and Response to Interrogatory No. 26.

INTERROGATORY NO. 26:

As to the disease lung cancer, state:

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

- E. Whether any such information is still maintained by Defendants or its subsidiaries or predecessors in a written form.**
- F. Who is the custodian of such information.**
- G. The date on which you first received knowledge or information that lung cancer was caused by inhalation of asbestos dust and fibers.**

ANSWER TO INTERROGATORY NO. 26:

American Standard incorporates the Preliminary Statement and General Objections set forth above. The interrogatory is vague and overly broad in that it does not specify what level or type of exposure is claimed to be at issue. The Interrogatory fails to distinguish between 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 different individuals at different work sites engaged in different crafts and the frequency, proximity, regularity and duration of particular exposures or how such theoretical, potential exposure might have compared to regulatory standards then in effect which would reflect or tend to reflect the existing knowledge of levels at which there might be a risk to humans.

Subject to and without waiving such objections, and for general reference see Objections and Answer to No. 25.

Relating specifically to the disease lung cancer, the medical and scientific literature reflected a concern about the possible relationship between asbestosis and lung cancer in case reports in the 1940's and early 1950's. An association between the two was made in a epidemiological study of heavily exposed British asbestos production workers. Another study published in 1965 made an association between smoking career insulation workers and an increased incidence of lung cancer.

INTERROGATORY NO. 27:

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

- A. The date on which Defendant or its subsidiary or predecessor learned such disease was caused by inhalation of asbestos fibers by humans.**
- B. How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos.**

- C. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.**
- D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.**
- E. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in a written form.**
- F. Who is the custodian of such information.**

ANSWER TO INTERROGATORY NO. 27:

See Objections and Responses to Interrogatories 25 and 26. Subject thereto, and relating specifically to pleural plaques and pleural thickening, an epidemiologic report of a definitive association between pleural plaques and pleural thickening and exposure among insulation workers to asbestos-containing insulation products was published in 1965.

INTERROGATORY NO. 28:

As to the disease mesothelioma, state:

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

H. Whether Defendant agrees that there is no known medical cure for mesothelioma.

ANSWER TO INTERROGATORY NO. 28:

See Objections and Responses to Interrogatories 25 and 26. Subject thereto and specifically as to mesothelioma, the published medical and scientific literature reflected that the first study making the association between mesothelioma and both occupational and neighborhood exposures at and near a particular crocidolite asbestos mine was published in 1960. Subsequent studies through 1965 confirmed the association between mesothelioma and crocidolite asbestos at mine sites, at and in the neighborhood of product-manufacturing sites, shipyards and otherwise. In 1965, a report of mixed amphibole and serpentine asbestos types was reported among insulation workers to be associated with mesothelioma. In 1972, a study of amosite asbestos factory workers made an association between amosite and mesothelioma. Subsequent studies have disclosed that there is an association in 20-80% of the studied cases between asbestos exposure and mesothelioma with the percentage reflecting the proximity of the studied groups to shipbuilding, ship repairing, or asbestos manufacturing sites. The strength of the association is influenced by many factors including particularly dose, duration, intensity, fiber length, fiber type, and latency. Further, mere anecdotal recollection of some exposure to asbestos is not sufficient to establish a relationship, particularly if the alleged exposure is to chrysotile fibers or if it is at or near background levels of exposure. In all cases involving such a latent disease, a relationship between an alleged exposure and a particular outcome cannot be made without using epidemiological techniques, such as those recommended by Bradford-Hill, unless in the case of asbestos exposure there is pathology or radiological evidence that the person had a significant exposure to amphibole asbestos or an extremely heavy exposure to chrysotile asbestos.

INTERROGATORY NO. 29:

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

- A. The type of cancer and the date on which Defendant or its subsidiary or predecessor first learned that such diseases were caused by inhalation of asbestos fibers by humans.**
- B. What cancers has the Defendant or its subsidiary or predecessor become aware can be caused by exposure to asbestos fibers?**
- C. The date on which Defendant first suspected other cancers were caused by asbestos inhalation.**

- D. Who within the company or its subsidiary or predecessor first discovered the adverse consequences or effects of asbestos exposure.**
- E. What information was disseminated with Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.**
- F. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in a written form.**
- G. Who is the custodian of such information.**

ANSWER TO INTERROGATORY NO. 29:

See Objections and Responses to Interrogatories 25 and 26. Subject thereto, the published medical and scientific literature does not contain convincing evidence that there is any association between any of those diseases and asbestos exposure.

INTERROGATORY NO. 30:

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

ANSWER TO INTERROGATORY NO. 30:

Defendant objects to this Interrogatory on the grounds that it is overly broad, vague, harassing, unduly burdensome and 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," nor did it manufacture the asbestos-containing components that it utilized "as is" in some of its boiler products. Further, inasmuch as the interrogatory suggests what this defendant knows or believes as to manufacturing techniques available as of the present time, such interrogatory is irrelevant in that this defendant has not manufactured any boiler or boiler-related product since 1974. To the extent that such interrogatory relates to 1974 and before, such components were located under a boiler jacket or otherwise encapsulated and, on information and belief, no harmful levels of respirable asbestos fibers were emitted. This issue will be the subject of expert testimony as set forth more fully in Defendant's expert witness designation.

INTERROGATORY NO. 31:

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

ANSWER TO INTERROGATORY NO. 31:

See Preliminary Statement and General Objections. Subject thereto, and without waiving such objections, if Plaintiffs will identify the specific American Standard boiler product to which they claim exposure, Defendant will determine if responsive information is available. In general, as disclosed more fully herein, any such asbestos-containing products were packaged within the boilers and boiler jackets.

INTERROGATORY NO. 32:

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

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

ANSWER TO INTERROGATORY NO. 32:

Not any boiler or boiler-related products sold since 1930. On information and belief, prior to 1930, American Radiator branded and sold asbestos cement under its then-used trade name "Ideal." The manufacturer of that cement is not known.

INTERROGATORY NO. 33:

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

ANSWER TO INTERROGATORY NO. 33:

See Preliminary Statement and General Objections, and Objections and Responses to Interrogatory No. 4. Defendant has no other information regarding sources of asbestos-containing products used in its boiler or boiler related products.

INTERROGATORY NO. 34:

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

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

ANSWER TO INTERROGATORY NO. 34:

No.

INTERROGATORY NO. 35:

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

- A. A list of the claims, including each claimant's name, address and the date each claim was filed, and including the caption and jurisdiction of the claim.**
- B. The disease alleged in each such claim.**
- C. A brief summary of the disposition of each such claim.**

- D. The name, address and title of the person having custody of the records pertaining to each such claim.**

ANSWER TO INTERROGATORY NO. 35:

Objection; the conditions in Defendant's manufacturing plants, unrelated to its end products, are not relevant to Plaintiff's claims in this litigation. Without waiving the objection, however, and subject thereto, based upon a review of all available records, American Standard has located no worker's compensation claims against American Standard based on asbestos-related diseases.

INTERROGATORY NO. 36:

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

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

ANSWER TO INTERROGATORY NO. 36:

See Preliminary Statement and General Objections. Subject thereto, and without waiving such objections, there is no such reference in any minutes of the meetings of the Board of Directors through 1974.

INTERROGATORY NO. 37:

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

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

ANSWER TO INTERROGATORY NO. 37:

No.

INTERROGATORY NO. 38:

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

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

ANSWER TO INTERROGATORY NO. 38:

See Preliminary Statement and General Objections. Records of sales made by American Standard either no longer exist or are not possessed by American Standard for the reasons stated in the Preliminary Statement.

INTERROGATORY NO. 39:

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

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

ANSWER TO INTERROGATORY NO. 39:

American Standard has not yet made a determination of who it will call at a trial of this action. American Standard will provide its witness lists in accordance with the scheduling orders of the Court and the Rules of Civil Procedure. Mary Jane Mahoney has been made available to Plaintiffs for deposition in her capacity as custodian of records and the corporate officer with most knowledge of ASI's documents and history (based on those documents).

INTERROGATORY NO. 40:

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

- A. Full and correct name;**
- B. Principal place of business;**
- C. State of incorporation;**

D. Date of acquisition by Defendant;

E. Whether or not the business entity was ever authorized to transact business in the State of Texas;

ANSWER TO INTERROGATORY NO. 40:

See Preliminary Statement.

INTERROGATORY NO. 41:

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

ANSWER TO INTERROGATORY NO. 41:

See Preliminary Statement and General Objections. See Response to Interrogatory No. 4. Generally, American Standard and Kewanee boilers were not sold as consumer products but as boilers to be installed by contractors and skilled professionals as fixtures within and improvements to realty. As described herein above, some were shipped as packaged units with no or minimal assembly required and larger American-Standard boilers were shipped in sections with field assembly required. If Plaintiff will identify the specific American Standard boiler product at issue, Defendant will determine if any further response may be made.

INTERROGATORY NO. 42:

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

ANSWER TO INTERROGATORY NO. 42:

See Preliminary Statement and General Objections. Subject thereto and without waiver of said objections, American Standard's boiler and boiler-related products were not "asbestos products." Asbestos-containing materials contained therein were located under the boiler jacket and/or fully encapsulated and/or pre-cut. Thus, no tradesmen would have been

exposed to asbestos fibers emanating therefrom, even more particularly with regard to such products manufactured and sold from 1950 and thereafter. If such tradesmen honored jurisdictional lines, most would have had no occasion to work on any such products. Although American Standard does not know the limits of the jurisdictions of those identified trades in all areas of the country in which such products were used, it is unlikely that any member of those trades would be involved in the installation or repair of American-Standard or Kewanee factory-built boilers and heating products. The work would be done by plumbing and heating contractors. Sheet metal workers might have been called upon to assemble fiberglass-lined jackets, if field assembly was necessary to cover the largest lines of American-Standard boilers, but their exposure would be only to fiberglass.

INTERROGATORY NO. 43:

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

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

ANSWER TO INTERROGATORY NO. 43:

See Preliminary Statement and General Objections. Subject thereto and without waiving such objections, yes. The installation at the factory of the few asbestos-containing components such as gaskets, packing or rope, tape, paper, aircell or board used in different boilers, particularly boilers manufactured prior to 1950, may have created low levels of exposure when cut and installed at the factory. However, those components either would have been contained within the boilers prior to shipment or would have been pre-cut and pre-formed gaskets ready for assembly in sectional boilers. It is the opinion of consultants that such products should not have generated exposures above background during boiler installation and use. See also Objection and Response to Interrogatory No. 4.

INTERROGATORY NO. 44:

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

ANSWER TO INTERROGATORY NO. 44:

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 admissible evidence. It is not limited to a relevant product, job site and time frame. Subject to and without waiving such objections, Defendant states that some of its boiler components may need replacement at some point in time under certain circumstances.

INTERROGATORY NO. 45:

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

ANSWER TO INTERROGATORY NO. 45:

See Preliminary Statement and General Objections. Subject thereto and without waiving such objections, American Standard possesses no evidence that would indicate that it participated (in any manner) in any tests, studies, or investigations as to its boiler and boiler-related products as identified herein or in any other interrogatory relating to asbestos either in product development, manufacturing, or use.

INTERROGATORY NO. 46:

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

ANSWER TO INTERROGATORY NO. 46:

Not applicable. See Objection and Response to Interrogatory No. 45.

INTERROGATORY NO. 47:

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

A. Name of the person or firm conducting such studies;

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

ANSWER TO INTERROGATORY NO. 47:

See Objection and Response to Interrogatory No. 45.

INTERROGATORY NO. 48:

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

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

ANSWER TO INTERROGATORY NO. 48:

ARSS had a Research and Development Department for its plumbing and heating products that was located in Louisville, Kentucky through the mid-1960's, then that part of the Department related to hydronics products was moved to Buffalo, New York, where it continued to function until hydronics manufacturing operations were discontinued in 1974. Its purpose was to work with sales, marketing, and manufacturing to continue to design and develop hydronics products that were increasingly safe, efficient, reliable, and affordable, and in compliance with the safety compliance testing identified herein at Answer to Interrogatory No. 8. Regarding asbestos studies, see answer to No. 45.

INTERROGATORY NO. 49:

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

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

ANSWER TO INTERROGATORY NO. 49:

See Objection and Response to Interrogatory No. 18.

INTERROGATORY NO. 50:

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

ANSWER TO INTERROGATORY NO. 50:

See Objection and Response to Interrogatory No. 14.

INTERROGATORY NO. 51:

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

ANSWER TO INTERROGATORY NO. 51:

See Preliminary Statement and General Objections. Without waiving such objections, and subject thereto, boiler and boiler related products manufactured and sold by American Standard were labeled by manufacturer, tradename, and model, among other identifying marks. See also Objection and Response to Interrogatory No. 4.

INTERROGATORY NO. 52:

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

ANSWER TO INTERROGATORY NO. 52:

American Standard incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections, yes, as described in Answer to Interrogatory No. 4. On information and belief, American Standard used asbestos-containing materials or components when reasonably necessary for the product's safe and efficient operation in light of the then-existing state of the art and alternative materials then available and marketed by suppliers for the particular application based on the common understanding among industrial users like itself that asbestos was a mineral that was particularly useful in terms of its durability, heat resistance, and binder effect, particularly in high temperature applications. According to the testimony of Richard Olson, when American Standard went exclusively to the use of fiberglass to insulate jackets of its cast iron boilers, it did so because fiberglass worked well at those temperatures and was easy to install in factory built jackets. Presumably, Kewanee selected fiberglass or mineral wool for similar reasons. On information and belief, both American Standard and Kewanee used asbestos in gaskets and packings when necessary to provide an airtight seal in locations subjected to high temperatures. Knowledgeable former employees recall that by the late 1960's - early 1970's American Standard and Kewanee were using non-asbestos gaskets and packings.

INTERROGATORY NO. 53:

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

A. All details of such recall;

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

ANSWER TO INTERROGATORY NO. 53:

Defendant objects to this Interrogatory on the grounds that it is argumentative, overly broad, unduly burdensome, seeks irrelevant information and is not reasonably calculated to lead to the discovery of relevant admissible evidence. It is not limited to products at issue in this litigation, if any, or to a relevant time frame. Subject to and without waiving such objections, not to its present knowledge.

INTERROGATORY NO. 54:

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

ANSWER TO INTERROGATORY NO. 54:

American Standard has manufactured many hundreds or thousands of products since its inception almost all of which contained no asbestos. Answering further, as to those products that incorporated any asbestos-containing components, see Preliminary Statement, and Responses to Interrogatory No. 4 and No. 52.

INTERROGATORY NO. 55:

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

ANSWER TO INTERROGATORY NO. 55:

Defendant objects to this Interrogatory on the grounds that it is vague, overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of relevant admissible evidence. It is not limited to products at issue in this litigation, if any, to a relevant time frame or to the possible reasons why any such product may not have performed as intended. Subject to and without waiving such objections, Defendant has no records

available to it on the basis of which it can answer this question. It has no information that would suggest that any product that formerly contained asbestos failed to perform due to a design change related to the elimination of any asbestos-containing component.

INTERROGATORY NO. 56:

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

ANSWER TO INTERROGATORY NO. 56:

See Answer to No. 45. Recently, counsel for this defendant discovered from a third party source that different types of engineering or air quality tests were performed at different ARSS manufacturing plants in certain years between 1936-1951, but neither that third party nor this defendant has any records of reports or results of such studies. From the available note card information it does not appear that studies were related to asbestos.

INTERROGATORY NO. 57:

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

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

ANSWER TO INTERROGATORY NO. 57:

See Responses to Interrogatories 8 and 25.

INTERROGATORY NO. 58:

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

ANSWER TO INTERROGATORY NO. 58:

See Responses to Interrogatories 8 and 25. See published standards and studies to which you refer in Interrogatory No. 58, which standards and studies speak for themselves.

INTERROGATORY NO. 59:

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

ANSWER TO INTERROGATORY NO. 59:

See Response to Interrogatory No. 45.

INTERROGATORY NO. 60:

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

- (a) The name, address, and job classification of each such expert witness;**
- (b) The subject matter on which the expert is expected to testify;**
- (c) The substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion;**
- (d) Whether any person identified in subparagraph (a) above has provided a report or other documentation to you, and if so, identify each such document or report;**
- (e) Identify all documents that you have provided to each person identified in response to subparagraph (a) above;**
- (f) Describe in detail the education and work history of, and identify any books, treatises, articles, published and unpublished reports, studies or other scholarly works authored by any individual identified in response to subparagraph (a) above. Alternatively, in lieu of said response, attach a copy of a resume or curriculum vitae and a list of publications to your answers.**

ANSWER TO INTERROGATORY NO. 60:

Objection. This request is overly broad and burdensome due to Plaintiffs' Request for Disclosure. Subject to and without waiving the foregoing, Defendant has not yet determined which expert witness(es) it will call at a trial of this action. Defendant will file its expert witness designation in accordance with the scheduling orders of the Court and the Texas Rules of Civil Procedure. See also any designation on file in the Dallas County Master Asbestos Litigation file previously or subsequently made by this Defendant.

INTERROGATORY NO. 61:

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

- (a) identification of asbestos-containing products to which each and every individual Plaintiff, separate and distinct from all other Plaintiffs within the group, allegedly was exposed or facts disputing the identification of asbestos-containing products in this case.**
- (b) Each and every individual Plaintiff's separate and distinct from all other Plaintiffs within the group, alleged damages, injuries and/or facts disputing each and every Plaintiff's alleged damages and/or injuries;**
- (c) the negligence of any person or entity other than Defendant which Defendant contends was a cause of each and every individual Plaintiff's, separate and distinct from all other Plaintiffs within the group, alleged injuries and/or damages;**
- (d) each of Defendant's defenses enumerated in Defendant's last filed Answer in each of these cases.**

ANSWER TO INTERROGATORY NO. 61:

Defendant objects to this Interrogatory on the grounds that it is vague, overly broad and unduly burdensome. It conflicts with Plaintiffs' Request for Disclosure. Defendant awaits disclosure of such evidence by plaintiff, after which it will assess it and challenge any part of it that may not be credible or supported by substantial credible evidence or which is at odds with information and knowledge it may have obtained that relates to and contradicts plaintiff's evidence. Subject to and without waiving such objections, discovery is continuing. Defendant will supplement in accordance with the rules and orders of this Court

and the Texas Rules of Civil Procedure by identifying its exhibits and its lay and expert witness designations. See also any and all designations filed by this Defendant in the Dallas County Master Asbestos Litigation file.

INTERROGATORY NO. 62:

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

ANSWER TO INTERROGATORY NO. 62:

Defendant has not yet determined which documents will be used at a trial of this matter. Defendant will file its exhibit and designation lists in accordance with the scheduling orders of the Court and the Texas Rules of Civil Procedure.

INTERROGATORY NO. 63:

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

- a. **Identify the name and position of the employee or officer who received same;**
- b. **please produce all documents generated by Defendant which discuss or in any way reference the "Fleischer-Drinker" study prior to 1968;**
- c. **please produce all documents upon which your responses above are based;**
- d. **please identify the name(s) and address(es) of any persons(s) who can verify your above responses;**
- e. **did Defendant ever rely on the Fleischer-Drinker Report in whole or in part as a basis that Defendant's asbestos products could be used in the workplace without risk of asbestos-related health impacts to the consumer and/or bystander;**
- f. **if so, please produce every document which evidences in any way that Defendant relied on the Fleischer-Drinker Report in whole or in part for the proposition stated in Interrogatory No. 63(a) above;**

- g. if your answer to 63(e) is yes, when was the first date Defendant relied on the Fleischer-Drinker report in whole or in part for the proposition stated in 63(e) above?

ANSWER TO INTERROGATORY NO. 63:

See Response to No. 8 and No. 25 above. Answering further, inasmuch as Defendant did not manufacture asbestos insulation or supply products for use in the construction of World War II naval vessels, it cannot state with any certainty that any of its employees ever saw or read that report. American Standard is unaware of any corporate documents that discuss the article.

INTERROGATORY NO. 64:

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

- a. Identify the name and position of the employee or officer who received same;
- b. please produce all documents generated by Defendant which discuss or in any way reference the "Dreessen" study prior to 1968;
- c. please produce all documents upon which your responses above are based;
- d. please identify the name(s) and address(es) of any person(s) who can verify your above responses;
- e. did Defendant ever rely on the Dreessen Report in whole or in part as a basis that Defendant's asbestos products could be used in the workplace without risk of asbestos-related health impacts to the consumer and/or bystander;
- f. if so, please produce every document which evidences in any way that Defendant relied on the Dreessen Report in whole or in part for the proposition stated in Interrogatory 63(a) above;
- g. if your answer to 63(e) is yes, when was the first date Defendant relied on the Dreessen Report in whole or in part for the proposition stated in 63(e) above:

ANSWER TO INTERROGATORY NO. 64:

See Objection and Response to Interrogatory No. 63. Inasmuch as the Dreesen study related to a manufacturing plant that used raw asbestos in the manufacture of asbestos products, no employee of ARSS or Kewanee would be held to the standard of an expert concerning such exposures. This defendant is aware of no corporate documents that discuss the article or whether it related its comments to dust or to asbestos fibers. To the extent that ARSS's expertise as a manufacturer of hydronics products required it to be knowledgeable concerning reported dangers associated with asbestos exposure, it may have seen subsequent references to the article as being the study upon which the ACGIH industrial standard for a safe level of asbestos exposure was based.

REQUEST FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

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

RESPONSE:

Defendant objects to this Request for Production on the grounds that it is overly broad, unduly burdensome, harassing, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs have not identified any specific American Standard asbestos containing hydronics product to which they were allegedly exposed. Subject to and without waiving such objections, if Plaintiffs will specifically identify the boilers, if any, to which they claim exposure, Defendant will determine whether any responsive documents exist, by way of catalogs, brochures or manuals. Subject thereto, see Response to Interrogatory No. 7.

REQUEST FOR PRODUCTION NO. 2:

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

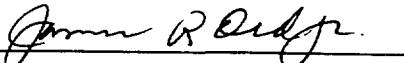
RESPONSE:

Defendant objects to this Request for Production on the grounds that it is vague and unintelligible. Subject thereto, this Defendant is not aware of the current existence of any such documents ever created by the Defendant except such jottings as may have been created by prior outside independent counsel based on his or her own interpretation and work product relating to information gathered by him or her in privileged communications with the client for use in this and similar litigation, which materials are privileged.

Dated this the 26th Day of March, 2001.

Respectfully submitted,

GERMER, BERNSEN & GERTZ, LLP

By: 
JAMES R. OLD, JR.

State Bar No.: 15242500

805 Park Street

Beaumont, Texas 77701

Telephone: (409) 838-2080

Telecopier: (409) 838-4050

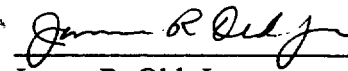
ATTORNEY FOR DEFENDANT
AMERICAN STANDARD INC.

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing Defendant, American Standard, Inc.'s Answers to Plaintiffs' Master Set of Interrogatories and Request for Production, has been served by Federal Express and properly addressed on Plaintiff's counsel of record on this 26th day of March, 2001.

Mr. Ben K. Dubose
BARON & BUDD,
The Centrum, Suite 1100
3102 Oak Lawn Avenue
Dallas, Texas 75219

Via Federal Express

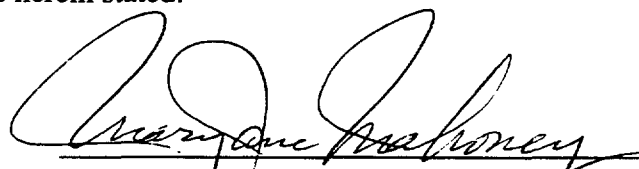

James R. Old, Jr.

VERIFICATION

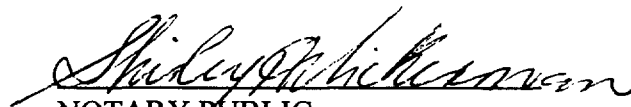
STATE OF NEW JERSEY

COUNTY OF MIDDLESEX

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, the within named Mary Jane Mahoney, who, having been first by me duly sworn, stated on her oath that she signed the above and foregoing Supplemental Responses to Plaintiffs' Master Interrogatories and Requests for Production for and on behalf of American Standard Inc., and that she is duly authorized so to do; that the matters stated in the above and foregoing Supplemental Responses are not solely within her personal knowledge, but that she 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 supplemental Responses have been assembled by various employees, agents, representatives and counsel; and that she is informed and believes that the facts set forth in said Response are true and correct as herein stated.


MARY JANE MAHONEY

SWORN TO AND SUBSCRIBED BEFORE ME, This the 9th day of March, 2001.


NOTARY PUBLIC

My Commission Expires:

SHIRLEY A. VICKERMAN, NOTARY PUBLIC
State of New Jersey, No. 2169153
Qualified in Essex County
Commission Expires 03-25-01