

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

477
4-17
RECEIVED

JAN 21 1984

DONALD CUBBEDGE and
LILLIE F. CUBBEDGE, his wife.

MAGUIRE, VOORHIS & WELLS

Plaintiffs,

vs.

CASE NO.: 81-395-OR-CIV-R-

OWENS CORNING FIBERGLAS
CORPORATION, et al.,

Defendants.

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APR 23 1984

BLATT & FALES

LAWTON DAVIS and SHIRLEY
DAVIS, his wife,

Plaintiffs,

vs.

CASE NO.: 81-395-OR-CIV-R-2

OWENS CORNING FIBERGLAS
CORPORATION, et al.,

Defendants.

HOYT GAINES, J., and
LaRUE GAINES, his wife,

Plaintiffs,

vs.

CASE NO.: 81-395-OR-CIV-R-3

OWENS CORNING FIBERGLAS
CORPORATION, et al.,

Defendants.

JAMES M. HAYES and
SHELLY HAYES, his wife,

Plaintiffs,

vs.

CASE NO.: 81-395-OR-CIV-R-4

OWENS CORNING FIBERGLAS
CORPORATION, et al.,

Defendants.

VENABLE AND VENABLE, P.A.

LUNDY PERKINS and BARBARA
ANN PERKINS, his wife,

Plaintiffs,

vs.

CASE NO.: 81-395-OR-R-5

OWENS CORNING FIBERGLAS
CORPORATION, et al.,

Defendants.

JAY H. VAUGHT,

Plaintiff,

vs.

CASE NO.: 81-395-OR-R-6

OWENS CORNING FIBERGLAS
CORPORATION, et al.,

Defendants.

COME NOW the Plaintiff's by and through their under-
signed counsel and serve upon the Defendant's the attached
interrogatories to be answered with the time permitted by the
Federal Rule of Civil Procedure.


JOHN F. VENABLE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been
furnished by U. S. Mail to all Counsel of Record as shown on the
attached Schedule of Counsel this 30th Day of January, 1984.

By 
JOHN F. VENABLE
Attorney for Plaintiffs

PLANTIFF'S INTERROGATORIES

Under authority of the Federal Rules of Civil Procedure, the plaintiffs hereby request that the defendants answer in writing and under oath the following Interrogatories:

NOTE: When used in these Interrogatories, the term "defendant", or "you", its plural or any synonym thereof, is intended to and shall embrace and include in addition to the named party or parties, counsel for said party, and all agents, servants, employees, representatives, investigators, and others who are in possession of or may have obtained information for or on behalf of the named party or parties defendant. The term "other defendants" refer to all other named defendants. As to each person named in response to each question herein, state the person's full name, last known residence address and telephone number, his last known business address and telephone number, and his job title, capacity or position at such last known employment.

Please note that the information hereinafter requested includes, but is not limited to, insulation products. Specifically, these interrogatories concern all products that contain asbestos.

1. State the name, present business address, present residence, and capacity or title of the individual signing these Interrogatories on behalf of the answering defendant.

Patricia M. Corbutt, Assistant Secretary of GAF Corporation,
140 West 51st Street, New York, NY 10020

VENABLE AND VENABLE, P.A.

2. Please state whether or not you have ever held a certificate of authority to do business in the State of Florida and the date thereof and the address of your principle place of business and whether you have assumed the assets and/or liabilities of any predecessor corporation or entity (such predecessor corporations being limited to any association whatsoever with the asbestos aspect of the defendant's business). Answer these Interrogatories for each such acquired company which manufactured insulation products containing asbestos.

GAF holds a certificate of authority to do business in the State of Florida. GAF's principal place of business is at 140 West 51st Street, New York, NY 10020. On May 26, 1967, GAF merged with the Ruberoid Company, assuming its assets and liabilities.

3. Has defendant, at any time, engaged in the manufacture of products containing asbestos fibers?

GAF objects to this interrogatory to the extent it could be construed to seek information regarding non-thermal insulation products not relevant to this litigation. Subject to the foregoing, GAF at certain limited times in the past has engaged in the manufacture of thermal insulation products containing asbestos to some degree.

4. Has defendant, at any time, engaged in the mining and/or milling of material containing asbestos fibers?

GAF incorporates its response to Interrogatory No. 3.

5. Has defendant, at any time, engaged in the processing, marketing and sale of any products containing asbestos fibers?

GAF incorporates its response to Interrogatory No. 3.

6. If the answer to one or more of the last three questions is affirmative, please state as to each affirmative answer the following:

See attached response.

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

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

(c) The dates each of such products were withdrawn from the market.

- (d) A description of the physical (the chemical) composition of each such product including the type of asbestos contained in each such product (i.e., amosite, chrysotile or crocidolite) and the quantitative percentage of asbestos in each product.
- (e) A description of the physical appearance of each such product.
- (f) A detailed description of the intended uses of each such product.
- (g) The name of the manufacturer of each such product.
- (h) The mining or milling concern from which the raw asbestos fiber was obtained.

6. GAF objects to this interrogatory to the extent that it could be construed to seek information regarding non-thermal insulation products not relevant to this litigation. Subject to the foregoing objection, GAF responds as follows:

Calsilite Pipecovering and Block products were manufactured by The Ruberoid Company, later GAF, at the Gloucester City, New Jersey facility on a "commercial basis" beginning as of April 1, 1949, until October, 1971, when the Calsilite plant was closed. Calsilite was manufactured on a very limited basis and not for general sale or distribution from approximately November, 1944 until March, 1947, when the Calsilite plant became classified as a "research project." Calsilite Pipecovering and Block were lightweight, hard substances of various thicknesses and sizes. Both Calsilite pipe covering and block were manufactured using the same product formula, which included lime, diatomeaceous earth, silica sand and approximately 13.5% asbestos, approximately half of which was amosite asbestos and half chrysotile asbestos. Calsilite-Hi, developed subsequent to 1960, could withstand temperatures up to 1800°F. It was manufactured using essentially the same formula as Calsilite but had a higher clay content.

In the mid-1960's Ruberoid developed "Calsilite SS", an "inhibited" product designed specifically to prevent stress corrosion and chloride cracking of austenitic stainless steel piping. In 1970 GAF developed an asbestos-free Calsilite, occasionally referred to as "Calsilite II," in which asbestos was replaced by sulphite pulp. Calsilite pipecovering and block were packaged in cardboard cartons displaying the word "Calsilite"

together with the identification of the manufacturer. Occasionally, the carton was marked with the purchaser's specified dimension and temperature range for the Calsilite product.

115 Insulation Cement was a chrysotile asbestos product sold from time-to-time by Ruberoid, and later GAF, from its facility in or about Hyde Park, Vermont. The Vermont facility was owned by GAF from 1937 until 1975. "115" Insulation Cement could be packaged in either 50 or 100 pound burlap, kraft paper, plastic lined or woven plastic bags, depending upon purchaser specifications.

214 Insulation Cement was a chrysotile asbestos product sold from time-to-time by Ruberoid, and later GAF, from its facility in or about Hyde Park, Vermont. "214" Insulation Cement could be packaged in either 50 or 100 pound burlap, kraft paper, plastic lined or woven plastic bags, depending upon purchaser specification.

313 Insulation Cement was composed of chrysotile asbestos fiber and clay and was manufactured by Baldwin-Ehret-Hill, now Keene Corp. Ruberoid, and later GAF, sold "313" Insulation Cement from 1960 until 1971. Packaging of "313" Insulation Cement may have varied according to purchaser specifications. Ordinarily, this product was packaged in 50 pound kraft paper bags with a plastic lining.

412 Insulation Cement was composed of chrysotile asbestos fiber and clay and was manufactured by Baldwin-Ehret-Hill, now Keene Corp. Ruberoid, and later GAF, sold "412" Insulation Cement from 1960 until 1971. Packaging of "412" Insulation Cement may have varied according to purchaser specifications. Ordinarily, this product was packaged in 50 pound kraft paper bags with a

plastic lining.

Calsilite Insulation Cement was a combination of chrysotile asbestos fiber, ground Calsilite pipecovering or block scrap, Portland and other cements. Its basic formula was as follows: (a) 36.8% ground Calsilite scrap; (b) 45% chrysotile asbestos fiber; (c) 13.6% Lummite cement; and (d) 4.6% Portland cement. It is believed that Ruberoid produced Calsilite Insulation Cement from 1951 until 1960 in extremely limited quantities (if any) at its Calsilite plant in Gloucester City, New Jersey. Packaging of Calsilite Insulation Cement may have varied according to purchaser specification. Ordinarily, this product was sold in 50 pound kraft paper bags with a plastic lining.

Flat and Corrugated Asbestos Paper was manufactured at the Ruberoid, later GAF, facility in Erie, Pennsylvania from 1928 until 1981, when the facility was sold to the Quin-T Corporation, Joliet, Illinois. Flat and Corrugated Asbestos Paper was composed of a mixture of sulphite pulp and chrysotile asbestos fiber. In or about 1975, latex was added as a binder to the products.

Packaging of Flat and Corrugated Asbestos Paper varied according to purchaser specifications. Ordinarily, Corrugated Asbestos Paper was sold in rolls, sheets and blocks; flat asbestos paper was shipped only in rolls of varying widths; and both corrugated and flat asbestos paper were packaged and shipped in cardboard cartons of varying sizes.

Asbestos Rollboard was manufactured at the Ruberoid, later GAF, facility in Erie, Pennsylvania from 1928 until 1981, when

the facility was sold to the Quin-T Corporation, Joliet, Illinois. Rollboard was a composition of sulphite pulp and asbestos, the amount of which varied according to customer specification but was generally less than 40%. In or about 1975, latex was added as a binder to the product.

Asbestos Rollboard was packaged in rolls, flat sheets and blocks of varying widths according to purchaser specifications and shipped in cardboard cartons.

Asbestos Millboard was manufactured at the Ruberoid, later GAF, facility in Erie, Pennsylvania from 1928 until 1981, when the facility was sold to the Quin-T Corporation, Joliet, Illinois. Millboard was a composition of sulphite pulp and chrysotile asbestos, bonded with either starch or Portland cement. The asbestos content varied from 10% to 90%, depending on purchaser specifications. Asbestos millboard, upon purchaser request, was occasionally manufactured with blue asbestos fiber (crocidolite). In or about 1975, latex was added as a binder to the product. Asbestos Millboard flat sheets were shipped in cardboard cartons of varying sizes, according to purchaser specifications.

GAF objects to subsection (f) of this interrogatory on the grounds that, as a manufacturer and seller only, GAF had no discretion over "the intended uses" of its products, or have any discretion over the workplace environment of the users of asbestos-containing thermal insulation products.

i. The percent composition of asbestos;

ii. The use of the products;

iii. Whether the products were marketed in the United States.

161. State whether the defendant at any time between 1945 and 1970 has an International Division.

Not for the sale of asbestos-containing products.

Patricia Corbett
as Assistant Secretary

STATE OF NEW YORK
COUNTY OF NEW YORK

SWORN and SUBSCRIBED before me this 17th day of April,
1984.

Robert Lee Poyourow
NOTARY PUBLIC

My Commission Expires:
ROBERT LEE POYOUROW
Notary Public, State of New York
No. 414672306
Qualified in Queens County
Commission Expires March 20, 1986

VENABLE AND VENABLE, P.A.

As to objections:

Carl D. Motes

CARL D. MOTES, ESQUIRE, of
Maguire, Voorhis & Wells, P.A.
Two South Orange Plaza
Post Office Box 633
Orlando, Florida 32802
(305) 843-4421

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been delivered by U.S. Mail to all counsel as indicated on the attached Schedule of Counsel, this 20th day of APRIL, 1984.

Carl D. Motes

CARL D. MOTES, ESQUIRE, of
Maguire, Voorhis & Wells, P.A.
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