

IN THE COURT OF COMMON PLEAS OF CUYAHOGA COUNTY, OHIO

IN RE:

CUYAHOGA COUNTY ASBESTOS CASES

Homer Beecham, (Dec.)	95-293588-002	George Lee Perry	95-293526-031
Ronald K. Burgess	95-293588-042	Leroy Patton, (Dec.)	95-293526-025
Ora S. Boggs	95-293588-041	Ralph Perry	95-293526-023
Charles Barker, Jr.	97-328752	Kenneth M. Rose	97-328770
Luther Bailey	98-372258	Robert E. Rutan	97-328767
James Claxson	97-328757	Delmon Rose, Sr.	95-293397-055
John C. Costo	97-328758	Willie G. Spruill	95-293394-084
Clayton E. Cains	95-238759	Freddy R. Scott	95-293394-081
Nathaniel B. Downs, (Dec.)	95-293253-042	Eugene H. Smith	95-293394-078
Albert Earlywine	99-380359	Arnold Satterfield	95-293394-074
Jerry D. Foster	96-310485-007	Thomas F. Stone	95-293394-072
Richard A. Guill	97-328763	Larry J. Shoemaker	97-328772
Joseph W. Griffon	97-328688	John T. Strong	97-328775
Robert Holland, (Dec.)	94-281056	Robert Tolliver, (Dec.)	95-293394-038
Larry E. Hay	97-328764	John B. Thompson	95-293394-034
Fred Jordan	99-384431	Lazarus Todd, (Dec.)	95-293394-033
Allen G. Knipp	97-328765	William J. Tomlin, (Dec.)	95-293394-032
Paul J. Lunsford	97-328766	Roger A. Thacker, (Dec.)	97-328776
David F. Lybarger, (Dec.)	99-386915	George Vance, Jr., (Dec.)	97-328693
Albert Lamb	95-293449-084	Fred A. Williams, (Dec.)	95-290657
Daniel Lipps	95-293449-100	Harry Willis, Jr.	97-328780
James Little	95-293526-092	John Weber	95-293312-012
Edward Martin, (Dec.)	95-293526-075	Michael A. Wallace	95-293312-026
Norman E. Moore	97-328767	Donnie C. Webb, (Dec.)	95-293312-027
Robert Muth	97-328768	Robert Coffin, (Dec.)	95-293312-001
Ernest McGinty	97-328689	Wetzel Ferguson	95-293312-012
Gerald Neff	97-328690	Glen L. Fife, (Dec.)	95-293312-013
Ward E. Owens, (Dec.)	95-293526-042	James C. Erwin	95-293312-011
Arthur Phillips	95-293526-034	Ronald Elkins	95-293312-008

GOLDBERG GROUP 8

**RESPONSES TO PLAINTIFFS' INTERROGATORIES AND REQUEST FOR
PRODUCTION OF DOCUMENTS AND PROPERTY DIRECTED TO
DEFENDANT USX CORPORATION, f/k/a UNITED STATES STEEL CORPORATION**

A. "Asbestos" as used herein shall include all asbestos or asbestos form (sic) minerals of either the amphibole or serpentine group, and shall include chrysotile, amosite, crocidolite, tremolite, anthophyllite and actinolite.

B. "Asbestos-containing product" is an inclusive term and includes, but is not limited to, asbestos, raw asbestos, mined asbestos, milled asbestos, asbestos compounds, materials and products containing asbestos and asbestos particles, dust and fibers resulting therefrom. "Asbestos-containing product" is specifically not limited with respect to product type or form, such as thermal insulation, refractories, mastics, raw asbestos, etc. and shall include all product types and/or forms.

C. "Industrial insulation product" is an inclusive term and includes, but is not limited to, pipe coverings, block, cement, blankets, felts, textiles, rovings, paper, sheets, fireproofing materials, spray materials, mastics, emulsions, coatings, primers, paints, adhesives, sealers, barrier compounds. "Industrial insulation product" is specifically not limited with respect to: (a) the material components of any such product, (b) the surfaces, instrumentalities, equipment or things on or to which such products are/were to be applied, (c) any temperature range at which any such products are/were to be applied.

D. "Defendant", "this Defendant", "you" or "your" means the Defendant separately answering theses interrogatories, its subsidiaries and its merged or acquired predecessors and predecessors-in-interest, whether admitted or alleged in the Complaint, its present or former officers, agents and all other persons acting on behalf of the Defendant or such subsidiaries or such predecessors including a corporation, sole proprietorship, general or limited partnership, association for profit or any other business venture.

E. "Document" is an all inclusive term and means the original or any copy of a writing or other form of record preserving system and shall include, but not be limited to, any and all things either typed, printed, handwritten or otherwise visually reproduced, electronically stored, including

but not limited to, books, records, lists, papers, memoranda, correspondence, telegrams, communications, schedules, photographs, drawings, graphs, charts, reports, films, cables, wires, inter-office communications, recordings, patents, applications, assignments, contracts, agreements, legal instruments, vouchers, ledgers, invoices, bills, checks, receipts, files, computer tapes and cards, magnetic tapes, microfilms, videotapes, or any other forms of preserved information which are or may be in the possession, custody or control of the Defendants, its agents, employees, attorneys, insurance carriers or any other person acting on Defendant's behalf or of which Defendant has knowledge of whether or not in the possession, custody or control of the Defendant and whether or not claimed to be privileged against discovery on any ground.

F. As used herein, present tense shall include past tense and past tense shall include present tense.

G. Singular should be construed as also including plural, if applicable. As used herein, the singular shall include the plural and the plural shall include the singular.

H. These interrogatories should be answered to the best of Defendant's ability based on knowledge and information available to this Defendant and are deemed to be continuing requiring Defendant to supplement such information as it becomes known and/or as such becomes available or is discovered.

I. "Name", "identify", "identity", or "identification" when used in reference to an individual means to state his or her full name and present address, if known, and his present or last known business position, affiliation and address, if known. "Identify", "identity", or "identification" when used in reference to a document means to state the type of document (e.g. letter, memorandum, telegram, chart, etc.), or some other means of identifying it and its present location or custodian. If any such document was but is no longer in your possession or subject to your control or has been destroyed, state what disposition was made of it, the content of said

document, the location of any copies of said document, the date of destruction or when you lost control of said document and the name of the person who ordered or authorized destruction.

J. Where not otherwise indicated, the time period which the answer to each interrogatory should address is 1930 through the present.

The following interrogatories are submitted to each Defendant pursuant to Ohio Rules of Court. They are to be deemed continuing Interrogatories with a duty to supplement your answer after discovered information.

GENERAL OBJECTIONS

While extraordinary efforts have been made to fully and completely respond to all Interrogatories and Requests that appear not to be subject to objections, USX Corporation must make the following general objections, and statement of limitations with regard to the responses contained herein.

USX is a Corporation that has historically and primarily been engaged in the manufacture of steel. With regard to steel making it believes itself to have as much knowledge as any company in existence. The subject matter of this litigation, however, concerns asbestos. USX has never primarily been a manufacturer, vendor or distributor of asbestos-containing products. As a result, records were not routinely kept separately with regard to asbestos or asbestos-containing products which USX may have used, manufactured, sold or distributed.

The responses supplied to these Interrogatories are based upon information found through extensive searches of records believed likely to contain information relevant to the Interrogatories. The responses are based upon the best available knowledge acquired from a wide selection of current USX employees. Other information or knowledge may have been known at one point in time to some of the many hundreds of thousands of former USX employees. Records may exist which have not been located. Any omissions of such information are unintentional. To the extent,

therefore, that information is requested that would require the interviewing of all of the hundreds of thousands of former USX employees or the review of every document of any type in the possession or control of USX, objection is hereby made to such request as being unreasonably burdensome.

By way of further objection:

A. USX objects to the institution and use of these Interrogatories to the extent that they relate to matters beyond the scope of discovery for Plaintiffs' case.

B. USX objects to any definition or request which can be interpreted to impose on USX an obligation to collect information from any individual or to otherwise enlarge its obligation to respond fully as prescribed by the Ohio Rules of Court.

C. USX objects to Plaintiffs' definitions to the extent they request information from any individual or entity, including subsidiaries, other than USX. To that extent, the discovery seeks information not in the possession, custody or control of USX.

D. USX objects to the Plaintiffs' definitions to the extent that they seek information from USX's present or former attorneys which is privileged or work product, or from any expert witnesses whose opinions are not discoverable pursuant to the provisions of law.

E. USX objects to Plaintiffs' definitions of "identify" and Plaintiffs' requests to identify persons on the basis that they impose unreasonably onerous and burdensome requirements upon USX.

F. USX objects to Plaintiffs' definitions of the term "identify" and related terms to the extent that they refer to documents no longer in the possession, custody or control of USX. Such a definition is unduly burdensome as to USX and is not within the scope of discovery.

G. USX objects to any interrogatory herein as beyond the scope of permissible discovery which calls for information regarding dates, locations, or USX products, other than those to or at which a particular Plaintiff has alleged exposure in his Complaint. Accordingly, USX

responds to this discovery to the extent it seeks information regarding its asbestos-containing electrical wire and cable and to the jobsites listed on Exhibit A.

H. USX objects to these interrogatories as vague, ambiguous and argumentative to the extent they refer to Defendant as a manufacturer of asbestos or asbestos-containing products.

I. Finally, USX states that its investigation with respect to its responses to the following interrogatories is ongoing, and it hereby reserves its right to amend or supplement its answers in the future if additional responsive information becomes available.

USX CORPORATION'S ANSWERS TO INTERROGATORIES

1. Did Defendant at any time take action to inform users and/or those exposed to asbestos-containing products of the existence of a Threshold Limit Value (TLV) for asbestos.

ANSWER:

OBJECTION as irrelevant. TLV's for asbestos and other materials were established as guidelines for employers to follow in the workplace and refer to time-weighted average concentrations for a normal workday. To the best of its knowledge, USX was never the employer of any of the named Plaintiffs. Without waiving its objection, USX answers: the chrysotile contained in USX's asbestos-containing electrical wire and cable products was not known or believed to exceed or significantly contribute to any TLV for asbestos.

2. If the answer to Interrogatory No. 1 is in the affirmative, answer the following:

- (a) When did Defendant first take such action;
- (b) What did Defendant do;
- (c) How often, and on what occasions did Defendant do this?
- (d) What witnesses have knowledge of this and can prove this?
- (e) What written material exists concerning this?

ANSWER:

Not applicable. See Response to Interrogatory No. 1.

3. Did Defendant at any time take any action to inform users and/or those exposed to asbestos-containing products of the recommendations of the 1946 Fleischer Drinker Study in Conclusion 2 from that study that "the operations of hand saw cutting, grinding, cement mixing and installation . . . should be equipped with exhaust ventilation to keep the total dust concentration low."¹

ANSWER:

OBJECTION as being overly broad and irrelevant. The 1946 Fleischer-Drinker Study pertained to pipe covering operations, not electrical wire and cable products.

4. If the answer to Interrogatory No. 3 is affirmative, answer the following:

- (a) When did Defendant first take such action;
- (b) What did Defendant do;
- (c) How often, and on what occasions did Defendant do this?
- (d) What witnesses have knowledge of this and can prove this?
- (e) What written material exists concerning this?

ANSWER:

Not applicable. See Response to Interrogatory No. 3.

5. Did Defendant at any time take any action to inform users and/or those exposed to asbestos-containing products of the recommendations of the 1946 Fleischer Drinker Study on Page 15 of that study that "the suggestions made relative to exhaust ventilation and respiratory protection are . . . of value in maintaining . . . low incidence of asbestos."

¹ As used herein, the 1946 Fleischer Drinker Study refers to "A Health Survey of Pipe Covering Operations in Constructing Naval Vessels" by Walter E. Fleischer, Frederick J. Viles, Jr., Robert L. Gade and Philip Drinker which appeared in the Journal of Industrial Hygiene & Toxicology in January 1946.

ANSWER:

OBJECTION as being overly broad and irrelevant. See Response to Interrogatory No.

3.

6. If the answer to Interrogatory No. 5 is affirmative, answer the following:

- (a) When did Defendant first take such action;
- (b) What did Defendant do;
- (c) How often, and on what occasions did Defendant do this?
- (d) What witnesses have knowledge of this and can prove this?
- (e) What written material exists concerning this?

ANSWER:

Not applicable. See Response to Interrogatory No. 5.

7. Describe in full any actions Defendant took at any time to inform users and/or those exposed to asbestos-containing products of either:

- (a) Suggestions regarding exhaust ventilation when using asbestos products and/or;
- (b) Suggestions regarding respiratory protection when using asbestos products.

ANSWER:

See General Objections. Also, USX objects as being overly broad in the context the Plaintiffs claims against it. USX further objects on the basis that a request for a narrative is not a proper interrogatory. Penn Central Trans. Co. v. ARMCO Steel Corp., (1971) 27 Ohio Misc. 76, 271 NE2d 877. Without waiving said objections, USX responds: not applicable. The chrysotile in USX's asbestos-containing electrical wire and cable products was not believed or known to present health hazards at the levels of concentration used and in view of the encapsulation of fibers.

9. Identify each and every asbestos-containing product manufactured, and/or sold, and/or distributed, and/or marketed and/or supplied by this Defendant at anytime between 1930 and the present, and for each such product provide the following:

- (a) The date such activity began;
- (b) The years during which such activity took place;
- (c) The date when such activity was terminated;
- (d) If such activity was terminated, the reason(s) why;
- (e) The geographical area into which you claim the asbestos-containing product(s) were sold;
- (f) Identify the organizational unit of Defendant so engaged;
- (g) The site(s) at which each such product was manufactured;
- (h) The material components/ingredients of each such product, giving specific or approximate percentage both by weight and by volume of each material component/ingredient (This interrogatory is not limited to the asbestos component of the product but seeks information as to the nature, weight and volume of non-asbestos ingredients, as well) of each such product;
- (i) The specific type of asbestos fiber, i.e., chrysotile, amosite, crocidolite, used as a component of each asbestos-containing product;
- (j) The temperature ranges for which each product(s) was intended to be used;
- (k) The product's generic name;
- (l) The product's trade or brand name;
- (m) The container in which the product was shipped, (i.e., paper bags, cardboard boxes) including the size and amount of the container;
- (n) A description of any logos, writing impressions or identifying marks which appeared on the product, as well as description of the package used, the dates that type of package was used, and any logos, product names, trademarks, etc. which appeared in the package;
- (o) Whether the word "asbestos" was used on the package;
- (p) A description of the physical appearance of the product, including size, shape, color and texture.

ANSWER:

See General Objections. USX further objects on the basis that a request for a narrative is not a proper interrogatory. Penn Central Transp. Co. v. ARMCO Steel Corp. (1971) 27 Ohio Misc. 76, 271 NE2d 877. Without waiving said objections, USX responds:

- a) Some asbestos-containing electrical wire and cable products may have been manufactured beginning in 1910;
- b) Some asbestos-containing electrical wire and cable products were manufactured possibly as early as 1910 up to October 15, 1977 at the latest, but not all types of asbestos-containing electrical wire and cable were manufactured throughout that period;
- c) October 15, 1977;
- d) Electrical cable and wire operations ceased for economic reasons. The electrical cable and wire manufacturing facility represented only a small fraction of U.S. Steel revenues, and when the facility ceased to be productive, the plant was closed;
- e) Due to the passage of time and the limited availability of past sales records and/or documentation, it is difficult to pinpoint the exact geographical areas of sales. However, it is the belief of USX that the majority of its asbestos-containing electrical wire and cable products were sold in states in the Northeastern and midwestern United States between the late 1930's and 1976;
- f) Electrical Cable Division of U.S. Steel Corporation, f/k/a American Steel & Wire Division of U.S. Steel Corporation f/k/a American Steel & Wire Company;
- g) Worcester, Massachusetts;
- h) USX's asbestos-containing electrical wire and cable contained annealed Uncoated copper conductors, varnish cambric, saturants, cotton, glass, jutes, lead, silicone rubber, PVC and/or flame-heat-moisture-resistant finishing compounds, along with small amounts of encapsulated chrysotile-containing braid, tape, fillers, felt or yarn. Exact proportions of ingredients are unknown and varied among products. The electrical wire and cable was covered with steel armor in some instances;
- i) Chrysotile;
- j) The asbestos-containing electrical wire and cable products were designed for use as a specialty product in high temperature applications. Individual electrical wire and cable products were capable of operating in high temperatures, from 194 to 362° Fahrenheit, depending upon their application. The temperature ranges for each product are indicated in the product catalogs for Tiger Brand Electrical Cable, which are included in Defendants Responses to Plaintiffs' Request for Production of Documents and Property;
- k) Asbestos-containing high temperature electrical wire and cable;
- l) Amerbestos, Tiger Brand High Temperature;
- m) Most of the Amerbestos and Tiger Brand electrical wire and cable products were supplied on coils and/or reels varying in dimension according to wire gauge and length;
- n) Tiger Brand electrical wire and cable products have an identification surface legend showing the "U.S.S Corporation Tiger Brand" trade name. The reels or

- coils were labeled with plates denoting the type and the name of electrical wire or cable, the size of electrical wire or cable and the manufacturer;
- o) No;
 - p) See catalogs included in Defendant, USX Corporation's Master Responses to Plaintiffs Requests for Production of Documents and Property.

10. Did Defendant ever market or distribute any asbestos-containing product manufactured in whole or in part by someone else? If so, please state the following for each such product:

- (a) The name and address of the manufacturer;
- (b) The product's trade name and brand name;
- (c) The organizational unit of Defendant who did so;
- (d) Date(s) beginning, ending and during which the marketing or distributing took place;
- (e) Whether the product was distributed through the same channels as those used for products manufactured by Defendant, and if not, please explain the exact channels of distribution; and,
- (f) Identify all documents relating to the marketing or distribution.

ANSWER:

To the best of USX's knowledge, no.

11. Did Defendant ever sell or purchase any asbestos-containing product and rebrand the product, or allow or cause it to be rebranded. If so, please state the following as to each such rebranded product:

- (a) The original brand name, trade name and manufacturer of the product;
- (b) Who performed the physical rebranding and where was it accomplished;
- (c) Brand name and trade name used after the rebranding;
- (d) User or seller of the product after rebranding;

- (e) Dates beginning, ending and during which the rebranding of the product took place;
- (f) Identify all documents reflecting any terms or conditions incident to the rebranding of a product; and,
- (g) Summarize the financial consideration (including amounts) between the participants in the rebranding arrangement.

ANSWER:

To the best of USX's knowledge, no.

12. For each and every asbestos-containing product required to be identified in your Answer to Interrogatory No. 9 above, state as to each product the date and quantity sold, supplied or shipped to each of the locations as attached on Exhibit "A" and, if supplied to that location by any entity other than yourself, identify that entity:

ANSWER:

See USX Corporation's Response to Plaintiffs' Request for Production of Documents and Property.

13. Please state whether you sold or distributed asbestos-containing products and/or silica containing products to any wholesaler, distributor, hardware store or other merchant in the State of Ohio.

ANSWER:

See Response to Interrogatory No. 12.

14. If your answer was affirmative to Interrogatory No. 13 above, please state the following:

- (a) The name of the business or person to which you distributed or sold products;
- (b) Their address;

- (c) The type and quantity of products sold or distributed.

ANSWER:

See Response to Interrogatory No. 12.

15. Have you ever owned or operated a business or portion thereof which engaged in construction, erection or tear out of furnaces, pipes, boilers, turbines, etc.? If so, please state:

- (a) The name of said business;
- (b) The date of commencing business and cessation of business, if applicable;
- (c) Type of construction or tear out performed;
- (d) State whether said business installed or supplied asbestos-containing products on the furnaces, pipes, boilers, turbines, levers, etc., i.e. gaskets, pipe covering, block, cement, rope, cloth, clothes, etc., containing asbestos, asbestos pipe, board, etc.;
- (e) State whether said business performed construction, installation, or tear out of asbestos-containing products at any site listed on Attachment "A";
- (f) State the trade name and/or manufacturer of any asbestos-containing product which you installed or supplied to any site on Attachment "A";
- (g) Provide the dates for the applicable construction, installation or tear-out project.

ANSWER:

See General Objections. Without waiving its objections, USX responds: to the best of USX's knowledge, no.

16. Have any of your officers, employees or representatives visited any of the locations identified in Exhibit "A" to Interrogatory No. 12 in the course of his/her employment for the purpose, among others, of promoting, selling, or discussing the use of asbestos-containing products or for the purpose, among others, of discussing, inspecting or reviewing the use of asbestos-containing products or for the purpose of discussing, inspecting or reviewing the health

and safety aspects of a workplace where asbestos-containing products were used or were to be used? If so, describe:

- (a) The name, address and title of each individual who visited said plant;
- (b) The date of each visit;
- (c) The purpose of each visit;
- (d) Who at employer's plant he or she saw or spoke to on each occasion;
- (e) Any documents relating, referring or pertaining thereto.

ANSWER:

To the best of USX's knowledge, no.

17. Identify all managers and sales personnel responsible for your sales of any asbestos and/or silica-containing or industrial insulation products in Ohio and the Ohio River Valley in Pennsylvania, West Virginia, Ohio and Kentucky from 1930 to the present and state their position, last known address and the local or regional office through which they were employed.

ANSWER:

See General Objections. Without waiving its objections, USX responds: after a diligent search of its records, USX is unable to ascertain who was specifically responsible for sales of its asbestos-containing wire and cable products in the Ohio River Valley and Pennsylvania, West Virginia, Ohio, or Kentucky other than Don Vickers, who was a field product representative from 1966-1971 responsible for Cincinnati and its surrounding areas.

18. Before marketing and/or selling and/or using any asbestos-containing and/or silica-containing and/or industrial insulation products, did you or anyone on your behalf conduct any pre-marketing or pre-sale or pre-use tests concerning the safety of such products? If you answer is in the affirmative, please state: .

- (a) The particular products upon which such tests were performed;
- (b) When such tests were performed;

- (c) By whom such tests were performed;
- (d) Where such tests were performed;
- (e) What test or tests were performed;
- (f) The results of any such tests.

ANSWER:

See General Objections. Without waiving its objections, USX states that its electrical wire and cable products were tested to insure they met certain government and industry specifications.

19. Before marketing and/or selling and/or using asbestos-containing and/or silica-containing and/or industrial insulation products, did you or anyone on your behalf conduct a search or review of the medical or scientific literature concerning potential health hazards associated with such product or any product component, including but not limited to asbestos silica and fiberglass?

If your answer is in the affirmative, please state:

- (a) The particular activities performed;
- (b) When such activities were performed;
- (c) By whom such activities were performed;
- (d) To whom the results of such activities were reported or communicated.

ANSWER:

See General Objections. Without waiving its objections, USX responds: Not to the best of USX's knowledge because the chrysotile in USX's asbestos-containing electrical wire and cable was not believed or known to present health hazards at the levels of concentration used and in view of the encapsulation of fibers.

20. When did your first become aware of the relationship between exposure to asbestos and the development of the following medical conditions in any individual so exposed:

- (a) asbestosis;
- (b) lung cancer;

(c) mesothelioma.

This interrogatory is specifically not limited with respect to the nature of an individual's exposure to asbestos or occupation and is directed towards the recognition of such associations with respect to any asbestos exposed individual, regardless of whether such exposure occurred in a mining, milling, manufacturing, construction, repair or other setting.

ANSWER:

OBJECTION as being overly broad and ambiguous. USX further objects on the basis that a request for a narrative is not a proper interrogatory. Penn Central Transp. Co. v. ARMCO Steel Corp. (1971) 27 Ohio Misc. 76, 271 NE2d 9877. Without waiving its objections and without assuming their asbestos exposure necessarily causes the foregoing diseases in all persons who may have had some exposure to asbestos, USX responds: it is difficult to pinpoint an exact date as to when USX and its predecessors first became aware of the hazardous potential of asbestos. U.S. Steel was aware of discussions concerning the need to monitor all excessive dust levels in the mid-to late 1930's. USX's awareness of the potential dangers associated with different exposures and forms of asbestos and other dusts developed gradually over the years, as did the general public's awareness of such dangers. U.S. Steel was aware of the publication in the mid-1960's of Irving Selikoff's views on the potential dangers associated with asbestos exposure, and, in 1972, of OSHA-promulgated regulations regarding safe exposure levels.

21. State whether this Defendant at any time caused to be performed any air samples, tests or other activities to determine the amount of asbestos fiber released into the air, if any, during the handling, fabrication, application, installation, tear-out or any other activity involving the use, as distinguished from the manufacture, of any asbestos-containing products. If your answer is in the affirmative, please state:

- (a) the date of any such air samples, tests, or activities;
- (b) by whom such activities were performed;
- (c) where such activities were performed;
- (d) the results of any such activities.

ANSWER:

See General Objections. Without waiving its objections, USX responds that as to its

asbestos-containing electrical wire and cable products, not to the best of USX's knowledge, because the chrysotile in USX's asbestos-containing electrical wire and cable was not believed or known to present health hazards at the levels of concentration used and in view of the encapsulation of fibers.

22. State whether this Defendant at any time caused to be conducted on any jobsite, any air sampling, dust counts, tests or other activities for the purpose of determining the amount of asbestos fiber, if any, which is or was released through manufacture, handling, fabrication, application, installation, removal or other activities involving any asbestos-containing products. If your answer is in the affirmative, please indicate:

- (a) the date of any such air samples, tests, or activities;
- (b) by whom such activities were performed;
- (c) where such activities were performed;
- (d) the results of any such activities.

ANSWER:

See General Objections. Without waiving its objections, USX responds: see response to Interrogatory No. 21. In addition, USX has conducted the following environmental health surveys during the manufacture of its asbestos-containing electrical wire and cable products:

- a) January and June, 1965
April 1972
January 1973
September 1973
March 1974
November 1974
July 1975
March 1976
February 1977
- b) U.S. Steel Department of Industrial Hygiene
- c) Worcester Electrical Wire and Cable Facility
- d) Most testing determined asbestos levels to be well below the applicable exposure limits.

23. State when, if at all, this Defendant became aware of the following publications and for each such publication identify who or whom received such knowledge and all documents relating to such acquisition of information:

- (a) Murray, H.M. Department Committee on Compensation for Industrial Disease Minutes of Evidence, Appendices and Index. London: Wyman and Sons, 1907, pp. 127-128. (1906 Montague Murray report of fatal asbestosis case).
- (b) Merewether, E.R.A. "The Occurrence of Pulmonary Fibrosis and Other Pulmonary Affections in Asbestos Workers", J. Indust. Hyg. 12: 198-222, 239-257 (1930).
- (c) Merewether, E.R.A. and C.W. Price. Report on Effects of Asbestos Dust on the Lungs and Dust Suppression in the Asbestos Industry. H.M. Stationary Ofc. (1930).
- (d) Lanza, A.J., W.J. McConnell, and J.W. Fehnel. "Effects of the Inhalation of Asbestos Dust on the Lungs of Asbestos Workers", Publ. Health Rep. 50:1-12 (1938).
- (e) Dreesen, W.C., et al., A Study of Asbestosis in the Asbestos Textile Industry, Public Health Bull. No. 241, Washington, D.C.: U.S. Public Health Service, (1938).
- (f) Fleischer, W.E., et al., "A Survey of Pipecovering Operations in Constructing Naval Vessels", J. Indust. Hyg. Tox. 28:9-16 (1946).
- (g) "Asbestosis and Cancer of the Lung", J.A.M.A. 140:1219-1220 (1949).
- (h) Isselbacher, J.J., H. Klaus and H.L. Hardy, "Asbestosis and Bronchogenic Carcinoma", Amer. J. Med. 15:721-732 (1953).
- (i) Doll, R., "Mortality from Lung Cancer in Asbestos Workers", Brit. J. Indust. Med. 12:81-86 (1955).
- (j) Wagner, J.C., C.A. Sleggs, and P. Marchand, "Diffuse Pleural Mesothelioma and Asbestos Exposure in the North Western Cape Province", Brit. J. Indust. Med. 17:260-271 (1960).

ANSWER:

OBJECTION as being overly broad and burdensome. Without waiving its objections, USX responds that its medical and industrial hygiene personnel through their education and training, membership in trade organizations, and review of scientific and

medical literature were aware of much of the published literature pertaining to the health and safety of workers in steel, mining and other industries in which USX was engaged. Specific details regarding studies published over thirty years ago are presently unknown due to the passage of time.

24. State what action, if any, you have ever taken since 1930 to minimize or eliminate any risk of occupational disease or pneumoconiosis to those at any time engaged in the manufacture or production of asbestos-containing and/or silica-containing products.

ANSWER:

See General Objections. OBJECTION as being overly broad, unduly burdensome, irrelevant to Plaintiffs' claims and not reasonably calculated to lead to the discovery of admissible evidence. USX further objects on the basis that a request for a narrative is not a proper interrogatory. Penn Central Trans. Co. v. ARMCO Steel Corp., (1971) 27 Ohio Misc. 76, 271 NE2d 877. Without waiving its objections, USX responds that USX has had a strong safety program since at least 1907 which set forth procedures to minimize or abate exposure to excessive dust of all kinds, including but not limited to asbestos dust. As knowledge of the potential hazards of asbestos became known, USX issued formal guidelines specifically on asbestos to minimize or abate exposures to asbestos dust. These guidelines include, but are not limited to: exposure monitoring, medical surveillance, employee training, isolation and restriction of area, work practices to minimize dust generation, housekeeping, personal protective equipment, substitution of alternative materials, personal hygiene and waste disposal. Moreover, it has always been USX's policy to comply with governmental and industry standards, regulations and recommendations, including the Threshold Limit Values provided by the American Conference of Government Industrial Hygienists and the Permissible Exposure Limits of the Occupational Safety and Health Act.

25. State what action, if any, you have ever taken since 1930 to minimize or eliminate any risk of occupational disease or pneumoconiosis to those at any time engaged in the use, as distinguished from the manufacture, or exposed to the use of asbestos-containing and/or silica-containing and/or industrial insulation products or who were otherwise exposed to asbestos-containing and/or silica-containing and/or industrial insulation products.

- (a) Describe such action;
- (b) State when such action was taken;
- (c) State what written material exists related to such action;

- (d) State the names, job titles and last known address of the individuals who undertook such actions.

ANSWER:

See General Objections. Without waiving its objections, USX responds that the chrysotile in USX's asbestos-containing electrical wire and cable was not believed or known to present health hazards at the levels of concentration used and in view of encapsulation of fibers. Also, see answer to Interrogatory No. 24.

26. With respect to the period from 1930 to 1980, state the name, address and company title or position of any managers or personnel who at any time during that period had responsibility over or were in charge of the following activities with regard to each of the asbestos-containing products and/or silica-containing products and/or industrial insulation products identified in answer to Interrogatory No. 9 and 39:

- (a) production;
- (b) marketing;
- (c) labeling;
- (d) advertising;
- (e) product evaluation;
- (f) research and development;
- (g) distribution;
- (h) use;
- (i) safety and precautions;
- (j) education of workers;
- (k) sales.

ANSWER:

See General Objections. Without waiving its objections, USX responds that the following persons may have had involvement in some of the named activities for the U.S.S. Electrical Cable Division:

Edward J. Simakauskas, Product Engineer, Research & Development
 John Graham, Sales Manager
 George W. Sargent, Rubber Engineering and Research
 George A. Gleason, Manager of Operations
 Donald V. MacMillan, Product Engineer
 Lynn Nicholson, Superintendent
 Ted Pierce, Chief Cable Engineer
 William Carew, Product Engineer
 Wade Houk, General Superintendent
 George E. Hanson, Jr., Plant Manager
 Dave Bashaw, Division Industrial Engineer
 Bernard L. Beisecker, Jr., Division Industrial Engineer
 D.L. Watkins, Division Industrial Engineer
 A.L. Duna, Chief Product Engineer
 George Ollis, Research Engineer
 Robert H. Haberstroh, Division Research Engineer, Chemicals
 David B. Brown, Product Engineer, Engineering and Research
 J.J. Grimes, Work Superintendent
 Gordon J. Muise, Chemists Cable Development, Engineering and Research
 Hermon B. Munyan, Division Product Engineer
 John G. Regis, Technical Assistant
 William Chase, Plant Manager (deceased)
 George W. Carlson, Cable Engineer
 Harold A. Schmucki, Assistant Electrical Engineer
 Robert J. Fitzpatrick, Senior Rubber Chemist
 Gordon P. Johnson, Rubber Chemist
 Edward Everad, Product Engineer
 Allan Snyder, Foreman, Material Inspection, Cable and Engineering
 George S. Flagg, Chief Test and Inspection Engineer
 John H. Newton, Division Instruction Engineer
 Walter P. Plucinski, Division Testing Engineer
 Alex U. Sternlof, Division Quality and Control Engineer
 Daniel J. Burda, Process Control Analyst
 Ernest F. Stebbins, Division Industrial Engineer
 Walter G. Dahlstrom, Research and Development
 Richard H. Carlson, Research and Development
 Don Vickers, Product Representative
 Irvin Burk, Sales Marketing
 J.T. Bartulis, Sales Marketing
 Don Freund, Sales Marketing
 John T. Grimes, Jr., General Manager, Worchester Plant
 Roger Bruce, Plant Manager (deceased)
 Rockford Reed, Safety (deceased)

27. Have you ever hired or employed on a part-time basis or as a consultant any physician for the purpose of obtaining advice or information concerning potential health effects of any asbestos-containing and/or silica-containing product and/or industrial insulation product which you at any time manufactured, distributed or sold? If your answer is in the affirmative, please provide the following:

- (a) the name of each such physician;
- (b) his or her current or last known address;
- (c) the date on which such physician was hired or consulted;
- (d) the reason for hiring or consulting such physician;
- (e) the date on which such employment or consultation terminated;
- (f) the current or last known address of each such individual.

ANSWER:

To the best of USX's knowledge, no consultant or physician was hired for the specific purpose of obtaining advice or information concerning potential health effects of its asbestos-containing electrical wire and cable products; however, USX medical directors and physicians had as one of their functions the offering of medical guidance to those charged with establishing product safety and consumer protection.

28. Have you ever employed on a full-time or part-time basis or as a consultant an industrial hygienist? If so, please: (1) identify each such individual by name; (2) include the dates of any such employment or consultation and the reasons therefore; (3) identify each person's current or last known address, and; (4) state when such position was first filled by this Defendant.

ANSWER:

OBJECTION as being overly broad and unduly burdensome. Without waiving its objections, USX states that the Industrial Hygiene Department has had the following directors:

James F. Quealy, Manager of Industrial Hygiene (1966-present)
John B. Masaitis (1991-1996)
Fred M. Toca (1981-1991)

William J. Janes, deceased (1973-1980)
Kenneth M. Morse, deceased (1951-1973)

29. State the names and addresses of any inter-company or industrial organizations or groups to which you belong or at anytime since 1930 belonged, including but not limited to:

- (a) Asbestos Textile Institute;
- (b) National Insulation Manufacturers Association;
- (c) Thermal Insulation Manufacturers Association;
- (d) Quebec Asbestos Mining Association;
- (e) Asbestos Information Association;
- (f) Industrial Health Foundation;
- (g) Industrial Hygiene Foundation;
- (h) Iron and Steel Institute;
- (i) National Safety Council;
- (j) Refractories Institute; and
- (k) Any other inter-company or industrial organizations or groups;

For each such membership provide the following:

- (a) dates of membership;
- (b) requirements of membership as to each;
- (c) amount of money you contributed annually as to each organization.
- (d) person(s) who attended meetings of each such organization and/or liaison with each organization.

ANSWER:

OBJECTION as being vague, overly broad and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving its objections, USX responds: USX was a member of the Industrial Health Foundation (IHF) from 1935 to 1977, 1980, 1981, and 1984-1986. USX has been a member of the National Safety Council from 1932 to the present and the American Iron and Steel Institute from 1948 to present.

USX has paid annual dues to the organizations to which it was a member during the applicable years. The USX Foundation, Inc. donated \$15,000.00 in 1974 and \$15,000.00 in 1975 to the Industrial Health Foundation. The USX Foundation, Inc. donated \$15,000.00 in 1980, \$16,000.00 in 1981 and 1982, \$17,000.00 in 1983 and \$5,000.00 each year from 1984-1991 to the National Safety Council.

No information is currently available as to the representatives, if any, who attended the meetings of the National Safety Council or the American Iron and Steel Institute. Dr. Phillip X. Masciantonio was a representative on behalf of USX while serving on the Industrial Health Foundation's Board of Trustees from approximately 1980-1981.

30. If you contend that asbestos-containing products which you manufactured, sold, or distributed and/or used were not dangerous to the health of persons coming into contact with same, state all facts, opinions, conclusions supporting such contention and identify each such product, and as to such product identify all documents and any other information upon which you rely and identify all individuals who have knowledge of such facts, opinions, conclusions and other information, and identify the applicable documents.

ANSWER:

See General Objections. Also, OBJECTION as being attorney work product. Without waiving its objections, see Responses to Interrogatories No. 7 and 9. Defendant will rely upon all specification sheets, catalogs, and other documents relative to its asbestos-containing wire and cable products as may be discovered. Also, see witness and exhibit lists to be filed pursuant to Ohio Civil Rules and Court Orders.

31. Describe what action or actions, if any, this Defendant took at any time prior to 1965 to specifically advise or inform purchasers or users of asbestos-containing products of the existence of a threshold limit value (TLV) or maximum allowable concentration (MAC) for asbestos dust or asbestos containing dust.

ANSWER:

OBJECTION as irrelevant. TLV's for asbestos and other materials were established as guidelines for employers to follow in the workplace and refer to time-weighted average concentrations for a normal workday. To the best of its knowledge, USX was never the employer of any of the named Plaintiffs. USX further objects on the basis that a request for a narrative is not a proper interrogatory. Penn Central Trans. Co. v. ARMCO Steel Corp., (1971) 27 Ohio Misc. 76, 271 NE2d 877. Without waiving its objection, USX further responds: the chrysotile contained in USX's asbestos-containing wire and cable products was not known

nor believed to exceed or significantly contribute to any TLV or MAC for asbestos dust or asbestos-containing dust.

32. Describe what action or actions, if any, this Defendant took at any time prior to 1970 to specifically advise or inform purchasers or users of asbestos-containing products of the existence of a threshold limit value (TLV) or maximum allowable concentration (MAC) for asbestos dust or asbestos-containing dust.

ANSWER:

See Response to Interrogatory No. 31.

33. Describe what action or actions, if any, this Defendant took at any time prior to 1975 to specifically advise or inform purchasers or users of asbestos-containing products of the existence of a threshold limit value (TLV) or maximum allowable concentration (MAC) for asbestos dust or asbestos containing dust.

ANSWER:

See Response to Interrogatory No. 31.

34. For each and every asbestos-containing product and/or silica-containing product required to be listed in response to Interrogatories 9 and 39 above, describe any and all statements, labels, instructions, information or visual depiction of any sort which you contend appeared at any time on any such product or product package for the purpose of alerting, advising or informing any user, purchaser or distributor of any such products with respect to: (1) potential or alleged hazards associated or allegedly associated with use of such products and/or (2) safe usage of such products.

For each response provide as follows:

- (a) the product or package on which such information allegedly appeared;
- (b) the time period during which such information allegedly appeared;
- (c) the precise language of any such statement or information;

- (d) the size of any such statement or information in toto and as to individual letters;
- (e) the size of any package or container upon which any such statement or information allegedly appeared;
- (f) the location on such product or package on which such statement or information allegedly appeared;

ANSWER:

See General objections. Without waiving its objections, USX answers that no warning relative to potential or alleged hazards associated with the asbestos content of its electrical wire and cable products appeared on its products or packaging because the chrysotile in USX's asbestos-containing electrical wire and cable was not believed or known to present health hazards at the levels of concentration used and in view of the encapsulation of fibers.

35. Describe the method by which you have maintained records concerning the manufacture, sale, supply, distribution, use, advertising, delivery and/or installation or tear-out of each of asbestos-containing products and/or silica-containing products. For each description provide the following:

- (a) each present and former company or corporate department, division or subdivision responsible for maintaining such records;
- (b) the manner in which the records are kept (e.g. boxes, computer tape, microfilm, etc.);
- (c) the inclusive dates of any such manufacturer, sale, supply, distribution, use, advertising, delivery, and/or installation or tear-out which such record keeping system covers;
- (d) the present location at which all such records are maintained;
- (e) the identity of each person employed by you at any time from 1930 to the present who is or was responsible for the collection and maintenance of such records.

ANSWER:

See General Objections. OBJECTION as a request for a narrative is not a proper interrogatory. Penn Central Trans. Co. v. ARMCO Steel Corp., (1971) 27 Ohio Misc. 76, 271 NE2d Without waiving its objections, USX responds: records relative to asbestos-containing electrical wire and cable products were maintained in accordance with USX's general records

retention policy in effect for all corporate records. All known records relative to USX's asbestos-containing electrical wire and cable products still in existence are presently in the possession of Baughman & Associates, Co., L.P.A., 55 Public Square, Suite 2215, Cleveland, Ohio 44113.

36. State whether any records concerning the manufacture, sale, supply, distribution, advertising, delivery, use or installation or tear-out of asbestos-containing and/or silica-containing products have been destroyed or discarded and if so, indicate:

- (a) the date and location of such destruction or discard;
- (b) the custodian and location of such records prior to their destruction or discard and the identity of each employee, representative, official or agent who ordered, authorized or supervised such destruction or discard.

ANSWER:

See General Objections. Without waiving its objections, USX responds: records relative to USX's asbestos-containing electrical wire and cable products may have been destroyed pursuant to its general records retention policy. Additionally, records may have been lost or destroyed when the Worcester Plant was closed in 1977. USX can neither confirm nor deny that possibility.

37. State whether, prior to 1975, any of your employees has ever made a claim for, or was provided benefits voluntarily for, occupational disease including pulmonary disease or injury, pneumoconiosis of any sort, silicosis, asbestosis, lung cancer or mesothelioma under any state of federal compensation statute, including but not limited to, the Longshoreman and Harbor Workers Compensation Act. If your answer is in the affirmative, provide as follows:

- (a) the date on which you first received notice of any such claim for asbestosis lung cancer or mesothelioma under any state or federal occupational disease or compensation statute;
- (b) the date on which you first voluntarily provided benefits under any state or federal occupational disease of compensation statute to any employee for asbestosis, lung cancer or mesothelioma;
- (c) on a year-by-year basis, through 1975, state the total number of your

employees or your predecessors-in-interest employees who filed claims for occupational lung disease and in so doing state the number of claims or cases of asbestosis, lung cancer or mesothelioma for each year and for each such year state the number of employees who actually received benefits under any state of federal occupational disease or compensation statutes for asbestosis, silicosis, lung cancer or mesothelioma for the period of 1930 until 1975.

ANSWER:

OBJECTION as overly broad, burdensome and irrelevant. Without waiving its objections, USX states that the first known Workers' Compensation Claim received which alleged an asbestos related disease was filed by Charles Carpenter in December, 1978 in Pennsylvania. A claim was filed by Willard Wicker for adenocarcinoma (allegedly related to asbestos exposure) in California sometime between 1975 and 1978.

38. State whether you have been named as a Defendant in any lawsuit previous to 1975 by users or persons who actually or allegedly were exposed to any asbestos or asbestos-containing products for alleged injury or disease. If your answer is in the affirmative, provide the date on which each such lawsuit was filed against you, the form in which said suit was filed, the style of such action and the docket designation of each such suit.

ANSWER:

OBJECTION as being overly broad. Without waiving its objection, USX responds: to the best of USX's knowledge, no.

39. Identify each and every silica-containing product manufactured, and/or distributed, and/or marketed and/or supplied by this Defendant anytime between 1930 and the present, and for each such product provide the following:

- (a) The date such activity began;
- (b) The years during which such activity took place;
- (c) The date when such activity was terminated;
- (d) If such activity was terminated, the reason(s) why;

- (e) The geographical area into which you claim the asbestos-containing product(s) were sold;
- (f) Identify the organizational unit of Defendant so engaged;
- (g) The site(s) at which each such product was manufactured;
- (h) The material components/ingredients of each such product, giving specific or approximate percentage both by weight and by volume of each material component/ingredient (This interrogatory is not limited to the asbestos component of the product but seeks information as to the nature, weight and volume of non-asbestos ingredients, as well) of each such product;
- (i) The temperature ranges for which each product(s) was intended to be used;
- (j) The product's generic name;
- (k) The product's trade or brand name;
- (l) The container in which the product was shipped, (i.e. paper bags, cardboard boxes) including the size and amount of the container;
- (m) A description of any logos, writing impressions or identifying markings which appeared on the product, as well as a description of the package used, the dates that type of package was used, and any logos, product names, trademarks, etc. which appeared in the package;
- (n) Whether the word "asbestos" was used on the package;
- (o) A detailed description of the intended method of preparation and application of the product;
- (p) A description of the physical appearance of the product, including size, shape, color and texture.

ANSWER:

Not applicable to answering Defendant.

40. For each and every silica-containing product required to be identified in your answer to Interrogatory No. 39 above, state as to each product the date and quantity sold, supplied or shipped to each of the locations as attached on Exhibit "A" and, if supplied to that location by any entity other than yourself, identify that entity:

ANSWER:

See Response to Interrogatory No. 39.

OBJECTIONS:

I certify that I have made general objections to each and every one of Plaintiffs' interrogatories as well as specific objections to the following specifically numbered interrogatories: Interrogatories 1, 3, 5, 7, 18, 19, 20, 21, 22, 23, 24, 28, 29, 30, 31, 32, 33, 34, 37 and 38.

I further certify that I have stated the reasons for the above objections in accordance with the Ohio Rules of Civil Procedure.

Respectfully submitted,



BAUGHMAN & ASSOCIATES CO., L.P.A.

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Attorneys for Defendant USX Corporation



**PLAINTIFFS' REQUEST FOR PRODUCTION OF
DOCUMENTS AND PROPERTY TO DEFENDANT**

Pursuant to the Ohio Rules of Civil Procedure, Plaintiffs' hereby request that each Defendant produce and make available for inspection and copying at the offices of Goldberg, Persky, Jennings & White, P.C., 1030 Fifth Avenue, Pittsburgh, PA 15219, the documents specified below commencing on October 11, 1996 at 10:00 a.m., or at such other place, date and time as may be mutually agreed to by Plaintiffs.

DEFINITIONS AND INSTRUCTIONS

For the purpose of this Request for Production of Documents and property, and with respect to each document and item of property requested:

A. The words "Defendant" "you" and "your" refer to this named Defendant and its subsidiaries and its merged or acquired predecessors-in-interest, whether successorship is admitted or alleged in the Complaint; its present or former officers, representatives, agents, servants, counsel, employees, investigators, consultants, and all other person acting on its behalf.

B. As used throughout this Request for Production of Documents and Property, the term "document" and "property" or any similar terms are used in their broadest possible sense and shall include, but not be limited to, the following: any written, printed, type or other graphic matter of any kind or nature; any physical object or thing, animate or inanimate; all mechanical, magnetic or electrical sound recordings, or transcripts thereof; any retrievable data, information, or statistics contained on any memory device or other information retrieval systems (whether recorded, taped, or coded, electrostatically, electro magnetically or otherwise); and also without limitation, files, books, pamphlets, periodicals, agreements, correspondence, letters, telegrams, reports, plates, plans,

drawings, maps, surveys, descriptions, charts, diagrams, graphs, reproductions, films, photographs, motion pictures, studies, proposals, working papers, notes, notebooks, ledgers, diaries, journals or other books of account, photocopies, memoranda, interoffice communications, minutes, minutes of meetings, instructions, specifications, recordings, telephone call slips, transcripts or other reconstructions of telephone conversations, facsimile transmissions, financial statements, financial records, financial memoranda, purchase orders, bills of sale, invoices, bills of lading, receipts, notices, summaries, checks, compilations, worksheets, publications, and published or unpublished speeches, drafts, articles in your possession, custody or control wherever located. The term "document", or any similar terms, shall also mean copies of documents, by whatever means made (including, but not limited to, carbon, handwritten, typewritten, microfilmed, photostatic or xerographic copies of facsimile transmission, and include all non-identical copies, whether different from the original because of any alterations, notes, comments or other material contained thereon on or attached thereto, or otherwise). The term "document" or any similar term shall also include any and all data compilations from which information can be obtained.

C. Each Request set forth herein refers to all documents and property in your custody, control, and possession, as well as documents and property in the custody, control and possession of Defendant's counsel, representatives, agents, servants, employees, investigators or consultants and, unless otherwise privileged, their counsel, representatives, agents, servants, employees, investigators or consultants.

D. With respect to any of the documents or property requested, should any such document or property be presently unavailable and/or if any such document is not presently in your possession, please identify each document including: (a) the type or character of the document (e.g., letter, memorandum, a signed statement, etc.); (b) the title, if any, of the document; (c) the name

and address of the addressee of the document; (d) the names and addresses of all recipients of copies of the documents; (e) all information contained in each such document; (f) the date and circumstances under which each such document ceased to be in your possession; (g) the time period during which each such document was maintained; (h) the locations of each such documents; and (i) the person or persons from which each such document may be obtained, including his or her name, present or last known business and home address and business and home telephone numbers.

E. "Asbestos" as used herein shall include all asbestos or asbestiform minerals of either the amphibole or serpentine group, and shall include chrysotile, crocidolite, tremolite, anthophyllite and actinolite.

F. "Asbestos-containing product" is an inclusive term and includes, but is not limited to, asbestos, raw asbestos, mined asbestos, milled asbestos, asbestos compounds, materials and products containing asbestos or asbestos particles, dust and fibers resulting therefrom. "Asbestos-containing product" is specifically not limited with respect to product type or form, such as thermal insulation, refractories, mastics, raw asbestos, etc. and shall include all product types and/or forms.

G. The words "your asbestos-containing product" as used herein shall mean any "asbestos containing product" at any time manufactured, sold or distributed by this Defendant.

H. "Industrial insulation product" is an inclusive term and includes, but is not limited to: pipe coverings, block, cements, blankets, felts, textiles, rovings, paper, sheets, fireproofing materials, spray materials, mastics, emulsions, coatings, primers, paints, adhesives, sealers, barrier compounds. "Industrial insulation product" is specifically not limited with respect to; (a) the material components of any such product, (b) the surfaces, instrumentalities, equipment or things on or to which such products are/were to be applied, (c) any temperature range at which any such products are/were to be applied.

I. The words "your industrial insulation products" as used herein shall mean any

“industrial insulation product: at any time manufactured, sold or distributed by this Defendant.

J. The words “asbestos-related disease, injury or illness” or any similar words, as used herein shall include, but not be limited to: asbestosis, mesothelioma, pleural plaques, pleural thickening, pleural effusion, lung cancer, laryngeal cancer, gastro-intestinal cancers or any other condition associated with, allegedly associated with or considered with respect to asbestos or asbestos-containing products.

K. If there is a claim of privilege with respect to any documents or property requested, please identify each such document or property in your possession and include in the identification a description of the document or property, the date of the document or property, the names and addressee and the addresser, the identity of any person to whom a copy was given or communicated, the general subject matter of the document or property, a statement of facts whom a copy was given or communicated, the general subject matter of the document or property, a statement of facts constituting the basis for any claim of privilege, and a specific basis on which privilege is claimed.

L. The words “relate to”, or “relating to”, and/or “refer to” or “referring to”, and/or “pertain to” or “pertaining to” when used in conjunction with any Request for documents or property means recording, summarizing, digesting, referring to, commenting upon, describing, reporting, listing, analyzing, studying or otherwise discussing or mentioning in any way a subject matter identified in a Request.

M. The words “communication” or “communications” as used herein include, without limitation, any oral communication, whether transmitted in meetings, by telephone, telegraph, telefax, cable, tape recordings, or otherwise, and all written communications.

N. As used herein, “correspondence” means any document that either constitutes a

communication between two or more entities or person, or that records, memorializes, whether made directly to the author of the document or otherwise.

O. "Or" is used in the all inclusive sense. If, for example, a request calls for any documents which indicate x or y, any documents which indicate x and any documents which indicate y should be produced, as well as any documents that indicate both x and y. In other words, the word "or" may be read as "and/or". "Any" is also used in the inclusive sense. "Any" may and should be read as meaning "any and all".

P. As used herein the present tense shall also include the past tense and the past tense shall include the present tense.

Q. As used herein, the singular shall include the plural and the plural shall include the singular.

R. These Requests shall be deemed to be continuing, to the full extent required and/or permitted under the Ohio Rules of Civil Procedure, so as to require supplementary production when Defendant obtains access, custody, possession or control of any documents not previously produced which are responsive to one or more of these Requests.

S. The phrase "any and all jobsites: or "any jobsites" as used herein means the locations identified on the attached Exhibit "A".

USX CORPORATION'S MASTER RESPONSES TO PLAINTIFFS'
REQUESTS FOR PRODUCTION OF DOCUMENTS AND PROPERTY

GENERAL OBJECTIONS

While extraordinary efforts have been made to fully and completely locate and produce documents that appeared not to be subject to objection, USX Corporation must make the following

general objections and statement of limitations with regard to its Responses to Plaintiffs' Request for Production of Documents and Property.

USX Corporation is a corporation that has historically and primarily been engaged in the manufacture of steel. With regard to steel making, it believes itself to have as much knowledge as any steel company. The subject matter of this litigation, however, concerns asbestos. USX has never primarily been a manufacturer, vendor, or distributor of asbestos-containing products. As a result, records were not routinely kept separately with regard to asbestos or asbestos-containing products which USX may have manufactured, sold, distributed, or marketed.

To the extent that documents can be supplied in Response to Plaintiffs' Request for Production, they are based upon information found through extensive searches of records, believed likely to contain information relevant to the Requests. The Responses are based upon the best available knowledge acquired from a wide selection of current USX resources. Other information may have been known at one point in time by some of the many hundreds of thousands of former USX employees, and accordingly, records may exist which have not been located. Any omissions of such information are unintentional. To the extent, therefore, that information is requested that would require the interviewing of all hundreds of thousands of former USX employees or the review of every document of any type in the possession or under the control of USX, objection is hereby made to such request as being unreasonably burdensome.

Objection is specifically made to these Requests as they assume facts not established, and on the grounds that they seek information which is not relevant to the subject matter of this lawsuit and not reasonably calculated to lead to the discovery of admissible evidence. Objection is therefore made to the extent that no period of time is specified for which information is sought, thus rendering the Requests hopelessly over broad.

Further:

A. USX objects to any definition or Request which can be interpreted to impose on the Defendant an obligation to collect information from any individual or to otherwise enlarge its obligations to respond fully as prescribed by the Ohio Rules of Civil Procedure.

B. USX objects to Plaintiffs definitions to the extent that they can be interpreted to request information from an entity or individual, including subsidiaries, other than USX. To that extent, the discovery seeks information not in the possession, custody, or control of this Defendant.

C. USX objects to Plaintiffs' definition of "document" to the extent it relates to documents which are not in the possession, custody or control of the Defendant. USX further objects to this and any other definitions to the extent that they seek the discovery of documents which are protected by the attorney-client privilege, attorney work product privilege, acquired from other parties in preparation for or during the course of litigation, protected by physician-patient privilege or any other applicable privilege or governmental prohibition against dissemination and limits its responses accordingly.

D. USX objects to Plaintiffs' definition of "asbestos-containing product" as being overly broad and vague.

E. USX objects to any Request herein as beyond the scope of permissible discovery which calls for information regarding dates, locations, or USX products other than those to or at which a particular Plaintiff has alleged exposure in his Complaint. Accordingly, USX responds to these requests to the extent they seek information regarding its asbestos-containing electrical wire and cable and to the jobsites at issue. Further, Defendant USX states that its search for responsive documents was limited in time to 1977 and prior due to the fact that the manufacture of all asbestos-containing electrical wire and cable ceased at the latest in 1977.

F. USX hereby reserves the right to supplement its responses in the future if additional responsive information becomes available.

DOCUMENTS AND PROPERTY REQUESTED

1. Any documents which refer, relate or pertain to or indicate sales to or delivery to any and all jobsites of any asbestos-containing and/or silica-containing product including sales records, invoices, purchase orders, contracts, delivery tickets, etc.

RESPONSE:

See General Objections. Please see corresponding Responses to Plaintiffs' Request for Production of Documents and Property served upon Plaintiffs' counsel on or about January 14, 1997 in response to "Goldberg Group 2" discovery. With respect to this Request for Production of Documents and Property relative to the Empire-Detroit Steel site in Portsmouth, Ohio and the New Boston Coke Company in Portsmouth, Ohio, and without waiving any of its objections, Defendant USX responds: none.

2. Any documents, invoices, bills of lading, sales receipts, order forms, computer printouts, correspondence or communications pertaining to any marketing, sales, negotiations, delivery or distribution of any of your asbestos-containing or silica-containing or industrial insulation products to any of the following entities, whether in Ohio or otherwise.

- (a) The Gage Co., formerly Pittsburgh Gage and Supply Co.
- (b) George V. Hamilton, Inc.
- (c) F.B. Wright Co.
- (d) Fairmont Supply Co.
- (e) Record Industrial Co.
- (f) A & I Company
- (g) AC&S, Inc.
- (h) Nitro Industrial Coverings, Inc.
- (i) Potomac Edison Co.
- (j) Hinchcliff & Keener
- (k) Atlas Industries, Inc.
- (l) Clark Industrial Insulation Co., f/k/a the Clark Asbestos Company

- (m) Frick-Lindsay Company
- (n) Edward R. Hart Co.
- (o) Joy Technology, Inc.
- (p) Trimble and Lutz Supply Company
- (q) Mahoning Valley Supply Company
- (r) Ohio Valley Insulating
- (s) R.E. Kramig & Co., Inc., Cincinnati, OH
- (t) TASCOS Insulation, Inc. f/k/a The Asbestos Service Company, Youngstown, OH
- (u) All jobsites referenced in Exhibit A

RESPONSE:

See Response to Request for Production of Documents and Property No. 1.

3. Any and all documents between you and any user, customer or purchaser of your asbestos-containing and/or silica-containing products which refer to or pertain to the uses of said products.

RESPONSE:

See Response to Request for Production of Documents and Property No. 1.

4. Any documents memorializing or referring, relating or pertaining to communications or correspondence among and/or between your officers, director, agents, representatives, employees or consultants and any employer, purchaser or user of your asbestos and/or silica-containing and industrial insulation products, its officers, directors, agents, representatives, employees or consultants which in any way relates, refers or pertains to asbestos, asbestos-containing products,

silica, silica-containing products, pneumoconiosis, asbestos-related illness, injury or disease, dust or workplace health or safety.

RESPONSE:

See Response to Request for Production of Documents and Property No. 1.

5. Any documents which refer, relate or pertain to your custom, practice, policies and procedures for the retention of or destruction of records.

RESPONSE:

See Response to Request for Production of Documents and Property No. 1.

6. Any Material Safety Data Sheets which identify the product, manufacturer, supplier, chemical composition, special protection information and special precautions to be taken with any asbestos or any asbestos-containing and/or silica-containing products.

RESPONSE:

See Response to Request for Production of Documents and Property No. 1.

7. Any annual reports of this Defendant to employees or stock holders from the year 1930 through the present.

RESPONSE:

See Response to Request for Production of Documents and Property No. 1.

8. Original or copies of any safety or health manuals, pamphlets or brochures issued by this Defendant between 1900 and the present and any documents relating to whom said manuals were issued.

RESPONSE:

See Response to Request for Production of Documents and Property No. 1.

9. Any safe workplace practices manuals, pamphlets or brochures issued by this Defendant from 1900 through the present.

RESPONSE:

See Response to Request for Production of Documents and Property No. 1.

10. Any documents referring, relating or pertaining to the Industrial Health Foundation or the Industrial Hygiene Foundation.

RESPONSE:

See Response to Request for Production of Documents and Property No. 1.

11. Any documents, referring, relating or pertaining to the Trudeau Institute and Saranac Lake laboratory.

RESPONSE:

See Response to Request for Production of Documents and Property No. 1.

12. Any documents, referring, relating or pertaining to the Quebec Asbestos Mining Association (QAMA).

RESPONSE:

See Response to Request for Production of Documents and Property No. 1.

13. Any documents, referring, relating or pertaining to the National Insulation Manufacturers Association (NIMA).

RESPONSE:

See Response to Request for Production of Documents and Property No. 1.

14. Any documents, referring, relating or pertaining to the Thermal Insulation Manufacturers Association (TIMA).

RESPONSE:

See Response to Request for Production of Documents and Property No. 1.

15. Any documents relating to any conference(s), symposia, or meetings attended by any of your officers, physicians, agents, servants, employees or consultants which in any way considered, discussed, reviewed or made recommendations concerning: asbestos-related illness, injury or disease; pneumoconiosis; occupational lung disease; dust; silicosis; industrial hygiene; and/or worker or workplace health or safety.

RESPONSE:

See Response to Request for Production of Documents and Property No. 1.

16. Any documents relating, pertaining or referring to any of the following individuals:

- (a) Dr. A.J. Lanza
- (b) Dr. Leroy U. Gardner;
- (c) Dr. Arthur Vorwald;
- (d) Dr. Gerrit W.H. Schepers;
- (e) Dr. Wilhelm Hueper;
- (f) Dr. J.C. Wagner
- (g) Dr. Harriett Hardy;
- (h) Dr. Irving J. Selikoff (prior to 1975);
- (i) W.E. Fleischer;
- (j) W.C.L. Hemeon;
- (k) Warren Cook

(1) Sir Richard Doll.

RESPONSE:

See Response to Request for Production of Documents and Property No. 1.

17. Any documents referring, relating or pertaining to asbestos-related injury, silica-related injury, illness or disease, pneumoconiosis, occupational lung disease or worker or workplace health or safety.

RESPONSE:

See Response to Request for Production of Documents and Property No. 1.

18. Any documents to and/or from this Defendant and any person, organization, institution, laboratory, foundation, corporation, entity, board or consultants which refer, relate or pertain to air quality studies, dust counts or dust studies, maximum allowable concentrations (MAC), threshold limit values (TLV) or protection of your employees or any other employees or persons from actual or alleged hazards associated with asbestos and/or silica exposure.

RESPONSE:

See Response to Request for Production of Documents and Property No. 1.

19. Any documents and/or articles ever published by any medical, trade, commercial, scientific or other type of journal relative to pneumoconiosis, occupational lung disease, asbestos or asbestos-related injury, silicosis, illness or disease actually received by this Defendant at anytime prior to 1975 and any document pertaining to the circumstances under which such information was received.

RESPONSE:

See Response to Request for Production of Documents and Property No. 1.

20. Any documents, including correspondence, intercompany memoranda, notes, messages which refer, relate or pertain to questions, comments, statements, or recommendations by any of your officers, agents, representatives, employees, consultants, salesmen contractors, customers or purchasers concerning actual alleged or possible health hazards or problems concerning or associated with exposure to asbestos and/or silica.

RESPONSE:

See Response to Request for Production of Documents and Property No. 1.

21. Any memoranda, notes, correspondence or other documents directly or indirectly provided or received from salesmen or any other employee which in any way refers, relates or pertains to complaints, concerns or questions about actual, alleged or possible hazards, injuries, diseases or problems connected or associated with exposure to and use of asbestos or asbestos-containing products, silica-containing products, or industrial insulation products.

RESPONSE:

See Response to Request for Production of Documents and Property No. 1.

22. Any documents referring, relating or pertaining to any statements, labels, instructions, information or visual depiction of any sort which you contend appeared at any time on any asbestos and/or silica-containing or industrial insulation product or package for the purpose of alerting, advising or informing any user, purchaser or distributor of any such products with respect to: (a) potential or alleged hazards associated or allegedly associated with use of such products; and/or (b) safe usage of such products.

RESPONSE:

See Response to Request for Production of Documents and Property No. 1.

23. Any documents requested or referred to in Plaintiffs' Interrogatories in these cases.

RESPONSE:

See Response to Request for Production of Documents and Property No. 1.

24. Any documents referring, relating or pertaining to the consideration, initiation, implementation or establishment of any medical examination program by you or anyone for employees or persons involved in the manufacture, use, handling, or who were otherwise exposed to or potentially exposed to asbestos or your asbestos-containing and/or silica-containing products.

RESPONSE:

See Response to Request for Production of Documents and Property No. 1.

25. Any documents relating, referring or pertaining to the following articles or publications:

- (a) Murray, H.M. Department Committee on Compensation for Industrial Disease Minutes of Evidence. Appendices and Index. London: Wyman and Sons, 1907, pp. 127-128. (1906 Montague Murray report of fatal asbestosis case)
- (b) Merewether, E.R.A. "The Occurrence of Pulmonary Fibrosis and Other Pulmonary Affections in Asbestos Workers", J. Indust. Hyg. 12: 198-222, 239-257 (1930).
- (c) Merewether, E.R.A. and C.W. Price. Report on Effects of Asbestos Dust on the Lungs and Dust Suppression in the Asbestos Industry. H.M. Stationary Ofc. (1930).
- (d) Lanza, A.J. W.J. McConnell, and J.W. Fehnel. "Effects of the Inhalation of Asbestos Dust on the Lungs of Asbestos Workers", Publ. Helath Rep. 50:1-12 (1938).
- (e) Dreseen, W.C., et al., A Study of Asbestosis in the Assbestos Textile Industry, Public Health Bull. No. 241, Washington, D.C.: U.S. Public Health Service, (1938).
- (f) Fleischer, W.E., et al., "A Survey of Pipecovering Operations in Constructing Naval Vessels", J. Indust. Hyg. Tox. 28:9-16 (1946).
- (g) "Asbestosis and Cancer of the Lung", J.A.M.A. 140:1219-1220 (1949).

- (h) Isselbacher, J.J., H. Klaus and H.L. Hardy, "Asbestosis and Bronchogenic Carcinoma", Amer. J. Med. 15:721-732 (1953).
- (i) Doll, R., "Mortality from Lung Cancer in Asbestos Workers", Brit. J. Indust. Med. 12:81-86 (1955).
- (j) Wagner, J.C., C.A. Sleggs, and P. Marchand, "Diffuse Pleural Mesothelioma and Asbestos Exposure in the North Western Cape Province", Brit. J. Indust. Med. 17:260-271 (1960).

RESPONSE:

See Response to Request for Production of Documents and Property No. 1.

26. Any documents to, from or involving any physician, industrial hygienist or public health specialist which in any way relates, refers or pertains to asbestos-related injury, illness or disease, pneumoconiosis, silicosis, occupational lung disease, dust, industrial hygiene or worker or workplace health or safety.

RESPONSE:

See Response to Request for Production of Documents and Property No. 1.

27. Any documents or information, such as product brochures, catalogs or similar items, which were at any time published or generated for dissemination by this Defendant concerning this Defendant's manufacture and/or sale and/or distribution and/or supply of any asbestos and/or silica-containing product. This request includes, but is expressly not limited to, such brochures, catalogs, etc., generated for distribution or available to contractors, purchasers, users and/or entities or any industry publication such as Sweets, Thomas' Register. This request is also not limited with respect to the scope or level to which such information was distributed or available and expressly includes such materials disseminated or available on any isolated local, regional, national or international basis. Further, this request is not limited with respect to product type or asbestos content and expressly includes any product at any time manufactured, sold, distributed or supplied by this Defendant containing any amount of asbestos and/or silica of any type. This request is for originals of all materials if originals are in Defendant's possession or within Defendant's control. Otherwise, copies are acceptable.

RESPONSE:

See Response to Request for Production of Documents and Property No. 1.

28. Any photographs, pictures, prints or any visual depiction at any time generated showing workers or any person or persons installing, applying or in any manner handling or utilizing an asbestos-containing and/or silica-containing product at any time manufacture, sold or distributed by this Defendant. This request includes, but is not limited to, any such pictures or

depictions appearing in any brochures, etc. referenced in Request #27 above and is not limited with respect to product type or asbestos content.

RESPONSE:

See Response to Request for Production of Documents and Property No. 1.

29. Any documents pertaining to the acquisition, purchase or sale by this Defendant of any asbestos-containing and/or silica-containing product manufacturing facility or asbestos-containing and/or silica-containing product or product line.

RESPONSE:

See Response to Request for Production of Documents and Property No. 1.

30. Any documents pertaining to any continued advertisement or promotion for sale, distribution or supply; or continued sale, distribution or supply of any asbestos-containing and/or silica-containing product after the date on which Defendant contends that it ceased to manufacture or obtain for sale, distribution or supply any asbestos-containing and/or silica-containing product.

RESPONSE:

See Response to Request for Production of Documents and Property No. 1.

31. Any documents which contain any index or written list of documents dealing with asbestos and/or silica that are in the possession of Defendants, or its predecessors.

RESPONSE:

See Response to Request for Production of Documents and Property No. 1.

32. Any documents, which describe or pertain to document, repository centers or locations of written materials concerning asbestos and/or silica.

RESPONSE:

See Response to Request for Production of Documents and Property No. 1.

33. Plaintiffs request the opportunity to inspect all documents in the possession of Defendant or its predecessor or its subsidiary concerning asbestos and/or silica by having representatives of the undersigned law firm visit the Defendants' document repository centers at a time and place mutually agreed upon.

RESPONSE:

See Response to Request for Production of Documents and Property No. 1.

34. Any and all documents (including statements and trial deposition testimony of current or former employees of this Defendant) in possession of this Defendant, indicating that this Defendant relied upon January, 1946 article, "A Health Survey of Pipe Covering Operations in Constructing Naval Vessels," by Walter E. Fleischer, Frederick J. Viles, Jr., Robert L. Gade and Phillip Drinker, as a reason for not warning or informing users or consumers of asbestos-containing products, of any and all actual or potential health hazards associated with such products.

RESPONSE:

See Response to Request for Production of Documents and Property No. 1.

35. Any and all documents (including statements and trial or deposition testimony of current or former employees of this Defendant) in possession of this Defendant, indicating that this Defendant relied upon the Threshold Limit Value of 5 million particles per cubic foot as a reason for not warning or informing users or consumers of asbestos-containing products of any and all actual or potential health hazards associated with such products.

RESPONSE:

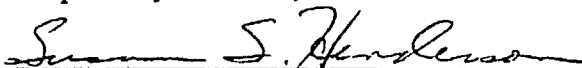
See Response to Request for Production of Documents and Property No. 1.

OBJECTIONS:

I certify that I have made objections to each and every one of Plaintiffs' Requests for Production of Documents and Property.

I further certify that I have stated the reasons for the above objections in accordance with the Ohio Rules of Civil Procedures.

Respectfully submitted,



BAUGHMAN & ASSOCIATES CO., L.P.A.

R. Patrick Baughman (005138)

Susan S. Henderson (0015333)

Robert E. Kmiecik (0022545)

55 Public Square, Suite 2215

Cleveland, Ohio 44113-1996

(216) 687-1244

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E-mail: rpat@apk.net

Attorneys for Defendant USX Corporation

EXHIBIT A

JOB SITES FOR GOLDBERG GROUP 8:

Empire Detroit Steel, Mansfield, Ohio

Empire Detroit Steel, Portsmouth, Ohio

New Boston Coke Company, Portsmouth, Ohio

VERIFICATION

COMMONWEALTH OF PENNSYLVANIA)

COUNTY OF ALLEGHENY)

SS:

RICHARD F. LERACH, Assistant General Counsel of USX Corporation, being first duly sworn, deposes and says that he is authorized to verify the foregoing Responses to Plaintiffs' Interrogatories and Request for Production of Documents and Property Directed to Defendant USX Corporation, f/k/a United States Steel on behalf of USX Corporation; that said interrogatories were prepared with the assistance and advice of counsel; that said interrogatories, subject to inadvertent or undiscovered errors, is based on and, therefore, limited by the records and information still in existence, presently recollected and thus far discovered in the course of preparation of these interrogatories; that consequently, USX Corporation reserves the right to supplement the interrogatories if it appears at any time that omissions or errors have been made therein or that more accurate information is available; that subject to the limitations set forth herein, the said foregoing Responses to Plaintiffs' Interrogatories and Request for Production of Documents and Property Directed to Defendant USX Corporation, f/k/a United States Steel, although all of the information and the matters stated in the foregoing document are not necessarily completely within his personal knowledge, is true to the best of his knowledge, information and belief.

FURTHER AFFIANT SAYETH NAUGHT.

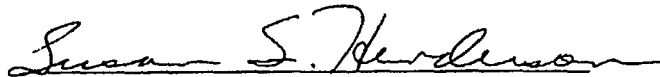
RICHARD F. LERACH

SWORN TO BEFORE ME and subscribed in my presence on this _____ day of _____, 1999.

NOTARY PUBLIC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Defendant USX Corporation's Responses to Plaintiffs' Interrogatories and Request for Production of Documents and Property Directed to Defendant USX Corporation, f/k/a United States Steel Corporation was served by regular U.S. Mail upon Mark C. Meyer, Esq., Goldberg, Persky, Jennings & White, P.C., 1030 Fifth Avenue, Pittsburgh, PA 15219, Attorney for Plaintiffs, this 14th day of September, 1999.


One of the Attorneys for Defendant
USX Corporation