

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE ASBESTOS LITIGATION
Limited to:

ROBERT O'NEAL,

Plaintiff,

v.

ASBESTOS CORPORATION OF
AMERICA, et al.,

Defendant.

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C.A. No. 82-79 (JJF)

ANSWERS OF DEFENDANT HERTY FOUNDATION TO INTERROGATORIES

SECTION I

ALL DEFENDANTS

(1) Describe in detail, with specificity and particularity each product mined, produced, manufactured or sold by the answering defendant or its predecessors in title or subsidiaries which contained asbestos for each year from 1936 until 1980; and for each such product describe:

(a) Its chemical ingredients;

(b) State the manner in which it was intended to be used, i.e., in the construction and/or insulation of buildings and/or equipment, etc.;

(c) For each ingredient contained therein state:

(i) The name or chemical composition of each substance, what harmful effects, if any are known, that it produces in man or mammals and whether it produces its harmful effects through ingestion, inhalation, absorption or a combination of these;

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(ii) When you determined and/or learned that the substance produced harmful effects and how such effects were produced;

(iii) Identify each individual who participated in such determination and/or obtained such knowledge;

(iv) Identify each document that refers, reflects or relates to any information pertaining to the properties of each of the ingredients and/or how the harmful effects are produced as well as your determination of those toxic effects and the manner by which they are produced;

(v) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied;

(vi) Which products or ingredients were mined, which were manufactured and which were distributed by answering defendants.

ANSWER NO 1: A. Asbestos Paper

Project 1389 - 8/28/75 and 1/14/76.

(a) 80-H Blue Asbestos, Celite 281, Buckeye U-5; "H" Blue Asbestos, Celite 280, Hycar 2679.X6, Prima Flocc C-3, Pionel 200 Melamine Wet Strength Resin, Dryden FB Wood Pulp, Sockeye 30 Wood Pulp, PBA, Dacron;

(b) For use by Haveg in Chemtite process;

(c) OSHA standard on asbestos was published at this time.

Project 1399 - April 19-23, 1976.

(a) "H" Blue Asbestos, Sockeye 30 Wood Pulp, Dacron Celite 281, Hycar Latex 2679.X6, Parex Melo-strength Resin 607, Acetic Acid;

(b) For use by Haveg in Chemtite process; (c) OSHA standard on asbestos was published at this time.

Project 1409 - May 24 - June 4, 1976.

(a) "H" Blue Asbestos, Celite 281, Hycar Latex 2679-46, Dryden FB Wood Pulp, Dacron, Parex Resin 607, Muriatic Acid, Kymene 559H, Alum, Kuralon - PVA;

(b) For use by Haveg in Chemtite process;

(c) OSHA standard on asbestos was published at this time.

Project 1437 - September 20, 1976 - December 20, 1976.

(a) "H" Blue Asbestos, Celite 281, Hycar Latex 2679-46, Dryden FB Wood Pulp, Dacron, Parex Resin 607, Muriatic Acid, Kymene 559H, Alum, Kuralon - PVA;

(b) For use by Haveg in Chemtite piping;

(c) OSHA standard on asbestos was published at this time.

2. If any product identified in answer to interrogatory No. 1 and was produced, manufactured and/or sold under a trade name, identify that trade name(s) and state the time period that each such product was sold under such trade name.

ANSWER NO. 2: Not applicable.

3. For each product identified in answer to Interrogatory No. 1, state:

(a) The address of each plant where it was manufactured, processed or packaged;

(b) Whether you were the sole producer, manufacturer and/or distributor of the product and, if not:

(i) The name and address of each other person, firm or other entity engaged in the production, manufacture and/or distribution of the product (including companies which rebranded for the answering defendant);

(ii) Whether any other manufacturer produced the product by virtue of a franchise or license from you;

(iii) The persons or firms who produced the product for distribution in the United States;

(iv) The person or firms who produced the product for distribution in the State of Delaware.

(c) All products the answering defendant manufactured, mined or sold which it would relabel for others and the name of any entity such relabeling occurred for, including when, where and with whom defendant dealt with.

(d) Any changes answering defendant made in the product or packaging for others of its products and any changes answering defendant requested be made in products or packaging of products others rebranded for the answering defendant;

ANSWER NO. 3:

(a) Herty Foundation, Brampton Road, Savannah, Georgia;

(b) No;

(c) None;

(d) Not applicable

4. For each product identified in answer to Interrogatory 1 state:

(a) How the product was sold and/or distributed for use in the United States and/or the State of Delaware;

(b) (i) Identify all persons, firms or other entities to whom these products were sold for distribution during the period 1936 to 1980.

(ii) Identify all entities to which a sale was made from 1936 to 1980 in Delaware, Pennsylvania, New Jersey and Maryland between 1936 and 1980.

(c) For each such person, firm or other entity identified in answer to subpart (b) above, state the following:

- (1) the specific product sold and/or distributed;
- (2) the quantity (i.e. boxes, linear feet) of the product sold and/or distributed;
- (3) the dates which these products were sold, shipped and delivered to each entity;
- (d) Identify each individual who has any knowledge of these sales and/or distribution and state with specificity and particularity the substance of each individual's knowledge;
- (e) Identify and produce all documents which refer, reflect or relate to all sales and/or distribution of each such product to each such entity identified above.

ANSWER NO 4:

- (a) Produced for and sold to Haveg Industries, Inc., 900 Greenbank Road, Wilmington, Delaware;
- (b)-(c) See (a) above;
- (d) William Belvin;
- (e) All documents have been produced.

5. For each product identified in answer to Interrogatory 1 state whether you, your subsidiaries or predecessors in business engaged in any advertising program to promote the sale of that product and, if so state:

- (a) The name or description of each advertising media that you have used to promote the product during the period 1936 to 1980;
- (b) The name of each national magazine or periodical in which you have advertised the product during the period 1936 through 1980.
- (c) The date of each issue of such magazine or periodical in which such advertisement appeared;

(d) The name and address of each newspaper in which it advertised the product during the period 1936 through 1980;

(e) The date of each publication of each newspaper in which the advertisement appeared;

(f) Identify and produce each document which refers, reflects or pertains to each such advertisement which was published in each such magazine, periodical and/or newspaper;

(g) State whether the advertising of the product was handled by an agency and, if so, state the name and address of each advertising agency that handled any portion of the advertising of the product during the period 1936 through 1980.

ANSWER NO. 5: No.

6. With regard to each form of asbestos fibers identified in the answer to Interrogatory 1(a) and 1(c), state:

(a) Where it was purchased, if it was not purchased where it was obtained;

(b) From whom it was purchased;

(c) The manner in which it was received, stored and used in the production of the product.

ANSWER NO. 6:

(a) August, 1975 to April, 1978;

(b) North American Asbestos Corporation, 150 N. Wacker Drive, Chicago, Illinois, Continental Products Corp., 150 N. Wacker Drive, Chicago, Illinois;

(c) It was received by motor freight and stored at Herty Foundation. In production, asbestos beaten in Jones beater and then all additives added to make fiber slurry which was diluted with white water to required papermaking consistency;

(d)-(g) Not applicable.

7. If you have ever manufactured or had a subsidiary or predecessor in the corporate chain manufacture any insulation products which are commonly used by insulators and which contain asbestos,

(a) describe the process or method of how the products listed in 1 are cut, shaped, mixed and applied on the jobs giving particular reference as to whether or not the materials have to be sawed or cut on the job, blown into confined areas, or mixed with water into a cement or paste;

(b) State if there is any way known to the defendant that the products listed below can be used and applied without the worker inhaling any of the asbestos dust or fibers:

- (1) Asbestos cement; Asbestos Finishes;
- (2) Asbestos pipe covering;
- (3) Asbestos bricks or blocks;
- (4) Asbestos sheeting;
- (5) Asbestos insulation used to cover extremes of heat as well as cold;
- (6) Asbestos insulation in loose form which may be blown into homes or buildings;
- (7) Asbestos in spray form
- (8) Asbestos mineral in fiber form or particulate form.
- (9) Asbestos Millboard, rope, baskets, paper gloves or blanket.

ANSWER NO. 7: Not applicable.

8. If any piece of equipment which was used at any time to install, cut, shape, etc. products identified in answer to interrogatory no. 1 or 7(b) was invented,

developed or first made by answering defendant or any person associated with you or any related company or association, state:

(a) When it was invented, developed or made (including changes or improvements to previously available equipment);

(b) The identity of each individual who participated therein and describe in detail the extent of his participation;

(c) The identity of each document which reflects, refers or relates to any information set forth in answer to this interrogatory.

(d) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER NO. 8: Not applicable.

9. For each process and/or method identified in answer to Interrogatory No. 7(a) developed or first made by you or any person associated with you or any related company or association, state:

(a) When and where it was developed;

(b) The identity of each individual who participated therein and describe in detail the extent of his participation;

(c) The identity of each document which reflects, refers or relates to any information set forth in answer to this Interrogatory;

(d) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER NO. 9. Not applicable.

10. For each product identified in the answer to Interrogatory No. 1, describe what, if any, tests were made to determine the safety of said product and,

- (a) State when and where each such test was made;
- (b) Describe the results of each such test;
- (c) Identify each individual who participated therein and describe in detail the extent of his participation;
- (d) Identify each document which reflects, refers or relates to any information set forth in answer to this interrogatory;
- (e) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER NO. 10: The determination of safe handling of the product produced by Herty Foundation for Haveg Industries resided with Haveg. Haveg was fully aware that the product contained asbestos since Haveg specified its inclusion into the product. Further, Haveg was aware of the OSHA regulations that governed the handling of asbestos and the procedures prescribed therein for safeguarding those who came in contact with or who would be exposed to it. Herty Foundation had, and has today, no knowledge of the particular uses to which the product was put or how it was to be stored, handled or used by Haveg.

11. For each label, brochure, or other written material describing or relating to the use of each product identified in answer to Interrogatory No. 1, produced by you or any entity associated with you or any related company or association;

- (a) Describe its contents;
- (b) State when, where, how, and to whom it was distributed;

(c) State the manner in which it was placed on or in the product container or whether it was separate from the product container, or whether it was separate from the product or container;

(d) State whether any written, printed or graphic matter was present to warn of any potentially toxic ingredient including asbestos it might contain. If so, state:

(i) Whether a signal word, i.e. "danger", "warning" or "caution" was present;

(ii) Whether the signal word was printed in boldface, capital letters or different colored inks. Which?

(iii) The wording of the statements describing any toxic ingredient.

(iv) The wording of all directions and/or instructions pertaining to any method of use to avoid any danger resulting from the toxic ingredient.

(v) List the instructions provided for each product's use.

(e) Identify each individual who participated in the writing of the label, brochure or other written materials and describe in detail the extent of his participation;

(f) Identify each document which reflects, refers or relates to the information contained on the labels, brochures, or other written materials and/or the decision to include such information (if there are multiple documents, list any index of the documents and how and where stored).

(g) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER NO. 11: No labels were attached other than those specified and provided by Haveg Industries, copies of which have been produced to plaintiffs' attorneys.

12. For each product identified in answer to Interrogatory 1 state whether warnings of any harmful or potentially harmful effects of the product were printed on the cartons or packing cases in which individual containers were packed and, if so:

- (a) State the printed warning's contents;
- (b) State when the warning was used;
- (c) Describe the manner in which it was placed on or in the product container;
- (d) Identify each individual who participated in writing of the label or brochure and describe in detail the extent of his participation;
- (e) Identify each document which reflects, refers or relates to the information contained on the cartons or packing cases and the decision to include that information;
- (f) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER NO. 12: No.

13. With regard to the production, distribution, and/or sale of each product identified in answer to Interrogatory 1 state whether you have ever been accused of violating any of the provisions of the Federal Labeling of Hazardous Substances Act, OSHA (P.L. 91-596, 29 U.S.C. Section 651 et seq and regulations promulgated thereunder or NIOSH and its regulations and, if so, state:

(a) The date of each indictment, complaint or information that accused you of such violation;

(b) The court in which the proceedings were instituted;

(c) The plea you entered;

(d) The verdict and/or judgment in each such case;

(e) The date set for trial of any pending case;

(f) Identify each document which reflects, refers or relates to information pertaining to such accusation;

(g) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER NO. 13: No.

14. For each product identified in answer to Interrogatory 1, state whether you contend it is a "hazardous substance" as defined in 15 United States Code, Section 1261(f) and, if so, state with specificity and particularity the facts which you rely on to support the contention.

ANSWER NO. 14: No.

15. With regard to each product identified in answer to Interrogatory 1 state whether any quantity of that product has ever been seized by any agency of any government because of its containing a toxic ingredient and not having a proper label or required instructions for use; and if so:

(a) State the date of each such occurrence;

(b) State the name or description of the violations of which you were accused;

(c) State the court in which the action was filed;

(d) Describe the judgment that was rendered;

(e) State the date that has been set for trial of any pending case;

(f) Identify each document which reflects, refers or relates to information pertaining to such seizure;

(g) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER NO. 15: NO.

16. State what action and when it was undertaken, if any, you have taken since 1935 to reduce or eliminate any risk of occupational disease or personal injury to those using your asbestos containing products which arises from the inhalation of dust and fibers.

ANSWER NO. 16: Studies were conducted by Haveg Industries in February, 1977 and October, 1978, to determine the airborne concentrations of asbestos fibers at the Herty Foundation in Savannah, Georgia during the manufacture of blue asbestos paper for the Chemtite process. A sheet metal cover was installed over the hydropulper to eliminate the problem of high fiber counts during the loading of the near-by Jones beater. Following the February, 1977 study, a vacuum system was installed at the slitter to control dust during the trimming of the finished roll of paper.

17. Describe in full and complete detail each of the activities which you have undertaken with the intention of warning the public of the effects of any product identified in answer to Interrogatory 1 as to the health of the user or general public and give the inclusive dates of each such activity, and:

(a) Identify each individual who participated therein and describe the nature of his participation;

(b) Identify each document which reflects, refers or relates to information pertaining to such warning;

(c) As to any information received orally in answer to this interrogatory identify each person who supplied such information and state the full substance of the information supplied.

ANSWER NO. 17: No such efforts were undertaken since the production of that product was on a pilot project only and Haveg, the contracting designer and buyer, was fully aware both of the hazards involved and how users and the general public would, if ever, come in contact with it. This information was not within Herty's knowledge.

18. Have you or any of your subsidiaries or corporate predecessors (defendant) conducted or contracted to have any entity conduct studies concerning the effects of inhalation of asbestos dust or fibers on a person using or being exposed to any of the asbestos materials manufactured by "defendant"? In answer to this question, please state:

(a) The, date, nature and location of the studies;

(b) The name or names of the persons conducting the studies and their address and describe in detail the extent of their participation;

(c) The purpose of the studies;

(d) The identity of each document which refers or relates to any information set forth in answer to this Interrogatory;

(e) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER NO. 18: No.

19. Has the answering defendant (see definition in No. 18) conducted any studies designated to minimize or eliminate the inhalation of asbestos dust and fibers by those exposed to the use of any of the products containing asbestos materials manufactured by it? If so:

- (a) The date, nature and location of your studies.
- (b) The name or names of the persons conducting such studies and their address and describe in detail the extent of this participation;
- (c) State what action, if any, was taken based upon such studies in an effort to minimize or eliminate the effects of inhalation of asbestos dust or fibers upon those using or being exposed to the dust and fibers contained in such products as manufactured by your company;
- (d) Identify each document which refers or relates to any information set forth in answer to this interrogatory.
- (e) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER NO. 19:

- (a) From around October 6, 1978 through August, 1979 Herty Foundation worked with Haveg Industries trying to develop non-asbestos papers as a substitute for the asbestos substrate that Herty had been producing for Haveg;
- (b) J. Robert Hart, then Assistant Director, Herty Foundation, Savannah, Georgia;
- (c) Studies were not completed and were not continued by Haveg;
- (d) (1) October 6, 1978 letter from Leon deBrabander, Haveg, to Robert Hart, Herty Foundation;

(2) March 9, 1979 letter and test results, Leon deBrabander to Herty Foundation;

(3) July 11, 1979 letter from Leon deBrabander to Herty Foundation;

(4) January 29, 1979 letter from Robert Hart to Leon deBrabander on samples;

(5) April 9, 1979 letter from Robert Hart to Leon deBrabander;

(6) August 22, 1979 letter from Robert Hart to Leon deBrabander;

(7) August 23, 1979 letter from Dudley Barton, Haveg Industries, to William Belvin, Herty Foundation;

(e) None.

20. What technique, if any, did and/or do you use to make dust samplings in the manufacturing and packaging production environment or at job sites where your materials have been used?

(a) Set forth in detail the technique used, when it was commenced and when, if ever, it was concluded;

(b) State the purpose for administering such samplings;

(c) State the results of such samplings;

(d) State what action, if any, has been taken in response to the findings as to the dust samples;

(e) Identify each document which refers or relates to such sampling;

(f) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

(g) Identify the living person who has the most knowledge of matters discussed herein.

ANSWER NO. 20: It was not Herty's responsibility to monitor any site other than its own plant. The responsibility for monitoring Haveg plants and workers rested with Haveg.

(a) On October 4, 1978 Leon deBrabander, Technical Manager for Haveg Industries, used two of Haveg's MSA portable pumps to monitor Herty personnel and two Herty MSA pumps were used to obtain background samples;

(b) To determine airborne concentration of asbestos fibers during a run of blue asbestos paper being manufactured for the chemtite process.

(c) Time weighted average (TWA) airborne concentration of asbestos fibers for loading the Jones beater was 13.1 fibers per cubic centimeter of air based on 2.1 hour sample period. TWA of 1.07 fibers/c.c. noted in area of the paper run, based on 3.6 hour sampling period. Background sample near the hydropulper showed TWA of .44 for a 6.25 hour sampling period. Background sample at the desk area near the slitter showed TWA of .75 for a 6.2 hour sampling period;

(d) Sheet metal cover installed over hydropulper; use of asbestos fiber in pulpable bags;

(e) Technical report prepared by Haveg: Determination of Airborne Concentrations of Asbestos Fibers - Herty Foundation, Savannah, Georgia;

(f) None.

21. State what, if any, safety measures were taken since 1935 by defendant with regard to its employees, during the processing, manufacturing and

packaging of products containing asbestos which relate to dust abatement or elimination of the discharge into the work environment of asbestos particles. If any such safety measures were taken, state:

(a) The reason for the use of such measures, equipment or clothing;

(b) The date of implementation of safety measures;

(c) Identify each document relating to safety procedures taken by employees or plant personnel in the manufacture, processing and packaging of such products;

(d) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information.

ANSWER NO. 21: See answers to Interrogatories 16-20.

22. State for the period of time the answering defendant manufactured or used at its own plants asbestos containing products the following:

(a) Knowledge as to any respirator or other breathing device which was on the market during the relevant period which would prevent the inhalation of asbestos dust and fibers;

(b) A detailed description of such respirator or other breathing device, together with all information as to how such device prevents the inhalation of asbestos dust and fibers.

(c) What tests, if any, were conducted, by whom and where, with regard to the effectiveness of any such device;

(d) Identify each document in any defendant's possession which refers or relates to the subject matter of this interrogatory.

(e) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER NO. 22: (a)-(e) Not applicable.

23. Has the "defendant" or any entity (including associations to which the defendant is or has been a member) conducted or had conducted any investigation of the statistical and/or epidemiological relationship between the use of any product identified in answer to Interrogatory 1 and the contraction by humans or animals of cancer including but not limited to mesothelioma. If so:

(a) Identify each person participating in such investigation and describe in detail the extent of this participation;

(b) State when the investigation was conducted;

(c) Identify the person or persons who authorized the investigation;

(d) Identify each document which refers or relates to any information set forth in answer to this interrogatory;

(e) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER NO 23: No.

24. Has the "defendant" or any entity (including associations to which the "defendant" is or has been a member) conducted or had conducted any investigation of the statistical and/or epidemiological relationship between the use of any product identified in answer to Interrogatory 1 and the contraction by humans of pulmonary asbestosis. If so:

(a) Identify each person participating in such investigation and describe in detail the extent of his participation;

(b) State when the investigation was conducted;

(c) Identify the person or persons who authorized the investigation;

(d) Identify each document which refers or relates to any information set forth in answer to this interrogatory;

(e) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER NO. 24: No.

25. If the answering defendant did not respond affirmatively to Interrogatory 1 but undertook the types of inquiries indicated in Interrogatories 23 and 24 - answer said interrogatories under this question including all subparts.

ANSWER NO. 25: No answer required of this answering defendant.

26. Describe in detail all written and oral reports including those reports concerning users of any of the products identified in answer to Interrogatory 1, including doctors, insurance companies, employees and agents of the defendants concerning any relationship between the use of these products and the development of pulmonary asbestosis in humans or animals;

(a) Identify all persons making said reports and to whom said reports were made;

(b) State whether any report or series of reports initiated changes and/or reevaluation of the production, sale or use, or recommendations for use, of any of those products;

(c) Identify each document which refers or relates to any information set forth in answer to this interrogatory.

(d) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER NO. 26: None.

27. Describe in detail all written and oral reports including those reports concerning users of any of the products identified in answer to Interrogatory 1, including doctors, employees and agents of the defendants concerning any relationship between the use of any of those products and the development of cancer including but not limited to mesothelioma in humans or animals:

(a) Identify all persons making said reports and to whom said reports were made;

(b) State whether any report or series of reports initiated changes and/or reevaluation of the production, sale or use, or recommendations for use, of any of those products;

(c) Identify each document which refers or relates to any information set forth in answer to this interrogatory;

(d) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER NO. 27: None.

28. For each product identified in answer to Interrogatory 1 state whether the production and/or sale of the product has been discontinued, limited or curtailed, and, if so:

- (a) State when it was discontinued;
- (b) State with specificity and particularity all the reasons for the discontinuance.
- (c) Identify each individual who participated in the decision to discontinue production and/or sale and describe in detail the extent of his participation;
- (d) Identify all documents which reflect, refer or relate to each such discontinuance;
- (e) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER NO. 28: 28. Yes.

- (a) August, 1979;
- (b) Asbestos paper was made pursuant to purchase orders from Haveg Industries, Inc.. Haveg cancelled its order in August, 1979, because Chemtite piping sales had fallen below forecast and because Haveg anticipated developing a non-asbestos substitute for the paper used in Chemtite;
- (c) Decision was made by H. Dudley Barton, Haveg Industries' General Manager;
- (d) Letter dated August 23, 1979 from H. Dudley Barton, General Manager, Haveg, to William Belvin, Director, Herty Foundation;
- (e) None.

29. Do you contend that each of the products identified in Interrogatory 1 or 70 do not or did not create any health risk to one who applies or uses the product?

- (a) If so, state the factual basis for each such contention;
- (b) If not, state:

(i) The degree and kind of risk which is created by such use;

(ii) The conditions under which such risk is created, increased or decreased;

(iii) Identify each document which reflects, refers or relates to your answers to this interrogatory;

(iv) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER NO. 29: This defendant cannot answer this question since the specific use, manner of handling, storage and production employed by Haveg in its control and use of the product once it reached Haveg were not made known to this defendant. Discovery in other Haveg cases indicates that all measurements of dust levels at locations where Herty paper was involved were within acceptable and mandated threshold limit value.

30. Do you contend that it was not your responsibility to warn the ultimate user listed in interrogatories 1 or 70 of any health risk related to products/asbestos?

(a) State the factual basis for such response;

(b) Identify each document which reflects, refers or relates to your answers to this interrogatory;

(c) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER NO. 30 Yes. Haveg controlled the end uses to which the product was put. Haveg was fully aware of asbestos hazards and the OSHA safety regulations

applicable to it and to its workers and the handling of and exposure to asbestos. See documents identified in Herty's briefs and appendix in support of its Motion for Summary Judgment in Logan v. Asbestos Corporation of America, Superior Court, Civil Action No. 82C-DE-102.

31. Do you contend that it was only the responsibility of the employing company involved, or entities other than the answering defendant, to so warn the workers of the health risks or harm to user's health arising from the use of your product or of the danger of asbestos to their health?

(a) State the basis for such contention;

(b) Identify which others were so responsible;

(c) Identify each document which reflects, refers or relates to your answer to this interrogatory;

(d) As to any information received orally in answer to this Interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER NO 31: Yes. See answer to Interrogatory 30 above.

32. Do you contend that the health danger to any plaintiff was not foreseeable by the answering defendant at the time the products alleged to have caused plaintiff's injuries were sold? If so, as to each plaintiff:

(a) State the factual basis for such contention;

(b) Identify each document relied upon in support of such contention;

(c) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER NO. 32: Objection. This interrogatory is vague in its use of the terms "danger" and "foreseeable". This defendant admits it was aware of the OSHA regulations setting forth known dangers from asbestos exposure at the time it sold products to Haveg. Haveg was also aware and in control of the plaintiffs' workplace, conditions and techniques.

33. Do you contend that the health consequences to each plaintiff from the use by each plaintiff of products containing asbestos was obvious? If so, as to each plaintiff:

- (a) State the factual basis for such contention;
- (b) Identify all documents relied upon in support of such contention;
- (c) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER NO. 33: To the extent that OSHA regulations were published and publicized at all times when this defendant sold asbestos paper to Haveg, yes.

34. Do you contend that each plaintiff knew, understood and appreciated the danger to his/her health arising from his contact with asbestos products which the answering defendant mined, distributed, manufactured or allowed to be used within their production facilities? If so, as to each plaintiff:

- (a) State the factual basis for such contention;
- (b) Identify each document relied upon in support of such contention;

(c) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER NO. 34: See answer to Interrogatory 33. This defendant is not responsible for what plaintiffs knew nor is this defendant responsible for making the OSHA regulations known to plaintiffs, nor is this defendant responsible for the failure, if any, of Haveg to publish and enforce such regulations, or the failure, if any, of plaintiffs to heed such regulations, once made known.

35. Do you contend that plaintiff unreasonably exposed himself to the danger arising from his contact with asbestos products which the answering defendant mined, distributed, manufactured or allowed to be used within the confines of a facility of the answering defendant? If so, as to each plaintiff:

(a) State the factual basis for such contention;

(b) Identify each document relied upon in support of such contention;

(c) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER NO. 35: These plaintiffs were not allegedly exposed "within the confines of a facility of this answering defendant".

36. Do you contend that plaintiffs used any asbestos product in other than their usual, customary and expected manner? If so, as to each plaintiff:

(a) State the name and chemical composition of the product claimed to have been used in other than its usual, customary and expected manner;

(b) State in detail the manner in which plaintiffs used said product in other than its usual, customary and expected manner;

(c) Identify each document relied upon in support of such contention;

(d) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER NO. 36: This defendant has no knowledge that this plaintiff, in fact, used or was exposed to any of the products this defendant manufactured. No evidence of such use or exposure has yet been advanced.

37. Has the answering defendant ever been named as a defendant in a proceeding including any other civil action, Workmen's Compensation Actions, filing of Workmen's Compensation consent agreements, or other proceedings, to recover damages for injuries resulting from any accident or alleged occupational disease (including asbestosis, cancer, etc.) as a result of exposure at the complainant in such proceedings to asbestos from 1925 to 1975;

- (a) State the name and address of each plaintiff;
- (b) State the name and address of each co-defendant;
- (c) State the date it was filed;
- (d) State the name of the Court in which it was filed;
- (e) Describe the judgment rendered;
- (f) State the date that has been set for hearing or trial of any case still pending;
- (g) Describe the terms of any settlement reached before or during trial;

(h) State whether any appeal is pending from any judgment that has been rendered;

(i) State the exact nature of the condition alleged in such action to have resulted from the plaintiffs' use of or contact with said product and identify the product involved;

(j) Identify each document which reflects, refers or relates to any information pertaining to that complaint.

(k) State the first date any notice of the complainant's problems came to the attention of the answering defendant.

(l) State whether any appeal is pending from any judgment that has been rendered.

ANSWER NO. 37: No.

38. With respect to the period from 1940 through 1980, state the names, addresses and company title or position of each person who at any time during that period was in charge of the following activities with regard to each of the products identified in answer to Interrogatory 1:

- (a) Production;
- (b) Marketing;
- (c) Labeling;
- (d) Advertising;
- (e) Product evaluation;
- (f) Research and development;
- (g) Distribution.

ANSWER NO. 38: William Belvin, Director, Herty Foundation; J. Robert Hart, Assistant Director, Herty Foundation.

39. Identify the living parties or persons who are the most knowledgeable about asbestos mined and products containing asbestos sold and/or distributed by you from 1940 to present. Identify all documents which relate to such sales and/or distribution.

ANSWER NO. 39: William Belvin.

40. Has the answering defendant or has anyone on its behalf attended and/or participated in any conference, seminar, lecture or symposium dealing with the health hazards of using any product identified in answer to Interrogatory 1 or 7 or of asbestos in general and, if so, state:

- (a) The date and place of such conference, seminar, lecture or symposium;
- (b) The person or persons conducting such conference, seminar, lecture or symposium;
- (c) The person or persons who attended on your behalf;
- (d) The subject matter of such conference, seminar, lecture or symposium;
- (e) The speakers and/or moderators at such conference, seminar, lecture or symposium;
- (f) Whether any reports or memoranda were made concerning the subject matter of such conference, seminar, lecture or symposium; identifying each such report or memorandum.

ANSWER NO. 40: No.

41. Is the answering defendant, any association it belonged to or any carrier that it had asbestos product liability with, submit to make a statement at the hearing concerning the dangers of asbestos conducted in March, 1967 before the House of

Representatives of the United State Congress Sub-Committee on Labor? If so, identify those persons who are or were associated with you that participated, and identify any writing concerning said participation.

ANSWER NO. 41: No.

42. State when, if at all, answering defendant received knowledge of the following publications or matters discussed therein, who received such knowledge and identify all documents relating to such knowledge:

(a) Fleischer, Viles, Gade and Drinker, "A Health Survey of Pipe-Covering Operations in Construction Naval Vessels," 28 J. Indus. Hyg. 9-16.

(b) Selikoff, et al., "Asbestosis and Neoplasia," 42 Am. J. Med. (1967);

(c) Selikoff, Churg and Hammon, "The Occurrence of Asbestosis Among Industrial Insulation Workers," 132 Ann. New York Acad. Sc. 139 (1965);

(d) "Documentation of the Threshold Limit Values for Substances in Workroom Air," A.C.G.I.H. (3rd 1971);

(e) "Threshold Limit Values for 1961," A.C.G.I.H. (1961).

(f) 1906 report by Dr. H. Montague Murray.

(g) 1934 study by Dr. Anthony J. Lanza, Assistant Medical Director of Metropolitan Life Insurance Company.

ANSWER NO. 42: This answering defendant has no knowledge of publications listed, other than to the extent to which they were mentioned in OSHA regulations applicable at the time Herty manufactured paper for Haveg.

43. Identify each publication contained in your research library, or otherwise in your custody, including but not by way of limitation, your Research and Development Center, all medical journals, industrial medical journals, industrial hygiene

journals, technical literature in the area of asbestos mining, manufacture, application and use, and Governmental publications, dealing with occupational diseases arising from the manufacture and use of asbestos-containing products. As to all such publications, state the volumes which are in your custody and control, when each such volume was received and the present location of such publications.

ANSWER NO. 43: Dangerous Properties of Industrial Materials by N. Irving Sax, Reinhold Publishing Corporation, 1957. This publication is located in the Herty Foundation Library. This defendant does not know the date of receipt of this book.

44. As to any threshold limit values published by the American Conference of Governmental Industrial Hygienists, state whether you have brought such information to the attention of those using your products or asbestos products on your premises. (If yes, how?) If you have not done so, state the reasons why you have not done so.

ANSWER NO. 44: See answer to Interrogatory 10 above.

45. Has answering defendant or any of its employees been: (a) a member of or (b) affiliated in any manner with or (c) received reports or (d) subscribed for reports or publication to the Industrial Hygiene Foundation organized in Pittsburgh, Pennsylvania?

ANSWER NO. 45: No.

46. With regard to Interrogatory 45, what years did answering defendant or its employee(s) participate under (a), (b), (c) or (d)?

ANSWER NO. 46: Not applicable.

47. With regard to Interrogatory 45, do you have any documents obtained from the Industrial Hygiene Foundation? If so:

- (a) List all such documents;
- (b) Who currently has them in their possession?
- (c) When was each received?
- (d) State the name of the individuals who received such documents or information contained in such documents.

ANSWER NO. 47: No.

48. Have you received any reports or documents prepared by Metropolitan Life Insurance Company from 1929 to about 1960, concerning statistical and other studies of asbestos workers? If so, state:

- (a) The documents received;
- (b) Who received them and when;
- (c) The current location of the documents.

ANSWER NO. 48: No.

49. State all chemical, industrial, medical or trade associations to which you have belonged since 1936.

ANSWER NO. 49: William L. Belvin - Member of American Chemical Society, Technical Association of Pulp and Paper Industry, Forest Products Research Society, and American Forest Association.

50. With regard to the associations enumerated in the answer to Interrogatory 49, state:

- (a) The names of each individual associated with the answering defendant since that date who have had dealings with each said association;
- (b) Describe the nature of their dealings with each such association;
- (c) State their last known address;

- (d) If still employed, their current job and title.
- (e) List all documents related to said affiliation.

ANSWER NO. 50:

- (a) William L. Belvin;
- (b) Attended selected annual meetings;
- (c) 728 Richmond Street, Raleigh, North Carolina 27609;
- (d) Retired.

51. Name each corporate officer and/or member of corporate management who attended any meeting and/or conference concerning the health, safety or medical aspects of asbestos and/or the use of products containing asbestos, and for each person identified, state the nature of his participation in each such meeting or conference.

- (a) If any papers were received or given by the individuals listed for answer to 51, list each such document and who has copies of them.

ANSWER NO. 51: None.

52. State the sources of all asbestos and/or asbestos containing products which have been incorporated in any product manufactured or distributed by answering defendant in its own facility (including installing on its equipment or buildings) or utilized from 1936 to 1980.

- (a) State the names of all individuals associated with the above stated sources who dealt with or handled your account;

- (b) Identify any such document which refers, reflects or relates to any information provided in answer to this interrogatory;

(c) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER NO. 52: Asbestos for Haveg's asbestos paper was supplied through North American Asbestos Corporation and Continental Products Corporation.

(a) Joan Holtze as Vice President of Continental Products Corporation and, previously Joan Holtze as Secretary Assistant Treasurer of North American Asbestos Corporation;

(b) Invoices from North American Asbestos Corporation and Continental Products Corporation;

(c) None;

53. State the names of all individuals associated with you who had any dealings with the requisition and/or procurement of asbestos or products containing asbestos as indicated in answer to interrogatory 52 and for each such person:

(a) Identify the nature of his association(s), the locations and the dates of their occurrence;

(b) Identify each document which refers, reflects or relates to any information provided in answer to this interrogatory;

(c) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER NO. 53: Pete Anderson, Herty Foundation;

(a) Pilot plant superintendent;

(b) Letter dated October 4, 1976 from North American Asbestos Corporation to Pete Anderson; letter dated May 8, 1978 from Continental Products Corporation to Pete Anderson.

54. State the names of all individuals who dealt with or handled the account with and/or made any sales to the employers of the Plaintiff of asbestos and/or products containing asbestos.

(a) Describe in detail the nature and dates of each such association with the said accounts;

(b) Identify each document which refers, reflects or relates to any information provided in answer to this interrogatory.

ANSWER NO. 54: William Belvin, Director, Herty Foundation:

(a) As Director, had charge of Herty project Nos. 1389, 1399, 1409, 1437, producing asbestos paper for Haveg;

(b) Invoices from Herty to Haveg; correspondence with Leon deBrabander.

J. Robert Hart, Assistant Director, Herty Foundation:

(a) As Assistant Director, Mr. Hart corresponded with Haveg's Technical Manager, Leon deBrabander, concerning the production of asbestos paper for Haveg and the experimental nonasbestos paper made for Haveg;

(b) Correspondence to Leon deBrabander.

55. Identify each individual whom you expect to call as an expert witness at the trial of this litigation, and for each person identified:

(a) The subject on which the expert is expected to testify and the substance of the facts and opinions to which he or she is expected to testify and a summary of the grounds for each opinion;

(b) Identify each document referring, relating or containing any such facts and/or opinions and identify each individual having custody of each document. identified.

ANSWER NO. 55: None yet retained.

56. Identify each individual who you have retained or employed or anticipate retaining or employing in any way in preparation of or anticipation of trial in this litigation who is not expected to be called as a witness at trial, and for each such individual:

(a) State the substance of any facts or opinion which he or she has discussed with any agent, employee or representative of the answering defendant, together with a summary of the grounds for each opinion;

(b) Identify each document referring to or containing such facts and/or opinions, and identify each person having custody of each document identified.

ANSWER NO. 56: Objection. This information is not discoverable under Rule 26(b)(3) or Rule 26(b)(4).

57. State the names, last known addresses and telephone numbers of each and every person whom you intend to call as a witness at the trial of this litigation.

(a) State the substance of any facts or opinion which he or she has discussed with any agent, employee or representative of the answering defendant, together with a summary of the grounds for each opinion;

(b) Identify each document referring to or containing such facts and/or opinions, and identify each person having custody of each document identified.

(c) Specify witnesses you intend to use at the trial of this case with respect to the occurrences and/or cause of plaintiffs' illnesses or with respect to the claimed damages or with respect to your liability.

ANSWER NO. 57: See answer to interrogatory 56.

58. State whether your corporation is and has been insured for:

(a) product liability insurance, including "excess or umbrella" policies;

(b) Workmen's Compensation

(c) For product liability coverage; state:

(i) If so, the limits of coverage;

(ii) The name of the insurance company;

(iii) Whether this claim has been accepted or whether a letter of intent to deny coverage has been received.

ANSWER NO. 58:

(a) Yes;

(b) 1975-1978 - \$300,000 combined single limit; 1979 - present - \$500,000;

(c) Aetna Insurance Company;

(d) Claim accepted.

59. In whose possession are your and your predecessors' annual reports from 1936 to the present?

ANSWER NO. 59: Objection. See answers to Interrogatories 45 to 51.

60. Describe in detail your policy with respect to the destruction of records pertaining to each of the products identified in answer to Interrogatory 1.

(a) Identify all documents pertaining to your policy, if any, regarding the destruction of such records;

(b) Identify the person or persons having custody of such policy documents;

(c) Identify the person or persons in charge of destroying records pertaining to each such product;

(d) Identify each document which refers, reflects or relates to any information provided in answer to this interrogatory.

(e) Describe what steps, if any, you have taken since the institution of this action or other actions involving asbestos to prevent the destruction of any documents relating to asbestos.

ANSWER NO. 60: All documents pertaining to these products have already been produced to plaintiffs' counsel.

61. State the names of all individuals who aided in the preparation of these answers, and for each such person, state:

(a) Which interrogatories they helped prepare or the particular subject area for which they supplied information.

(b) Their current position with the company;

(c) Their current or last known home and business address and phone numbers.

ANSWER NO. 61: In addition to defendant's counsel, Robert Hart and William Belvin.

62. State all processes used by plaintiff's employer, known to any defendant where asbestos was an ingredient.

ANSWER NO. 62: Not applicable.

63. State all use of asbestos insulation by plaintiff's employer, known to any defendant.

(a) Types of asbestos insulation used;

(b) Manufacturer and/or brand names;

- (c) Locations in said plants where said insulation was used;
- (d) The person most knowledgeable in said corporation about the purchasing of insulation by distributors that covered the states of New Jersey, Delaware, Pennsylvania and Maryland.

ANSWER NO. 63: Not applicable.

64. State whether you have entered into any agreement, either oral or written, with any other defendant in this action regarding

- (1) Settlement or non-settlement and/or
- (2) Allocation of damages, should the plaintiffs prevail on liability.

If the answer is yes to either of the above, state the substance of each such agreement and such parties who have entered into this agreement:

(a) Identify those persons who participated in the preparation of each such agreement and describe in detail the nature and extent of his participation; and

(b) Identify each document which contains, refers or relates to each such agreement.

ANSWER NO. 64: No.

65. Do you or your attorneys know of any person or persons not listed in the preceding answers having knowledge of facts relevant to the allegations in this lawsuit including witnesses to the accident, injury, illnesses, etc. in question? If yes, please state the names, addresses, home telephone numbers, places of employment, relationship to you, the present whereabouts of all such persons, and which of said persons you intend to produce as witnesses in the trial of this action.

ANSWER NO. 65: Lehman Franklin, Jr. is the present Chairman of the Board of Trustees of Herty. He has knowledge but only that acquired in this litigation.

Others with knowledge may include those identified in discovery in the state court cases. Rule 26(b)(3) does not require the disclosure of trial witnesses at this stage of the litigation.

66. Do you or your attorneys have any written statements from any persons having knowledge of facts relevant to the subject matter of this lawsuit, including witnesses to the accident, injury, illnesses, etc. in question? If yes, please state the names, addresses, home telephone numbers, places of employment, relationship to you and the present whereabouts of all such persons.

ANSWER NO 66: None, other than as previously disclosed in the state court discovery.

67. State whether you were a member of the Asbestos Information Association (A.I.A.) or in any manner received information or participated in any of the association's activities.

ANSWER NO. 67: No.

68. If your answer to any part of Interrogatory 82 is in the affirmative, please state:

- (a) The date, times and places of any A.I.A. meetings attended.
- (b) The date and time period during which you received any publication of the A.I.A.
- (c) The name, address and telephone number of each and every person who attended such meetings and to whom any such publications were sent.
- (d) The nature of the information that was furnished at meetings or in such publications.
- (e) Name, address and telephone number of the present or last known custodian of any copies of A.I.A. newsletters, correspondence or publications.

ANSWER NO. 68: Not applicable.

69. If answering defendant or any of its agents or employees received Asbestos Magazine, please state:

(a) The date and time periods during which you received such publication.

(b) The frequency of receipt, e.g., regularly, occasionally, rarely, etc.

(c) The terms, circumstances or requirements of receipt of such publication, e.g., free, by subscription, distributed at meetings, etc.

(d) Name, address and telephone number of the present or last known custodian of any copies of such magazine.

ANSWER NO. 69: Not applicable.

70. Does the answering defendant have in its possession any medical records, not previously produced in this case relating to any of the plaintiffs, including, but not limited to, charts, x-rays, physical examination reports, summaries, tape recordings of interviews and any and all other records pertaining to the medical condition of the plaintiffs? If so, plaintiffs request that such records be produced in accordance with Rule 34.

ANSWER NO. 70: No.

71. With respect to each denial and affirmative defense contained in your response to the Complaint, state the following:

(a) Identify which defense it relates to;

(b) Each fact upon which your contention is based;

(c) The names and present or last known addresses and present or last known employer of all persons having knowledge of any of the facts set out in answer to subparagraph (b) hereof;

(d) The description or designation of each document which in any way reflects, relates or refers to any of the facts set out in answer to subparagraph (b) hereof.

ANSWER NO. 71: See the preceding answers 1-70.

SECTION II

INTERROGATORIES AND REQUEST FOR PRODUCTION DIRECTED TO DEFENDANTS ON WHOSE PREMISES PLAINTIFF WAS EMPLOYED BY DEFENDANT OR OTHERS

72. Describe in detail, with specificity and particularity each product which was being installed, repaired, removed, or otherwise used on the answering defendant's premises at all relevant times which contained asbestos, and for each such product describe:

(a) Its chemical ingredients;

(b) For each ingredient contained therein state:

(i) The name or chemical composition of each substance, what harmful effect, if any are known, that it produces in man or mammals and whether it produces its harmful effects through ingestion, inhalation, absorption or a combination of these;

(ii) When you determined and/or learned that the substance produced harmful effects and how such effects were produced;

(iii) Identify each individual who participated in such determination and/or obtained such knowledge,

(iv) Identify each document that refers, reflects or relates to any information pertaining to the properties of each of the ingredients and/or how the harmful effects are produced as well as your determination of those toxic effects and the manner by which they are produced;

(v) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied;

(c) Whether any of these products were mined, manufactured or distributed by answering defendant;

(d) The location within defendant's premises where said product was being installed, repaired, or removed.

ANSWER NO. 72: Not Applicable.

73. Provide the information requested in interrogatory 2 for products listed in No. 72.

ANSWER NO. 73: Not Applicable.

74. For each product identified in answer to Interrogatory Number 72. identify:

(a) The general contractor on the project which was responsible for or participated in the installation, repair, or removal of said product,

(b) Any subcontractor or other contractor which was responsible for or participated in the installation, repair or removal of said product, and state:

(i) The type of agreement under which each named contractor was responsible for or participated in such installation, repair or removal (e.g. subcontractor, independent contractor);

(ii) The extent of each named contractor's expressed responsibility or participation under said agreement.

(c) Any other person, firm or entity who was responsible for or participated in the installation, repair or removal of said products;

(d) Each document which refers, reflects or pertains to any information provided in the answer to this interrogatory;

(e) As to any information received orally in answer to this interrogatory, identify each person who has supplied such information and state the full substance of the information supplied.

ANSWER NO. 74: Not Applicable.

75. Identify any supervisory personnel of answering defendant or the entity performing the functions enumerated in Interrogatory No. 72 who were present during some or all of the installation, repair or removal of the products identified in answer to Interrogatory Number 72, and for each such person, state:

(a) The name of the person, firm or other entity who had the authority to hire him/her;

(b) The name of the person, firm or other entity who had the authority to fire him/her;

(c) The name of the person, firm or other entity who actually paid his/her wages;

(d) The name of the person, firm or other entity who had control over his/her day to day performance.

ANSWER NO. 75: Not Applicable.

76. Identify each and every worker on answering defendant's job site who participated in the installation, repair or removal of the products identified in answer to Interrogatory Number 72 at all relevant times, and for each such person state:

- (a) His job title at the job site;
- (b) His duties at the job site;
- (c) The local union to which he belonged at that time, if any;
- (d) The name of the person, firm or other entity who had the authority to:

- (i) Hire him/her;
- (ii) Fire him/her;
- (iii) Pay his/her wages;
- (iv) Control his/her day to day performance on the job.

ANSWER NO. 76: Not Applicable.

77. For each product identified in answer to Interrogatory Number 72, state what person, firm or other entity was responsible or participated in providing said product to the workers on the job site?

- (a) How was the product purchased or otherwise acquired, before being distributed for use on the job site?

ANSWER NO. 77: Not Applicable.

78. For each product identified in answer to Interrogatory Number 72 state:

- (a) What person, firm or other entity purchased and/or obtained said product;
- (b) Where it was purchased, and/or obtained;
- (c) From whom it was purchased;

- (d) The dates it was purchased;
- (e) The manner in which it was received, stored and distributed for use on the job site.

ANSWER NO. 78: Not Applicable.

79. State whether asbestos products were being installed, repaired or removed on answering defendant's premises during the relevant time in areas where electrical construction workers were required to work. If so, describe:

- (a) Whether and when answering defendant became aware of these circumstances;
- (b) Any action which defendant took to insure the safety of such workers under these circumstances.

ANSWER NO. 79: Not Applicable.

80. State what action, if any, you have taken since 1935 to reduce or eliminate any risk of occupational disease or personal injury to those using asbestos products or to those in close proximity to those using such products while on your premises, which arises from the inhalation of dust and fibers.

ANSWER NO. 80: See answer to number 20.

81. Describe in full and complete detail each of the activities which you have undertaken with the intention of warning workers on your Premises of the effects of any product identified in answer to Interrogatory 1 as to the health of the user or those in close proximity to the user and give the inclusive dates of each such activity, and

- (a) Identify each individual who participated therein and describe the nature of his participation;
- (b) Identify each document which reflects, refers or relates to information pertaining to such warning;

(c) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER NO. 81: See answer to number 20.

82. State what if any safety measures were taken by you as to your employees, or other workers on your premises during the installment, repair or removal of products containing asbestos. If any such safety measures were taken, state:

(a) The reason for the use of such measures, equipment or clothing;

(b) Identify each document relating to safety procedures taken by such employee or workers;

(c) Identify each individual who participated in the decision to remove said product and describe in detail the extent of his participation;

(d) Identify all documents which reflect, refer or relate to each such discontinuance;

(e) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER NO. 82: Not Applicable.

85. For each product identified in answer to Interrogatory 72, state whether the use of that product in any or all of your premises has been limited and/or curtailed, reduced or discontinued and, if so:

(a) Describe how it was so limited or curtailed or reduced.,

(b) State when it was so limited, curtailed or reduced;

(c) State with specificity and particularity all of the reasons for the limitation, curtailment or reduction,

(d) Identify each individual who participated and the extent of his participation in the decision to so limit, curtail or reduce production and/or sale;

(e) Identify each document which reflects, refers or relates to the limitation, curtailment or reduction and or the decision to implement the limitation, curtailment or reduction;

(f) As to any information received orally in answer to this interrogatory, identify each person who supplied such information and state the full substance of the information supplied.

ANSWER NO. 85: Not Applicable.

86. Identify the living parties or persons who are the most knowledgeable about the installation, repair or removal of asbestos products on your premises during the relevant dates.

ANSWER NO 86: Not Applicable.

87. State what person, entity or firm was responsible for determining whether asbestos containing products would be installed, repaired or removed from your premises during the relevant dates.

ANSWER NO. 87: Not Applicable.

SECTION III

INTERROGATORIES DIRECTED TO ALL RAILROAD DEFENDANTS

88. (a) Identify the dates of all sales of asbestos-containing products by answering defendant (or its alleged corporate predecessors as set forth in plaintiffs'

complaints) to the railroad defendants in these cases (Amtrack, Penn Central Transportation Company and the Pennsylvania Railroad).

(b) Identify all documents concerning such sales to these railroads.

ANSWER NO. 88: Not applicable.

89. Identify all documents concerning sale of asbestos-containing products by answering defendant to the railroad defendants and their predecessors to the railroad defendants:

(a) Wilmington, Delaware railroad shops;

(b) Philadelphia, Pennsylvania railroad shops.

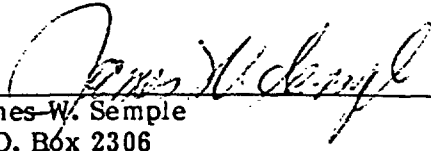
ANSWER NO. 89: Not applicable.

90. (a) Describe below in detail each and every asbestos-containing product sold or manufactured by answering defendant or its alleged corporate predecessors as set forth in plaintiffs' complaints.

(b) Describe all similar products that were non-asbestos-containing.

ANSWER NO. 90: Not applicable.

MORRIS, JAMES, HITCHENS & WILLIAMS

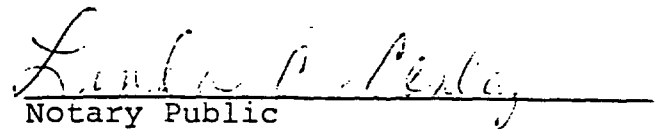

James W. Semple
P. O. Box 2306
Twelfth and Market Streets
Wilmington, Delaware 19899
Attorneys for Third Party Defendant
Herty Foundation

STATE OF GEORGIA)
) SS.
COUNTY OF CHATHAM)

BE IT REMEMBERED that on this 12 day of
April, A.D., 1947, personally appeared before me,
the Subscriber, a Notary Public for the State and County afore-
said, H. Lehman Franklin, Jr., who being duly sworn
according to law did depose and say that the foregoing Answers
to Interrogatories are true and correct to the best of
knowledge, information and belief.



SWORN TO AND SUBSCRIBED before me the day and year
aforesaid.


Notary Public

AFFIDAVIT OF MAILING

MORRIS, JAMES, HITCHENS & WILLIAMS, on this 2nd day of
May, A.D., 1986, do hereby certify that
two copies of the within Answers of Defendant Herty Foundation
to Interrogatories

were forwarded to See attached list

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MORRIS, JAMES, HITCHENS &
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By: Margaret M. Danko
Margaret M. Danko
Secretary to James W. Semple
Attorneys for Herty Foundation

SWORN TO AND SUBSCRIBED before me this 2nd day of

May ___, 1986.

Robert M. Quirk
Notary Public

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SERVICE LISTS

CASE	ATTORNEY	ADDRESS	CLIENT
O'NEAL	STEPHEN W. SPENCE	HECKLER, CATTIE & PHILLIPS 1200 W. 9TH STREET P.O. BOX 128 WILMINGTON, DE 19899	JOHNS-MANVILLE
O'NEAL	JOHN ELZUFON	ELZUFON & BAILEY 1824 MARKET TOWER P.O. BOX 434 WILMINGTON, DE 19801	GALE
O'NEAL	ROGER A. AKIN	SAWYER & AKIN DELAWARE TRUST BUILDING P.O. BOX 112 WILMINGTON, DE 19899	PACOR
O'NEAL	RICHARD P.S. HANNUM	PRICKETT, JONES, ELLIOT, KRISTOL & SCHNEE 11310 KING STREET P.O. BOX 1328 WILMINGTON, DE 19899	KEENE CORP.
O'NEAL	WARREN BURT	1700 MELLON BANK CENTER 1919 MARKET STREET WILMINGTON, DE 19801	JOY PARTEK AB
O'NEAL	DOUG CATTS	SCHMITTINGER & RODRIGUEZ 1414 S. STATE STREET P.O. BOX 497 DOVER, DE 19903	CELOTEX
O'NEAL	JAMES F. KIPP	11TH & BANCROFT PARKWAY P.O. BOX 429 WILMINGTON, DE 19899	ACCA
O'NEAL	WALTER L. PEPPERMAN, II; DONALD E. REID	MORRIS, NICHOLS, ARSHT & TUNNELL 12TH & MARKET STREETS P.O. BOX 1347 WILMINGTON, DE 19899	HUXLEY
O'NEAL	JEFFREY MARLIN	TYBOUT, REDFEARN, CASARINO & PELL P.O. BOX 2032 WILMINGTON, DE 19899	SPECIAL MATERIALS YORK INDUSTRIES
O'NEAL	JOHN C. PHILLIPS, JR.	HECKLER, CATTIE & PHILLIPS 1200 WEST 9TH STREET	MEAD; METT;

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SERVICE LISTS

CASE	ATTORNEY	ADDRESS	CLIENT
		P.O. BOX 128 WILMINGTON, DE 19899	POWHATAN
O'NEAL	SOMERS S. PRICE, JR.	POTTER, ANDERSON & CORROON 350 DELAWARE TRUST BLDG. P.O. BOX 951 WILMINGTON, DE 19899	LUKENS
O'NEAL	JAMES W. SEMPLE	MORRIS, JAMES, HITCHENS & WILLIAMS 12TH & MARKET STREETS P.O. BOX 2306 WILMINGTON, DE 19899	HERTY FOUNDATIO
O'NEAL	STUART B. YOUNG	YOUNG, CONAWAY, STARGATT & TAYLOR RODNEY SQUARE NORTH P.O. BOX 391 WILMINGTON, DE 19899	HOLLINGSWORTH &
O'NEAL	J.R. JULIAN	P.O. BOX 2171 WILMINGTON, DE 19899	GAF
O'NEAL	JAMES T. PERRY	KOMISSAROFF & PERRY ONE CUSTOMS HOUSE SQUARE P.O. BOX 1568 WILMINGTON, DE 19899	EAGLE RICHER
O'NEAL	MARY PAT TROSTLE	BIGGS & BATTAGLIA 11206 GIRARD BANK BUILDING P.O. BOX 1489 WILMINGTON, DE 19899	CHAMPLAIN CABLE; HERCULES; HAYES
O'NEAL	ROBERT JACOBS	Jacobs & Crumplar P.O. Box 2223 Wilmington, DE 19899	Plaintiffs