

IN RE: ALL ASBESTOS-RELATED
PERSONAL INJURY OR
DEATH CASES FILED OR
TO BE FILED IN
DALLAS COUNTY, TEXAS

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IN THE DISTRICT COURT

DALLAS COUNTY, TEXAS

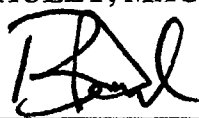
68TH JUDICIAL DISTRICT

**DEFENDANT BIRD INCORPORATED'S AMENDED OBJECTIONS AND
RESPONSES TO PLAINTIFFS' MASTER INTERROGATORIES
AND REQUEST FOR PRODUCTION OF DOCUMENTS**

COMES NOW, BIRD INCORPORATED, and files its Objections and Responses to Plaintiffs' Interrogatories and Request for Production of Documents pursuant to the Texas Rules of Civil Procedure and the In Re: All Asbestos-Related Personal Injury or Death Cases Filed or To Be Filed in Dallas County, Texas Order regarding Master Discovery Requests, entered on November 19, 1999 by Judge Gary Hall, 68th Judicial District Court.

Respectfully submitted,

McCAULEY, MACDONALD & DEVIN, P.C.

BY: 

Clayton E. Devin

State Bar No. 05787700

Bryan D. Pollard

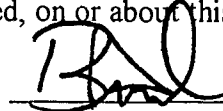
State Bar No. 00795592

3800 Renaissance Tower
1201 Elm Street
Dallas, Texas 75270
(214) 744-3300
(214) 747-0942 (FAX)

**ATTORNEYS FOR DEFENDANT
BIRD INCORPORATED**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendant, Bird Incorporated's Objections and Responses to the Master Interrogatories and Requests for Production for all Asbestos Related Personal Injury or Death Cases has been served on Baron & Budd, P.C. and Brent Coon & Associates, via certified mail, return receipt requested, on or about this the 8th day of May, 2002.

A handwritten signature in black ink, appearing to read "B. Pollard", is written over a horizontal line.

BRYAN D. POLLARD

PREAMBLE

Defendant Bird Incorporated traces its roots to 1795. George L. Bird & Son was incorporated in 1918 and was known as Bird & Son, Inc., until 1983. (Hereafter, the foregoing corporations are referred to collectively as "Bird"). The following table outlines the facilities owned by Bird that were believed to have manufactured asbestos products:

Location	Year Opened/ Bought	Year Closed	Disposition
Norwood, MA	1904 (or earlier)	--	Continuing
Chicago, IL (76th St.)	1928 (or earlier)	1971	Sold to Sheldon Simborg
Shreveport, LA	1937	1984	Sold to Genstar; repurchased by Bird in 1998
Charleston, SC	1954	1984	Sold to Genstar; repurchased by Bird in 1998
Perth Amboy, NJ	1962	1981	Plant closed. Sold real estate.
Portland, OR	1968	1984	Sold to Genstar; repurchased by Bird in 1998
Martinez, CA	1968	1984	Sold to Genstar; repurchased by Bird in 1998
Wilmington, CA	1968	1984	Sold to IKO Sales Ltd. (Toronto)
Chicago, IL (South Central Ave.)	1976	1981	Sold to IKO Sales Ltd. (Toronto)
Franklin, OH	1976	1981	Sold to IKO Sales Ltd. (Toronto)

When the foregoing roofing plants were sold, custody of any business records passed on to their respective purchasers. Bird presently has access to roofing plant documents stored at the Norwood, Massachusetts, roofing plant.

Bird's corporate headquarters were maintained at East Walpole, Mass. from 1817 until 1986 at which time the number of headquarters personnel was reduced from around 200 employees to about 20 employees and relocated to Dedham, Mass. At the time of that relocation, some, but not all, of the files maintained at East Walpole were transferred to Dedham or to Norwood.

By reason of the foregoing, the only remaining documents known to have potential relevance to the manufacturing and sale of asbestos-containing products are located in Norwood. The answers to the following interrogatories are based upon those documents, general knowledge, and upon the discussions with past or present employees. Therefore, these responses represent the current and best understanding of the history of the company and its products. If additional information should become available, these answers will be supplemented accordingly.

**OBJECTIONS AND SUPPLEMENTAL RESPONSES TO PLAINTIFFS' MASTER
INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS**

**BIRD INCORPORATED GENERALLY ADOPTS AND INCORPORATES
BY REFERENCE ALL PREVIOUSLY FILED DISCOVERY RESPONSES
AND OBJECTIONS FILED ON ITS BEHALF.**

General Objection

The definition of instructions preceding the Master Set of Interrogatories and Request for Production are overly broad, vague and general and go well beyond the permissible limits established by the Texas Rules of Civil Procedure and the interrupting case law. Furthermore, Plaintiff's Interrogatories far exceed the Rules of Procedure by requiring Defendant to provide in excess of twenty-five (25) responses.

ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 1: State the name, address, job title, length of time employed by Defendant, and a year-by-year list of all other positions, titles or jobs held when working for Defendant of each person who has supplied any information used in answering these interrogatories.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because the discovery is propounded for the purpose of harassment or annoyance. TEXAS RULE OF CIVIL PROCEDURE 192.6(b).

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows:

Richard Maloof
President, Roofing Division
1077 Pleasant Street
Norwood, MA 02062
(781) 551-0656

Thomas J. Hartnett
Former Vice-President, Sales
1077 Pleasant Street
Norwood, MA 02062
(781) 551-0656

Clifford J. Patenaude
Research & Development
and Quality Control Manager
1077 Pleasant Street
Norwood, MA 02062
(781) 551-0656

Frank S. Anthony
Vice-President and General Counsel
1077 Pleasant Street
Norwood, MA 02062
(781) 551-0656

A. Gib Marsh
4117 Birchgarden Dr.
High Point, NC 27265
(336) 812-4735

J. Kent Colvin
818 Captain Shreve Drive
Shreveport, LA 71105
(318) 865-4473

In addition, legal counsel for Defendant assisted in compiling the information, and preparing the responses.

INTERROGATORY NO. 2: State whether or not you are a corporation. If so, state your correct corporate name, the state of your incorporation, the address of your principal place of business, the name and address of the person or entity authorized to accept service of process on your behalf, and whether or not you have ever held a Certificate of Authority to do business in the State of Texas.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: Bird Incorporated is a Massachusetts Corporation with its principal place of business in Norwood, Massachusetts.

INTERROGATORY NO. 3: Has defendant or any of its predecessors or subsidiary companies at any time engaged in the mining and subsequent sale of material containing asbestos fibers? If so, identify the location of the mine(s), the years of its operation, the type of asbestos mined and whether you sold any asbestos to any Defendants in the Dallas County asbestos litigation.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: Based on information and belief, Bird, Inc. has never participated in the mining of asbestos fibers.

INTERROGATORY NO. 4: Identify by name each product containing asbestos fibers that Defendant or any of its predecessor or subsidiary companies at any time manufactured or sold.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because the discovery is propounded for the purpose of harassment or annoyance. TEXAS RULE OF CIVIL PROCEDURE 192.6(b).

ANSWER: Subject to the foregoing objection, and without waiving same, the following is an approximation of the manufacturing of these products based on information and belief:

See attachment.

INTERROGATORY NO. 5: Identify by name each product containing asbestos fibers that Defendant or any of its predecessor or subsidiary companies at any time marketed or sold.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because the discovery is propounded for the purpose of harassment or annoyance. TEXAS RULE OF CIVIL PROCEDURE 192.6(b).

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: Please see Defendant's Answer to Interrogatory No. 4.

INTERROGATORY NO. 6: If the answer to one or more of the last three interrogatories is in the affirmative or lists any products, state as to each named product the following:

- (a) As to each product, state whether such product was mined, manufactured, marketed and/or sold.
- (b) The names of the companies mining, manufacturing, marketing and/or selling each product mined, manufactured, marketed and/or sold.
- (c) The trade or brand name of each of those products mined, manufactured, marketed and/or sold.
- (d) The date each of the named products was placed on the market.
- (e) A description of the physical (chemical) compositions of each of the named products, including the type of asbestos contained in the product and the percentage of asbestos put in each product.
- (f) The date each of the products was removed from the market and no longer sold or distributed and the reason or reasons therefor.
- (g) The date asbestos was removed from such products, if ever, and the reasons therefor.
- (h) A description of the physical appearance of each of the named products.
- (i) A detailed description of the intended uses of the named products.
- (j) Identify the last year that you sold each asbestos-containing product.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the

subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the Interrogatory is overly broad as it would require this Defendant to marshal the entire evidence it will use at trial on the subject matters. TEXAS RULE OF CIVIL PROCEDURE 197 Comment 1 and TEXAS RULE OF CIVIL PROCEDURE 192 COMMENT 5. Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because the discovery is propounded for the purpose of harassment or annoyance. TEXAS RULE OF CIVIL PROCEDURE 192.6(b). Furthermore, this interrogatory and its sub-parts are nothing more than a "fishing expedition" prohibited by the Texas Rules of Civil Procedure and by *Loftin v. Martin*, 776 S.W.2d 145, 148 (Tex. 1989).

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: Please see Defendant's Answer to Interrogatory No. 4.

INTERROGATORY NO. 7: Do any documents, including but not limited to written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the design, preparation, or introduction into the market of the products listed in Interrogatory No. 6 still exist? If so, state:

- (a) A description of each such document.
- (b) The names, address and job title of each person who currently has possession of each document, and where the documents are currently located.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because the discovery is propounded for the purpose of harassment or annoyance. TEXAS RULE OF CIVIL PROCEDURE 192.6(b). This request on its face seeks only materials protected by privilege. See *Nat. Un. Fire Ins. Co. v. Valdez*, 863 S.W.2d 458, 459 (Tex. 1993); *Texas Tech University Health Sciences Ctr. v. Schild*, 828 S.W.2d 502, 503-4 (Tex. App.--El Paso

1992). Certain documents are being withheld and not disclosed based upon the protections afforded by these privileges.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: Any such documents are available for inspection and copying at the office of Brian S. Clary & Associates, co-counsel for Bird Incorporated, at a mutually convenient date and time.

INTERROGATORY NO. 8: Before distributing, selling or placing the products listed in your responses to Interrogatory Nos. 3-6 into the streams of commerce, where any tests conducted to determine potential health hazards involved in the use of, or exposure to, the materials such as asbestos contained in those products? If the answer in affirmative, state:

- (a) The names of the products tested and the date of each test.
- (b) The name, address, and job title of each person conducting the tests or involved with conducting the tests.
- (c) The results of the tests.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the Interrogatory is overly broad as it would require this Defendant to marshal the entire evidence it will use at trial on the subject matter. TEXAS RULE OF CIVIL PROCEDURE 197 Comment 1 and TEXAS RULE OF CIVIL PROCEDURE 192 COMMENT 5. Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because the discovery is propounded for the purpose of harassment or annoyance. TEXAS RULE OF CIVIL PROCEDURE 192.6(b). This request on its face seeks only materials protected by privilege. See *Nat. Un. Fire Ins. Co. v. Valdez*, 863 S.W.2d 458, 459 (Tex. 1993); *Texas Tech University Health Sciences Ctr. v. Schild*, 828 S.W.2d 502, 503-4 (Tex. App.--El Paso 1992). Certain documents are being withheld and not disclosed based upon the protections afforded by these privileges.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: Bird products have been tested a variety of ways. Primarily, and most

recently, a Bird asbestos roof underwent an air sampling during a removal process. This process revealed that workers were not exposed to levels of asbestos fibers above the prevailing standards for exposure as promulgated by the governmental agencies regulating such exposure. The only test Bird is aware of for its products prior to distributing, selling, and placing the products into the stream of commerce would have been testing for the properties of the products for purposes of quality and durability. These documents are voluminous, but are available for inspection and copying at the office of Brian S. Clary & Associates, co-counsel for Bird Incorporated.

INTERROGATORY NO. 9: Do any documents, including but not limited to written memoranda, specifications, recommendations, blueprints or other written materials of any kind or character, relating to the testing of the products referred to in Interrogatory No. 6 now exist? If so, state:

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

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because the discovery is propounded for the purpose of harassment or annoyance. TEXAS RULE OF CIVIL PROCEDURE 192.6(b). This request on its face seeks only materials protected by privilege. *See Nat. Un. Fire Ins. Co. v. Valdez*, 863 S.W.2d 458, 459 (Tex. 1993); *Texas Tech University Health Sciences Ctr. v. Schild*, 828 S.W.2d 502, 503-4 (Tex. App.--El Paso 1992). Certain documents are being withheld and not disclosed based upon the protections afforded by these privileges.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: Documents concerning performance and durability and other experiments for product development, improvement, and quality control still exist.

INTERROGATORY NO. 10: Did Defendant or any of its predecessor or subsidiary companies make any design changes or modifications as a result of those tests described in response to Interrogatory No. 8? If the answer is affirmative, state:

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

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the Interrogatory is overly broad as it would require this Defendant to marshal the entire evidence it will use at trial on the subject matter. TEXAS RULE OF CIVIL PROCEDURE 197 Comment 1 and TEXAS RULE OF CIVIL PROCEDURE 192 COMMENT 5. Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because the discovery is propounded for the purpose of harassment or annoyance. TEXAS RULE OF CIVIL PROCEDURE 192.6(b). This request on its face seeks only materials protected by privilege. *See Nat. Un. Fire Ins. Co. v. Valdez*, 863 S.W.2d 458, 459 (Tex. 1993); *Texas Tech University Health Sciences Ctr. v. Schild*, 828 S.W.2d 502, 503-4 (Tex. App.--El Paso 1992). Certain documents are being withheld and not disclosed based upon the protections afforded by these privileges.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: Products were constantly tested for durability, performance and strength and adjustments would be made in formula and composition to create the best possible product.

INTERROGATORY NO. 11: After releasing the products listed in Interrogatory No. 6 to the public, were any tests conducted on them to determine potential health hazards resulting from the use or exposure to the materials, such as asbestos, contained in those products? If the answer is affirmative, state:

- (a) The names of the products tested and the dates of such tests.

- (b) The name, address and job title of each person who conducted those tests.
- (c) The results of those tests.
- (d) Whether, as a result of the tests, any products were removed from the market.
- (e) The names of all products removed from the market as a result of these tests.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the Interrogatory is overly broad as it would require this Defendant to marshal the entire evidence it will use at trial on the subject matter. TEXAS RULE OF CIVIL PROCEDURE 197 Comment 1 and TEXAS RULE OF CIVIL PROCEDURE 192 COMMENT 5. Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because the discovery is propounded for the purpose of harassment or annoyance. TEXAS RULE OF CIVIL PROCEDURE 192.6(b). This request on its face seeks only materials protected by privilege. *See Nat. Un. Fire Ins. Co. v. Valdez*, 863 S.W.2d 458, 459 (Tex. 1993); *Texas Tech University Health Sciences Ctr. v. Schild*, 828 S.W.2d 502, 503-4 (Tex. App.--El Paso 1992). Certain documents are being withheld and not disclosed based upon the protections afforded by these privileges.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: Please see Defendant's answer to Interrogatory No. 8.

INTERROGATORY NO. 12: Do any documents, including written memoranda, specifications, recommendations, blueprints or other written materials of any kind or character, relating to the potential health hazards of the products listed in Interrogatory No. 6 now exist? If so, state:

- (a) The name of each product.
- (b) A description of each document and how it relates to each product.
- (c) The name, address and job title of each person who currently has possession of each document, and where it is presently located.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a).

Defendant objects to this Interrogatory because the Interrogatory is overly broad as it would require this Defendant to marshal the entire evidence it will use at trial on the subject matter. TEXAS RULE OF CIVIL PROCEDURE 197 Comment 1 and TEXAS RULE OF CIVIL PROCEDURE 192 COMMENT 5. Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because the discovery is propounded for the purpose of harassment or annoyance. TEXAS RULE OF CIVIL PROCEDURE 192.6(b). This request on its face seeks only materials protected by privilege. *See Nat. Un. Fire Ins. Co. v. Valdez*, 863 S.W.2d 458, 459 (Tex. 1993); *Texas Tech University Health Sciences Ctr. v. Schild*, 828 S.W.2d 502, 503-4 (Tex. App.--El Paso 1992). Certain documents are being withheld and not disclosed based upon the protections afforded by these privileges.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: Please see Defendant's Answer to Interrogatory No.8.

INTERROGATORY NO. 13: Did Defendant or any of its subsidiary companies make any design changes as a result of the tests discussed in your response to Interrogatories No. 8 or 11? If the answer is affirmative, state:

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

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the Interrogatory is overly broad as it would require this Defendant to marshal the entire evidence it will use at trial on the subject matter. TEXAS RULE OF CIVIL PROCEDURE 197 Comment 1 and TEXAS RULE OF CIVIL PROCEDURE 192 COMMENT 5. Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because the discovery is propounded for the purpose of harassment or annoyance. TEXAS

RULE OF CIVIL PROCEDURE 192.6(b). This request on its face seeks only materials protected by privilege. *See Nat. Un. Fire Ins. Co. v. Valdez*, 863 S.W.2d 458, 459 (Tex. 1993); *Texas Tech University Health Sciences Ctr. v. Schild*, 828 S.W.2d 502, 503-4 (Tex. App.--El Paso 1992). Certain documents are being withheld and not disclosed based upon the protections afforded by these privileges.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: Please see Defendant's Answer to Interrogatory No 8.

INTERROGATORY NO. 14: Has Defendant or any of its predecessor or subsidiary companies at any time published or distributed any printed material, including brochures, pamphlets, catalogs, packaging or other written material of any kind or character containing any warnings concerning the possibility of injury resulting from the use of the asbestos-containing products listed in Interrogatory No. 6? If so, state:

- (a) The names of each relevant product.
- (b) The exact wording of each warning statement on each printed material.
- (c) A description of the printed material other than the warning statement.
- (d) The method used to distribute the warning to persons likely to use the product.
- (e) The date each warning was first issued, distributed or placed on packaging.
- (f) The name, address and job title of each person responsible for having drafted or issued the warning.
- (g) The current location of any such printed material and the custodian thereof.
- (h) The form in which such literature or printed material can be accessed, i.e., the manner in which such literature is indexed or stored.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because the discovery is propounded for the purpose of harassment or annoyance. TEXAS RULE OF CIVIL PROCEDURE 192.6(b). Furthermore, this Interrogatory is predicated on an interrogatory which is in and of itself objectionable.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: Products made and manufactured by Bird Incorporated that contained asbestos, would include required warnings from the regulatory agencies for those products. These warnings would include, for example, the inflammability of the product, the danger of ingesting the product, the need for ventilation, and avoiding the inhalation of fumes. Warnings concerning asbestos were not required by law, nor were they necessary as Bird's products had fully encapsulated asbestos and were not unsafe.

INTERROGATORY NO. 15: Before 1970, had you received notice that any individual or individuals, other than those Plaintiffs who have filed personal injury actions in Texas State Courts is or are claiming or has or have claimed an injury as a result of using asbestos products manufactured and/or sold by your company or any of its predecessors or subsidiaries before 1970? If so, state:

- (a) The name and address of each claimant.
- (b) The date of notice of each claim.
- (c) A description of the claim.
- (d) The type of injuries allegedly sustained.
- (e) The name and address of each attorney who represents each individual making a claim.
- (f) The style and court number of each claim.
- (g) The disposition of each claim that has been settled or taken to judgment.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because the discovery is propounded for the purpose of harassment or annoyance. TEXAS RULE OF CIVIL PROCEDURE 192.6(b).

INTERROGATORY NO. 16: Were your asbestos products distributed, marketed, packaged, labeled and/or sold by companies other than your own? If the answer is affirmative, list the names and addresses of each of those companies, and the products in question.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because the discovery is propounded for the purpose of harassment or annoyance. TEXAS RULE OF CIVIL PROCEDURE 192.6(b). Furthermore, this Interrogatory is overly broad and vague as to the question and is not time-specific.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: Bird had arrangements with companies to sell its products and to sell products made by other companies. Included within this arrangement would be Karnak, Gardner, Flintkote, Ruberoid, Palmer, and perhaps others. The exact details and duration of these "relabeling" agreements are unknown.

INTERROGATORY NO. 17: Did you or any of your predecessors, successors or subsidiaries have any distributors or sales representatives of asbestos products in the States of Alabama, Florida, Mississippi, Oregon, Washington, Georgia, Tennessee, Arkansas, Texas and Virginia? If so, state:

- (a) The name and address of each such distributor or sales representatives.
- (b) The years in which such company or person distributed, marketed or sold your products.
- (c) What products were distributed, marketed or sold and in what years.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because the discovery is propounded for the purpose of harassment or annoyance. TEXAS RULE OF CIVIL

PROCEDURE 192.6(b). Furthermore, this Interrogatory is overly broad and vague as to the question and is not time-specific.

INTERROGATORY NO. 18: List each employee (including only physicians and/or hygienists) who has acted in a medical advisory capacity to your company at any time during the past 40 years, including, but not limited to, physicians and industrial hygienists, and the current address, telephone number and job title of each of those individuals and who has, had or may have had any knowledge regarding the hazards of asbestos.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because the discovery is propounded for the purpose of harassment or annoyance. TEXAS RULE OF CIVIL PROCEDURE 192.6(b). Furthermore, this Interrogatory is overly broad and vague as to the question and is not time-specific.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: Based upon the information available, Defendant never employed any physicians or industrial hygienist to act as a medical advisor. Defendant did, however, have employees who did testing. In addition, outside companies did testing at the manufacturing facilities for the release of asbestos dust. Furthermore, Dr. Phillip McCarthy was retained, but not employed, by Defendant to make regularly scheduled visits to Defendant's facilities to examine Defendant's employees from approximately 1975 to 1983. He was preceded in this capacity by Dr. Bourke and Dr. Grogan, who, upon information and belief are now deceased.

INTERROGATORY NO. 19: Does Defendant have in its possession any books, pamphlets, memoranda, or written material of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings? If so, state:

- (a) The name of each such publication.
- (b) The date of publication and the names of the author and publisher (if any).
- (c) The date received by Defendant, if known.

- (d) The name, job title, and address of each person who currently has possession of each publication and its present location.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the Interrogatory is overly broad as it would require this Defendant to marshal the entire evidence it will use at trial on the subject matter. TEXAS RULE OF CIVIL PROCEDURE 197 Comment 1 and TEXAS RULE OF CIVIL PROCEDURE 192 COMMENT 5. Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). This request on its face seeks only materials protected by privilege. *See Nat. Un. Fire Ins. Co. v. Valdez*, 863 S.W.2d 458, 459 (Tex. 1993); *Texas Tech University Health Sciences Ctr. v. Schild*, 828 S.W.2d 502, 503-4 (Tex. App.--El Paso 1992). Certain documents are being withheld and not disclosed based upon the protections afforded by these privileges.

ANSWER: Any non-privileged documents responsive to this request are available for inspection and copying at a prearranged convenient time and place.

INTERROGATORY NO. 20: Has Defendant or any of its subsidiaries or predecessor companies at any time been a member of any trade organization or association that published or disseminated any documents or information relating to the hazards of asbestos comprised of other manufacturers, miners, marketers, and/or sellers of asbestos products? If so, state:

- (a) The name and address of each such association or organization.
- (b) The dates during which Defendant or any of its subsidiaries or predecessors were members.
- (c) The names and dated of any publications, minutes, or reports published, written or disseminated by any of the named associations or organizations.
- (d) Whether any of those publications are still in your possession, and if so:
 - (i) A description of the publications, including the date.
 - (ii) The current location of such publications.
 - (iii) The custodian of such publications.
 - (iv) The method or manner in which such publications are maintained.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because the discovery is propounded for the purpose of harassment or annoyance. TEXAS RULE OF CIVIL PROCEDURE 192.6(b).

ANSWER: Defendant was a member of roofing organizations that printed materials regarding asbestos. These would include ARMA (Asphalt Roofing Manufacturers Association).

INTERROGATORY NO. 21: Identify by name and location each plant or manufacturing facility in which the products listed in your answers to interrogatory Nos. 3-6 were manufactured, assembled or prepared for sale or marketing, specifying which plants produced each item, the dates each plant is or was in operation, and the time span during which each named item was produced or manufactured.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because the discovery is propounded for the purpose of harassment or annoyance. TEXAS RULE OF CIVIL PROCEDURE 192.6(b). Furthermore, this Interrogatory is predicated on interrogatories which are in and of themselves objectionable.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: Please see Defendant's answer to Interrogatory No. 4 and the attached Product List.

INTERROGATORY NO. 22: Have printed sales materials been prepared by Defendant or any of its subsidiary or predecessor companies or their agents for purposes of marketing or advertising products containing asbestos? If so, state:

- (a) The name, address and job title of each person or entity who prepared such materials.
- (b) The name, address and job title of each person who currently has possession of such materials and their present location.
- (c) The date the materials were prepared.
- (d) The media used to disseminate the sales materials.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because the discovery is propounded for the purpose of harassment or annoyance. TEXAS RULE OF CIVIL PROCEDURE 192.6(b).

ANSWER: Documents exist that demonstrate the promotion of Defendant's products and how to use them throughout the years, including those products that had asbestos fiber as a component of the overall content.

INTERROGATORY NO. 23: Have any written or printed materials or instructions of any kind or character been prepared by Defendant or any of its subsidiary or predecessor companies or their agents indicating how asbestos products should be used and maintained? If so, state:

- (a) The name, address and job title of each person who prepared such materials or instructions or assisted in their preparation.
- (b) The name, address and job title of each person who currently has possession of such materials or instructions and their present location.
- (c) The dates of distribution or use and the manner in which such materials or instructions were distributed to purchasers of Defendant's products or those of its subsidiaries or predecessors.
- (d) The year each such written material or instruction was prepared and disclosed to potential customers.

products, some of which contain asbestos, Defendant is unaware of any entry discussing particular health effects.

INTERROGATORY NO. 37: Do you or any of your subsidiaries, including foreign business entities, currently manufacture any products containing asbestos? If so, state:

- (a) As to each product, whether such product is mined, manufactured and/or marketed or sold.
- (b) The names and addresses of the companies mining, manufacturing, marketing, and/or selling each of those products.
- (c) The trade or brand name of each of those products mined, manufactured, marketed and/or sold.
- (d) The date each of the named products was place on the market.
- (e) A description of the physical (chemical) composition of each of the named products, including the type of asbestos contained in the product.
- (f) A description of the physical appearance of each product and its packaging.
- (g) A detailed description of the intended uses of the named products.
- (h) Whether there are any warning labels on said products or containers regarding potential asbestos-related health hazards.

OBJECTION: Defendant objects to this Interrogatory because it is overly broad, vague, burdensome, and it is also global and multifarious and not reasonably calculated to lead to relevant discoverable information.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: Defendant does not manufacture any asbestos containing products.

INTERROGATORY NO. 38: State whether you or any or your predecessors and/or subsidiaries maintain, from 1940 through the present or for any portion thereof, copies of invoices, shipping documents, bills of lading, purchase orders or other documents of a similar nature relating to the mining, manufacture, marketing, sale or distribution of asbestos products. If so, state:

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

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). This request on its face seeks only materials protected by privilege. See *Nat. Un. Fire Ins. Co. v. Valdez*, 863 S.W.2d 458, 459 (Tex. 1993); *Texas Tech University Health Sciences Ctr. v. Schild*, 828 S.W.2d 502, 503-4 (Tex. App.--El Paso 1992). This Interrogatory calls for the disclosure of work product which is privileged. Certain documents are being withheld and not disclosed based upon the protections afforded by these privileges.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: Production, inspection, or other requested action will be permitted as requested.

INTERROGATORY NO. 39: Will you call company representatives as witnesses at the trial of any of these cases? If so, list:

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

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issue at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). This request on its face seeks only materials protected by privilege. See *Nat. Un. Fire Ins. Co. v. Valdez*, 863 S.W.2d 458, 459 (Tex. 1993); *Texas Tech University Health Sciences Ctr. v. Schild*, 828 S.W.2d 502, 503-4 (Tex. App.--El Paso

1992). Certain documents are being withheld and not disclosed based upon the protections afforded by these privileges.

ANSWER: See generally the witness list provided by this Defendant.

INTERROGATORY NO. 40: Have Defendant or its subsidiaries or predecessors ever acquired through purchase, reorganization or merger another corporation, company, or business which manufactured, sold, processed, distributed or contracted or supplied products containing asbestos? If so, for each such entity, state:

- (a) Full and correct name;
- (b) Principal place of business;
- (c) State of incorporation;
- (d) Date of acquisition by Defendant;
- (e) Whether or not the business entity was ever authorized by transact business in the State of Texas.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULES OF CIVIL PROCEDURE 192.39(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because it is overly broad, vague, and ambiguous.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: Defendant did purchase some assets and facilities from other corporations but never acquired through purchase or merger with any corporation that made, manufactured or sold asbestos-containing products.

INTERROGATORY NO. 41: Was each of your asbestos products generally expected to reach, or packaged to reach, the consumer or user, without substantial change in the condition in which it was sold? If not, with respect to any such product, explain in what way the Defendant claims its products were altered or substantially changed after sale or distribution and before reaching the user.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULES OF CIVIL PROCEDURE 192.39(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because it is overly broad, vague, and ambiguous.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: Defendant expected that its products would reach the customer in the same or similar condition that it would be in when it left the manufacturing facility without any substantial change.

INTERROGATORY NO. 42: For each asbestos-containing product identified in response to Interrogatory No. 6, identify all foreseeable users such as insulators, helpers, pipefitters, welders, machinists, plasterers, drywall finishers, carpenters, boilermakers, shipwrights and riggers, etc. of any of Defendant's asbestos-containing products.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULES OF CIVIL PROCEDURE 192.39(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because it is overly broad, vague, and ambiguous. Furthermore, this Interrogatory is objectionable because it is predicated upon an objectionable interrogatory.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: Foreseeable users of the Bird products would be those persons involved in replacing, constructing or repairing roofs.

INTERROGATORY NO. 43: Based upon the material contents of your asbestos-containing products, the method of manufacturing, and the method of application, can such products be generally applied without liberating asbestos fibers into the air?

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

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULES OF CIVIL PROCEDURE 192.39(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because it is overly broad, vague, and ambiguous.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: The asbestos-containing products manufactured by Bird were saturated in asphalt and therefore any asbestos fibers would be encapsulated in the material. Fiber release, if any, would be minimal, non-hazardous and would pose no greater threat to human health than the ambient air.

INTERROGATORY NO. 44: Was it a foreseeable use of your asbestos-containing products that they may have been removed, stripped or replaced at some time after installation?

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

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULES OF CIVIL PROCEDURE 192.39(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the

amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because it is overly broad, vague, and ambiguous.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: Yes.

INTERROGATORY NO. 45: Before 1970, did you or your subsidiaries or predecessor(s) ever arrange for any labor inspectors, insurance company inspectors or anyone from your company to go to job sites where your products were being used or installed to make or take dust level counts? If so, state when this procedure started, the purpose of such procedures, and all results of such procedures.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULES OF CIVIL PROCEDURE 192.39(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because it is overly broad, vague, and ambiguous.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: The bulk of the dust testing done by Defendant during its history was conducted in its manufacturing facilities. Additional tests have been performed by Defendant over the past few years. It is not clear if any such testing occurred before 1970.

INTERROGATORY NO. 46: If Defendant performed or had performed any dust level counts, what action, based on the results, did your company take?

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery or admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issue at stake in the litigation, and

the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because it is overly broad, vague, and ambiguous. This request on its face seeks only materials protected by privilege. *See Nat. Un. Fire Ins. Co. v. Valdez*, 863 S.W.2d 458, 459 (Tex. 1993); *Texas Tech University Health Sciences Ctr. v. Schild*, 828 S.W.2d 502, 503-4 (Tex. App.--El Paso 1992). This Interrogatory calls for the disclosure of work product which is privileged. Certain documents are being withheld and not disclosed based upon the protections afforded by these privileges.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: During the time Defendant manufactured asbestos-containing products, the dust level counts that are described in Answer to Interrogatory No. 45 had results that were within the allowable limits by the United States government, and/or the prevailing standard of the time and therefore no particular corrective action was taken. It should be noted that Defendant did maintain a respiratory protection policy for its workers to allow them to avoid or to minimize discomfort of airborne particles and fumes during the manufacturing process.

INTERROGATORY NO. 47: Has your company or its subsidiaries or predecessor(s) ever conducted or caused to be conducted any studies designed to assist in minimizing or eliminating the inhalation of asbestos dust and fibers by those exposed to the use of your company's products? If so, give the following:

- (a) Name of the person or firm conducting such studies.
- (b) The date the studies began and the date they were completed.
- (c) Any publication or other written dissemination of the results of the studies.
- (d) The nature of any action to eliminate or minimize the inhalation of asbestos dust fibers.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery or admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issue at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because it is overly broad, vague and ambiguous. This request on its face seeks only materials protected by privilege. *See Nat. Un. Fire Ins. Co. v. Valdez*, 863 S.W.2d 458, 459 (Tex. 1993); *Texas*

Tech University Health Sciences Ctr. v. Schild, 828 S.W.2d 502, 503-4 (Tex. App.--El Paso 1992). This Interrogatory calls for the disclosure of work product which is privileged. Certain documents are being withheld and not disclosed based upon the protections afforded by these privileges.

INTERROGATORY NO. 48: Does your company have, has it ever had, or have your predecessor(s) or subsidiaries ever had, a Research Department? If so, give the year such Research Department was established, and whether or not such Research Department has operated continuously since being established. State also:

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

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issue at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because it is overly broad, vague and ambiguous.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: It is unclear what is meant by "research department". Defendant had a department called Research & Development and a Quality Control department that would be involved in the formulation of products and to test them for strength and durability.

INTERROGATORY NO. 49: Does your company have, or has it ever had, or have your predecessor(s) or subsidiaries ever had, a Medical Department? If so, state:

- (a) The year such Medical Department was established.
- (b) Whether or not such Medical Department has operated continuously since being established.

- (c) The names of each director, chief, or head of your Medical Department year by year, beginning with the first year you had a Medical Director or Medical Department, and the last known address and phone number of each.
- (d) State the duties and responsibilities of such Medical Department.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery or admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issue at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because it is overly broad, vague and ambiguous.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: Based on Defendant's understanding of what is meant by "medical department", Defendant never had a department specifically called that. However, it did have a quality control department and it did retain physicians to visit its facilities to examine Defendant's employees from time to time.

INTERROGATORY NO. 50: Did you company or its predecessor(s) or subsidiaries ever place any warning directly on any of its asbestos-containing product or on their packaging? If so, identify the product(s) and year said warning was first applied.

ANSWER: Yes, some of Defendant's products, including its asphalt-based cements and coatings, would have a warning concerning ventilation, fumes and inflammability.

INTERROGATORY NO. 51: Did your company or its predecessor(s) or subsidiaries ever stamp or place the name of the company, its initial, or any identifying logo on any of its asbestos-containing products? If so, please state the name brand names of such products, a description of such stamp or logo and the dates such were placed on the referred products.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery or admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed

discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issue at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because it is overly broad, vague and ambiguous.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: The products themselves would not have a stamp or logo on them though the containers and/or wrapping paper would have this information.

INTERROGATORY NO. 52: Has your company, or your predecessor(s) or subsidiaries, ever devised a research plan to develop or actually developed or had developed, a product which did not contain asbestos and which could be substituted for one or more of your asbestos-containing products? If so, state the date that such research plan was begun and when such asbestos-free product was first placed on the market.

ANSWER: The laboratory at the Bird facility would from time to time, experiment with substitutes for asbestos in its products using, for example, mineral wool and cotton fibers. In the early 1980's, Bird began to consider a product called Hercules Pulpex. Laboratory studies of some of these materials show that these attempted substitutes were inadequate.

INTERROGATORY NO. 53: Did you company or its predecessor(s) or subsidiaries ever recall any products containing asbestos from the market or stream of commerce? If so, state:

- (a) All details of such recall.
- (b) The name of the product recalled, including the reason for the recall and the names and current addresses of those individuals who determined that it should take place.
- (c) The dates of recall.
- (d) The purpose for the recall.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery or admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issue at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL

PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because it is overly broad, vague and ambiguous.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: Based on Defendant's understanding what is meant by "recall," Bird never had a recall.

INTERROGATORY NO. 54: Before 1970, did you ever manufacture or sell products which did not contain asbestos and which could be substituted for your asbestos-containing products? If so, state the date such asbestos-free products were first placed on the market.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery or admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issue at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because it is overly broad, vague and ambiguous.

ANSWER: The vast majority of Defendant's products by volume and sales were asbestos-free. The materials that had asbestos were made for specific purposes and compliance with certain codes.

INTERROGATORY NO. 55: Have any products you identified in your response to Interrogatory Nos. 52 and 54 not performed as intended? Please list all such products that have not performed as intended.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery or admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issue at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL

PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because it is overly broad, vague and ambiguous.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: Many of the substitute ingredients for asbestos in cement and coating did not provide the durability and viscosity required of such products.

INTERROGATORY NO. 56: Did you company or its predecessor(s) or subsidiaries ever make, order or arrange for any industrial hygiene surveys regarding asbestos or asbestos-containing dust? If so, give the date of such surveys and state who, or what entity, was responsible for completion of such surveys.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery or admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issue at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because it is overly broad, vague, and ambiguous. This request on its face seeks only materials protected by privilege. *See Nat. Un. Fire Ins. Co. v. Valdez*, 863 S.W.2d 458, 459 (Tex. 1993); *Texas Tech University Health Sciences Ctr. v. Schild*, 828 S.W.2d 502, 503-4 (Tex. App.--El Paso 1992). This Interrogatory calls for the disclosure of work product which is privileged. Certain documents are being withheld and not disclosed based upon the protections afforded by these privileges.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: Wausau Insurance Companies and Nicolet did perform industrial hygiene dust surveys at various manufacturing facilities to monitor the level of airborne fibers in and around the work area. Furthermore, in recent years tests were performed to confirm the level of dust release caused by removal of Defendant's asbestos roofing materials.

INTERROGATORY NO. 57: As to either the threshold limit values or maximum allowable concentrations of both asbestos dust and total dust provided by the American Conference of Governmental Industrial Hygienists, state:

- (a) The year in which Defendant or any predecessor(s) or subsidiaries were first advised of such limits or concentrations.
- (b) The name of the employee or official of the company receiving such advice.
- (c) How Defendant received notice of such limits or concentrations.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery or admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issue at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because it is overly broad, vague, and ambiguous.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: Defendant would, throughout the years, receive OSHA updates, industry bulletins and trade information that would provide to it guidance on the suitability and safety of its products. Defendant, via Leonard Weaver and Jim Jackson, and others, have known that there were generally accepted levels of exposure to asbestos dust that were recognized throughout the industry as being safe.

INTERROGATORY NO. 58: Were the threshold limit values or maximum allowable concentrations inquired about in Interrogatory No. 57 for total dust, and not asbestos dust alone?

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery or admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issue at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because it is overly broad, vague, and ambiguous.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: It is unclear what is being sought by this Interrogatory and it is unintelligible.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because the discovery is propounded for the purpose of harassment or annoyance. TEXAS RULE OF CIVIL PROCEDURE 192.6(b).

ANSWER: See answer to Interrogatory No. 22.

INTERROGATORY NO. 24: Does Defendant have insurance policies that might cover the claims made by Plaintiffs in these cases? If so, list the name of each insurance carrier, the amount of initial coverage, amount of coverage remaining at the present time, and the effective dates of each policy. (If properly answered, this Interrogatory need not be supplemented as to the remaining amount of coverage).

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because it is overly broad, vague and ambiguous.

INTERROGATORY NO. 25: As to the disease asbestosis, state:

- (a) The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.
- (b) How Defendant became aware of the existence of the disease.
- (c) Who within the company first discovered, recognized or understood the adverse consequences or effects of the disease and/or of asbestos exposure.

- (d) What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- (e) Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form.
- (f) Who is the custodian of such information.
- (g) The date on which you first received knowledge or information that asbestosis was caused by inhalation of asbestosis fibers.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the Interrogatory is overly broad as it would require this Defendant to marshal the entire evidence it will use at trial on the subject matter. TEXAS RULE OF CIVIL PROCEDURE 197 Comment 1 and TEXAS RULE OF CIVIL PROCEDURE 192 COMMENT 5. Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because the discovery is propounded for the purpose of harassment or annoyance. TEXAS RULE OF CIVIL PROCEDURE 192.6(b). This request on its face seeks only materials protected by privilege. See *Nat. Un. Fire Ins. Co. v. Valdez*, 863 S.W.2d 458, 459 (Tex. 1993); *Texas Tech University Health Sciences Ctr. v. Schild*, 828 S.W.2d 502, 503-4 (Tex. App.--El Paso 1992). Certain documents are being withheld and not disclosed based upon the protections afforded by these privileges.

INTERROGATORY NO. 26: As to the disease lung cancer, state:

- (a) The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.
- (b) How Defendant or its subsidiary or predecessor became aware of the disease and its relationship to asbestos exposure.
- (c) Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- (d) What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- (e) Whether any such information is still maintained by Defendant or its subsidiary or predecessor in written form.
- (f) Who is the custodian of such information.

- (g) The date on which you first received knowledge or information that lung cancer was caused by inhalation of asbestosis dust and fibers.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the Interrogatory is overly broad as it would require this Defendant to marshal the entire evidence it will use at trial on the subject matter. TEXAS RULE OF CIVIL PROCEDURE 197 Comment 1 and TEXAS RULE OF CIVIL PROCEDURE 192 COMMENT 5. Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because the discovery is propounded for the purpose of harassment or annoyance. TEXAS RULE OF CIVIL PROCEDURE 192.6(b). This request on its face seeks only materials protected by privilege. *See Nat. Un. Fire Ins. Co. v. Valdez*, 863 S.W.2d 458, 459 (Tex. 1993); *Texas Tech University Health Sciences Ctr. v. Schild*, 828 S.W.2d 502, 503-4 (Tex. App.--El Paso 1992). Certain documents are being withheld and not disclosed based upon the protections afforded by these privileges.

INTERROGATORY NO. 27: As to the pleural disease, pleural thickening or pleural plaques, state:

- (a) The date on which Defendant or its subsidiary or predecessor learned that such disease was caused by inhalation of asbestos fibers by humans.
- (b) How Defendant or its subsidiary became aware of the disease and that it was caused by exposure to asbestos.
- (c) Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- (d) What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- (e) Whether any such information is still maintained by Defendant or its subsidiary or predecessor in a written form.
- (f) Who is the custodian of such information.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a).

Defendant objects to this Interrogatory because the Interrogatory is overly broad as it would require this Defendant to marshal the entire evidence it will use at trial on the subject matter. TEXAS RULE OF CIVIL PROCEDURE 197 Comment 1 and TEXAS RULE OF CIVIL PROCEDURE 192 COMMENT 5. Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because the discovery is propounded for the purpose of harassment or annoyance. TEXAS RULE OF CIVIL PROCEDURE 192.6(b). This request on its face seeks only materials protected by privilege. See *Nat. Un. Fire Ins. Co. v. Valdez*, 863 S.W.2d 458, 459 (Tex. 1993); *Texas Tech University Health Sciences Ctr. v. Schild*, 828 S.W.2d 502, 503-4 (Tex. App.--El Paso 1992). Certain documents are being withheld and not disclosed based upon the protections afforded by these privileges.

INTERROGATORY NO. 28: As to the disease mesothelioma, state:

- (a) The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.
- (b) The date on which Defendant first suspected that mesothelioma was caused by inhalation of asbestos dust and fibers.
- (c) How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos.
- (d) Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- (e) What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- (f) Whether any such information is still maintained by Defendant or its subsidiary or predecessor in a written form.
- (g) Who is the custodian of such information.
- (h) Whether Defendant agrees that there is no known medical cure for mesothelioma.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the Interrogatory is overly broad as it would require this Defendant to marshal the entire evidence it will use at trial on the subject matter. TEXAS RULE OF CIVIL PROCEDURE 197 Comment 1 and TEXAS RULE OF CIVIL PROCEDURE 192 COMMENT 5. Defendant objects to this Interrogatory because the burden or expense of

the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because the discovery is propounded for the purpose of harassment or annoyance. TEXAS RULE OF CIVIL PROCEDURE 192.6(b). This request on its face seeks only materials protected by privilege. See *Nat. Un. Fire Ins. Co. v. Valdez*, 863 S.W.2d 458, 459 (Tex. 1993); *Texas Tech University Health Sciences Ctr. v. Schild*, 828 S.W.2d 502, 503-4 (Tex. App.--El Paso 1992). Certain documents are being withheld and not disclosed based upon the protections afforded by these privileges.

INTERROGATORY NO. 29: As to gastro-intestinal cancer, laryngeal cancer, pharyngeal cancer or lymphatic cancer, state:

- (a) The type of cancer and the date on which Defendant or its subsidiary or predecessor first learned that such diseases were caused by inhalation of asbestos fibers by humans.
- (b) What cancers has the Defendant or its subsidiary or predecessor become aware can be caused by exposure to asbestos fibers.
- (c) The date on which Defendant first suspected other cancers were caused by asbestos inhalation.
- (d) Who within the company or its subsidiary or predecessor first discovered the adverse consequences or effects of asbestos exposure.
- (e) Whether any such information is still maintained by Defendant or its subsidiary or predecessor in a written form.
- (g) Who is the custodian of such information.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the Interrogatory is overly broad as it would require this Defendant to marshal the entire evidence it will use at trial on the subject matter. TEXAS RULE OF CIVIL PROCEDURE 197 Comment 1 and TEXAS RULE OF CIVIL PROCEDURE 192 COMMENT 5. Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because the discovery is propounded for the purpose of harassment or annoyance. TEXAS

RULE OF CIVIL PROCEDURE 192.6(b). This request on its face seeks only materials protected by privilege. See *Nat. Un. Fire Ins. Co. v. Valdez*, 863 S.W.2d 458, 459 (Tex. 1993); *Texas Tech University Health Sciences Ctr. v. Schild*, 828 S.W.2d 502, 503-4 (Tex. App.--El Paso 1992). Certain documents are being withheld and not disclosed based upon the protections afforded by these privileges.

INTERROGATORY NO. 30: Does Defendant contend that asbestos products can be manufactured or designed so as to eliminate all potential health hazards to persons working with or exposed to them? If the answer is affirmative, explain, in detail, and attach any studies or surveys on which this answer is based.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the Interrogatory is overly broad as it would require this Defendant to marshal the entire evidence it will use at trial on the subject matter. TEXAS RULE OF CIVIL PROCEDURE 197 Comment 1 and TEXAS RULE OF CIVIL PROCEDURE 192 COMMENT 5. Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because the discovery is propounded for the purpose of harassment or annoyance. TEXAS RULE OF CIVIL PROCEDURE 192.6(b). This request on its face seeks only materials protected by privilege. See *Nat. Un. Fire Ins. Co. v. Valdez*, 863 S.W.2d 458, 459 (Tex. 1993); *Texas Tech University Health Sciences Ctr. v. Schild*, 828 S.W.2d 502, 503-4 (Tex. App.--El Paso 1992). Certain documents are being withheld and not disclosed based upon the protections afforded by these privileges.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: While most any substance can be harmful if improperly used or is presented to humans in large concentrations, Defendant, does believe that the asbestos-containing products it manufactured in its history were fully encapsulated and saturated in asphalt. Defendant believed during the time it manufactured its products and still believes that its products did not and do not pose a health risk to those individuals who worked with these products, as intended, in their application and in their removal.

INTERROGATORY NO. 31: Describe in detail the types of packages or packaging which Defendant or any of its subsidiary or predecessor companies used for asbestos material or products,

listing the dates each type of package was used, a physical description of each type of package, and providing a description of any printed material or trademarks that appeared thereon.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). This request on its face seeks only materials protected by privilege. *See Nat. Un. Fire Ins. Co. v. Valdez*, 863 S.W.2d 458, 459 (Tex. 1993); *Texas Tech University Health Sciences Ctr. v. Schild*, 828 S.W.2d 503, 503-4 (Tex. App.--El Paso 1992). Certain documents are being withheld and not disclosed based upon the protections afforded by these privileges.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: Shingles came wrapped in "bundles" and were wrapped in paper and asphalt-based coatings and cements were packaged in metal tins of varying sizes. The roll roofing products were packaged in rolls and also wrapped in paper. Each of the packages would contain information concerning the place of manufacture and would also have the Bird logo as well as other instructional information.

INTERROGATORY NO. 32: Has Defendant or any of its subsidiary or predecessor companies at any time entered into a "rebranding" agreement with any other company, either as buyer or seller, concerning asbestos materials or asbestos products? If so, state as to each such agreement:

- (a) The name of the company manufacturing the asbestos products.
- (b) The trade name affixed to those products.
- (c) The periods of time covered by each such agreement.
- (d) The volume, in dollar amount, of each transaction.
- (e) The initial purchaser of the products.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount

in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). This request on its face seeks only materials protected by privilege. *See Nat. Un. Fire Ins. Co. v. Valdez*, 863 S.W.2d 458, 459 (Tex. 1993); *Texas Tech University Health Sciences Ctr. v. Schild*, 828 S.W.2d 502, 503-4 (Tex. App.--El Paso 1992). This Interrogatory calls for the disclosure of trade secrets which are privileged under Texas Rule of Evidence 508. This Interrogatory is also overly broad, vague and is not time-specific. Certain documents are being withheld and not disclosed based upon the protections afforded by these privileges.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: See, generally, response to Interrogatory No. 16.

INTERROGATORY NO. 33: List the name and address of each company from which Defendant or its subsidiary or predecessor purchased materials or asbestos products which Defendant sold or distributed in any form, stating the form of the materials, the dates of such purchases, and the ultimate disposal of such materials.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceed the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). This request on its face seeks only materials protected by privilege. *See Nat. Un. Fire Ins. Co. v. Valdez*, 863 S.W.2d 458, 459 (Tex. 1993); *Texas Tech University Health Sciences Ctr. v. Schild*, 828 S.W.2d 502, 503-4 (Tex. App.--El Paso 1992). This Interrogatory calls for the disclosure of trade secrets which are privileged under Texas Rule of Evidence 508. This Interrogatory is also overly broad, vague and is not time-specific. Certain documents are being withheld and not disclosed based upon the protections afforded by these privileges.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: Defendant's suppliers of asbestos containing products or materials likely included: GAF, Lake Asbestos, Johns-Manville, Ruberoid, Nicolet, Philip-Carey Co., and the Vermont Asbestos Group.

INTERROGATORY NO. 34: Does Defendant or any of its subsidiaries or predecessors currently have possession of any writings or contracts on those rebranding agreements set forth in the answer to Interrogatory No. 32? If the answer is affirmative, state:

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

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, and parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because the discovery is propounded for the purpose of harassment or annoyance. TEXAS RULE OF CIVIL PROCEDURE 192.6(b). Furthermore, this Interrogatory is predicated on an Interrogatory which is in and of itself objectionable.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: Any such documents are available for inspection and copying at the office of Brian S. Clary & Associates, co-counsel for Bird Incorporated, at a mutually convenient date and time.

INTERROGATORY NO. 35: Prior to 1968, did any person file a claim against a Worker's Compensation Carrier covering Defendant or any of its subsidiaries or predecessors alleging that he/she contracted a disease from inhaling asbestos fibers? If so, provide:

- (a) A list of the claim, including each claimant's name, address and the date each claim was filed, and including the caption and jurisdiction of the claim.
- (b) The disease alleging in each such claim.
- (c) A brief summary of the disposition of each such claim.
- (d) The name, address and title of the person having custody of the records pertaining to each such claim.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated

to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because it is overly broad, vague and ambiguous.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: Records reveal that a man named George Angus made a claim of having "asbestos in his lungs."

INTERROGATORY NO. 36: Did Defendant or any of its subsidiaries or predecessors maintain written minutes of corporate meetings, either board of directors, departmental or otherwise, which reflect discussions pertaining to any subject matter related to asbestos, asbestos health hazards or asbestos products? If so, for each such set of minutes, state:

- (a) The dates of each such meeting;
- (b) The general subject matter discussed at each meeting.
- (c) Who was in attendance at each meeting.
- (d) Where and by whom the written minutes are presently maintained.
- (e) By whom the minutes were taken and put into final format.
- (f) Whether the minutes were abstracted and reports disseminated to other individuals, and if so, the names and job titles of those individuals.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because it is overly broad, vague, ambiguous and not time specific.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: Minutes of the Board of Directors meetings and executive committee meetings are available for inspection and copying. While some of these passages may discuss

INTERROGATORY NO. 59: State in detail what tests, if any, Defendant ever made with regard to the quantity, quality or threshold limit values of asbestos dust or particles to which worker were exposed while using, working with or around, or installing your asbestos-containing products.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery or admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issue at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because it is overly broad, vague and ambiguous. This request on its face seeks only materials protected by privilege. *See Nat. Un. Fire Ins. Co. v. Valdez*, 863 S.W.2d 458, 459 (Tex. 1993); *Texas Tech University Health Sciences Ctr. v. Schild*, 828 S.W.2d 502, 503-4 (Tex. App.--El Paso 1992). This Interrogatory calls for the disclosure of work product which is privileged. Certain documents are being withheld and not disclosed based upon the protections afforded by these privileges.

ANSWER: See generally Answer to Interrogatory No. 56.

INTERROGATORY NO. 60: Please state the following with respect to each expert witness that you expect to call during trial of these cases. Please designate with specificity the expert witnesses you may call, including:

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

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery or admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issue at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because it is overly broad, vague and ambiguous. This request on its face seeks only materials protected by privilege. *See Nat. Un. Fire Ins. Co. v. Valdez*, 863 S.W.2d 458, 459 (Tex. 1993); *Texas Tech University Health Sciences Ctr. v. Schild*, 828 S.W.2d 502, 503-4 (Tex. App. --El Paso 1992). This Interrogatory calls for the disclosure of work product which is privileged. Defendant objects to this Interrogatory because the request exceeds the permissible scope of discovery as it requests information about testifying expert witnesses. TEXAS RULE OF CIVIL PROCEDURE 195.1. Certain documents are being withheld and not disclosed based upon the protections afforded by these privileges.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: See Expert Witness List attached.

INTERROGATORY NO. 61: Please state the name, present address and present telephone number, along with the experience and qualifications, if applicable, of each and every person, known to Defendant or to Defendant's agents, having knowledge of facts relevant to this case involving, but not limited to:

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

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery or admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issue at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because it is overly broad, vague and ambiguous. This request on its face seeks only materials protected by privilege. *See Nat. Un. Fire Ins. Co. v. Valdez*, 863 S.W.2d 458, 459 (Tex. 1993); *Texas Tech University Health Sciences Ctr. v. Schild*, 828 S.W.2d 502, 503-4 (Tex. App.--El Paso 1992). This Interrogatory calls for the disclosure of work product which is privileged. Certain documents are being withheld and not disclosed based upon the protections afforded by these privileges.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: See Answer to Interrogatory No. 1. In addition, see attached Expert and Fact Witness List.

INTERROGATORY NO. 62: Please identify documents which will be used at time of trial (Exhibit List, Deposition List), which are relevant to each of Defendant's enumerated defenses in Defendant's last filed Answer.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery or admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issue at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because it is overly broad, vague and ambiguous. This request on its face seeks only materials protected by privilege. *See Nat. Un. Fire Ins. Co. v. Valdez*, 863 S.W.2d 458, 459 (Tex. 1993); *Texas Tech University Health Sciences Ctr. v. Schild*, 828 S.W.2d 502, 503-4 (Tex. App.--El Paso 1992). This Interrogatory calls for the disclosure of work product which is privileged. Certain documents are being withheld and not disclosed based upon the protections afforded by these privileges.

ANSWER: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: Defendant intends to use all medical records, including any relevant x-rays, diagnostic tests, CAT scans or pathology materials that would be available from any Plaintiff in the case. See also attached Exhibit List.

INTERROGATORY NO. 63: When, if ever, did Defendant or any of its predecessors-in-interest first receive a copy of the article entitled "A Health Survey of Pipe Covering Operations in Constructing Naval Vessels", published in January, 1946 in the Journal of Industrial Hygiene & Toxicology, and authored by W. Fleischer and P. Drinker, et al ("the Fleischer-Drinker Report")?

- (a) Identify the name and position of the employee or officer who received same.
- (b) Please produce all documents generated by Defendant which discusses or in any way references the "Fleischer-Drinker" study prior to 1968.
- (c) Please produce all documents upon which your responses above are based.
- (d) Please identify the name(s) and address(es) of any person(s) who can verify your above response.
- (e) Did Defendant ever rely on the Fleischer-Drinker Report in whole or in part as a risk of asbestos-related health impacts to the consumer and/or bystander.
- (f) If so, please produce every document which evidences in any way that Defendant relied on the Fleischer-Drinker Report in whole or in part for the proposition stated in Interrogatory No. 63(a) above.
- (g) If you answer to 63(e) is yes, when was the first date Defendant relied on the Fleischer-Drinker report in whole or in part for the proposition stated in 63(e) above.

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery or admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issue at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because it is overly broad, vague and ambiguous. This request on its face seeks only materials protected by privilege. See *Nat. Un. Fire Ins. Co. v. Valdez*, 863 S.W.2d 458, 459 (Tex. 1993); *Texas Tech University Health Sciences Ctr. v. Schild*, 828 S.W.2d 502, 503-4 (Tex. App.--El Paso 1992). This Interrogatory calls for the disclosure of work product which is privileged. Certain documents are being withheld and not disclosed based upon the protections afforded by these privileges.

INTERROGATORY NO. 64: When, if ever, did Defendant or any of its predecessors-in-interest first receive a copy of the article entitled "A Study of Asbestos in the Asbestos Textile Industry", published in 1938 in Public Health Bill No. 241, U.S. Public Health Service and authored by W. (c) Dreessen ("the Dreessen Report")?

- (a) Identify the name and position of the employee or officer who received same.
- (b) Please produce all documents generated by Defendant which discusses or in any way references the "Dreessen" study prior to 1968.
- (c) Please produce all documents upon which your responses above are based.
- (d) Please identify the name(s) and address(es) of any person(s) who can verify you above response.
- (e) Did Defendant ever rely on the Dreessen Report in whole or in part as a basis that Defendant's asbestos products could be used in the workplace without risk of asbestos-related health impacts to the consumer and/or bystander.
- (f) If so, please produce every document which evidences in any way that Defendant relied on the Dreessen Report in whole or in part for the proposition stated in Interrogatory No. 64(a) above.
- (g) If your answer to 64(e) is yes, when was the first date Defendant relied on the Dreessen report in whole or in part for the proposition stated in 64(e) above?

OBJECTION: Defendant objects to this Interrogatory because the Interrogatory exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and/or seeks discovery of material that is not reasonably calculated to lead to the discovery or admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Interrogatory because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issue at stake in the litigation, and the importance of the proposed discovery in resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Defendant objects to this Interrogatory because it is overly broad, vague and ambiguous. This request on its face seeks only materials protected by privilege. *See Nat. Un. Fire Ins. Co. v. Valdez*, 863 S.W.2d 458, 459 (Tex. 1993); *Texas Tech University Health Sciences Ctr. v. Schild*, 828 S.W.2d 502, 503-4 (Tex. App.--El Paso 1992). This Interrogatory calls for the disclosure of work product which is privileged. Certain documents are being withheld and not disclosed based upon the protections afforded by these privileges.

RESPONSES TO REQUEST FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1. Please produce a true and correct copy of each photograph of each asbestos-containing product identified in answer to Interrogatory No. 4

OBJECTION: Defendant objects to this Request for Production because the Request fails to describe the item to be produced with reasonable particularity and is overly broad. TEXAS RULE OF CIVIL PROCEDURE 196.1(b). Defendant objects to this Request for Production because the Request exceeds the permissible scope of discovery as it seeks discovery of material that is not relevant to the subject matter of the suit and seeks discovery of material that is not reasonably calculated to lead to the discovery of admissible evidence. TEXAS RULE OF CIVIL PROCEDURE 192.3(a). Defendant objects to this Request for Production because the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, and parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery and resolving the issues. TEXAS RULES OF CIVIL PROCEDURE 192.4(b) and 192.6(b). Furthermore, this interrogatory and its subparts are nothing more than a "fishing expedition" prohibited by the Texas Rules of Civil Procedure and by *Loftin v. Martin*, 776 S.W.2d 145, 148 (Tex. 1989).

RESPONSE: Subject to the foregoing objection, and without waiving same, Defendant responds as follows: This response may be supplemented in accordance with the TEXAS RULES OF CIVIL PROCEDURE.

REQUEST FOR PRODUCTION NO. 2. Please produce any diagrams or schematics indicating, stating or detailing the existence of any of your subsidiaries, predecessors or divisions as defined on Page 1 of these Interrogatories and Request for Production.

RESPONSE: Please refer to the Preamble to these answers to discovery.

REQUEST FOR PRODUCTION NO. 3. Please provide a copy of all documents and other materials and reports identified in Answer to Interrogatory No. 60(d), other than Depositions and Medical History provided by Plaintiff.

OBJECTION: Defendant objects to this request, in that it is overly broad, vague and burdensome, is global and multifarious and not reasonably calculated to lead to relevant discoverable information.

RESPONSE: Subject to and without waiving such objection, all documents responsive to this request are available for inspection and copying at the office of the undersigned. A list of the expert CV's in the possession of Defendant are attached hereto and/or have been previously provided to Plaintiffs. Any CV's from this list will be provided upon request, as it is the belief of this Defendant that Plaintiffs are in possession of multiple copies of these documents. The report of Dr. Argento has been produced. Documents relied upon by Dr. Argento have been produced or, alternatively, are available at the office of the undersigned for inspection and copying at a mutually convenient date and time. Any other expert reports will be provided as soon as practicable after the receipt of same by Defendant.

REQUEST FOR PRODUCTION NO. 4. Please provide a copy of all documents and reports other than Deposition and Medical History provided by Plaintiff identified in Answer to Interrogatory No. 60(e).

OBJECTION: Defendant objects to this request, in that it is overly broad, vague and burdensome, is global and multifarious and not reasonably calculated to lead to relevant discoverable information.

RESPONSE: Subject to and without waiving such objection, all documents responsive to this request are available for inspection and copying at the office of the undersigned. A list of the expert CV's in the possession of Defendant are attached hereto and/or have been previously provided to Plaintiffs. Any CV's from this list will be provided upon request, as it is the belief of this Defendant that Plaintiffs are in possession of multiple copies of these documents. The report of Dr. Argento has been produced. Documents relied upon by Dr. Argento have been produced or, alternatively, are available at the office of Brian S. Clary & Associates, co-counsel for Bird Incorporated, for inspection and copying at a mutually convenient date and time. Any other expert reports will be provided as soon as practicable after the receipt of same by Defendant.

REQUEST FOR PRODUCTION NO. 5. Please provide a copy of all documents, reports, and other materials identified in Answer to Interrogatory No. 62.

OBJECTION: Defendant objects to this request, in that it is overly broad, vague and burdensome, is global and multifarious and not reasonably calculated to lead to relevant discoverable information; further, this request is designed to harass this party, is vexatious and serves no useful purpose in the development of admissible evidence at trial.

RESPONSE: Subject to and without waiving such objection, a list of Bird Exhibits and Deposition Excerpts have been provided previously to Plaintiffs' counsel. An additional copy of these two lists will be sent upon request. The documents referenced in those lists are available for inspection and copying at the offices of Brian S. Clary & Associates, co-counsel for Bird Incorporated, at a mutually convenient date and time. The documents that are referenced in these two lists are voluminous and cannot be easily produced.

REQUEST FOR PRODUCTION NO. 6. Please produce any and all x-rays, MRI's, CT-Scans, videotapes or other electronically or technologically created representations, depictions, picturizations, imaging or imagery collected by Defendant in the course of discovery.

OBJECTION: Defendant objects to this request, in that it is overly broad, vague and burdensome, is global and multifarious and not reasonably calculated to lead to relevant discoverable information. This request is further objected to, in that it does not specify which Plaintiff or Plaintiffs are intended to be the subject of this request. It is also harassing.

RESPONSE: Subject to and without waiving such objection, Defendant responds that any such documents or depictions of a Plaintiff are equally available to counsel for Plaintiffs, but, nevertheless, anything received by the undersigned will be made available for inspection and copying at a mutually convenient date and time.

REQUEST FOR PRODUCTION NO. 7. All documents which support, contradict, or are otherwise relevant to Plaintiffs' claims of exposure to Defendants' products at any worksite identified in Plaintiffs' response to discovery.

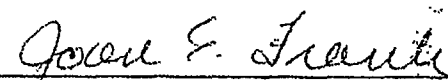
OBJECTION: Defendant objects to this request, in that it is overly broad, vague and burdensome, is global and multifarious and not reasonably calculated to lead to relevant discoverable information; this request further violates the work product exemption of Rule 192.5 of the Texas Rules of Civil Procedure, and is asking for a party's investigation and information gathered in anticipation of litigation, which is privileged from discovery; certain documents are being withheld and not disclosed based upon the protections afforded by these privileges.

THE COMMONWEALTH OF MASSACHUSETTS §
COUNTY OF SUFFOLK §

BEFORE ME, the undersigned authority, on this day personally appeared FRANK ANTHONY, who, after being by me duly sworn upon oath, stated that the Answers to Interrogatories contained in the foregoing document are within his personal and are true and correct.


FRANK ANTHONY

SUBSCRIBED AND SWORN TO BEFORE ME by FRANK ANTHONY, known to me personally, or whose identity was proven to me with identification bearing his photograph and his signature, on this 30th day of July, 2001.


Notary Public, Commonwealth of
Massachusetts

JOAN E. FRANK, NOTARY PUBLIC
Commission Expires June 18, 2005

BIRD PRODUCTS HISTORY

Bird Incorporated, f/k/a Bird & Son ("Bird"), has been in existence for over 200 years. During much of that time, Bird has been involved in the manufacture, sale and distribution of roofing products. Considering that the manufacture and distribution of roofing products expands well over one-half century, it is difficult to state with great precision the exact details of this part of the history. The answers to Bird's discovery responses and the creation of this products list is based upon memories of certain individuals and the review of the documents which are still in existence. The best approximation of the sale of products containing asbestos is included in this list. It should be noted that the majority of the products on this list were also made without the incorporation or use of asbestos fiber. It should be reiterated that in excess of 90% of the products sold by Bird during its existence were, indeed, non-asbestos containing products.

This list will enumerate the manufacturing facilities and the proximate times at which the asbestos-containing materials were made. This list does not attempt to quantify what products may have been manufactured by a separate Bird facility and sold and distributed through the identified manufacturing facility. This list also is not intended to describe what products may have been sold through the various facilities that were made or manufactured by other manufacturers and relabeled as Bird, as such information is uncertain.

BIRD PRODUCTS

The products believed to have contained asbestos fiber are listed as follows:

1) **Asbestos Base Sheet**

The base paper used to make this product would have had asbestos fibers impregnated into it. This paper (in large rolls) would, in turn, be saturated with asphalt by Bird to create the finished product. The surface would be coated with asphalt and covered with sand or talc to avoid sticking. This sheet is the first layer of a built-up roofing system and was typically sold in 36" wide rolls. These base sheets were manufactured at Norwood, Massachusetts (1970 to 1981); it was also made at Shreveport, Louisiana, also believed to have been from the early 1970's to the early 1980's. It was further manufactured at all three west coast manufacturing facilities that include Wilmington, California (1971 to 1976), Martinez, California (1971 to 1976), and Portland, Oregon (1971 to 1980). The source for the asbestos paper to make these products would have included GAF - Ruberoid and Nicolet. The asphalt that would saturate the asbestos felt paper to make the asbestos base sheet is not believed to have contained asbestos fiber.

2) **Asbestos Flashings**

This is an asphalt coated membrane applied to the corners and edges of the roof to prevent leaks, and was primarily used in the cold process systems. It was sold in rolls and made only in Norwood in very small quantities from 1972 to 1983. The overwhelming majority of flashing materials were asbestos-free.

3) **Asbestos Felt**

This is an asphalt saturated paper, as well, and was used to form the second ply of a built-up roof. It was typically hot mopped with asphalt and layered on top of the base sheet. It was sold in rolls and manufactured in a similar fashion and from similar sources as that described in the manufacture of base sheet. The felt materials for residential roofs, to be placed under shingles, did not contain asbestos. Typically, the asbestos felts were in 15 lb. or 30 lb. classifications and, for a large portion of the time, these products were made in their entirety by other companies and relabeled as Bird. The asbestos felts that were saturated by Bird would have been done at Perth Amboy (1972 to 1980) and Portland, Oregon (1977 to 1980).

4) **Cap Sheet**

This is an asphalt saturated paper that was primarily asbestos-free. Asbestos felts were saturated by Bird to create some of these products. It would typically serve as the top layer

of a built-up roof system. Most of these rolls did not contain asbestos, but those that did were made on the west coast only at Wilmington, California (1971 to 1976), Martinez, California (1971 to 1976), and Portland, Oregon (1971 to 1976). This product should not

be confused with Neponset cap sheet, which was a low pitch residential product that did not contain asbestos.

5) Cements and Coatings

Bird purchased a great deal of its asbestos-containing cements and coatings from other companies to be relabeled as Bird. However, it did manufacture some of its own. Most of the cements and coatings were believed to contain asbestos. It is believed that chrysotile asbestos was used in these products, with the exception of a couple of brands that would have utilized Finnish Anthophyllite Fiber. These emulsions were primarily one gallon containers, although smaller containers may have been sold, too. Bird also packaged some in larger drums. The asbestos fibers would be fully encapsulated into the asphalt and placed in the containers for shipment. The products would also have been sold in different formulations under varying trade names for specific and varying purposes and uses. These cements and coatings were made at Norwood, Massachusetts, (from prior to the 1950's to 1973); Chicago, Illinois (pre-1950's to 1971); Shreveport, Louisiana (pre-1950's to 1984); Wilmington, California (1971 to 1976). The cements, often referred to as plastic cements, was a viscous substance used in lieu of hot mopped asphalt to adhere the base sheet to the deck. If the roofs were hot mopped, they would not have had cements. The coatings were a viscous substance that would have been thinner in consistency. These were applied over the cap sheet as a final layer of protection.

6) Siding

Bird manufactured siding for many years at the Norwood, Massachusetts plant, only. These products were made on wallboards that did not contain asbestos that were manufactured at the Phillipsdale, Rhode Island plant. Asphalt would be added as a coating onto the board and they would be imprinted either a stone or brick design. For a period of time in the 1950's, asbestos may have been incorporated into the asphalt. Granules would be added on top of the asphalt prior to the embossing. It is believed that siding made by Bird would have been asbestos-free for many years. Other siding products were believed to have been made by other companies and relabeled as Bird.

7) Shingles

Bird has sold shingles during most of the 20th century and, for the vast majority of this time, such shingles were asbestos-free. However, Bird did have an experimental program during the late 1960's and continuing on into the 1970's to make an asbestos shingle. Bird had a line

of Fire ScreenTM shingles which were asbestos-free, though the experimental shingles that were made during the time frame referenced above were also sold as Fire ScreenTM. These experimental asbestos shingles were made only at the Charleston, South Carolina, facility and were distributed only within the region that was serviced by that plant. Very little of this product was believed to have ever been actually manufactured.

BIRD EXHIBIT LIST

EXHIBIT NO.	EXHIBIT
1	Testing report and protocols from Recon Environmental Corp. regarding testing of roofing products
2	Letter from Nicolet Industries, Inc. to all Nicolet customers, August 7, 1972
3	Bird Built-Up Roof and Flashing Specifications
4	Annex for Research Report titled, "On Environmental Pollution by Weathering of Asbestos Cement Sheets", December 1980
5	Asbestos Institute Report titled, "Asbestos Cement Roofing Materials: Any Measurable Contribution to the Environment?"
6	NIOSH Report: Health Hazard Evaluation Report, Grundy Industries, Inc., Denver, Colorado
7	Institute De L' Amiante / Division De La Recherche Report titled "Occupational Asbestos Exposure Data When Pulling Out Asbestos Roofing Felt", January 22, 1985
8	Nicolet Industries, Inc.'s Laboratory Test Report titled, "Measurement of Airborne Asbestos Dust by the Membrane Filter Method No. 2 Machine" Bird & Son, Perth Amboy, New Jersey, August 24, 1972
9	U.S. Department of Labor (OSHA 2051) Report titled "The Target Health Hazards"
10	Wausau Insurance Companies Safety and Health Services Report dated April 15, 1980
11	Approved Materials and Supplies List, Bird Perth Amboy Mill - FJ, January 1966
12	Nicolet Inc., Research and Engineering Division's Report titled, "Measurement of Airborne Asbestos Fibers by the Membrane Filter Method", Bird & Son, Inc., Perth Amboy, New Jersey, July 6, 1979
13	Briggs Industrial Hygiene Report dated March 17, 1987
14	Briggs Industrial Hygiene Report dated February 4, 1987
15	Harvard University School of Public Health Dept. of Physiology Report dated May 2, 1975
16	Stephen K. Piccolo Consulting Engineers Report dated November 22, 1972

EXHIBIT NO.	EXHIBIT
17	Report of Dr. Vittorio K. Argento
18	Letter from Arrow Mutual Liability Insurance Company to Robert Roby, dated November 30, 1972
19	Letter from C.R. Dickinson to Nicolet Industries, Inc., dated August 17, 1972
20	Memorandum from C.R. Dickinson dated September 1, 1972
21	Letter from A. Rossito with Asbestos to Raybestos Manhattan, Inc. dated September 25, 1935
22	Letter from Fredrick J. Viles, Jr. to James Scobie with Arrow Mutual Liability Insurance Company dated May 31, 1977
23	Letter from Nicolet Industries, Inc. to C.R. Dickinson, dated August 29, 1972
24	Bird & Son, Inc. Respiratory Protection Policy (3 versions)
25	Letters and attachments from Huxley Development Corporation to L. Weaver, dated May 3, 1962 and March 18, 1964
26	Memorandum concerning the Vermont Asbestos Group with attached correspondence and information from the Vermont Asbestos Group, dated July 24, 1975
27	List of Approved Raw Materials for F.B. Mill
28	*NOTHING
29	Amendment to Interim Federal Specifications for Cement, Bituminous and Plastic dated June 12, 1970
30	Letter from A. Roralter with Asbestos to Vermont Asbestos Corp., dated December 3, 1935
31	Letter from Commonwealth of Massachusetts to John Koval, dated June 2, 1975
32	Firescreen Shingles Formula Card, dated July 23, 1969
33	Memorandum from W.S. Kimball regarding Talc, dated August 1, 1977
34	Letter from Clifford Patenaude to Carlos Santiago regarding shingles containing asbestos fibers, dated July 28, 1989
35	Memorandum from Ruberoid regarding asbestos felt, dated November 5, 1969

EXHIBIT NO.	EXHIBIT
36	Series of memorandums and letters regarding firescreen shingles, dated 1968
37	Letter from The Celotex Corporation regarding asbestos felt products, dated November 20, 1969
38	Manual for Maintenance and Repair of Roofs from the Armed Forces, dated January 1974
39	Memorandum from E.L. Lincoln regarding Cold Application Built-Up Roof Specifications dated October 31, 1962
40	Letter from Pollard to Spolyar regarding Dust Respirators, dated March 11, 1952
41	Documents from the National Poison Center Network regarding Reflecto-Coat Aluminum Roof Coating
42	Memorandums and other documents concerning analysis of ground rock filler sample
43	Letter from G.W. Handy, dated March 12, 1953
44	Bird & Son, Inc.'s Safety Loss Control Program
45	Safety Manual
46	Article titled, "EPA proposes ban on asbestos-containing products" dated March 1986
47	Article titled, "Asbestos issue nears resolution" dated May 1986
48	Article titled, "The Great American Asbestos Hoax" Part two of two, dated February 1991
49	National Roofing Contractors Association Asbestos Update, dated October 10, 1988 including a August 29, 1988 Press Release
50	Federal Roofing Specifications
51	Letter from M.C.M. Pollard, dated March 11, 1953
52	Memorandum with attached Asbestos Regulation from CFR 1910.93a(i)(1), dated March 23, 1976
53	Letter from Karnak Chemical Corporation with attached OSHA regulation concerning asbestos caution labels, dated March 31, 1986

EXHIBIT NO.	EXHIBIT
54	40 CFR Chapter 1 (7-1-94 Edition)
55	40 CFR Chapter 1 (7-1-90 Edition)
56	Federal Register 41058, August 10, 1994
57	40 CFR Chapter 1 (7-1-94 Edition) NESHAP Standards
58	40 CFR Chapter 1 (7-1-91 Edition)
59	Underwriters Laboratories, Inc. (UL) Standard for Safety; Materials for Built-Up Roof Coverings, dated August 1978
60	UL Standards dated November 23, 1989
61	UL Standard for Safety; Class C Asphalt Organic-Felt Sheetroofing and Shingles
62	Memorandum regarding Mill Trials on Shingles for UL Class A Approval, dated August 14, 1963
63	Memorandum regarding Rerun of Class A Shingles, dated July 22, 1963
64	Letter from Stanley Sallie to UL with attachments, dated August 20, 1963
65	Letter from UL to Stanley Sallie, dated September 24, 1963
66	Letter from UL to Stanley Sallie with photographs attached, dated October 16, 1963
67	Memorandum regarding Class A Shingles dated July 10, 1964
68	Letter from Caryl Hinds to UL with attachments dated July 10, 1964
69	Letter from UL to Stanley Sallie from UL with attachments, dated July 15, 1964
70	Letter from UL to Leonard Weaver, dated July 16, 1968
71	Letter from UL to Leonard Weaver, dated November 2, 1968
72	Letter from UL to Leonard Weaver, dated December 6, 1968
73	Letter from V. Brown to A. Lanza, dated December 21, 1934
74	Cleveland, Ohio Meeting Minutes, dated May 17, 1963
75	Letter from B.W. Luttenberger to H. Jackson, dated July 13, 1954
76	Letter from V. Brown regarding Saranac Laboratory Asbestos Dust Experiments, dated October 27, 1942

EXHIBIT NO.	EXHIBIT
77	Letter from V. Brown to C. Stover regarding Air Hygiene Foundation of America-Membership Meeting of November 24 th , dated December 4, 1936
78	Letter from V. Brown to L. Gardner with Memorandum of Agreement attached, dated November 20, 1936
79	Letter from V. Brown to M. Judd regarding Preliminary Metropolitan Report, dated December 24, 1934
80	Letter from V. Brown to S. Simpson with Raybestos-Manhattan, Inc. dated October 3, 1935
81	Letter to V. Brown dated October 1, 1935
82	Letter from F. Zimmerman to C. Sheckler dated April 17, 1968
83	Recommended Health Safety Practices for Handling and Applying Asbestos-Cement Products in the Building and Construction Industries
84	Letter from W. Rieth to A. Mays dated May 16, 1975
85	Letter from J. Weaver to C. Stover dated November 22, 1935
86	Letter from B. Powhatan to H. Lawlor regarding list of asbestos claims filed prior to 1965 against GAF, dated March 21, 1983
87	Ruberoid Advertisement
88	Minutes of the General Meeting of the Asbestos Textile Institution held on June 16, 1949
89	Report of the Meeting of the Asbestos Textile Institute Air Hygiene Committee held on October 6, 1954
90	Report of the Meeting of the Asbestos Textile Institute Air Hygiene Committee held on September 7, 1955
91	Minutes of the General Meeting of the Asbestos Textile Institution held on March 8, 1956
92	Minutes of the Meeting of the Asbestos Textile Institute Air Hygiene Committee held on March 7, 1956
93	Minutes of the Meeting of the Asbestos Textile Institute Air Hygiene Committee held on June 4, 1956

EXHIBIT NO.	EXHIBIT
94	Minutes of the Meeting of the Asbestos Textile Institute Air Hygiene Committee held on March 7, 1957
95	Minutes of the Meeting of the Asbestos Textile Institute Air Hygiene Committee held on June 6, 1963
96	Minutes of the General Meeting of the Asbestos Textile Institution held on February 4, 1971
97	Documents from 1968 regarding asbestos containing firescreen shingles
98	Approved List of Raw Materials and Vendors by Plants
99	Letter from D.P. Cortright to A.A. Plummer regarding Asbestos Roofing Felts dated December 30, 1971
100	Bird & Son, Inc.'s Loss Control Program Index
101	Letter from William O'Brien to A.E. Plummer regarding Dry Asbestos Saturating Felts dated January 16, 1969
102	Briggs Airborne Asbestos Monitoring Results dated December 10, 1986
103	Memo from F.W. Wood regarding Asbestos Felt dated June 3, 1969
104	Memo from F. Lee Russell regarding Re-Enforced Flashing dated February 22, 1971
105	Memo from F. Lee Russell regarding Re-Enforced Asbestos Flashing dated August 18, 1971
106	Memo from W.S. Kimball regarding Asbestos Felt dated May 27, 1969
107	Letter from William O'Brien to A.E. Plummer regarding Price Increase on Dry Asbestos Roofing Felts dated November 19, 1968
108	Memo regarding Shingle Products dated July 26, 1978
109	Letter from Karnak Chemical Corp. to All Customers regarding Non-Exempt Solvents dated March 25, 1983
110	Letter from Asbestos Corp. Limited to Bird & Son, Inc. regarding Bag Markings Caution Notice dated January 13, 1970
111	Letter from Toms Royal to Carroll Homan regarding two products which replace or extend asbestos dated July 17, 1975

EXHIBIT NO.	EXHIBIT
112	Memo with handwritten note regarding Vermont Asbestos Group dated July 3, 1975
113	Memo from J. Svares regarding Asbestos Samples from Carey Canadian Mines, LTD dated June 12, 1970
114	Memo regarding Asbestos Substitute dated August 11, 1970
115	Memo regarding Grade 36 PM Asbestos IN FS Reflecto-Coat dated April 29, 1969
116	Hand written notes regarding experimental Class A Shingle Work, Percentages of different materials used dated May 1959-May 1967
117	Memo/hand written notes regarding experimental Class A Shingle Work, Percentages of different materials used dated May 1960-July 1962
118	Letter from Huxley Development Corp. to H.W. Church regarding Finnish Asbestos Fibre dated April 28, 1962
119	RESERVED
120	Memo from BBH to M. Price regarding granules dated August 23, 1963
121	Letter from Huxley Development Corp. to Leonard Weaver regarding sample of high density chrysotile material dated March 18, 1964
122	Letter from U/L to Stanley Sallie regarding resubmitted application for Class A testing dated April 1, 1964
123	Memo from BBH to Johnson, Knight, Powers, Zinkowski and Price regarding thick butt Class A Shingle testing by the U/L dated May 9, 1968
124	Memo from BBH to Knight regarding Class A Shingle: Asbestos filled coating-recommended formulas dated May 20, 1968
125	Memo from BBH to Knight regarding Class A Shingle: Asbestos filled Coating dated May 29, 1968
126	Memo from BBH to Knight regarding Class A Shingle: Underwriters' Specification dated June 6, 1968
127	Memo from A.K. Powers to Weaver regarding Class A Fire Screen Shingle dated June 11, 1968

EXHIBIT NO.	EXHIBIT
128	Memo from Knight to Johnson, Powers, Zinkowski, Price and Weaver regarding Class A Fire Screen Shingle -arranging for test run, dated June 28, 1968
129	Memo with attached Letter from Leonard Weaver to U/L regarding testing of new shingles dated July 3, 1968
130	Product Development Progress Report from Bird to Soward, Johnson, Knight, and Heideman regarding Improvement to Class A and Development of Class B dated July 29, 1968
131	Letter from Leonard Weaver to U/L regarding retesting for Class A rating dated February 6, 1969
132	Memo from Wood to Wood regarding Asbestos Usage dated January 6, 1983
	NUMBERS 133-149 RESERVED
	STATE OF THE ART DOCUMENTS
150	Medical Article dated July 6, 1924, "Fibrosis of the Lungs Due to the Inhalation of Asbestos Dust" by W.E. Cooke
151	Report dated February 17, 1930, "Report on Effects of Asbestos Dust on the Lungs and Dust Suppression in the Asbestos Industry" by E.R.A. Merewether and C.W. Price
152	Report dated December 22, 1934, "Pulmonary Asbestos - A Review of One Hundred Cases" by W. Wood and S. Gloyne
153	Medical Article dated 1935, "Pulmonary Asbestos III: Carcinoma of Lung in Asbestos - Silicosis" by K. Lynch and W. Smith
154	Medical Article dated January 4, 1935, "Studying Dust Counts in Factories" or "Effects of Inhalation of Asbestos Dust on the Lungs" by A.J. Lanza
155	Medical Article dated October, 1935, "Two Cases of Squamous Carcinoma of the Lung Occurring in Asbestosis" by S. Roodhouse Gloyne
156	The Division of Industrial Hygiene National Institute of Health Report dated August, 1938, "A Study of Asbestos in the Textile Industry" by W. Dreessen, J. Dallavalle, T. Edwards, J. Miller and R. Sayers
157	Medical Article dated May 19, 1941, "Bronchogenic Carcinoma in Association with Pulmonary Asbestosis" by Herbert B. Holleb

EXHIBIT NO.	EXHIBIT
158	Medical Article dated February 9, 1943, "Minimum Requirements for Safety in Contract Shipyards" by Secretary of Navy
159	Medical Article dated January, 1946, "Study of Dust Levels and X-Rays of Workers Doing Pipe Fitting" by W. Fleischer
160	Medical Article dated January, 1946, "A Health Survey of Pipe Covering Operations in Constructing Naval Vessels" by W. Fleischer, F. Viles, R. Gade and P. Drinker
161	Report dated June, 1947, "Report of Preliminary Dust Investigation for Asbestos Textile Institute" by W.C.L. Hemeon
162	Medical Article dated November-December, 1948, "Asbestosis: Analysis of Forty Necropsied Cases" by K. Lynch and W. Cannon
163	Medical Article dated February, 1951, "Environmental Lung Cancer" by W.C. Hueper
164	Medical Article dated 1954, "Industrial Medicine in South Africa" by G.W.H. Schepers, M.D.
165	Technical Bulletins regarding Finnish Anthophyllite Asbestos dated 1959-1962
166	Medical Article dated 1960, "Diffuse Pleural Mesothelioma and Asbestos Exposure in the North Western Cape Province" by J.C. Wagner, C.A. Sleggs and P. Marchand
167	Medical Article dated April, 1970, "Partnership for Prevention - The Insulation Industry Hygiene Research Program" by I. Selikoff
168	Medical Article dated 1976, "Asbestos-Related Diseases of the Lung and Other Organs: Their Epidemiology and Implications for Clinical Practice" by M. Becklake
169	The American Journal of Industrial Medicine 1982, "Classical Syndromes in Occupational Medicine: The Montague Murray Case" by Morris Greenberg
170	New England Journal of Medicine, June 29, 1989 (Volume 320, No. 26), "Asbestos Related Diseases" by B. Mossman and J. Gee
171	The British Journal of Industrial Medicine 1990, "Asbestos: A Chronology of its Origins and Health Affects" by R. Murray

EXHIBIT NO.	EXHIBIT
172	British Journal of Industrial Medicine 1991, Letter to the Editor regarding Asbestos and cancer: history and public policy from B. Castleman with Reply from R. Murray
173	The American Journal of Epidemiology 1992 (Volume 135, No. 8) "Asbestos and Colon Cancer; Lack of Association in Large Case Control Study"
174	Textbook: "Pathology of Asbestos Related Diseases" by Roggli, Greenberg & Pratt, 1992.
175	Brief of Petitioner, Asbestos Information Association of North America, dated April 26, 1996, re: <u>Asbestos Information Association of North America v. Robert B. Reich</u> , 5 th Circuit Court of Appeals, Case No. 94-41097 consolidated with Case No. 96-60006
175a	Comments of the Asbestos Information Association of North America on OSHA's Asbestos Remand Proposal, Vol. II, dated December 3, 1990; in re: <u>Proposed Standard for Occupational Exposure to Asbestos</u> , OSHA Docket No. H-033e, before the U.S. Dept. of Labor, OSHA
175b	Excerpts from Report on "Exposure Assessment for Asbestos", by Versar Inc., January 9, 1984
175c	Transcript of hearing before the U.S.E.P.A., October 8, 1986; In the Matter of: Cross Examination of EPA's Proposed Rule Under Sect. 6 of TSCA Proposing Ban and/or Phase out of Asbestos; Control No. OPTS-82036
175d	Report on "Life Cycle of Asbestos in Commercial and Industrial Use Including Estimates of Releases to Air, Water and Land", by David Cogley, CGA Corp., Bedford, MA, February, 1982.
175e	Excerpts from Proceedings of the National Workshop on Substitutes for Asbestos, Arlington, VA, July 14-16, 1980
175f	Excerpts from report/transcript on National Emission Standards for Asbestos — Background Information for Proposed Standards, Emissions Standards and Engineering Div., EPA, March 5, 1986
176	Code of Federal Regulations, Title 40, Vol. 7, Parts 61 to 62: "Protection of Environment" (EPA) (Rev. July 1, 1998)

EXHIBIT NO.	EXHIBIT
	177-199 RESERVED
	EXPERT CURRICULUM VITAE
200	V.K. Argento, Ph.D., P.E.
201	J. LeRoy Balzer, Ph.D.
202	Peter J. Barrett, M.D., FACR
203	Charles L. Blake, CIH
204	Samuel H. Cade, M.D.
205	Philip T. Cagle, M.D.
206	Barry I. Castleman, Environmental Consultant
207	Andrew Churg, M.D., Ph.D.
208	Lawrence A. Cohen
209	John E. Craighead, M.D.
210	James D. Crapo, M.D.
211	George L.P. Delclos, M.D.
212	John M. Dement, Ph.D.
213	Scott G. Donaldson, M.D.
214	David Steven Egilman, M.D., MPH
215	I. A. Feingold, M.D., FRCP, FCCP
216	Gregory Foster, M.D.
217	Michael Alan Graham, M.D.
218	Kathryn A. Hale, M.D.
219	H. Corwin Hinshaw, M.D., Ph.D., D.Sc.
220	John R. Holcomb, M.D.
221	William G. Hughson, M.D.
222	Richard A. Lemen, Ph.D.

EXHIBIT NO.	EXHIBIT
223	Thomas F. Mancuso, M.D., M.P.H.
224	Jack E. Peterson, P.E., Ph.D.
225	Victor Louis Roggli, M.D.
226	Robert Marshal Ross, M.D., FCCP
227	Mario J. Saldana, M.D.
228	J. Robert Shepherd, III, M.D.
229	John W. Spencer, CIH, CSP, RS
230	Paul Michael Stevens, M.D.
231	Gail Diane Stockman, M.D.
232	Hans Weill, M.D.
233	Thomas Wheeler, M.D.
234	Mark R. Wick, M.D., F.C.A.P., F.A.S.C.P., F.A.S.D.
235	R. Keith Wilson, M.D.

Revised 01/16/02

DEFENDANT BIRD INCORPORATED'S
DESIGNATION OF EXPERT AND FACT WITNESSES

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW **BIRD INCORPORATED** ("Bird"), Defendant in the above-entitled and numbered cause, and files this its Designation of Expert and Fact Witnesses, whom may be called upon to testify at the trial of this cause by either direct examination, cross-examination, or rebuttal testimony:

1. Dr. Elvin Adams, General Conference of SDA's, 6840 Eastern Avenue, N.W., Washington, D.C. 20012

Dr. Adams may testify concerning asbestos-related diseases and in particular on the smoking's effects on the human body.

- 1.1 Dr. Vittorio K. Argento, Environmental Engineering Services, 215 S.E. 25th Terrace, Cape Coral, Florida 33904, (941) 573-9901.

Dr. Argento may testify as to the relative safety of certain asbestos containing products compared to those without it. Especially products with fully encapsulate asbestos fibers.

Dr. Argento may also interpret the health effects of exposure to asbestos from products releasing various amounts of dust into the breathing zone. He may testify as to general principles of industrial hygiene. He may discuss test results on Defendant products for fibre release, during application, use and removal, and the impact on human health. Test results available upon request.

Defendant reserves the rights to present Dr. Argento's opinions from prior transcripts in other cases (available upon request).

2. Dr. Oscar Auerbach, VA Medical Center, SMI Laboratory, 151(B) Building 1, East Orange, NJ 07019 (*No bio provided*)
3. Dr. Stephen Ayers, Sanger Hall, Room 1-032, Box 565, MCV Station, Richmond, VA 23298-0001

Dr. Stephen Ayers, of the Medical College, Richmond, Virginia, if called, may testify on the state of the medical and scientific art of asbestos diseases through history, and the

development of knowledge of asbestos related hazards. He may testify on the risks, including asbestosis, lung cancer and mesothelioma, associated with the various asbestiform minerals, as perceived by members of the asbestos industry, and the medical and scientific community through time. He may also respond to issues within his areas of expertise raised by plaintiffs at trial.

- 3.1 Dr. J. Leroy Balzer, 1052 Wickham Drive, Moraga, CA 94556; (510) 274-0826.

Education: B.S. Microbiology/Public Health University of California 1962;
M.S. Public Health/Preventative Medicine/Industrial Hygiene University of California 1963; Ph.D. Environmental Health Sciences University of California 1971; Stanford Executive Program Stanford University 1979.

Dr. J. Leroy Balzer, an industrial hygienist, may testify regarding control of asbestos related disease causes and prevention, and the health effects of asbestos in low dosage amounts.

- 3.2 Peter J. Barrett, M.D., FACR, 300 Boylston Street, Ste. 714, Boston, MA 02116-3923; (617) 426-2110

Dr. Barrett may be called upon to testify concerning asbestos issues in general. This would include industrial hygiene issues, the affects of exposure to asbestos fibers, the impact of the differing types of asbestos fibers and workplace conditions. Furthermore, Dr. Barrett may be called upon to testify concerning the health affects of exposure to asbestos fibers and how that relates to the claims being made in this lawsuit, as well as the probable cause or causes of any diseases alleged by Plaintiff(s).

4. Dr. Joseph Bates, A Medical Center, 4300 West 7th Street, Little Rock, AR 72205, (501) 660-2029

Dr. Joseph H. Bates is a pulmonologist with the Veterans Administration Medical Center in Little Rock, Arkansas who may testify live or by deposition concerning the medical condition of various plaintiffs, as well as to the etiology of the fibrotic lung diseases, pulmonary aspects of asbestos-caused or related disease processes and phenomena, and the diagnosis, prognosis and causation of lung diseases from the pulmonologist's perspective. He may also respond to issues within his field of expertise raised by plaintiffs at trial.

- 4.1 Dr. Hector Battifora, 1752 Wilson Avenue, Arcadia, CA 91006; (626) 822-0130.

Dr. Battifora may testify regarding the physical condition of plaintiff, and in addition, he may testify with regards to his examination of plaintiff and/or his review of pathology

slides, x-rays and/or independent medical examinations. Dr. Battifora may also testify concerning the causes of asbestos-related illnesses, including the doses required, the latency and other contributing factors. He may also opine about the relative toxicity of the various types of asbestos fiber.

- 4.2 Charles L. **Blake**, CIH, Clayton Environmental Consultants, Inc., 400 Chastain Center Boulevard, Ste. 490, Kennesaw, GA 30144; (770) 499-7500.

Mr. Blake may testify as to the relative safety of certain asbestos-containing products compared to those without it; especially products with fully encapsulate asbestos fibers.

Mr. Blake may also interpret the health affects of exposure to asbestos from products releasing various amounts of dust into the breathing zone. He may testify as to general principles of industrial hygiene.

5. Dr. Ed **Block**, Research Service (ISI), VA Medical Center, Room E580, Gainesville, FL, 03260

Ed Block, M.D., may testify in person and/or by deposition as to the etiology of the fibrotic lung diseases, pulmonary aspects of asbestos caused or related disease processes and phenomena, and the diagnosis, prognosis and causation of lung diseases from the pulmonologist's perspective. He may also respond to matters within his field of expertise raised by plaintiffs at trial.

- 5.1 Dr. Arnold R. **Brody**, Tulane University Medical Center, School of Medicine, Department of Pathology & Laboratory Medicine SL79, 1430 Tulane Avenue, New Orleans, LA 70112-2699; (504) 588-5224.

Dr. Brody is expected to testify concerning what companies knew or should have known concerning the hazards of asbestos-related disease. This witness will be used by plaintiffs, it is suspected, on the issues of "state of the art" and medical issues related to exposure to asbestos fiber. It is believed that this witness will testify concerning what some companies actually knew and what could have been learned upon inspection of certain documents. It is also suspected that Dr. Brody will testify about the "conspiracy of silence" by asbestos manufacturers. Defendant reserves the right to cross-examine this witness on all medical and "state of the art" issues raised during the direct examination.

6. Dr. Stuart **Brooks**, College of Public Health, MMH 104, 13301 North 30th Street, Tampa, FL 33612-9009, (813) 974-6626

Stuart Brooks, M.D., College of Public Health, University of South Florida, Tampa, Florida may testify in person and/or by deposition as to the state of the medical and

scientific art of asbestos diseases through history, and the development of knowledge of asbestos related hazards. He may also respond to matters raised within his field of expertise by plaintiffs in the presentation of their case in chief. Dr. Brooks has previously testified in U.S.D.C., S.D.GA., in Rayford A. Graham v. The Celotex Corporation, et al., C.A. No. CV288-113.

7. Dr. Robert Brown, Ann Arbor, MI

Mr. Robert Brown of Ann Arbor, Michigan, may testify by deposition taken April 1, 1982, in Isle of Palms, South Carolina, or by deposition taken on November 24, 1980, or by testimony on November 13, 1981, or by other deposition duly identified. Mr. Brown, if called, may testify on the state of the medical and scientific art of asbestos diseases through history, and the development of knowledge of asbestos related hazards.

8. Dr. Kevin W. Browne, Brompton Hospital, London, England

Kevin W. Browne, M.D., of Brompton Hospital, London, England, may testify in person and/or by deposition as to the etiology of asbestos related diseases, the diagnosis of those diseases, and the history and knowledge of asbestos-related diseases. He may testify on the state of the medical and scientific art of asbestos diseases through history, and the development of knowledge of asbestos related hazards. He may testify on the risks; including asbestosis, lung cancer and mesothelioma, associated with the various asbestiform minerals, as perceived by members of the asbestos industry, and the medical and scientific community through time. He may also respond to issues within his expertise raised by plaintiffs at trial.

9. Dr. Nasha Burki, Pulmonary Division of Medicine, 800 Rose Street, Lexington, KY 40536-0804

Nasha K. Burki, M.D., of University of Kentucky in Lexington, Kentucky, may testify in person and/or by deposition as to the etiology of the fibrotic lung diseases, pulmonary aspects of asbestos caused or related disease processes and phenomena, and the diagnosis, prognosis and causation of lung diseases from the pulmonologist's perspective. He may also respond to matters raised within his field of expertise by plaintiffs in the presentation of their case in chief.

10. Dr. David Burns, UCSD Medical Center, 200 West Arbor, San Diego, CA 92103-3705, (619) 543-2532

David Burns, MD., is a board certified pulmonologist and epidemiologist. Dr. Burns currently practices medicine at the University of California, San Diego.

Dr. Burns may testify about the pulmonology aspects of asbestos exposure, including such matters as dose response, progression, and risk of cancer.

Dr. Burns further is expected to offer testimony concerning the effects of inhaled tobacco smoke and other factors on the appearance of chest radiographs in populations who also are alleged to be exposed to asbestos-containing products and, additionally, concerning how the effects of inhaled tobacco smoke and other factors can confound the appearance and/or result of radiographic studies.

Beyond these matters, because Dr. Burns is a witness appearing after the testimony of plaintiffs' experts at trial, in some measure his testimony may be responsive to evidence presented by the plaintiffs and cannot therefore be specifically predicted. Dr. Burns has previously testified in U.S.D.C., E.D.TX., in Claude Cimino, et al. v. Raymark Industries, Inc., et al., C.A. No. B-86-0456-CA.

11. Dr. Sam H. Cade, Jr., Radiology Department, Baylor University Medical Center, 3500 Gaston Avenue, Dallas, Texas 75242.

Dr. Cade is a B reader and may testify regarding the radiographs of the Plaintiff and/or Plaintiff's decedent.

12. Phillip Cagle, M.D., 6565 Fannin, M.S. 205, Houston, Texas 77030, (713) 798-4661/790-2201

Dr. Cagle may testify regarding the physical condition of plaintiff, and in addition he may testify with regards to his examination of plaintiff and/or his review of pathology slides, x-rays and/or independent medical examinations. Dr. Cagle will also testify concerning the causes of asbestos-related illnesses, including the doses required, the latency and other contributing factors. He will also opine about the relative toxicity of the various types of asbestos fiber.

13. Dr. Barry Castleman, 722 Linden Avenue, Baltimore, Maryland, (301) 462-5135

Dr. Castleman may testify in favor of any Plaintiff on state of the art. Defendant denies that Dr. Castleman is competent or qualified to give the opinions he is typically offered to give, but if allowed to testify, Defendant will cross examine this witness on documents and prior deposition transcripts in its possession (available upon request).

14. Dr. Keith W. Chandler, Department of Internal Medicine, University of South Florida, Tampa, FL

Keith W. Chandler, M.D., Department of Internal Medicine, University of South Florida,

Tampa, Florida, may testify in person and/or by deposition as to the etiology of the fibrotic lung diseases, pulmonary aspects of asbestos caused or related disease processes and phenomena, and the diagnosis, prognosis and causation of lung diseases from the pulmonologist's perspective. He may also respond to matters raised within his field of expertise by plaintiffs in the presentation of their case in chief.

15. Dr. Eric Chatfield, 2071 Dickson Road, Mississauga, Ontario, Canada (416) 896-7611

Dr. Chatfield may testify regarding airborne levels of asbestos fibers and the development an use of technology to measure airborne levels of asbestos fibers. Additionally, Dr. Chatfield may testify regarding the history of regulations and standards for asbestos fiber levels. He may also testify regarding analytical methods employed by Plaintiff's experts for quantification of asbestos fibers.

16. Dr. Bashir Chaudhary, Department of Medicine, Medical College of Georgia, 1120 15th Street, Augusta, GA 30912, (706) 721-2566

Bashir Chaudhary, M.D., may, if called, testify in person and/or by deposition as to the etiology of the fibrotic lung diseases, pulmonary aspects of asbestos caused or related disease processes and phenomena, and the diagnosis, prognosis and causation of lung diseases from the pulmonologist's perspective. He may also respond to matters raised within his field of expertise by plaintiffs in the presentation of their case in chief. Dr. Chaudhary has previously testified in U.S.D.C., S.D.GA., in Carlyle Hatchell v. Armstrong World Industries, Inc., et al., C.A. No. CV285-221.

17. Dr. I. Christensen, Chairman, Lovelace Occupational Medicine, 5655 Jefferson Street, N.E., Albuquerque, New Mexico

Dr. Christensen may testify as a physician on Plaintiffs' past and/or present medical condition.

18. Dr. Andrew Churg, The University of British Columbia, 2211 Wesbrook Mall, Vancouver, B.C. Canada V6T1W5, phone number 604-228-7111

Dr. Churg may testify regarding general pathology and the pathology of the Plaintiff and/or Plaintiff's decedent. He will discuss the various causes of asbestos related diseases and his opinions on the cause of any disease complained of by Plaintiff.

19. Mark C. Clark, M.D., Austin Diagnostic Clinic, 801 West 34th Street, Austin, Texas 78705, (512) 459-1111

Dr. Clark may testify as a physician on Plaintiffs' past and/or present medical condition.

20. Dr. Richard Cohen, 19242 Panorama Dr., Saratoga, California, (415) 424-5156

Dr. Cohen may testify as a physician on Plaintiffs' past and/or present medical condition.

21. Dr. Thomas Colby, Mayo Clinic, Pathology Department, (507) 255-5256

Thomas V. Colby, M.D., of Mayo Clinic in Rochester, Minnesota, may testify in person and/or by deposition as to asbestos related diagnostic, prognostic and causative issues of general medicine, pathology issues relevant to these same matters, and on cancer diagnosis and causation as related to asbestos exposure. He may also respond to matters raised within his field of expertise by plaintiffs in the presentation of their case in chief. Dr. Colby has previously testified in the Circuit Court for the City of Norfolk in Strickland v. H.K. Porter Company, Inc., et al., At Law No. L88-3636.

22. Dr. William Cole, 4566 Southlandings Drive, Fort Myers, FL 33919, (813) 433-5325

Dr. Cole is a board certified radiologist, and may be offered as an expert in radiology, with a particular expertise in thoracic radiology, and as a NIOSH certified B-reader of chest x-rays for pneumoconiosis. The scope of Dr. Cole's testimony, if offered, is expected to include matters concerning the radiographic aspects of malignant and nonmalignant changes alleged to be associated with exposure to asbestos containing products, including comment concerning various medical and scientific research publications which have been reported concerning radiographic aspects of malignant and non-malignant conditions allegedly associated with exposure to asbestos-containing products in some populations.

It is expected that Dr. Cole's testimony generally may respond, within the scope of his expertise, to the subject matter of radiographic medical. testimony that may be offered by plaintiffs' experts, and in that sense, his testimony is dependent upon the prior testimony of such experts and cannot specifically be predicted.

- 22.1 Patrick M. Conoley, M.D., DABR, 4527 Nenana Dr., Houston, Texas 77035-3627

Dr. Conoley may be called upon to testify concerning asbestos issues in general. This would include industrial hygiene issues, the affects of exposure to asbestos fibers, the impact of the differing types of asbestos fibers and workplace conditions. Furthermore, Dr. Conoley may be called upon to testify concerning the health affects of exposure to asbestos fibers and how that relates to the claims being made in this lawsuit, as well as the probable cause or causes of any diseases alleged by Plaintiff(s).

23. Dr. Anthony Costrini, #6, St. Joseph Professional Plaza, 11706 Mercy Boulevard, Savannah, GA 31406-6908, (912) 354-1129

Anthony M. Costrini, M.D., may testify in person and/or by deposition as to the etiology of the fibrotic lung diseases, pulmonary aspects of asbestos caused or related disease processes and phenomena, and the diagnosis, prognosis and causation of lung diseases from the pulmonologist's perspective. He may also respond to matters raised within his field of expertise by plaintiffs in the presentation of their case in chief.

24. Dr. Bobby F. Craft, Industrial Health, Inc., 640 East Wilmington Avenue, Salt Lake City, Utah 84106

Dr. Craft may testify that the medical community became aware that insulators with prolonged intense exposure might be at risk for asbestos-related diseases in the late 1960's or early 1970's.

25. Dr. John E. Craighead, Department of Pathology, University of Vermont, College of Medicine, Burlington, Vermont 05405

Dr. Craighead may testify in person and/or by deposition as to asbestos related diagnostic, prognostic and causative issues of general medicine, pathology issues relevant to same matters, and on cancer diagnosis and causation as related to asbestos exposure. He may also respond to matters raised within his field of expertise by plaintiffs in the presentation of their case in chief. Dr. Craighead has previously testified in U.S.D.C., E.D.VA., in Gail E. Worley. et al. v. The Celotex Corporation. et al., C.A. No. 88-247-N.

Dr. Craighead is a pathologist specializing in the effects of minerals on the human body, including the biological effects of asbestos. Dr. Craighead may testify regarding the relationship between the inhalation of different types and levels of asbestos fibers and lung cancer and mesothelioma. Additionally, he is expected to testify regarding the biological effects of asbestos on humans and animals. Specifically, Dr. Craighead may opine that the mere presence of asbestos-containing materials in buildings is not a health hazard and that low levels of exposure to asbestos do not present an increased risk of lung cancer and mesothelioma to building occupants. He is expected to further opine that there is a lack of epidemiological proof showing a causal connection between levels of asbestos commonly found in ambient air and disease. In addition, Dr. Craighead is expected to testify that processed chrysotile does not cause mesothelioma, regardless of the concentrations found.

- 25.1 Dr. James D. Crapo, M.D., National Jewish Medical and Research Center, 1400 Jackson St., Denver, CO 80206, (303) 398-1436

Dr. Crapo may be called upon to testify concerning asbestos issues in general. This would include industrial hygiene issues, the affects of exposure to asbestos fibers, the impact of

the differing types of asbestos fibers and workplace conditions. Furthermore, Dr. Crapo may be called upon to testify concerning the health affects of exposure to asbestos fibers and how that relates to the claims being made in this lawsuit, as well as the probable cause or causes of any diseases alleged by Plaintiff(s).

26. Dr. John Crissman, The Detroit Medical Center Harper-Grace Hospital, 3990 John Road, Detroit, MI 48201, (313) 745-2520

John D. Crissman, M.D., Director of Anatomic Pathology, 3990 John Road, Detroit, Michigan, may testify in person and/or by deposition as to asbestos related diagnostic, prognostic and causative issues of general medicine, pathology issues relevant to these same matters, and on cancer diagnosis and causation as related to asbestos exposure. He may also respond to matters raised within his field of expertise by plaintiffs in the presentation of their case in chief. Dr. Crissman has previously testified in U.S.D.C., E.D.TX., in Claude Cimino, et al. v. Raymark Industries, Inc., et al., C.A. No. B-86-O456-CA.

27. Dr. Ronald Crystal, Health Incorporated, 13712 Canal Vista Court, Potomac, MD 20854, (301) 948-1541

Ronald G. Crystal, M.D., of 13712 Canal Vista Court, Potomac, Maryland, may testify in person and/or by deposition as to the etiology of the fibrotic lung diseases, pulmonary aspects of asbestos caused or related disease processes and phenomena, and the diagnosis, prognosis and causation of lung diseases from the pulmonologist's perspective. He may also respond to matters raised within his field of expertise by plaintiffs in the presentation of their case in chief. Dr. Crystal has previously testified in U.S.D.C., S.D.GA., in Archie Bowden v. The Celotex Corporation. et al., C.A. No. CV288-188.

28. Dr. J.N.P. Davies, Medico-Legal Consultant, P.C., 277 Rowe, Sulkirk, NY 12207, (518) 767-2500

J.N.P. Davies, M.D., is a pathologist and has practiced medicine for over 45 years. In his pathological work he has studied asbestos-related disease and malignancy as it relates to asbestos. He has authored papers pertaining to the epidemiology of mesothelioma and has studied epidemiology. As part of Dr. Davies' experience, he has been involved in asbestos study in South Africa, the United Kingdom and the United States. Dr. Davies has studied with, worked with and talked with a number of individuals who have historically written about and studied asbestos, including but not limited to Drs. Merewether, Doll, Hueper, and Wagner. He is familiar with their thoughts, work and experiences.

Dr. Davies may talk about cancer epidemiology and what is involved in making determinations as to carcinogenesis as it relates to asbestos and other substances. He may testify concerning the epidemiology of the amosite variety of asbestos, and he may testify it is inappropriate to consider asbestos simply as asbestos.

Dr. Davies may also testify about the threshold limit values and give an explanation of what threshold limit values are and usage of them as they relate to industrial hygiene and exposure of individuals to asbestos and other substances.

Dr. Davies may testify about scientific and medical literature as it relates to amosite asbestos, epidemiology of cancer, amosite asbestos and cancer, and occupational medicine principles as they relate to asbestos.

29. Dr. George Delclos, Pulmonary Section F907, Methodist Hospital, 6565 Fannin, Houston, Texas (713) 790-6250

Drs. Heidbrink, Delclos, Foster and Stevens may testify concerning his examination and diagnosis of the physical condition of the particular Plaintiffs. It is expected that Drs. Wilson, Heidbrink, Stevens, Delclos, Foster and Garcia may testify that the Plaintiffs do not have asbestosis and may further testify concerning the overall condition and the relationship of that condition, if any, to Plaintiff's exposure to asbestos. Each doctor may also testify concerning the following areas:

- a. Anatomy and function of the respiratory and circulatory systems;
- b. The nature of asbestos;
- c. The symptomatology, disease process and diagnosis of asbestos and cancer associated with the respiratory system, peritoneum and peritoneal cavity;
- d. The nature and extent of medical and scientific knowledge regarding any association of obstructive pulmonary disease with asbestos fiber exposure;
- e. The effect of exposure to substances other than asbestos on the development and manifestation of obstructive and restrictive conditions and diseases of the respiratory system;
- f. Methods of diagnosis of various diseases particularly mans of establishing the differential diagnosis of alleged asbestos-related diseases with other government warnings, smoking, and some areas of state-of-the-art;
- g. Incidence of lung cancer among individuals with asbestos, compared with non-

asbestotic asbestos workers and with the general population;

- h. Cigarette smoking and its effect on the lung;
- i. The relationship of cigarette smoking to cancer of the lung and cancers of other sites with reference to epidemiological studies and physiologic effect;
- j. Difference between impairment and disability;
- k. Effect of asbestosis on disability and life expectancy; and
- l. The lack of a relationship between presence of pleural plaques and a later development of any form of cancer.

30. Dr. John Dement, Duke University Medical School, Department of Occupational & Environmental Medicine, 2200 West Main Street, #700, Durham, NC 27710

Dr. Dement may testify as a physician on Plaintiffs' past and/or present medical condition.

31. Dr. Harry Demopoulos, pathologist, 550 First Avenue, New York, New York

Drs. Weill, Demopoulos, Hinshaw, Howard, and Gaensler, if called to testify, are expected to provide testimony in the following areas:

- a. Anatomy and function of the respiratory and circulatory system;
- b. The nature of asbestos;
- c. The symptomatology, disease process and diagnosis of asbestos and cancer associated with the respiratory system, peritoneum and peritoneal cavity;
- d. The nature and extent of medical and scientific knowledge regarding any association of obstructive pulmonary disease with asbestos fiber exposure;
- e. The effect of exposure to substances other than asbestos on the development and manifestation of obstructive and restrictive conditions and diseases of the respiratory system;
- f. Methods of diagnosis of various diseases particularly means of establishing the differential diagnosis of alleged asbestos-related diseases with other non-asbestos-related diseases;

- g. Incidence of lung cancer among individuals with asbestosis, compared with non-asbestotic asbestos workers and with the general population;
- h. Cigarette smoking and its effect on the lung;
- i. The relationship of cigarette smoking to cancer of the lung and cancers of other sites with reference to epidemiological studies and physiologic effect;
- j. Difference between impairment and disability;
- k. Effect of asbestosis on disability and life expectancy;
- l. The lack of a relationship between presence of pleural plaques and a later development of any form of cancer; and
- m. The history of evolution and knowledge of asbestos-related diseases.

It is also expected that Drs. Weill, Demopoulos, Hinshaw, Gaensler, and Howard may testify that the medical community became aware that insulators with prolonged intense exposure might be at risk for asbestos-related diseases in the late 1960's or early 1970's. Drs. Hinshaw, Weill, Demopoulos, and Gaensler may not testify concerning the diagnosis or physical condition of these particular Plaintiffs.

- 32. Dr. Robert DiBenedetto, Memorial Medical Hospital, P.O. Box 23089, Savannah, GA 31403

Robert I. DiBenedetto, M.D., of Savannah, Georgia, may testify in person and/or by deposition as to the etiology of the fibrotic lung diseases, pulmonary aspects of asbestos caused or related disease processes and phenomena, and the diagnosis, prognosis and causation of lung diseases from the pulmonologist's perspective. He may also respond to matters raised within his field of expertise by plaintiffs in the presentation of their case in chief.

- 33. Dr. Scott G. Donaldson, 375 Municipal Drive, Suite 140, Richardson, Texas 75080 (214) 680-0666

Dr. Donaldson may testify as a physician on Plaintiffs' past and/or present medical condition. He may offer opinions on the various causes of pulmonary diseases and the factors most likely to have caused the diseases alleged or complained of by the Plaintiff(s) in this case.

- 34. Dr. Michael Duffell, Emory University Clinic, 1365 Clifton Road, NE, Atlanta, GA

30333, (404) 248-3368

G. Michael Duffell, Emory Clinic in Atlanta, Georgia, may testify in person and/or by deposition as to the etiology of the fibrotic lung diseases, pulmonary aspects of asbestos caused or related disease processes and phenomena, and the diagnosis, prognosis and causation of lung diseases from the pulmonologist's perspective. He may also respond to matters raised within his field of expertise by plaintiffs in the presentation of then case-in-chief. Dr. Duffell has previously testified in U.S.D.C., N.D.GA., in Robert H. Allen v. The Celotex Corp., et al., C.A. No. C-87-1395A.

35. Dr. David Edelman, 68 Spyglass Circle, Groton, CT

David A. Edelman, Ph.D., of 68 Spyglass Circle, Groton, Connecticut, is a biostatistician and epidemiologist. He may testify in person and/or by deposition as to the application of epidemiology and biostatistics to asbestos related diseases in populations such as plaintiffs, as shown by literature and his research. He may comment upon the epidemiologic studies showing the incidence and progression of asbestos related diseases. He may also testify on issues of causation, including any relationship between asbestos exposure and cancer, and on other matters within his expertise raised during the plaintiffs' case. Dr. Edelman has previously testified in U.S.D.C., S.D.GA., in Charlie Edward Smith v. The Celotex Corp., et al., C.A. No. CV288-50.

36. Dr. David Egilman, Occupational & Environmental Health Services, 100 Jefferson Blvd., 3 Jefferson Place, Ste. 100, Warwick, Rhode Island 02888, (401) 739-5959

Dr. Egilman may testify as a physician on Plaintiffs' past and/or present medical condition. He is expected to testify concerning what companies knew or should have known concerning the hazards of asbestos-related disease. This witness will be used by plaintiffs, it is suspected, on the issues of "state of the art" and medical issues related to exposure to asbestos fiber. It is believed that this witness will testify concerning what some companies actually knew and what could have been learned upon inspection of certain documents. It is also suspected that Dr. Egilman will testify about the "conspiracy of silence" by asbestos manufacturers. Defendant reserves the right to cross-examine this witness on all medical and "state of the art" issues raised during the direct examination.

37. Dr. Richard Elmer, 6500 Vernon Woods Drive, Atlanta, GA 30328 (*No bio provided*)

38. Dr. I. Allen Feingold, South Miami Hospital, 7400 S.W. 62nd Avenue, South Miami, FL 33143, (305) 662-5319

Dr. I. Allen Feingold, of South Miami Hospital, Miami, Florida, may testify in person

and/or by deposition as to the etiology of the fibrotic lung diseases, pulmonary aspects of asbestos caused or related disease processes and phenomena, and the diagnosis, prognosis and causation of lung diseases from a pulmonologist's perspective. He may also testify on the state of the medical and scientific art of asbestos diseases through history, and the development of knowledge of asbestos related hazards. He may also respond to matters raised within his field of expertise by plaintiffs in the presentation of their case in chief.

39. Dr. Gregory Foster, North Texas Pulmonary Associates, 375 Municipal Drive, Suite 140, Richardson, Texas 75080 (214) 562-2200.

Gregory Foster, M.D., North Texas Pulmonary Associates, 375 Municipal Drive, Suite 140, Richardson, Texas 75080, (214) 680-0666 may testify as a physician on Plaintiffs' past and/or present medical condition.

Drs. Heidbrink, Delclos, Foster and Stevens may testify concerning his examination and diagnosis of the physical condition of the particular Plaintiffs. It is expected that Drs. Wilson, Heidbrink, Stevens, Delclos, Foster and Garcia may testify that the Plaintiffs do not have asbestosis and may further testify concerning the overall condition and the relationship of that condition, if any, to Plaintiff's exposure to asbestos. Each doctor may also testify concerning the following areas:

- a. Anatomy and function of the respiratory and circulatory systems;
- b. The nature of asbestos;
- c. The symptomatology, disease process and diagnosis of asbestos and cancer associated with the respiratory system, peritoneum and peritoneal cavity;
- d. The nature and extent of medical and scientific knowledge regarding any association of obstructive pulmonary disease with asbestos fiber exposure;
- e. The effect of exposure to substances other than asbestos on the development and manifestation of obstructive and restrictive conditions and diseases of the respiratory system;
- f. Methods of diagnosis of various diseases particularly mans of establishing the differential diagnosis of alleged asbestos-related diseases with other government warnings, smoking, and some areas of state-of-the-art;
- g. Incidence of lung cancer among individuals with asbestos, compared with non-asbestotic asbestos workers and with the general population;

- h. Cigarette smoking and its effect on the lung;
- i. The relationship of cigarette smoking to cancer of the lung and cancers of other sites with reference to epidemiological studies and physiologic effect;
- j. Difference between impairment and disability;
- k. Effect of asbestosis on disability and life expectancy; and
- l. The lack of a relationship between presence of pleural plaques and a later development of any form of cancer.

40. Dr. Robert G. Fraser, The University of Alabama at Birmingham, Department of Diagnostic Radiology, 619 19th Street, Birmingham, Alabama 35233, (205) 934-3240

Dr. Fraser may testify as a physician on Plaintiffs' past and/or present medical condition.

41. Dr. David Frolich

David J. Frolich, M.D., if called, may testify in person and/or by deposition as to the etiology of asbestos related diseases, the diagnosis of such diseases by radiology, the prognosis for those with evidence of asbestos exposure or an asbestos caused disease, and general radiologic medicine as it relates to these cases. He may also respond within his field of expertise to issues raised by plaintiffs in the presentation of their case.' Dr. Frolich has previously testified in U.S.D.C., S.D.GA., in Levy Strickland v. Raymark Industries, Inc., C.A. No. CV587-063.

42. Dr. Edward A. Gaensler, Boston University Medical Center, 80 East Concord Street, Boston, Massachusetts 02118

Drs. Weill, Demopoulos, Hinshaw, Howard, and Gaensler, if called to testify; are expected to provide testimony in the following areas:

- a. Anatomy and function of the respiratory and circulatory system;
- b. The nature of asbestos;
- c. The symptomatology, disease process and diagnosis of asbestos and cancer associated with the respiratory system, peritoneum and peritoneal cavity;
- d. The nature and extent of medical and scientific knowledge regarding any association of obstructive pulmonary disease with asbestos fiber exposure;

- e. The effect of exposure to substances other than asbestos on the development and manifestation of obstructive and restrictive conditions and diseases of the respiratory system;
- f. Methods of diagnosis of various diseases particularly means of establishing the differential diagnosis of alleged asbestos-related diseases with other non-asbestos-related diseases;
- g. Incidence of lung cancer among individuals with asbestosis, compared with non-asbestotic asbestos workers and with the general population;
- h. Cigarette smoking and its effect on the lung;
- i. The relationship of cigarette smoking to cancer of the lung and cancers of other sites with reference to epidemiological studies and physiologic effect;
- j. Difference between impairment and disability;
- k. Effect of asbestosis on disability and life expectancy;
- l. The lack of a relationship between presence of pleural plaques and a later development of any form of cancer; and
- m. The history of evolution and knowledge of asbestos-related diseases.

It is also expected that Drs. Weill, Demopoulos, Hinshaw, Gaensler, and Howard may testify that the medical community became aware that insulators with prolonged intense exposure might be at risk for asbestos-related diseases in the late 1960's or early 1970's. Drs. Hinshaw, Weill, Demopoulos, and Gaensler may not testify concerning the diagnosis or physical condition of these particular Plaintiffs.

- 43. Dr. J. Bernard L. Gee, Yale University School of Medicine, Department of Internal Medicine, 333 Cedar Street, LMP 5038, New Haven, Connecticut 06510 (203) 785-4195

Dr. Gee, a pulmonologist, may testify concerning the etiology of asbestos-related diseases and the history and development of scientific knowledge of asbestos-related disease. He may describe different types of asbestos fiber and their relationship, if any, to disease. He may compare the risk from this type of exposure to risks from other sources.

- 44. Dr. Allen Gibbs, Pathology Dept. Landough Hospital, Penarth, Glamorgan, UK CF642XX, 441-222-711-711

Allen Gibbs, M.D., of Landough Hospital, Penarth, Glamorgan, UK, is a board certified pathologist. Dr. Gibbs may be offered as an expert in pathology. The scope of Dr. Gibbs' testimony, if offered, is expected to include matters concerning clinical aspects of pathology to be associated with exposure to asbestos, including comments concerning various epidemiologic studies that have been reported concerning nonmalignant conditions allegedly associated with exposure to asbestos-containing products in some populations. It is expected that Dr. Gibbs' testimony generally may respond, within the scope of his expertise, to the subject matter of pathology testimony that may be offered by plaintiffs' experts, and in that sense, his testimony is dependent upon the prior testimony of such experts and cannot specifically be predicted.

Dr. Gibbs is expected to provide testimony concerning asbestos-related pathology, and to provide interpretations of biopsies taken from plaintiffs in the instant cases.

45. Dr. Ed Golden, 11811 N. Freeway, Suite 265, Houston, Texas 77060, (713) 447-8901

46. Dr. Allen L. Goldman, University of South Florida, Department of Internal Medicine, Tampa, FL

Allen L. Goldman, M.D., of University of South Florida, Department of Internal Medicine, Tampa, Florida, may, if called, testify in person and/or by deposition as to the etiology of the fibrotic lung diseases, pulmonary aspects of asbestos caused or related disease processes and phenomena, and the diagnosis, prognosis and causation of lung diseases from the pulmonologist's perspective. He may also respond to matters raised within his field of expertise by plaintiffs in the presentation of their case in chief.

47. Dr. Michael Graham, St. Louis University School of Medicine, 3566 Caroline Street, St. Louis, MO 63014, (314) 577-8298

Michael A. Graham, M.D. of St. Louis University Hospital in St. Louis, Missouri, may testify regarding the pathology of lung disease, and the fiber burden imposed upon lung tissue based on varying intensities and duration of exposure to dusts, including asbestos dust. He may give testimony and opinions regarding the diagnosis of the medical condition of the plaintiff and whether the plaintiff's asbestos-related condition, if any, was proximately caused by exposure to asbestos-containing products. He may also testify regarding the existence or non-existence of any asbestos-related disease in the plaintiff, including but not limited to pleural changes, asbestosis and lung cancer. He may provide testimony regarding the diagnosis of the medical condition of any plaintiff. He may further testify as to whether any plaintiff has a condition or illness caused by asbestos exposure. He may review and provide specific testimony on specific pathology on any given plaintiff. He may review medical records and x-rays in reaching said opinion.

48. Dr. S. Donald Greenberg, The Methodist Hospital, Department of Pathology, 6565 Fanning, 2nd Floor, Houston, Texas 77030. Or One Baylor Plaza, Baylor College of Medicine, Houston, Texas 77030, (713) 798-4661

Dr. Greenberg may testify regarding the pathology of the Plaintiff and/or Plaintiff's decedent. Dr. Greenberg may also testify as a physician on Plaintiffs' past and/or present medical condition.

49. Dr. Gilbert Grossman, Crawford W. Long Hospital, 550 Peachtree Street, NE, Atlanta, GA 30365, (404) 686-4411 Ext. 1364

Dr. Gilbert D. Grossman may testify in person and/or by deposition as to the etiology of the fibrotic lung diseases, pulmonary aspects of asbestos caused or related disease processes and phenomena, and the diagnosis, prognosis and causation of lung diseases from the pulmonologist's perspective. He may also respond to matters raised within his field of expertise by plaintiffs in the presentation of their case in chief.

50. Dr. David H. Groth, 8953-C Harper Points Drive, Cincinnati, Ohio 45249

Dr. Groth may testify as a physician on Plaintiffs' past and/or present medical condition, and the cause or causes of the diseases complained of by Plaintiff(s).

51. Dr. William Guest, 2225 Highway 41 North, Tifton, GA 31794, (229) 391-4250

- 51.1 Dr. Kathryn Ann Hale, 6550 Fannin St., Suite 1236, Houston, TX 77030, (713) 790-2076

Dr. Hale may be called upon to testify concerning asbestos issues in general. This would include industrial hygiene issues, the effects of exposure to asbestos fibers, the impact of the differing types of asbestos fibers and workplace conditions. Furthermore, Dr. Hale may be called upon to testify concerning the health effects of exposure to asbestos fibers and how that relates to the claims being made in this lawsuit, as well as the probable cause or causes of any diseases alleged by Plaintiff(s).

- 51.2 Dr. Samuel Hammer, Diagnostic Specialties Laboratory, 700 Lebo Blvd., P.O. Box 2171, Bremerton, Washington 98310; (206) 479-7707.

Dr. Hammer may testify regarding the physical condition of plaintiff, and in addition he may testify with regards to his examination of plaintiff and/or his review of pathology slides, x-rays and/or independent medical examinations. Dr. Hammer may also testify concerning the causes of asbestos-related illnesses, including the doses required, the latency and other contributing factors. He may also opine about the relative toxicity of the various types of asbestos fiber.

52. Dr. Peter Harries, 3 Field House Close, Ascot, Berkshire, UK 011-441-070-384-8270

Dr. Peter Harries is a medical specialist dealing with occupational medicine. He currently practices occupational medicine in the United Kingdom. Dr. Harries has spent part of his career as a physician with the Royal Navy in the United Kingdom and in war zones while on active duty with the Royal Navy. He currently is in private practice as an occupational medicine specialist. Dr. Harries received part of his training in occupational medicine while on active duty with the Royal Navy.

Dr. Harries has knowledge and may testify about the development of knowledge concerning users of different kinds of asbestos-containing products. If offered, he may testify about the different perceptions and knowledge concerning different types of products at different times, particularly in relation to the United Kingdom and knowledge in the shipyards. Dr. Harries was involved in studies of shipyards in the United Kingdom and led various studies at the request of the Royal Navy. He may testify about the results of those studies and the published articles which are set forth in his Curriculum Vitae and other articles which are not. He may testify as to why studies were done in Royal Navy shipyards, what inspired those studies, what the preliminary thoughts were, and he may recount knowledge of various studies done in the Royal Navy shipyards preceding his involvement in those in the 1960's. Dr. Harries has previously testified in U.S.D.C., E.D.TX., in Claude Cimino. et al. v. Raymark Industries. Inc., et al., C.A. No. B-86-0456-CA.

53. Dr. J. Ocie Harris, 1601 South West Archer Road, Gainesville, FL 03260

54. Dr. Peter Heidbrink, a board certified pulmonary specialist at Southwest Pulmonary Associates, St. Paul Professional Building #2, 5959 Harry Hines Boulevard, Suite 711, Dallas, Texas 75235

Drs. Heidbrink, Delclos, Foster and Stevens may testify concerning his examination and diagnosis of the physical condition of the particular Plaintiffs. It is expected that Drs. Wilson, Heidbrink, Stevens, Delclos, Foster and Garcia may testify that the Plaintiffs do not have asbestosis and may further testify concerning the overall condition and the relationship of that condition, if any, to Plaintiff's exposure to asbestos. Each doctor may also testify concerning the following areas:

- a. Anatomy and function of the respiratory and circulatory systems;
- b. The nature of asbestos;
- c. The symptomatology, disease process and diagnosis of asbestos and cancer associated with the respiratory system, peritoneum and peritoneal cavity;

- d. The nature and extent of medical and scientific knowledge regarding any association of obstructive pulmonary disease with asbestos fiber exposure;
- e. The effect of exposure to substances other than asbestos on the development and manifestation of obstructive and restrictive conditions and diseases of the respiratory system;
- f. Methods of diagnosis of various diseases particularly means of establishing the differential diagnosis of alleged asbestos-related diseases with other government warnings, smoking, and some areas of state-of-the-art;
- g. Incidence of lung cancer among individuals with asbestos, compared with non-asbestotic asbestos workers and with the general population;
- h. Cigarette smoking and its effect on the lung;
- i. The relationship of cigarette smoking to cancer of the lung and cancers of other sites with reference to epidemiological studies and physiologic effect;
- j. Difference between impairment and disability;
- k. Effect of asbestosis on disability and life expectancy; and
- l. The lack of a relationship between presence of pleural plaques and a later development of any form of cancer.

55. Dr. Edward D. Helton, St. Francis Memorial Hospital, San Francisco, CA

Edward D. Helton, M.D., of St. Francis Memorial Hospital in San Francisco, California, may testify in person and/or by deposition as to the state of the medical and scientific art of asbestos diseases through history, and the development of knowledge of asbestos related hazards. He may also respond to matters raised within his field of expertise by plaintiffs in the presentation of their case in chief.

56. Roger P. Hill, PhD., UNCW, Dept. of Economics & Finance, 601 South College Road, Wilmington, NC 28403, (910) 395-3513

Roger Hill, Ph.D, is an economist and professor of Economics at the University of North Carolina at Wilmington. He has previously testified in Wilbur Winter, et al. v. Pittsburgh Coming Corporation. et al, in the Circuit Court of Kanawha County, West Virginia.

Professor Hill may be asked to testify in response to any economic loss analysis submitted

by plaintiffs. Professor Hill may also be asked to respond to any financial, economic or economic analysis issues raised by plaintiffs at trial or which arise through further discovery. To date, no such issues have been submitted to Professor Hill for his review or an expression of opinion. To the extent financial matters pertaining to Pittsburgh Corning Corporation may be an issue in regard to punitive matters Professor Hill may express opinions.

57. Dr. Elliot Hinkes, 301 N. Prairie Avenue, Suite 311, Inglewood, CA

Elliot Hinkes, M.D., of 301 N. Prairie Ave., Suite 311, Inglewood, California, may testify as to matters concerning the aspects of non-malignant and malignant changes alleged to be associated with exposure to asbestos-containing products, including comments concerning various epidemiologic studies that have been reported concerning non-malignant conditions allegedly associated with exposure to asbestos-containing products in some populations.

If offered, it is expected that Dr. Hinkes' testimony generally may respond, within the scope of his expertise, to the subject matter of increased risk of contracting cancer that may be offered by plaintiff's experts, and in that sense his testimony is dependent upon the prior testimony of such experts and cannot specifically be predicted.

Dr. Hinkes is expected to provide testimony concerning bronchogenic carcinoma, the range of elements that can cause bronchogenic carcinoma, and the diagnosis of various malignant and non-malignant conditions alleged to be associated with asbestos exposure.

Dr. Hinkes is further expected to offer testimony concerning the effects of inhaled tobacco smoke and other factors on the occurrence of bronchogenic carcinoma and populations who also are alleged to be exposed to asbestos-containing products and, additionally, concerning how the effects of inhaled tobacco smoke and other factors can confound the apparent results of certain epidemiologic studies.

Dr. Hinkes further is expected to testify concerning the circumstances under which exposure to asbestos fibers may be associated with the incidence of some forms of cancer, including mesothelioma, in some persons and may testify concerning the results of his own experiences, the medical and scientific literature, and existing epidemiologic studies concerning associations that are alleged to exist epidemiologically between exposure to asbestos in some populations and the mortality and/or incidence of some forms of cancer.

Dr. Hinkes may base his opinions on his own research, knowledge and experience, his background and education, his writings, his review of the medical and scientific literature, including epidemiologic and other research on asbestos and conditions associated with asbestos, and other relevant publications and materials. Dr. Hinkes has previously testified

in U.S.D.C., E.D.TX., in Claude Cimino. et al. v. Raymark Industries, Inc., et al., C.A. No. B-86-0456-CA.

58. Dr. H. Corwin Hinshaw (by deposition), retired Emeritus Professor of Medicine at the University of California School of Medicine, P.O. Box 546, Belvedere, California 94920 (415) 435-9512

Drs. Weill, Demopoulos, Hinshaw, Howard, and Gaensler, if called to testify, are expected to provide testimony in the following areas:

- a. Anatomy and function of the respiratory and circulatory system;
- b. The nature of asbestos;
- c. The symptomatology, disease process and diagnosis of asbestos and cancer associated with the respiratory system, peritoneum and peritoneal cavity;
- d. The nature and extent of medical and scientific knowledge regarding any association of obstructive pulmonary disease with asbestos fiber exposure;
- e. The effect of exposure to substances other than asbestos on the development and manifestation of obstructive and restrictive conditions and diseases of the respiratory system;
- f. Methods of diagnosis of various diseases particularly means of establishing the differential diagnosis of alleged asbestos-related diseases with other non-asbestos-related diseases;
- g. Incidence of lung cancer among individuals with asbestosis, compared with non-asbestotic asbestos workers and with the general population;
- h. Cigarette smoking and its effect on the lung;
- i. The relationship of cigarette smoking to cancer of the lung and cancers of other sites with reference to epidemiological studies and physiologic effect;
- j. Difference between impairment and disability;
- k. Effect of asbestosis on disability and life expectancy;
- l. The lack of a relationship between presence of pleural plaques and a later development of any form of cancer; and

m. The history of evolution and knowledge of asbestos-related diseases.

It is also expected that Drs. Weill, Demopoulos, Hinshaw, Gaensler, and Howard may testify that the medical community became aware that insulators with prolonged intense exposure might be at risk for asbestos-related diseases in the late 1960's or early 1970's. Drs. Hinshaw, Weill, Demopoulos, and Gaensler may not testify concerning the diagnosis or physical condition of these particular Plaintiffs.

58.1 Dr. John R. Holcomb, 4410 Medical Drive, Suite 440, San Antonio, TX 78229, (210)692-9400

Dr. Holcomb may be called upon to testify concerning asbestos issues in general. This would include industrial hygiene issues, the effects of exposure to asbestos fibers, the impact of the differing types of asbestos fibers and workplace conditions. Furthermore, Dr. Holcomb may be called upon to testify concerning the health effects of exposure to asbestos fibers and how that relates to the claims being made in this lawsuit.

59. Dr. Janet Hughes, Tulane Medical Center, 1700 Perdido Street, New Orleans, Louisiana 70112 (504) 586-3871

Dr. Hughes may testify regarding the quantitative assessment of both relative and comparative risks and the epidemiological data upon which such assumptions are based. She is also expected to testify regarding the methodology of risk assessment. Specifically, Dr. Hughes is expected to discuss the estimates of potential lifetime cancer risk from airborne asbestos fibers in the buildings at issue and compare those risks with other encountered risks. She may opine that the risks for this exposure is low in comparison to risks for other activities.

60. Dr. William G. Hughson, 3969 4th Avenue, Suite 175, San Diego, CA 92103, (619) 294-6206

William G. Hughson, M.D., Director of Industrial Health, University of California at San Diego, San Diego, California, is a board certified pulmonologist and epidemiologist. He has taken special training as an epidemiologist, including work with Sir Richard Doll.

Dr. Hughson may testify about the pulmonology aspects of asbestos exposure, including such matters as dose response, progression, and cancer risk.

Dr. Hughson is expected to testify about the principles of epidemiology and what is involved in doing epidemiological studies of groups of people. He is expected to discuss principles of epidemiology and what is necessary in order to be able to look scientifically at different individuals with different asbestos exposures and determine, insofar as science

is able, what the risks are for those individuals to contract conditions which may be asbestos-related, or what their risks are of contracting various forms of cancer. Dr. Hughson is further expected to testify that the principles of synergism which are considered by some to apply to the combination of asbestos exposure and cigarette smoking do not necessarily apply to all individuals who claim exposure to asbestos.

Dr. Hughson is also expected to testify about cancer risk from asbestos exposure and what risk one must examine in determining an individual's particular circumstances.

Beyond these matters, because Dr. Hughson is a witness appearing after the testimony of plaintiffs' experts at trial, in some measure his testimony may be responsive to evidence presented by the plaintiffs and cannot therefore be specifically predicted. Dr. Hughson, has previously testified in the Circuit Court for the City of Norfolk in Charles B. Lea v. H.K. Porter Company: Inc., et al., At Law No. 89-2985.

61. **Dr. Daniel Jenkins**

Daniel E. Jenkins, M.D., may testify in person and/or by deposition as to the state of the medical and scientific art of asbestos diseases through history, and the development of knowledge of asbestos related hazards. He may also respond to matters raised within his field of expertise by plaintiffs in the presentation of their case in chief.

62. **Kaye Kilburn, M.D., USC School of Medicine, 2025 Zonal Avenue, Room 201, Los Angeles, CA 90033, (213) 342-1829**

Dr. Kilburn may testify as a physician on Plaintiffs' past and/or present medical condition and on how many thousands of Plaintiffs he has reviewed for Plaintiffs' lawyers.

63. **Dr. Jerome Kleinerman, Cleveland Metro Health Medical Center, 3395 Scraton Road, Cleveland, OH 44109, (216) 459-2241**

Jerome Kleinerman, M.D., Department of Pathology, Cleveland Metropolitan General Hospital, Cleveland, Ohio, may testify in person and/or by deposition as to asbestos related diagnostic, prognostic and causative issues of general medicine, pathology issues relevant to these same matters, and on cancer diagnosis and causation as related to asbestos exposure. He may also respond to matters raised within his field of expertise by plaintiffs in the presentation of their case in chief.

63.1 **Dr. Mark Klepper, Pulmonary Critical Care Consultants of Austin, 1305 W. 34th St., Ste. 400, Austin, TX 78705; (512) 459-6599.**

This witness has been designated by the plaintiffs to testify concerning asbestos-related

illnesses and the physical condition of one or more of the plaintiffs involved in this litigation. It is expected that the plaintiffs will elicit testimony about the causes of asbestos-related diseases, the materials that they have reviewed, any physical examination or review of diagnostic tests concerning plaintiff(s)'s health condition, and the opinions drawn from such review. Defendant reserves the right to cross-examine this witness concerning these issues, as well as additional questions that arise concerning the qualifications of this witness, as well as this witness' factual and medical basis for any opinions drawn.

64. Dr. Marvin Kuschnier, State University of New York, School of Medicine, Pathology Dept., Stony Brook, NY 11794

Marvin Kuschnier, M.D., of The School of Medicine, Stony Brook, New York, is a board certified pathologist.

Dr. Kuschnier may be offered as an expert in pathology. The scope of Dr. Kuschnier's testimony, if offered, is expected to include matters concerning clinical aspects of pathology to be associated with exposure to asbestos, including comments concerning various epidemiologic studies that have been reported concerning non-malignant conditions allegedly associated with exposure to asbestos-containing products in some populations.

It is expected that Dr. Kuschnier's testimony generally may respond, within the scope of his expertise, to the subject matter of pathology testimony that may be offered by plaintiffs' experts, and in that sense, his testimony is dependent upon the prior testimony of such experts and cannot specifically be predicted.

Dr. Kuschnier is expected to provide testimony concerning asbestos-related pathology. Additionally, Dr. Kuschnier may be called to testify regarding the historical state-of-the-art of pathology medicine in asbestos related conditions.

Dr. Kuschnier may base his opinions on his own research, knowledge and experience, his background and education, his writings, his review of the medical and scientific literature, including epidemiologic, pathologic, and other research on asbestos and conditions associated with asbestos, and other relevant publications and materials.

65. Dr. Jeffrey S. Lee, (deceased), Building 512, University of Utah, Salt Lake City, Utah 84112. (801) 581-3470

Dr. Lee (via prior reports and depositions) may testify that the medical community became aware that insulators with prolonged intense exposure might be at risk for asbestos-related diseases in the late 1960's or early 1970's. Dr. Lee may also interpret the health effects of

exposure to asbestos from products releasing various amounts of dust into the breathing ozone. He may testify as to general principles of industrial hygiene. He may discuss test results on Defendant products for fibre release, during application, use and removal. Texas results available upon request.

66. Dr. Richard Lee, R. J. Lee Group, Inc., 350 Hochberg Road, Monroeville, Pennsylvania 15146; (724) 325-1776.

Dr. Lee is a microscopist, materials analyst, and theoretical physicist. He may testify about the development of scientific knowledge and techniques regarding the measurement of levels of asbestos in the air of buildings. He may testify about the development and use of scientific technology and techniques for measuring asbestos in both air and material samples. He may also testify about the standards and methods used for air sampling during the time periods at issue in this case as well as the reported levels of asbestos in buildings and in the ambient air.

Dr. Lee may also testify about the current methodologies for electron microscopy, and about the methodology and techniques utilized by Plaintiff's experts. He may also testify about the history of standards governing asbestos exposure. Dr. Lee may testify regarding levels of asbestos found in all types of buildings and in outdoor air, and about his laboratory work in analyzing and producing bodies of air sampling data for EPA and other governmental and private entities. He may testify about his analysis of samples taken in an ongoing nationwide study of airborne levels in buildings. He may testify about his analysis of air samples taken in an EPA-sponsored study in Texas. He may opine that concentrations of asbestos fibers in buildings containing asbestos-containing materials are extremely low, and are comparable to levels in ambient outdoor air we all breathe. He may testify about mineralogy, including work he has done in analyzing minerals other than asbestos. He may testify about "settled dust" analyses based on his own tests or those of others. He may testify that analyses of "settled dust" do not produce reliable quantifications of asbestos structures in dust. He may opine that analyses of settled dust samples do not offer data relevant to a determination of the amount of asbestos in the air. He may explain the lack of significance of the data generated by "settled dust" analyses in light of governmental definitions of asbestos-containing materials. Dr. Lee may testify regarding any experts, including their laboratory protocol, and in light of EPA and OSHA methods and regulations.

67. Dr. Richard A. Lemen, Public Health Service, Deputy Director, National Institute of Occupational Safety and Health Centers for Disease Control, 1600 Clifton Road, N.W. Bldg. 1, Rm 3007, MS/D35, Atlanta, GA 30333, (404) 639-3773

Dr. Lemen may be called by Plaintiff's regarding Industrial Hygiene issues.

68. Dr. J. Leonard Lichtenfeld, 4000 Old Court Road, Suite 301, Pikesville, MD 21208

J. Leonard Lichtenfeld, M.D., of Suite 301, 4000 Old Court Road, Pikesville, Maryland, is board certified in medical oncology and internal medicine. If called, he may testify as to matters concerning the aspects of non-malignant and malignant changes alleged to be associated with exposure to asbestos containing products. It is expected that Dr. Lichtenfeld's testimony generally may respond, within the scope of his expertise, to the subject matter of increased risk of contracting cancer that may be offered by plaintiffs' experts, and in that sense his testimony is dependent upon the prior testimony of such experts and cannot specifically be predicted.

Dr. Lichtenfeld is further expected to offer testimony concerning the effects of inhaled tobacco smoke and other factors on the occurrence of bronchogenic carcinoma in populations who also are alleged to be exposed to asbestos-containing products and, additionally, concerning how the effects of inhaled tobacco smoke and other factors can confound the apparent results of certain epidemiologic studies.

Dr. Lichtenfeld further is expected to testify concerning the circumstances under which exposure to asbestos fibers may be associated with the incidence of some forms of cancer in some persons and may testify concerning the results of his own experiences, the medical and scientific literature, and existing epidemiologic studies concerning associations that are alleged to exist epidemiologically between exposure to asbestos in some populations and the mortality and/or incidence of some forms of cancer. Dr. Lichtenfeld has previously testified in U.S.D.C., E.D.TX., in Claude Cimino. et al v. Raymark Industries, Inc., et al., C.A. No. B-86-0456-CA.

69. Dr. David Lilienfeld, Box 1057, Mt. Sinai School of Medicine, 1 Gustave Levy Place, New York, NY 10029-6574, (212) 241-4785

Dr. Lilienfeld may testify as a physician on Plaintiffs' past and/or present medical condition.

70. Dr. James Lockey, Occupational Health Clinic, 231 Bethesda Avenue, 234 Goodman Street, Cincinnati, OH 45267, (513) 558-1234

James Lockey, M.D., of the University of Cincinnati, Cincinnati, Ohio, may be offered as an expert in pulmonology. If offered, the scope of Dr. Lockey's testimony is expected to include matters concerning the clinical aspects of non-malignant changes alleged to be associated with exposure to asbestos-containing products, including comments concerning various epidemiologic studies that have been reported concerning non-malignant conditions allegedly associated with exposure to asbestos-containing products in some populations.

It is expected that Dr. Lockey's testimony generally may respond, within the scope of his

expertise, to the subject matter of internal and pulmonary medicine testimony that may be offered by plaintiffs' experts, and in that sense his testimony is dependent upon the prior testimony of such experts and cannot specifically be predicted.

Dr. Lockey is expected to provide testimony concerning interstitial lung changes, the range of elements that can cause interstitial lung changes, the lungs' response to foreign substances and/or insult of any sort, the clinical elements and testing necessary and/or generally accepted within the medical community and the diagnoses of various non-malignant conditions alleged to be associated with asbestos exposure, differential diagnoses, notions of impairment associated with various conditions, progression (both its definition and likelihood of progression of certain conditions as reported epidemiologically in certain populations), and the effects of confounding conditions. Dr. Lockey further is expected to offer testimony concerning the effects of inhaled tobacco smoke and other factors on the occurrence of disease and populations who also are alleged to be exposed to asbestos-containing products and, additionally, concerning how the effects of inhaled tobacco smoke and other factors can confound the apparent results of certain epidemiologic studies.

Dr. Lockey further is expected to testify concerning the circumstances under which exposure to asbestos fibers may be associated with the incidence of some forms of cancer, including mesothelioma, in some persons and may testify concerning the results of his own experiences, the medical and scientific literature, and existing epidemiologic studies concerning associations that are alleged to exist epidemiologically between exposure to asbestos in some populations and the mortality and/or incidence of some forms of cancer.

Dr. Lockey may base his opinions on his own research, knowledge and experience, his background and education, his writings, his review of the medical and scientific literature, including epidemiologic and other research on asbestos and conditions associated with asbestos, and other relevant publications and materials. Dr. Lockey has previously testified in U.S.D.C., E.D.TX., in Claude Cimino, et al. v. Raymark Industries, Inc., et al, C.A. No. B-86-0456-CA.

70.1 William Longo, Ph.D., is an expert used by asbestos plaintiffs to assert liability on asbestos defendants. Counsel for Defendant reserves the right to cross-examine and to utilize prior transcripts to discredit the opinions of Dr. Longo.

70.2 Dr. Brent Mainwaring, 1129 Moore Rd., Beaumont, TX.

This witness has been designated by the plaintiffs to testify concerning asbestos-related illnesses and the physical condition of one or more of the plaintiffs involved in this litigation. It is expected that the plaintiffs will elicit testimony about the causes of asbestos-related diseases, the materials that they have reviewed, any physical examination

or review of diagnostic tests concerning plaintiff(s)'s health condition, and the opinions drawn from such review. Defendant reserves the right to cross-examine this witness concerning these issues, as well as additional questions that arise concerning the qualifications of this witness, as well as this witness' factual and medical basis for any opinions drawn.

71. Dr. Thomas Mancuso, 5127 Elsworth, Pittsburgh, PA (412) 683-6321

Dr. Mancuso may testify as a physician on Plaintiffs' past and/or present medical condition.

72. Dr. D. H. Manning, Glynn Brunswick Memorial Hospital, 3100 Kimble Avenue, Brunswick, GA 31523

D.H. Manning, M.D. may testify in person and/or by deposition as to the etiology of asbestos related diseases, the diagnosis of such diseases by radiology, the prognosis for those with evidence of asbestos exposure or an asbestos caused disease, and general radiologic medicine as it relates to these cases. He may also respond within his field of expertise to issues raised by plaintiffs in the presentation of their case. Dr. Manning has previously testified in U.S.D.C., S.D.GA., in Warren K. Walker v. Raymark Industries, Inc., et al., C.A. No. CV286-159.

73. Dr. Eugene Mark, Massachusetts General Hospital, Department of Pathology, 32 Fruit Street, Boston, Massachusetts 02114, (617) 726-8891

Dr. Mark may testify as a physician on Plaintiffs' past and/or present medical condition, and his review of any pathology materials available.

74. Dr. Elliot McCaughey, The Canadian Tumor Reference Center, Clinic Studies Unit Building, 60 Ruskin Avenue, Ottawa, Ontario, Canada, K1y 4M9

Dr. McCaughey may testify as a physician on Plaintiffs' past and/or present medical condition.

75. Dr. Forde A. McIver, Pathology Associates, P.A., 135 Rutledge Avenue, Charleston, South Carolina 29401

Dr. McIver may testify on state-of-the-art and the Saranac papers, to the effect that the Defendants could not have known end users were at risk until approximately the late 1960's.

76. Thomas McKee, SciLab, Inc., 477 Southlake Blvd., Richmond, VA 23236 (804) 379-

Mr. McKee may testify about protocols and testing of Defendant products including application and tear-off, results of tests and effect on human health.

77. Mr. Richard McPherson, Pittsburgh Corning Corporation, (412) 327-6100

Richard C. McPherson is currently an employee of Pittsburgh Corning Corporation and is vice-president in charge of personnel with that corporation. He may testify concerning Pittsburgh Corning Corporation- what type of company it is, what it does today, what size company it is, what the attitudes of Pittsburgh Corning are upon his observance. He may also testify about the corporate being of Pittsburgh Corning Corporation today and throughout the time he has been involved with the corporation. He may further serve as a corporate spokesman in regard to certain issues that might be raised in the trial pertaining to the corporate being of Pittsburgh Corning Corporation. He is also knowledgeable about total sales of Pittsburgh Corning of the product Unibestos, the only asbestos-containing thermal insulation product manufactured by Pittsburgh Corning Corporation during the 9½ years it sold the product. He is also knowledgeable about the fact Pittsburgh Corning Corporation never made a profit off the sales of Unibestos and may so testify.

78. Dr. James Miller, Candler General Hospital, 5353 Reynold Street, P.O. Box 9787, Savannah, GA 31412

James A. Miller, M.D., Department of Pathology at Candler General Hospital in Savannah, Georgia, may testify in person and/or by deposition as to asbestos related diagnostic, prognostic and causative issues of general medicine, pathology issues relevant to these same matters, and on cancer diagnosis and causation as related to asbestos exposure. He may also respond to matters raised within his field of expertise by plaintiffs in the presentation of their case in chief. Dr. Miller has previously testified in U.S.D.C., M.D.GA., in Catherine Stephens v. National Gypsum, Inc., et al., C.A. No. 86-313-1-MAC.

79. Dr. Joseph Miller, New Hebron Road, RFD 2, Box 245-A, Plymouth, NH (603) 536-3732

Dr. Joseph M. Miller, M.D., of New Hebron Road, Plymouth, New Hampshire, is a pathologist. In his pathological work he has studied asbestos-related disease and malignancy as it relates to asbestos.

Dr. Miller may testify about cancer epidemiology and research, including the epidemiology of cancers that relate to asbestos.

Dr. Miller may talk about cancer epidemiology and what is involved in making determination as to carcinogenesis as it relates to asbestos and other substances. He may testify concerning the epidemiology of the arnosite variety of asbestos, and he may testify it is inappropriate to consider asbestos simply as asbestos.

Dr. Miller may also testify about the threshold limit values and give an explanation of what threshold limit values are and their meaning and usage of them as they relate to industrial hygiene and exposure of individuals to asbestos and other substances. Dr. Miller has previously testified in U.S.D.C., W.D.VA., in N&W Railway Company v. The Celotex Corp., Inc., et al., C.A. No. 88-0527-R.

80. Dr. Azorides Morales, Department of Pathology (D-33), University of Miami, 1611 N.W. 12th Avenue, P.O. Box 016960, Miami, FL 33101, (305) 549-6103

Azorides Morales, M.D., may testify in person and/or by deposition as to asbestos related diagnostic, prognostic and causative issues of general medicine, pathology issues relevant to these same matters, and on cancer diagnosis and causation as related to asbestos exposure. He may also respond to matters raised within his field of expertise by plaintiffs in the presentation of their case in chief.

81. Dr. Keith Morgan, University Hospital, London, Ontario, Canada

Dr. Keith Morgan of University Hospital, London, Ontario, Canada, may, if offered, testify in person and/or by deposition on the state of the medical and scientific art of asbestos diseases through history, and the development of knowledge of asbestos related hazards. He may testify on the risks, including asbestosis, lung cancer and mesothelioma, associated with the various asbestiform minerals, as perceived by members of industry, and the medical and scientific community through time. He may respond within his field of expertise to issues raised by plaintiffs in their case in chief. Dr. Morgan has previously testified in U.S.D.C., E.D. VA., in Gail Worley v. The Celotex Corp. et al. C.A. No. 87-390-N.

82. Dr. Stephen Morris, Medical Associates, 310 Eisenhower Savannah, GA 31406, (912) 354-4813

Stephen L. Morris, Medical Associates, Savannah, Georgia, may testify in person and/or by deposition as to the etiology of the fibrotic lung diseases, pulmonary aspects of asbestos caused or related disease processes and phenomena, and the diagnosis, prognosis and causation of lung diseases from the pulmonologist's perspective. He may also respond to matters raised within his field of expertise by plaintiffs in the presentation of their case in chief. Dr. Morris has previously testified in U.S.D.C., S.D.GA., in Marshall Hooks v. The Celotex Corp., et al., C.A. No. CV490-068.

83. Dr. Robert Murray (441) 787-312-820

Dr. Murray is an occupational medicine specialist, having practiced occupational medicine since the 1940's. He served in World War II with the allied forces and may testify how those forces played a part in occupational medicine concepts as well as the utility of asbestos in the war effort and otherwise.

Dr. Murray worked with the Inspector of Factories Office in the United Kingdom in the 1940's and early 1950's and he was involved with Dr. Meriwether and may testify about that involvement and the thoughts of Dr. Meriwether. He may testify that in the 1940's when Dr. Meriwether was writing about asbestos-related matters, that Dr. Meriwether thought the problem of asbestosis was under control and consequently any problem with malignancy would no longer exist, if it ever did.

He may testify about his work as a member of the Inspector of Factories Office, the various responsibilities they had, and their charge for the industrial health of the nation. He may testify that the 1933 British regulations did not apply to ladders (installers of asbestos products) and there were no regulations in the United Kingdom applying to ladders until approximately 1968. Dr. Murray may testify that amosite asbestos is a unique fiber and it was not recognized as a problem in relation to malignancy in humans through the early 1970's. He may also testify, it was generally thought that before asbestos could be considered involved in a malignancy at all, there must be preexisting significant asbestosis.

In the 1950's, Dr. Murray became Chief Medical Doctor and Advisor to the Trades Union Counsel in the United Kingdom and had the responsibility for coordinating with industry unions and the government in relation to health matters pertaining to various unions and paying attention to the health of all the workers. During that time frame, he did not recognize that installers and those allegedly exposed to asbestos-containing products were at undue risk to get asbestos-related disease. If he had thought there was a significant health problem to installers of preformed asbestos products and anyone who might have gotten side stream exposure from such operations in the fifties and sixties, he would have told the workers and he would have attempted to cause changes to be made in such work place exposures and he did not recognize such a need during that time. He may also testify that there was no requirement for a warning on asbestos-containing products in the United Kingdom until the early 1970's.

Dr. Murray may testify that asbestos cannot be considered as simply asbestos, but that the circumstances of exposure and the type of fiber must be taken into consideration. Dr. Murray may testify about principles of industrial hygiene and occupational medicine and how they have applied historically in relation to asbestos. He may testify about scientific literature that relates to amosite asbestos and the field of occupational medicine.

84. Dr. William Nicholson, Mt. Sinai Medical Center, One Gustave Levy Place, New York, New York 10029

Dr. Nicholson may testify as a physician on Plaintiffs' past and/or present medical condition.

85. Dr. Robert O'Neal, Route 1, Box 168, Perkinston, Mississippi 39573

Dr. O'Neal may testify regarding general pathology and the pathology of the Plaintiff and/or Plaintiff's decedent.

86. Dr. David Ozonoff, Boston University, School of Public Health, Bldg. A-501, 80 E. Concorde Street, Boston, MA 02118, (617) 638-4620

Dr. Ozonoff may testify as a physician on Plaintiffs' past and/or present medical condition.

- 86.1 Dr. Jack E. Peterson, 2830 Via Vejas Oeste, Alpine, CA 91901, (619)445-9668

Dr. Peterson may be called upon to testify concerning asbestos issues in general. This would include industrial hygiene issues, the effects of exposure to asbestos fibers, the impact of the differing types of asbestos fibers and workplace conditions. Furthermore, Dr. Peterson may be called upon to testify concerning the health effects of exposure to asbestos fibers and how that relates to the claims being made in this lawsuit.

87. Dr. Winford Pool

Winford H. Pool, M.D., may testify in person and/or by deposition as to the etiology of asbestos related diseases, the diagnosis of such diseases by radiology, the prognosis for those with evidence of asbestos exposure or an asbestos caused disease, and general radiologic medicine as it relates to these cases. He may also respond within his field of expertise to issues raised by plaintiffs in the presentation of their case.

88. Dr. Fred Pooley, University of Cardiff, Engineering Department, Division of Material & Mineral & Minerals, P.O. Box 917, Cardiff, Wales, UK CF21SH, 441-222-874-825 (direct)

Fred Pooley, Ph.D., of University of Cardiff, Wales, UK, may testify as a mineralogist regarding the differences between the asbestiform minerals, and the methods of identifying the various minerals, including identification within lung tissues. He may also testify on the significance and measurement of asbestos fiber within the lung, and on the issue of fiber burden generally. He may also respond within his field of expertise to issues raised by plaintiffs in the presentation of their case. Dr. Pooley has previously testified in U.S.D.C., E.D. TX., in Claude Cimino, et al. v. Raymark Industries, Inc., et al., C.A. No. B-86-0456-CA.

89. Dr. John Price, Route 1, Box 227B, Onancock, VA 23417, (804) 787-4349 (*no bio provided*)

90. Dr. Lee B. Reichman, University Hospital, Newark, NJ

Lee B. Reichman, M.D., of University Hospital in Newark, New Jersey, may testify in person and/or by deposition as to the etiology of the fibrotic lung diseases, pulmonary aspects of asbestos caused or related disease processes and phenomena, and the diagnosis, prognosis and causation of lung diseases from the pulmonologist's perspective. He may also respond to matters raised within his field of expertise by plaintiffs in the presentation of their case in chief. Dr. Reichman has previously testified in U.S.D.C., E.D.VA., In All Asbestos Cases, C/P 77-1.

90.1 Dr. Rafael M. Rodriguez, 540 Madison Oak, Ste. 690, San Antonio, TX 78258; (210) 496-1816.

Dr. Rodriguez has been designated by the plaintiffs to testify concerning asbestos-related illnesses and the physical condition of one or more of the plaintiffs involved in this litigation. It is expected that the plaintiffs will elicit testimony about the causes of asbestos-related diseases, the materials that they have reviewed, any physical examination or review of diagnostic tests concerning plaintiff(s)'s health condition, and the opinions drawn from such review. Defendant reserves the right to cross-examine this witness concerning these issues, as well as additional questions that arise concerning the qualifications of this witness, as well as this witness' factual and medical basis for any opinions drawn.

91. Dr. Victor Roggli, Department of Pathology, Duke University Medical Center, Davison Building, Room M 301, Durham, NC 27705, (919) 681-3133 or (919) 684-3300

Victor L. Roggli, M.D., of Duke University, Department of Pathology in Durham, North Carolina, may testify in person and/or deposition as to asbestos related diagnostic, prognostic and causative issues of general medicine, pathology issues relevant to these same matters, and on cancer diagnosis and causation as related to asbestos exposure. He may also respond to matters raised within his field of expertise by plaintiffs in the presentation of their case in chief. Dr. Roggli has previously testified in U.S.D.C., E.D.TX., in Claude Cimino, et al. v. Raymark Industries, Inc., et al., C.A. No. B-86-0456-CA.

91.1 Vernon Rose, Ph.D, 8046 Oakwood Hollow, Houston, Texas 77040 (713) 466-6332, Fax (713) 466-8010.

Dr. Rose may testify in this cause regarding environmental science matters, including the relationship of dust release by certain products and the corresponding governmental standards

92. Robert M. Ross, M.D., 6550 Fannin St., Suite 2403, Houston, Texas 77030; (713) 383-6100.

Dr. Ross may testify as to the independent medical exam and the medical findings as to the current physical condition of Plaintiff. Dr. Ross may also testify concerning the causes of asbestos-related illnesses, including the doses required, the latency and other contributing factors. He may also opine about the relative toxicity of the various types of asbestos fiber.

- 92.1 Mario J. Saldana, M.D., Cedars Medical Center, 1400 NW 12th Ave., Miami, FL 33136, (305) 325-5587.

Dr. Mario Saldana of Cedars Medical Center, Miami, Florida, may testify in person and/or by deposition as to the etiology of the fibrotic lung diseases, pulmonary aspects of asbestos caused or related disease processes and phenomena, and the diagnosis, prognosis and causation of lung diseases from a pathologist's perspective. He may also testify on the state of the medical and scientific art of asbestos diseases through history, the development of knowledge of asbestos related hazards and review of the plaintiff's pathology slides. He may also respond to matters raised within his field of expertise by plaintiffs in the presentation of their case in chief.

93. Dr. Philip Saleeby, 3212 Shrice Road, Brunswick, GA 31520, (912) 265-6344; (912) 265-6347 (fax)

Philip R. Saleeby, M.D., of Brunswick, Georgia, may testify in person and/or by deposition as to the etiology of the fibrotic lung diseases, pulmonary aspects of asbestos caused or related disease processes and phenomena, and the diagnosis, prognosis and causation of lung diseases from the pulmonologist's perspective. He may also respond to matters raised within his field of expertise by plaintiffs in the presentation of their case in chief. Dr. Saleeby has previously testified in U.S.D.C., S.D.GA., in Ralph McCurry, Jr. v. The Celotex Corp., et al., C.A. No. CV590-179.

94. Dr. Gerritt Schepers, 6527 Sunnyhill Ct., McClean, Virginia, (703) 790-8466

Dr. Schepers may testify as a physician on Plaintiffs' past and/or present medical condition.

95. Dr. George Schoonover, University Hospital, Internal Medical Department, 655 West Eighth Street, Jacksonville, FL (904) 350-6574

George Schoonover, University Hospital in Jacksonville, Florida, may testify in person and/or by deposition as to the etiology of the fibrotic lung diseases, pulmonary aspects of asbestos caused or related disease processes and phenomena, and the diagnosis, prognosis and causation of lung diseases from the pulmonologist's perspective. He may also respond to matters raised within his field of expertise by plaintiffs in the presentation of their case in

chief.

96. Dr. James Robert Shepherd, III, University of Texas Health Center at Tyler, Department of Radiology, P.O. Box 2003, Tyler, Texas 75710

Dr. Shepherd is a B reader and may testify regarding the radiographs of the Plaintiff and/or Plaintiff's decedent.

97. Dr. Russell Sherwin, University of Southern California, Pathology Department, 2011 Zonav Avenue, HRM-201, Los Angeles, CA 90033, (213) 342-1165

Russell P. Sherwin, M.D., USC Medical Center in Los Angeles, California, may testify in person and/or by deposition as to asbestos related diagnostic, prognostic and causative issues of general medicine, pathology issues relevant to these same matters, and on cancer diagnosis and causation as related to asbestos exposure. He may also respond to matters raised within his field of expertise by plaintiffs in the presentation of their case in chief.

98. Dr. Kenneth Wallace Smith, deceased (by deposition)

99. Dr. W. E. Smith

W.E. Smith, M.D., may testify in person and/or by deposition as to the state of the medical and scientific art of asbestos diseases through history, and the development of knowledge of asbestos related hazards. He may also respond to matters raised within his field of expertise by plaintiffs in the presentation of their case in chief.

100. Dr. Edmund M. Snavely, 711 South Vine, Tyler, Texas 75701, (903) 593-2097

Dr. Edmund Snavely is a former employee of Pittsburgh Corning Corporation and has knowledge of matters pertaining to Pittsburgh Corning and the operation of facilities at Tyler, Texas. He has knowledge about the corporation in general and his particular involvement as well as matters he is aware of pertaining to Pittsburgh Corning and its operation of an asbestos manufacturing facility as well as sales of product. He is also knowledgeable about Pittsburgh Corning's use of particular equipment, placing warnings on containers of its asbestos-containing thermal insulation products and the basic attitude of officials of Pittsburgh Corning Corporation.

101. Dr. James D. Snell

James D. Snell, M.D., of Vanderbilt University in Nashville, Tennessee, may testify in person and/or by deposition as to the state of the medical and scientific art of asbestos diseases through history, and the development of knowledge of asbestos related hazards. He may also

respond to matters raised within his field of expertise by plaintiffs in the presentation of their case in chief.

- 101.1 Dr. John W. Spencer, 813 Frederick Road, Baltimore, MD 21228, (410) 744-0700

Dr. Spencer may be called upon to testify concerning asbestos issues in general. This would include industrial hygiene issues, the effects of exposure to asbestos fibers, the impact of the differing types of asbestos fibers and workplace conditions. Furthermore, Dr. Peterson may be called upon to testify concerning the health effects of exposure to asbestos fibers and how that relates to the claims being made in this lawsuit.

- 101.2 Dr. Robert Springer, Pulmonary Critical Care Consultants of Austin, 1305 W. 34th St., Ste. 400, Austin, TX 78705; (512) 459-6599.

This witness has been designated by the plaintiffs to testify concerning asbestos-related illnesses and the physical condition of one or more of the plaintiffs involved in this litigation. It is expected that the plaintiffs will elicit testimony about the causes of asbestos-related diseases, the materials that they have reviewed, any physical examination or review of diagnostic tests concerning plaintiff(s)'s health condition, and the opinions drawn from such review. Defendant reserves the right to cross-examine this witness concerning these issues, as well as additional questions that arise concerning the qualifications of this witness; as well as this witness' factual and medical basis for any opinions drawn.

102. Dr. David Stacy, Department of Pathology, St. Joseph's Hospital, 5665 Peachtree-Dunwoody Road, NE, Atlanta, GA 30342 (404) 851-7144

David Stacy, M.D., may testify in person and/or by deposition as to asbestos related diagnostic, prognostic and causative issues of general medicine, pathology issues relevant to these same matters, and on cancer diagnosis and causation as related to asbestos exposure. He may also respond to matters raised within his field of expertise by plaintiffs in the presentation of their case in chief.

103. William Stegman, c/o Pittsburgh Corning Corporation, 800 Presque Isle Drive, Pittsburgh, PA 15239, (412) 733-3838

104. Dr. Paul M. Stevens, a board certified pulmonary disease specialist and Professor of Medicine at the Baylor College of Medicine in Methodist Hospital, 6565 Fannin, Houston, Texas (713) 790-6492

Paul M. Stevens, M.D., Board Certified Pulmonary Disease Specialist and Professor of Medicine Baylor College of Medicine, Methodist Hospital, Respiratory Disease Associates, 6550 Fannin, Suite 1215, Houston, Texas 77030, (713) 790-6492 may testify as a physician

on Plaintiffs' past and/or present medical condition.

Drs. Heidbrink, Delclos, Foster and Stevens may be called upon to testify concerning his examination and diagnosis of the physical condition of the particular Plaintiffs. It is expected that Drs. Wilson, Heidbrink, Stevens, Delclos, Foster and Garcia may testify that the Plaintiffs do not have asbestosis and may further testify concerning the overall condition and the relationship of that condition, if any, to Plaintiff's exposure to asbestos. Each doctor may also testify concerning the following areas:

- a. Anatomy and function of the respiratory and circulatory systems;
- b. The nature of asbestos;
- c. The symptomatology, disease process and diagnosis of asbestos and cancer associated with the respiratory system, peritoneum and peritoneal cavity;
- d. The nature and extent of medical and scientific knowledge regarding any association of obstructive pulmonary disease with asbestos fiber exposure;
- e. The effect of exposure to substances other than asbestos on the development and manifestation of obstructive and restrictive conditions and diseases of the respiratory system;
- f. Methods of diagnosis of various diseases particularly mans of establishing the differential diagnosis of alleged asbestos-related diseases with other government warnings, smoking, and some areas of state-of-the-art;
- g. Incidence of lung cancer among individuals with asbestos, compared with non-asbestotic asbestos workers and with the general population;
- h. Cigarette smoking and its effect on the lung;
- i. The relationship of cigarette smoking to cancer of the lung and cancers of other sites with reference to epidemiological studies and physiologic effect;
- j. Difference between impairment and disability;
- k. Effect of asbestosis on disability and life expectancy; and
- l. The lack of a relationship between presence of pleural plaques and a later development of any form of cancer.

105. Dr. Gail Stockman, 815 N. 4th, Suite A, Longview, TX 75601; (903) 753-0787.

Dr. Stockman is a pulmonary specialist who may testify with respect to all aspects of asbestos related disease, epidemiology, fear of cancer as well as asbestos related diseases in the United States. She may also opine her findings from review of plaintiff and/or materials, films and records related to plaintiff, as far as the existence or not of disease and the causes thereof. Dr. Stockman may also testify concerning the causes of asbestos-related illnesses, including the doses required, the latency and other contributing factors. She may also opine about the relative toxicity of the various types of asbestos fiber.

106. Phillip Terrell, CIH, CSP, Environmental Health, Inc., Recon Environmental Corp., 25 Mathewson Drive, Weymouth, MA 02189 (617) 337-7887

Mr. Terrell may testify about protocols and testing of Defendant products including application and tear-off, results of tests and effect on human health as a certified industrial hygienist. He may state that the use, application, and removal of Defendant products does not expose the worker to any undue health risk.

107. Anthony Trembly, Senior Project Manager, as well as other personnel with his company which is Recon Environmental Corp., 25 Mathewson Drive, Weymouth, MA 02189 (617) 337-7887

Mr. Trembly may testify about protocols and testing of Defendant products including application and tear-off, results of tests and effect on human health as a certified industrial hygienist. He may state that the use, application, and removal of Defendant products does not expose the worker to any undue health risk.

108. Dr. J.C. Wagner, Preston Wymouth, Dorset, U.K.

J.C. Wagner, M.D., of Preston Wymouth, Dorset, UK, may testify on the state of the medical and scientific art of asbestos diseases through history, and the development of knowledge of asbestos related hazards. He may testify from personal experience on the risks, including asbestosis, lung cancer and mesothelioma, associated with the various asbestiform minerals, as perceived by members of industry and the medical and scientific community. through time. He is also qualified to speak to general medical issues relevant to these cases. He may also respond within his field of expertise to issues raised by plaintiffs in the presentation of their case. Dr. Wagner has previously testified in U.S.D.C., E.D.VA., in Gail Worley, et al. v. Raymark Industries, Inc., et al., C.A. No. 88-243-N and C/P 774.

109. Dr. Joseph Wagoner, (deceased - by deposition) 103 Woodland Terrace, Huddleston, Virginia, 24104, (703) 297-5894

Dr. Wagoner may testify as a physician on Plaintiffs' past and/or present medical condition.

110. Dr. Hans Weill, Tulane Medical Center, 1700 Perdido Street, New Orleans, Louisiana 70112 (504) 588-5265

Dr. Weill may testify regarding all facts of asbestos-related disease including policy making, medical knowledge, epidemiology, risk assessment, respiratory system functioning, physiology, and other subjects. He may also comment on any fiber release testing or "settled dust" analyses by Plaintiffs' witnesses. Dr. Weill may opine that the mere presence of asbestos-containing material in buildings does not pose a health hazard and that low levels of exposure of building occupants to asbestos-containing material does not pose an increased risk of lung cancer or mesothelioma.

Dr. Weill may also testify regarding his epidemiological studies as well as those of others and may state that there is a lack of epidemiological proof showing causal connection between levels of asbestos commonly found in ambient air and disease. Dr. Weill may opine that the risk of disease associated with exposure to amphiboles is greater than the risk of disease associated with exposure to chrysotile.

Drs. Weill, Demopoulos, Hinshaw, Howard, and Gaensler, if called to testify, are expected to provide testimony in the following areas:

- a. Anatomy and function of the respiratory and circulatory system;
- b. The nature of asbestos;
- c. The symptomatology, disease process and diagnosis of asbestos and cancer associated with the respiratory system, peritoneum and peritoneal cavity;
- d. The nature and extent of medical and scientific knowledge regarding any association of obstructive pulmonary disease with asbestos fiber exposure;
- e. The effect of exposure to substances other than asbestos on the development and manifestation of obstructive and restrictive conditions and diseases of the respiratory system;
- f. Methods of diagnosis of various diseases particularly means of establishing the differential diagnosis of alleged asbestos-related diseases with other non-asbestos-related diseases;
- g. Incidence of lung cancer among individuals with asbestosis, compared with non-asbestotic asbestos workers and with the general population;

- h. Cigarette smoking and its effect on the lung;
- i. The relationship of cigarette smoking to cancer of the lung and cancers of other sites with reference to epidemiological studies and physiologic effect;
- j. Difference between impairment and disability;
- k. Effect of asbestosis on disability and life expectancy;
- l. The lack of a relationship between presence of pleural plaques and a later development of any form of cancer; and
- m. The history of evolution and knowledge of asbestos-related diseases.

It is also expected that Drs. Weill, Demopoulos, Hinshaw, Gaensler, and Howard may testify that the medical community became aware that insulators with prolonged intense exposure might be at risk for asbestos-related diseases in the late 1960's or early 1970's. Drs. Hinshaw, Weill, Demopoulos, and Gaensler may not testify concerning the diagnosis or physical condition of these particular Plaintiffs.

111. Dr. William Weiss, Haneman Medical Center, Philadelphia, PA

Dr. Weiss of Haneman Medical Center, Philadelphia, PA, may testify in person and/or by deposition as to the etiology of asbestos related diseases, the clinical diagnosis of such diseases, the prognosis for those with evidence of asbestos exposure or an asbestos caused disease, general pulmonary medicine as it relates to these cases, and on the issue of cancer risk. He may also respond within his field of expertise to issues raised by plaintiffs in the presentation of their case. Dr. Weiss has previously testified in U.S.D.C., E.D.VA, in Alton D. Hall, Deceased, et al. v. Owens-Corning Fiberglas Corp. et al.

112. Dr. James Wellman, Peachtree-Dunwoody Center, 5505 Peachtree-Dunwoody Road, Suite 370, Atlanta, GA 30342, (404) 257-0006

James I. Wellman, M.D., from Atlanta, Georgia, may testify in person and/or by deposition as to the etiology of the fibrotic lung diseases, pulmonary aspects of asbestos caused or related disease processes and phenomena, and the diagnosis, prognosis and causation of lung diseases from the pulmonologist's perspective. He may also respond to matters raised within his field of expertise by plaintiffs in the presentation of their case in chief. Dr. Wellman has previously testified in U.S.D.C., N.D.GA., in Carlos Ray Gaskin v. Eagle-Picher Industries, Inc., et al., C.A. No. 1:88-cv-1482-RLV.

113. Dr. Paul S. Wheeler, John Hopkins Hospital, Department of Radiology, N. Broadway &

Wolfe Street, Baltimore, MD 21205, (410) 955-5394

Paul S. Wheeler, M.D., of Johns Hopkins University, Baltimore, Maryland, may testify in person and/or by deposition as to the etiology of asbestos related diseases, the diagnosis of such diseases by radiology, the prognosis for those with evidence of asbestos exposure or an asbestos caused disease, and general radiologic medicine as it relates to these cases. He may also respond within his field of expertise to issues raised by plaintiffs in the presentation of their case. Dr. Wheeler has previously testified in U.S.D.C., E.D.VA., in Haynes v. Owens-Corning Fiberglas, Corp., C/P 77-I.

114. Dr. Thomas Wheeler, The Methodist Hospital, Department of Pathology, 6565 Fannin Street, Mail Station 205, Houston, Texas 77030

Dr. Wheeler may testify regarding general pathology and the pathology of the Plaintiff and/or Plaintiff's decedent.

115. Dr. Mark R. Wick, M.D., F.C.A.P., F.A.S.C.P., F.A.S.D., 301 Peacock Drive, Charlottesville, Virginia 22903-9716, (804)982-4403, fax (804) 924-0217

Dr. Wick may testify regarding his review of any records and/or any pathology materials reviewed and may express opinions concerning the nature, diagnosis, and cause of Plaintiff's illnesses, if any.

116. Dr. R. Keith Wilson, Respiratory Consultants of Houston, 6535 Fannin, Fondren Building, Houston, Texas 77030 (713) 790-6250

Dr. Wilson may testify as a physician on Plaintiffs' past and/or present medical condition and also may testify on the health effects of smoking and asbestos exposure and the relationship between asbestos exposure and the various asbestos related diseases. He may opine the cause of any diseases alleged by Plaintiff and the result of any review of medical records or tests performed on Plaintiff(s).

117. Dr. Jerome Wiott, University Hospital, 234 Goodman Street, Cincinnati, OH 45267-0002, (513)558-7226

Jerome Wiott, M.D., of Cincinnati College in Cincinnati, Ohio, may testify in person and/or by deposition as to the etiology of asbestos related diseases, the diagnosis of such diseases by radiology, the prognosis for those with evidence of asbestos exposure or an asbestos caused disease, and general radiologic medicine as it relates to these cases. He may also respond within his field of expertise to issues raised by plaintiffs in the presentation of their case. Dr. Wiott has previously testified in the U.S.D.C., E.D.VA., in William K. Roach v. H.K. Porter Company, et al. and All Other Asbestos Cases, C/P 77-1.

118. Timothy **Woodward**, Operations Manager, Industrial Hygiene Group, Recon Environmental Corp., 25 Mathewson Drive, Weymouth, MA 02189 (617) 337-7887

Mr. Woodward may testify about protocols and testing of Defendant products including application and tear-off, results of tests and effect on human health.

119. Lynn Weaver, Bird Incorporated, 1077 Pleasant Street, Norwood, MA 02062
120. Clifford J. Patenaude, Research & Development and Quality Control Manager, Bird, Incorporated, 1077 Pleasant Street, Norwood, MA 02062
121. Thomas J. Hartnett, Vice President, Sales, Bird Incorporated, 1077 Pleasant Street, Norwood, MA 02062
122. Frank S. Anthony, Vice President and General Counsel, Bird Incorporated, 1077 Pleasant Street, Norwood, MA 02062
123. Richard Maloof, President, Roofing Division, Bird Incorporated, 1077 Pleasant Street, Norwood, MA 02062
124. Gib Marsh, 4117 Birchgarden Dr., High Point, NC 27265, (336) 812-4735
125. Don Shackleford, Shackleford Roofing Company, 4597 Magnolia Street, Beaumont, Texas
126. Bob Scheffield, Genstar, (800) 999-5120, ext. 1080

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1. Defendants reserve the right to call as expert witnesses all physicians who have seen, examined, or treated plaintiff; reviewed plaintiff's medical records; and/or been designated as a witness by any other party to this action, as well as any experts designated by any other party to this suit..
 2. Defendants reserve the right to use any affidavit, deposition, answer to interrogatories, and/or answers to requests for admissions made by any party to this action.
 3. Defendants incorporate by reference, the depositions listed in Defendants' Designation of Deposition Testimony.

4. Defendants reserve the right to call any witness who may be necessary for rebuttal testimony.
5. The witnesses listed in Nos. 119 through 126 may testify concerning the history of Bird Roofing and its product line. Specifically, they may testify about the years and locations of manufacturer for various Bird products. They may testify concerning which products contained asbestos and which did not. Testimony may be given concerning the development, manufacturing and testing uses and applications of these products and where throughout the country they were distributed. This testimony may come either in person or by and through depositions taken in the past (available upon request).
6. Counsel for Defendant is in possession of numerous transcripts of depositions and trial testimony given by many of the witnesses listed herein, including, but not limited to those listed as numbers 1.5, 4, 13, 18, 20, 25, 86, 91, 94 and 119 through 126. Defendant is giving specific notice of its intent to all or part

of these transcripts as direct, rebuttal and/or cross examination purposes. Any parties desiring copies of any of these transcripts may contact the office of the undersigned.

Respectfully submitted,

McCAULEY, MACDONALD & DEVIN, P.C.

BY: _____

Clayton E. Devin

State Bar No. 05787700

Bryan D. Pollard

State Bar No. 00795592

3800 Renaissance Tower

1201 Elm Street

Dallas, Texas 75270

(214) 744-3300

(214) 747-0942 (FAX)

**ATTORNEYS FOR DEFENDANT
BIRD INCORPORATED**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing has been served on all counsel of record in accordance with the TEXAS RULES OF CIVIL PROCEDURE this _____ day of February, 2002.

BRYAN D. POLLARD