

Asbestos Litigation Reporter

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

ANSWER 4. Yes.

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

ANSWER 5. Yes.

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

(a) The dates of manufacturing, mining or processing, marketing or sale specifying as to each.

(b) The trade or brand name of each such product mined, manufactured, and/or marketed, and an indication as to each as to where it was manufactured or processed or mined.

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

(d) A description of the physical (the chemical) composition of each such product including the type of asbestos contained in each such product (i.e. amosite, chrysotile or crocidolite) and in quantitative percentage of asbestos in each product.

(e) A description of the physical appearance of each such product.

(f) The dates each of such products were withdrawn from the market, if applicable.

(g) A detailed description of the intended uses of each product.

ANSWER 6. On May 26, 1967, CAF merged with The Ruberoid Co., a New Jersey Corporation ("Ruberoid"). Ruberoid had begun the manufacture of thermal insulation products containing asbestos in the late 1920's or early 1930's. CAF ceased the manufacture of such products in September, 1971.

Among those products manufactured by Ruberoid prior to its

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMES R. DANIELS and
MILLIE EARLIER
VS.
TURNER & NEWALL, LTD.,
et al

CIVIL ACTION

NO. 78-1027

DEFENDANT CAF CORPORATION'S
ANSWERS TO PLAINTIFFS' INTERROGATORIES

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

ANSWER 1. Jonathan Berger, an Assistant Secretary, CAF Corporation, 140 West 51st Street, New York, New York.

INTERROGATORY 2. Please state whether or not you have ever held a certificate of authority to do business in the State of Pennsylvania and the date thereof and the address of your principal place of business, and whether you have assumed the assets and/or liabilities of any predecessor corporation or entity (such predecessor corporations being limited to any association whatsoever with the asbestos aspect of the defendant's business.)

ANSWER 2. Yes. CAF is presently registered to do business in Pennsylvania. Registered address is c/o CT Corp., 123 South Broad Street, Philadelphia, Pennsylvania.

On May 26, 1967, CAF merged with The Ruberoid Co., a New Jersey Corporation, assuming its assets and liabilities.

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

ANSWER 3. Yes.

INTERROGATORY 9. If the answer to No. 7 is in the affirmative state as to each asbestos product, or raw asbestos:

- (a) When it was shipped or sold to or for the plant in Ambler from 1948 to present.
- (b) How much - stating on a yearly basis since 1948 was shipped or sold to or for Ambler plant.
- (c) Exactly what product(s) or type(s) of asbestos was shipped or sold to or for the plant in Ambler from 1948 to present specifying if different products or types were sold in different time periods.
- (d) Whether any warnings, cautions, caveats or directions accompanied the materials so shipped, the date these appeared and the exact wordings of the warnings, cautions, caveats or directions, and where the warnings, cautions and caveats or directions appeared.

ANSWER 9. See answer to No. 7.

INTERROGATORY 9. Does Defendant claim that any patent would cover any product listed above in Interrogatory No. 8.

ANSWER 9. See Objections previously filed.

INTERROGATORY 10. If so, for each such product, please state:

- (a) The number of each patent.
- (b) The date same was issued.
- (c) The number of each patent application that is pending.

ANSWER 10. See Objections previously filed.

INTERROGATORY 11. Have any of the products listed in Interrogatory No. 8 above been altered in chemical composition since first being marketed.

ANSWER 11. See Objections previously filed.

INTERROGATORY 12. If so, please state:

ANSWER 12. See Objections previously filed.

INTERROGATORY 13. What is the name, address, and the job title of each individual who participated in the design and preparation of manufacturing specifications for each such product?

ANSWER 13. See Objections previously filed.

merger with CAF, and thereafter by CAF, are the following:

a. "Calcilite" - A high temperature pipe covering and built-up block containing approximately 10% amosite and 20% chrysotile asbestos fiber and the remainder consisting of hydrous lime silicate and diatomaceous earth. Calcilite was manufactured at Gloucester, New Jersey, from the early 1940's until mid-1970 at which time CAF commenced the production of asbestos-free Calcilite ("Calcilite II").

b. "115" and "214" Insulating Cements - Known generically as 7M and 7K type cements, respectively, these insulating cements were composed entirely of chrysotile asbestos fiber. These cements were manufactured at Hyde Park, Vermont, from 1936 through September, 1975.

c. "7MA-100" Insulating Jacketing - a two-oly laminated product consisting of a layer of asbestos paper in which chrysotile asbestos fibers were bonded with Neoprene and a layer of polyvinyl fluoride (Teflon) plastic film attached by adhesive on one side. 7MA-100 was manufactured at South Bond Brook, New Jersey, from 1962 to September, 1971.

INTERROGATORY 7. As to any asbestos products or raw asbestos mined, converted, fabricated, produced, compounded, manufactured or processed by defendant state whether any was shipped or sold to Certain Teed Products (or predecessor entities) to or for use at the plant in Ambler, Pa., and if so whether it was raw asbestos or manufactured, converted, fabricated or compounded asbestos.

ANSWER 7. CAF has in its possession shipping records for certain of its industrial thermal insulation products for the years 1967-1969 (in part) and for 1970-1971 (in whole). A review of these records reveals that there were no sales of asbestos products or raw asbestos to Certain-Teed in Ambler, Pennsylvania by CAF.

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INTERROGATORY 14. Do any written memoranda, specifications, blueprints or other written materials of any kind or character relating to the design and preparation of said products now exist?

ANSWER 14. See objections previously filed.

INTERROGATORY 15. If so, please state:

- (a) List each such written material or document.
- (b) Who presently has possession of each such document.
- (c) Where it is located.

ANSWER 15. See objections previously filed.

INTERROGATORY 16. Prior to releasing the products listed in Interrogatory No. 6 above for sale to the public, were any tests conducted on same to determine potential health hazards involved in the use of materials contained therein?

ANSWER 16. Neither Rubenold nor GAF had facilities or equipment designed for medical research and therefore conducted no tests or studies of the nature specified.

INTERROGATORY 17. If so, please state:

- (a) The name, address, and job classification of each individual who conducted such tests.
- (b) The results of such said tests.

ANSWER 17. N/A.

INTERROGATORY 18. Do any written memoranda, specifications, blueprints or other written materials of any kind or character exist relating to the testing of said products?

ANSWER 18. N/A.

INTERROGATORY 19. If so, please state:

- (a) List each such written material or documents.
- (b) Who presently has possession of each such document, and where it is located.

ANSWER 19. N/A.

INTERROGATORY 20. Did defendant make any design changes as a result of such tests?

ANSWER 20. N/A.

INTERROGATORY 21. If so, please state:

- (a) The nature of the change made.
- (b) The name, address, and job classification of each person in charge of making a change.

ANSWER 21. N/A.

INTERROGATORY 22. After releasing said products to the public, were any tests conducted thereon to determine potential health hazards involved in the use of materials contained therein?

ANSWER 22. See answer to No. 16.

INTERROGATORY 23. If so, please state:

- (a) The name, address, and job classification of each person conducting said tests.
- (b) The results of said tests.

ANSWER 23. N/A.

INTERROGATORY 24. Do any written memoranda, specifications, recommendations or other written materials of any kind or character relating to the testing of the said products exist?

ANSWER 24. N/A.

INTERROGATORY 25. If so, please state:

- (a) List each such written material or document.
- (b) Who presently has possession of each such document, and where it is located.

ANSWER 25. N/A.

INTERROGATORY 26. Did defendant make any design changes as a result of said tests?

ANSWER 26. N/A.

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INTERROGATORY 27. If so, please state:

- (a) The nature of the change made.
- (b) The name, address, and job classification of each person responsible for making such a change.

ANSWER 27. N/A.

INTERROGATORY 28. Has defendant, at any time, published and/or distributed any brochures, sales literature, pamphlets or other written materials of any kind or character that contain any warnings, cautions, caveats or directions concerning the possibility of injury resulting from the use of the products listed in Interrogatory 6 above.

ANSWER 28. None other than as set forth in §11 below.

INTERROGATORY 29. If so, please state:

- (a) The wording of each such warning.
- (b) A description of each such printed material.
- (c) The method used to distribute the warning to persons who are likely to use the product.
- (d) The date each such warning was issued.
- (e) The name, address, and job classification of each person who presently has possession of the above described documents.
- (f) If you will without a motion, please attach a copy of such warning.

ANSWER 29. See answer to No. 31.

INTERROGATORY 30. From 1970 until the present, did the asbestos products manufactured or distributed by you, contain any warning, cautions, caveat or other statement on the product or its packaging?

ANSWER 30. Yes.

INTERROGATORY 31. If so, please state:

- (a) When did the warning first appear.
- (b) What was the precise wording of the warning when it first appeared.

(c) Was the warning altered, amended or changed in any manner. If so, how and when.

(d) Where was the warning located on the product or packaging.

(e) When did you become aware that warnings were placed on products distributed by other defendants. State the reason warnings of the other defendants were not placed on your products.

(f) State the manner in which your product is shipped and the type of container it is shipped in to manufacturers such as Certain Teed Products.

ANSWER 31(a)-(d). In late 1965 or early 1966, Ruberoid began placing the following warning on packages of its industrial thermal insulation products containing asbestos fiber:

CAUTION

THIS PRODUCT CONTAINS ASBESTOS FIBER. INHALATION OF ASBESTOS IN EXCESSIVE QUANTITIES OVER LONG PERIODS OF TIME MAY BE HARMFUL.

IF DUST IS CREATED WHEN THIS PRODUCT IS HANDLED, AVOID BREATHING THE DUST. IF ADEQUATE VENTILATION CONTROL IS NOT POSSIBLE, WEAR RESPIRATORS APPROVED BY THE U. S. BUREAU OF MINES FOR PNEUMOCONIOSIS PRODUCING DUST.

In 1970, this warning label was changed to read as follows:

CAUTION

CONTAINS ASBESTOS FIBER. INHALATION IN EXCESSIVE QUANTITIES OVER LONG PERIODS OF TIME MAY BE HARMFUL.

AVOID BREATHING DUST. IF ADEQUATE VENTILATION IS NOT POSSIBLE, WEAR RESPIRATORS APPROVED BY THE U. S. BUREAU OF MINES FOR PNEUMOCONIOSIS PRODUCING DUST.

In approximately 1972, this warning was further changed to read as follows:

CAUTION:

CONTAINS ASBESTOS FIBER. INHALATION IS EXCESSIVE
QUANTITIES OVER LONG PERIODS OF TIME MAY BE HARMFUL.
AVOID BREATHING DUST.

(c). See Objections previously filed.

(f). Most Ruberoid and GAR Industrial thermal insulation products were sold in corrugated cardboard boxes bearing the companies' respective names or logos. The insulating cement was sold in heavy-duty bags.

INTERROGATORY 22. Have you received notice that any other person was claiming injury as a result of being exposed to, breathing and/or inhaling asbestos or asbestos products sold by your company?

ANSWER 22. Yes.

INTERROGATORY 33. If so, please state:

- (a) The name and address of each claimant.
- (b) The date of notice of each claim.
- (c) A description of the claim, i.e. workmen's compensation, products liability, etc.
- (d) The type of injuries allegedly sustained.
- (e) The name and address of each attorney who represents individuals making such claims.
- (f) The style and court number of each claim currently pending.
- (g) The resolution of each claim that has been settled or taken to judgment.

ANSWER 33. See Objections previously filed.

INTERROGATORY 34. Does Defendant have policies of insurance that might cover the claims that have been made by Plaintiffs herein?

ANSWER 34. Yes.

INTERROGATORY 35. If so, please list the names of each insurance carrier who may have coverage, the amount of such coverage, and the dates of each such policy.

ANSWER 35. GAR currently maintains and GAR and Ruberoid maintained product liability insurance. A schedule of those policies (which may not be all-inclusive) is attached hereto.

INTERROGATORY 36. Please describe in detail the type of packages in which defendant has sold asbestos material, listing the dates each type of package was used, a physical description thereof, and a description of any printed material or trademark that appeared thereon.

ANSWER 36. See answer to No. 31(f). Specific descriptive language on these packages, if any, is unknown except to the extent that the trade name of the product did appear as well as the warnings set forth in #31 above. In some instances, also set forth was the temperature up to which the product could be used.

INTERROGATORY 37. If the answer to Interrogatory Four is yes, state:

- (a) Where the asbestos was mined.
- (b) How long the defendant has mined asbestos.
- (c) The type of asbestos mined.
- (d) Names of all entities to whom mined asbestos has been shipped from 1948 to the present time.
- (e) Whether any warnings, cautions, caveats or directions accompanied the materials so shipped. The date these appeared and the exact wordings of the warnings, cautions, caveats or directions, and exactly where the warnings, cautions, caveats or directions appeared.

ANSWER 37 (a)-(e). See Objections previously filed.

INTERROGATORY 38. If the Answer to Interrogatory No. 4 is no, state:

- (a) From what source or sources, if any, did your company obtain mined asbestos since 1942.
- (b) Whether any warnings, cautions, caveats, or directions accompany the material referred to in (a) and the nature and extent of said warnings, cautions, caveats or directions accompanying said asbestos.
- (c) Approximately what date said warnings, cautions, caveats or directions first appeared on the mined asbestos.

ANSWER 38. See Objections previously filed.

INTERROGATORY 39. If the answer to Interrogatory No. 3 is yes, state:

- (a) Where the asbestos or asbestos materials were manufactured.
- (b) How long the defendant has manufactured asbestos or asbestos materials.
- (c) Whether any warnings, cautions, caveats or directions accompany the materials referred to in (a) and the nature and extent of said warnings, cautions, caveats or directions accompanying said asbestos or asbestos materials.
- (d) Approximately what date said warnings, cautions, caveats or directions first appeared on the manufactured asbestos or asbestos materials.

ANSWER 39. (a) See answer to No. 6.

(b) See answer to No. 6.

(c) See answer to No. 31.

(d) See answer to No. 31.

INTERROGATORY 40. Has the defendant imported asbestos or asbestos materials since 1907

ANSWER 40. Yes.

INTERROGATORY 41. If the answer to the preceding Interrogatory is in the affirmative, state:

(a) From where the asbestos or asbestos materials were imported.

(b) How long the defendant has imported asbestos or asbestos materials, giving the source for each year since 1949 of the asbestos products that were shipped to the Certain Teed (or predecessor companies) in Ambler, Pa.

(c) Whether any warnings, cautions, caveats, or directions accompanied the materials referred to in (b) and the date these first appeared.

ANSWER 41. See Objections previously filed. Furthermore, in response to the applicable portion of (b), see answer to -7 above - GAF did not ship asbestos products to Certain Teed.

INTERROGATORY 42. If the answer to Interrogatory 40 is in the negative, state:

(a) From what source or sources, if any, did your company obtain asbestos or asbestos materials since 1942.

(b) Whether any warnings, cautions, caveats, or directions accompanied the materials referred to in (a) and the nature and extent of said warnings, cautions, caveats or directions accompanying said asbestos or asbestos materials.

(c) Approximately what date said warnings, cautions, caveats or directions first appeared on the asbestos or asbestos materials.

(d) The sources for each year since 1930 for all asbestos or asbestos products sold to or delivered to the Certain Teed plant in Ambler, Pa. (or predecessor entities).

ANSWER 42. N/A.

INTERROGATORY 43. Have you discontinued manufacturing and/or mining and/or selling any asbestos or asbestos products since 1942?

ANSWER 43. Yes.

INTERROGATORY 44. If so, please state:

- (a) The reason therefor.
- (b) When the discontinuance took place.
- (c) The specific product or type of asbestos that was discontinued.

ANSWER 44. GAF ceased manufacturing the bulk of its industrial thermal insulation containing asbestos fiber on September 1, 1971, because

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production of those products was unprofitable to the Company.

INTERROGATORY 45. State the following with regard to all research done by the defendants or on behalf of the defendants with regard to the connection between pulmonary pathologies, asbestosis and/or mesothelioma and exposure to, breathing and/or inhaling asbestos smoke, dust, fibers, particles and/or pollution from 1920 to the present time.

- (a) The name of the researcher or research organization.
- (b) The year or years of said research.
- (c) The results of said research.
- (d) Whether said research reports were published and if so, specifics as to where and when.
- (e) The location of said research.

ANSWER 45. See Objections previously filed.

INTERROGATORY 46. With regard to research as stated in number 45, that defendant is aware of, but was not performed by or on behalf of defendant, from 1920 to the present time, state the following:

- (a) The name of the researcher or research organization.
- (b) The year or years of said research.
- (c) The results of said research.
- (d) Whether said research reports were published and if so, specifics as to where and when.
- (e) The location of said research.

ANSWER 46. See Objections previously filed.

INTERROGATORY 47. Has the defendant become aware as the results of other litigation or by any other means of any studies, research, experiments or tests conducted by any other person or entities from 1920 to the present time relating to the relationship of pulmonary disease, asbestosis and/or mesothelioma, and the exposure to, inhalation and/or breathing of asbestos particles, smoke, fibers, dust and/or pollution.

ANSWER 47. GAR is aware of opinions to such effect expressed by some members of the medical profession.

INTERROGATORY 48. If the answer to the preceding interrogatory is in the affirmative, state:

- (a) When these studies, research, experiments or tests were made.
- (b) By whom were these studies, research, experiments or tests made.
- (c) Summarize the contents and results of these studies.
- (d) Whether defendant changed any modes or methods of operations as a result of these studies.

ANSWER 48. See Objections previously filed.

INTERROGATORY 49. Please state if the defendant or anybody on behalf of the defendant ever conducted any studies or research to determine if the exposure to or inhalation of asbestos fibers may be harmful. If so, please state:

- (a) By whom the research was conducted, giving complete names and addresses.
- (b) The dates that each such test was conducted.
- (c) The complete results of each test or study.
- (d) Whether the research person or organization was an agent or employee of defendant or was paid by defendant for said research.

ANSWER 49. No.

INTERROGATORY 50. Please state the names and addresses of the Defendant's chief medical officers from 1942 to the present time, listing the periods of time each such medical officer was employed by defendant in that capacity.

ANSWER 50. None.

INTERROGATORY 51. Please state to whom in the corporate structure the chief medical officer reports, also giving that person's position or job title with defendant (and if changes in the structure have occurred, detail the answer with information from 1942 to present).

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ANSWER 51. N/A.

INTERROGATORY 52. Please state the duties and responsibilities of the corporation's chief medical officer from 1948 to the present time (and if changes have occurred since 1948 the dates of changes and the substance of the changes).

ANSWER 52. N/A.

INTERROGATORY 53. Please state the names and addresses of all persons employed by defendant from 1948 until the present time who functioned as industrial hygienists. Please state:

- (a) The facility or office to which they were assigned.
- (b) Their complete and precise duties and responsibilities.

ANSWER 53. See Objections previously filed.

INTERROGATORY 54. Please state if the defendant's medical officers, physicians or industrial hygienists or other employees ever made at any time any recommendations and/or suggestions to the defendant pertaining to the risks or hazards to persons who were exposed to or breathed dust, pollution, particles or smoke containing asbestos. If so, please state:

- (a) When were such recommendations and/or suggestions made?
- (b) To whom were such recommendations and/or suggestions made?
- (c) By whom were these recommendations and/or suggestions made?
- (d) The substance of the recommendations and/or suggestions.

ANSWER 54. See Objections previously filed.

INTERROGATORY 55. Please state the names of product research and trade association periodicals to which the defendant subscribed from 1930 to the present date. State whether or not the defendant had any knowledge of any articles being printed in industry trade journals, essays, memoranda and other similar

sources pertaining to the hazardous potentials of exposure to, breathing asbestos dust, particles, fibers, pollution, and/or smoke emitted into the air in a plant manufacturing, fabricating or processing asbestos and/or asbestos products.

ANSWER 55. See Objections previously filed.

INTERROGATORY 56. Please state what organizations, groups, inter-company or industrial organizations to which the defendant belongs which conducted studies or researched the relationship, if any, between exposure to asbestos fibers or products and pulmonary pathologies.

ANSWER 56. See Objections previously filed.

INTERROGATORY 57. In reference to Interrogatory 56, please state with regard to each group or organization:

- (a) The type or nature of the study.
- (b) When the study was conducted.
- (c) The complete result of the study.
- (d) The recommendations of the study.
- (e) The resulting implementation of the studies by the defendant.
- (f) The date when first implemented.

ANSWER 57. See Objections previously filed.

INTERROGATORY 58. Please state the amounts spent or contributed by the defendant annually from 1936 until the present time for research into the relationship, if any, between exposure to and/or inhalation of smoke, dust, fibers and/or particles containing asbestos or asbestos products and any pulmonary pathology.

ANSWER 58. CAR has made no direct contributions.

INTERROGATORY 59. Please state the amount annually contributed by the defendant to any independent medical research group or groups conducting research into the relationship, if any, between exposure to and/or inhalation of smoke, fibers, dust and/or particles containing asbestos or asbestos products and any pulmonary pathology.

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INTERROGATORY 53. Did the defendant sponsor, since 1920, any meetings, seminars, conferences, or conventions where the subject of health hazards of exposure to asbestos or asbestos related dust, particles and/or smoke was discussed.

ANSWER 53. No.

INTERROGATORY 54. If your answer to Interrogatory No. 53 and/or 53 is in the affirmative, state:

(a) The date and place of such meeting, seminar, conference, or convention where the subject of occupational health and exposure to asbestos was discussed.

(b) The name and address of the speaker(s) or discussant(s).

(c) The nature of the speech.

(d) Whether it was published.

(e) If the answer to (d) is in the affirmative, where and when.

ANSWER 54. See Objections previously filed.

INTERROGATORY 55. Have any investigation or other reports been prepared, compiled, submitted or made by or on your behalf in this action? If so, as to each such investigation or report, state fully and in detail:

(a) The identity of same by date, subject matter, name, address, job title or capacity of the person or persons to whom addressed or directed.

(b) The name, address, job title or capacity of the person or persons to whom addressed or directed.

(c) The name, address, and present whereabouts of the person who has present custody or control thereof and the purpose of such preparation.

ANSWER 55. See Objections previously filed.

INTERROGATORY 56. Do you, your agents, employees or representatives know of any statement having been made by the plaintiffs pertaining to any circumstances of the illness which is the subject of this law suit?

ANSWER 59. See answer to No. 58.

INTERROGATORY 60. Please state the names and addresses of the organizations or groups conducting the studies referred to in answer to Interrogatory 59.

ANSWER 60. N/A.

INTERROGATORY 61. Please state whether the defendant had a department, division or section devoted to scientific and/or medical research during the period from 1940 until the present time. If so, please state when it was first formed, where it was located and the person in charge of same from 1940 to the present.

ANSWER 61. Yes. During the period from 1967 through the present, the following persons at GAF have held the position of Vice-President of Research:

Name	Date of Service	Present Employer
Dr. Leon Katz	-1967	American Can
Dr. Frederick Grosser	1967-1969	GAF
Dr. Robert Meyers	1969-1972	Regal Paper
Dr. Simon Kantor	1972-Present	GAF

The directors of the research department at The Ruberoid Co. were as follows:

Name	Date of Service	Present Employer
Edward Duke	7-1947	Retired, address unknown
Clarence Eckert	1947-1958	Deceased
Philip S. Bettoli	1958-1967	GAF

GAF does not recall the date when it initially established a Research Department.

INTERROGATORY 62. Please state the scientific or medical periods to which the defendant, its medical department or industrial hygiene division or other division dealing with industrial health subscribed during the period between 1920 and the present time.

ANSWER 62. See Objections previously filed.

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ANSWER 66. None other than those set forth in Plaintiffs' Complaint.

INTERROGATORY 67. If the answer to the foregoing Interrogatory is in the affirmative, was any such statement in writing and, if so, in whose possession is such statement, and when and where may it be inspected by the plaintiffs?

ANSWER 67. N/A.

INTERROGATORY 68. If your answer to Interrogatory 66 is in the affirmative and any such statement was oral, when and where was any such statement made, in whose presence was such statement made, and what was the substance of such statements?

ANSWER 68. N/A.

INTERROGATORY 69. State the name of all persons who have acted in the capacity as a librarian for the defendant since 1930, and give their current address, telephone number and current position with the company.

ANSWER 69. None.

INTERROGATORY 70. Please identify and describe all tests and experiments conducted by you to determine and establish the quantity of asbestos fibers which would become airborne as a result of manufacturing, processing and/or fabricating asbestos products and/or asbestos and the dates of said tests and experiments.

ANSWER 70. None.

INTERROGATORY 71. If in fact tests and experiments were performed as per Interrogatory 70, state:

- (a) By whom and when.
- (b) The result of same.
- (c) Whether the tests, experiments and/or results were published, and if so, where and when.
- (d) What defendant did, if anything, as a result of said tests, experiments and results.

- (e) Whether separate buildings or units at Ambler, Pa., were tested separately and if so, breakdown the information in (a) - (d) by building and unit.

ANSWER 71. N/A.

INTERROGATORY 72. Please identify all tests, articles, publication pamphlets, standards and rules upon which you intend to rely at the time of trial to support your case.

ANSWER 72. Not known at this time.

INTERROGATORY 73. Are you aware of any articles in any public health bulletins or issued by any regulatory agencies establishing limit values for asbestos particles being emitted inside a plant engaged in manufacturing, marketing or processing of asbestos.

ANSWER 73. See Objections previously filed.

INTERROGATORY 74. If your answer to the above is in the affirmative state:

- (a) The source.
- (b) The date.
- (c) When you first became aware.
- (d) What was done as a result of becoming aware.

ANSWER 74. See Objections previously filed.

INTERROGATORY 75. Please state whether or not defendant ever maintained a library or collection of medical information pertaining to the effects of exposure to asbestos or asbestos particles, dust and/or pollution upon human health, including its hazardous effects, and if so, where said library or collection was and is located, who the person was who maintained it, and what bibliography of medical articles, materials, and other reports were a part of said library on said subject, including journals, publications, reports and all memoranda published and received by you since 1930.

ANSWER 75. No. Moreover, Defendant GAR objects to the conclusion stated herein of "hazardous effects."

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INTERROGATORY 76. Please state whether or not any governmental agency has ever written letters of warning to defendant pertaining to the likelihood of injury to persons exposed to and/or breathing, and/or inhaling asbestos fibers, dust or particles.

ANSWER 76. Not known.

INTERROGATORY 77. If the answer to the preceding Interrogatory is yes, which agency, when and who possesses a copy of the letters?

ANSWER 77. N/A.

INTERROGATORY 78. Please annex copies of all such correspondence and notices of governmental agencies pertaining to said warnings.

ANSWER 78. N/A.

INTERROGATORY 79. If you have conducted experiments, tests and/or examinations to determine the effect of inhalation of airborne asbestos fibers and/or asbestos dust, particles or smoke into the human body, please describe those tests and set forth when those tests were conducted, their results, and whether the results are published and where.

ANSWER 79. N/A.

INTERROGATORY 80. If you have had others conduct experiments, tests and/or examinations for you to determine the effect of inhalation of airborne asbestos fibers and/or asbestos dust, particles or smoke into the human body, please describe those tests and set forth when those tests were conducted, their results, and whether the results are published and where.

ANSWER 80. N/A.

INTERROGATORY 81. If your answer is that no tests, or experiments or examinations were conducted, please state why they were not conducted.

ANSWER 81. CAP had no facilities or equipment designed for medical or technical research and, therefore, conducted no studies of the nature specified.

INTERROGATORY 82. Please state the name and address of all past or present employees within your firm or corporation whose responsibility it was to receive, digest and forward information pertaining to the effects of the inhalation of asbestos fibers and/or inhalation of asbestos particles, smoke or dust from 1970 to present.

ANSWER 82. During the period that CAP manufactured industrial thermal insulation products containing asbestos fibers, the Company had room in its employ whose responsibilities were as set forth herein.

INTERROGATORY 83. State whether any officers, agents, servants or employees of the defendant has ever testified before any governmental body regarding the possible harmful effects of inhalation or exposure to asbestos dust and/or particles and/or fibers. If so, state:

- (a) When and where such testimony was given.
- (b) Summary of said testimony.
- (c) If recorded, and if so, attach a copy of the answer to these Interrogatories.
- (d) If published - where and when.

ANSWER 83. No.

INTERROGATORY 84. State the names of any expert witnesses that you intend to rely upon at the trial of this action, and identify the subject matter upon which each said expert will testify, his opinions and the grounds upon which the opinions are based.

ANSWER 84. Not known at this time.

INTERROGATORY 85. If written documentation in the form of "scientific data" will be introduced into evidence upon a trial of this cause by the defendant, describe each such document, and include its title, author, and the date and identity of any publication in which such data was published.

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ANSWER 85. Not known at this time.

INTERROGATORY 86. Please state if the defendant intends to assert a defense of contributory negligence. If so, state all facts which the defendant bases its contentions that the plaintiff was contributorily negligent or assumption of risk (sic).

ANSWER 86. As stated above, the records available to GAR show that GAR did not sell any asbestos products or raw asbestos to Certain-Teed in Ambler, Pennsylvania. If, however, it is proven at a later time that Husband Plaintiff was exposed to any GAR products, then GAR intends to assert a defense of contributory negligence in that Husband Plaintiff (a) failed to use proper respiratory devices although available and offered to him for his personal use, and/or (b) failed to use such products in a manner that would have minimized the creation of dust, and will also assert a defense of assumption of risk.

INTERROGATORY 87. If the answer to the preceding interrogatory is in the affirmative, state in detail those witnesses who may be called to testify in reference to contributory negligence or assumption of risk.

ANSWER 87. Certain-Teed employees.

INTERROGATORY 88. Please state if the defendant intends to assert the defense that there is no causal relationship between plaintiff's injuries and the exposure to asbestos.

ANSWER 88. As stated above, the records available to GAR show that GAR did not sell any asbestos products or raw asbestos to Certain-Teed in Ambler, Pennsylvania. If, however, it is proven at a later time that Husband Plaintiff was exposed to any GAR products and if facts ascertained during the course of pretrial discovery support a contention that there is no causal relationship between his injuries and his exposure to GAR products, then proof of such a defense will be offered at trial.

INTERROGATORY 89. Did the defendant ever warn any labor union of the health hazard of exposure to asbestos?

ANSWER 89. Not directly.

INTERROGATORY 90. If the answer to the preceding interrogatory is in the affirmative, state:

- (a) The union.
- (b) How said union was informed.
- (c) The date and place of said information or warning.
- (d) The content and nature of said warning.
- (e) The individual or individuals warned.

ANSWER 90. Not known.

INTERROGATORY 91. Did the defendant at any time give any advice, publication, warning, order, directive, requirement or recommendation, written or oral, which purported to:

- (a) Advise the plaintiffs personally of the possible harmful effects of exposure to, or inhalation of, asbestos, or asbestos containing products.
- (b) Advise or recommend as to techniques, methods or equipment which would serve to reduce or guard against such potentially harmful exposure.

ANSWER 91. As stated above, the records available to GAR show that GAR did not sell any asbestos products or raw asbestos to Certain-Teed in Ambler, Pennsylvania. If, however, it is proven at a later time that Husband Plaintiff was exposed to any GAR products, then GAR responds to this interrogatory as follows: GAR provided warnings on its products as set forth in Answer #31. Such cautionary statements were given to all persons or companies purchasing containers of GAR's asbestos products. In the case of workers, such as Husband Plaintiff, then, such cautionary statements were presumably communicated to him since an employer has a duty to advise its employees of such information.

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INTERROGATORY 92. If your answer to any part of the above Interrogatory 91 is in the affirmative, state:

- (a) The nature and exact wording of such advice, warning, recommendation, etc.
- (b) The complete identity of each source of such advice, warning, recommendation, etc.
- (c) The date, time, place, manner and circumstances when such advice, warning, recommendation, etc. was given.
- (d) The name, business address and telephone number, job title, residence address and telephone number of each and every co-worker or similar member of their trade and occupation who also received the same or similar advice, warning, recommendation, etc.
- (e) The name, business address and telephone number, job title, residence address and telephone number of each and every co-worker or similar member of their trade and occupation who also received the same or similar advice, warning, recommendation, etc.

ANSWER 92. See answer to NO. 31.

INTERROGATORY 93. Please state the location of each and every facility owned or controlled by the defendant or any of its divisions or subsidiaries which manufactured any asbestos products.

ANSWER 93. Gloucester, New Jersey

Hyde Park, Vermont

South Bound Brook, New Jersey

Erie, Pennsylvania

INTERROGATORY 94. State the location of each and every facility owned or controlled by the defendant or any of its divisions or subsidiaries which fabricate any asbestos products.

ANSWER 94. See objections previously filed.

INTERROGATORY 95. Did you at any time place personal monitors upon workers at Certain Feed or similar workers in order to determine the connection of airborne asbestos fibers in their work environment? If your answer is in the affirmative, please state the job sites, the individuals and the dates when the personal monitors were used.

ANSWER 95. No.

INTERROGATORY 96. Were you at any time aware of the use of personal monitors to monitor the airborne asbestos fibers in the work environment, and in the work place of asbestos workers.

ANSWER 96. CAP is aware of the existence of these personal monitors but is not familiar with their use on job sites.

INTERROGATORY 97. Did you at any time provide information to asbestos workers as to the existence and purpose of personal monitors to measure the concentration of airborne asbestos fibers in their work environment?

ANSWER 97. Not directly.

INTERROGATORY 98. Do you agree that the inhalation of asbestos fibers has been directly associated medically with the contraction of asbestosis and cancer?

ANSWER 98. Defendant, CAP Corporation, recognizes that there is a medical theory that such an association exists. CAP is not qualified to comment on such a medical theory, since it lacks appropriate expertise. CAP does not recognize a legal theory of this nature.

INTERROGATORY 99. State your knowledge as to the relationship between the inhalation of asbestos fibers and cancer of the lungs, rectum, stomach and brain.

ANSWER 99. See objections previously filed.

INTERROGATORY 100. State when your knowledge as to the association between inhalation of asbestos fibers and the contraction of cancer and asbestosis was first acquired, and state the source of that information.

ANSWER 100. See objections previously filed.

INTERROGATORY 101. State whether you ever conducted any tests relative to the possibility of a relationship between asbestos exposure and cancer?

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ANSWER 107. N/A.

INTERROGATORY 108. Please state the name and address of all past or present employees within your firm or corporation whose responsibility it was to receive, digest and forward information pertaining to the effects of the inhalation of asbestos fibers into the human body, and state the dates of employment of each of said individuals.

ANSWER 108. Answered previously herein.

INTERROGATORY 109. Please state the date when you first notified your asbestos workers working with your raw asbestos or asbestos products of the need to wear and use respirators.

ANSWER 109. See Objections previously filed.

INTERROGATORY 110. Please state the date when you first notified any asbestos workers applying your asbestos products as to the need to wear respirators.

ANSWER 110. See answer to No. 31.

INTERROGATORY 111. State when you first advised Certain Teed employees if in fact you did, and how this information was communicated to employees of Certain Teed. If in writing, attach a copy of said notification.

ANSWER 111. As stated above, a review of the records available to CAP shows that CAP did not sell any asbestos products or raw asbestos to Certain-Teed in Ambler, Pennsylvania. If, however, it should be proven at a later time that CAP did, in fact, sell products to Certain-Teed, then CAP responds to this Interrogatory as follows: This information would have been communicated to said employees of Certain-Teed in the same manner as set forth in answer to #91 above.

INTERROGATORY 112. State whether or not defendant has ever published bulletin warning its employees concerning the hazards of inhaling asbestos and coming into contact with the products of this defendant containing asbestos. If so, please attach copies of bulletins issued by the defendant to its employees on said subject stating the date and year that said bulletin were distributed to your employees, and the name of the author of said bulletin in the employ of the defendant.

ANSWER 101. Answered previously herein.

INTERROGATORY 102. During the period 1940 through 1960, did you at any time state to plaintiffs or plaintiff's decedents or said employers of plaintiff that your asbestos containing products were harmful to the health of asbestos workers. If so, to whom and when?

ANSWER 102. Answered previously herein.

INTERROGATORY 103. State your knowledge as to the cancer-producing capabilities of amosite asbestos fibers, crocidolite, asbestos fibers, and chrysotile asbestos fibers.

ANSWER 103. See Objections previously filed.

INTERROGATORY 104. State the manner and extent to which your asbestos fibers and/or products were investigated, tested, examined and experimented with to determine the effects of airborne asbestos fibers upon being inhaled into the human body.

ANSWER 104. Answered previously herein.

INTERROGATORY 105. If you have conducted experiments, tests and examinations to determine the effects of inhalation of asbestos fibers into the human body, please describe those tests and set forth when those tests were conducted, their results, and whether or not these results and other data were forwarded to asbestos workers applying your asbestos products.

ANSWER 105. Answered previously herein.

INTERROGATORY 106. If your answer is that no tests, or experiments or examinations were conducted, please state why they not conducted, and if your answer is that the tests, experiments and/or examinations were conducted but that said information was not forwarded to asbestos workers applying your asbestos products, please state why said information and results were not so forwarded.

ANSWER 106. Answered previously herein.

INTERROGATORY 107. If your answer is that you at no time notified said asbestos workers, please state your reasons for not so notifying said workers as to the need to wear respirators.

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ANSWER 112. See Objections previously filed.

INTERROGATORY 113. Please state whether or not defendant has, from time to time, distributed any respirators or safety masks to its employees who came into daily contact with asbestos or asbestos related products manufactured by the defendant, and the dates of said distribution to your employees.

ANSWER 113. See Objections previously filed.

INTERROGATORY 114. Prior to answering these Interrogatories, have you made due and diligent search of all books, records and papers of the defendant and due and diligent inquiry of all agents and employees of the defendant with a view to eliciting all information available in this action.

ANSWER 114. Yes.

INTERROGATORY 115. If the answer to the preceding Interrogatory is in the affirmative, state and identify what records of books and papers were searched and state and identify what agents and employees who were questioned.

ANSWER 115. General files of GAP Corporation and personal work files of two GAP employees, Messrs. Bettoli & Schwingen.

INTERROGATORY 116. Please state whether any employee of the Defendant has ever made a claim for asbestosis under the Occupational Disease or Workmen's Compensation Statute of any state, claiming asbestosis, were or carrier (sic) from asbestos exposure. If so, please state the date that the defendant first received notice of any claim for asbestosis under the Occupational Disease or Workmen's Compensation Statute of any state.

ANSWER 116. See Objections previously filed.

INTERROGATORY 117. Is the defendant a member of the Asbestos Textile Institute? If so, when did it first become a member?

ANSWER 117. No.

INTERROGATORY 118. How much has the Defendant contributed annually to the Institute since 1950?

ANSWER 118. N/A.

INTERROGATORY 119. Please identify all booklets, manuals, journals, and all publications directed from you to customers and users of all asbestos containing insulation products and the dates said information was forwarded regarding the proper use and application of your asbestos containing insulation products.

ANSWER 119. Defendant GAP is presently compiling the information with which to answer this Interrogatory and will provide the answer thereto if it is proven at a later date that GAP did, in fact, sell asbestos products to Certain-Fluid.

INTERROGATORY 120. If your answer to No. 50 is that the Defendant does not employ a Chief Medical Officer, state the persons who have acted in a medical advisory capacity to Defendant from 1942 to the present time, and their present addresses.

ANSWER 120. See Objections previously filed.

INTERROGATORY 121. Please state the names and addresses of all physicians employed, retained or otherwise engaged by the Defendant at any of its facilities from 1942 to the present time.

ANSWER 121. See Objections previously filed.

INTERROGATORY 122. State when your knowledge as to the association between inhalation of asbestos fibers and the contraction of cancer and asbestosis was first acquired, and state the source of that information.

ANSWER 122. See Objections previously filed.

INTERROGATORY 123. State whether you ever conducted tests relative to the possibility of a relationship between asbestos exposure and cancer.

ANSWER 123. Answered previously herein.

INTERROGATORY 124. State your knowledge as to the cancer producing capabilities of amosite asbestos fibers, crocidolite asbestos fibers and chrysotile asbestos fibers.

ANSWER 124. See Objections previously filed.

INTERROGATORY 125. State the manner and extent to which your asbestos fibers and/or products were investigated, tested, examined and experimented with to determine the effects of air borne asbestos fibers upon being inhaled into the human body.

ANSWER 125. This Interrogatory answered previously herei

INTERROGATORY 126. If you have conducted experiments, tests a examinations to determine the effect of inhalation of asbestos fibers into the human body, please describe those tests and set forth when those tests were conducted, their results and whether or not these results and other data were forwarded to plant workers working with asbestos or asbestos products.

ANSWER 126. Answered previously herein.


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