

IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO

DONALD LEE ABNER, JAMES R. BRIDGES, :
DAVID LEE ENRIGHT, HOMER R. FINCH, :
CARSON HENSLEY, DAN L. MCINTIRE, : CASE NO. CV96 01 0180
CLARK R. MOORE, SR., GEORGE KEETON :
PARSHALL, JOHN PAUL PIERATT, and : (Hon. George Elliott)
JOE CHALMER STANDFILL, :
:
Plaintiffs, :
:
vs. :
:
A-BEST PRODUCTS COMPANY, ET AL., :
:
Defendants. :

**WESTINGHOUSE ELECTRIC CORPORATION'S
RESPONSE TO PLAINTIFFS' INTERROGATORIES**

Preliminary Statement and General Objections

For the reasons set forth below, Westinghouse respectfully submits that this discovery, as applied to Westinghouse, would be unduly burdensome and would require Westinghouse to invest massive financial and manpower resources which far outweigh the likelihood that this effort would lead to the discovery of relevant, admissible evidence. Westinghouse respectfully suggests that discovery rules and principles of fairness, relevance and relative burden must be considered in evaluating plaintiffs' discovery and Westinghouse's responses to that discovery.

The basic premise of every lawsuit is for plaintiffs to state a claim and to pursue discovery on that claim. There is no authority for plaintiffs to seek discovery without regard to whatever Westinghouse products they have any basis to believe might have been responsible for their injuries. Plaintiffs may not conduct unbridled discovery on every product that may have

contained some component that contained asbestos without showing a link between that product and the alleged injury. Plaintiffs and their counsel have had ample opportunity to discuss the claims with other plaintiffs, to interview coworker witnesses, and to locate and review relevant documents. It would be patently unfair to allow plaintiffs to conduct a massive fishing expedition through use of form discovery requests, without any focus on the products allegedly at issue.

Westinghouse is not now, nor has it ever been, a miner of asbestos fiber. It has never been a member of the "asbestos industry" as that term has commonly been used in asbestos litigation. With all due respect, these Interrogatories are overbroad and burdensome as applied to Westinghouse because they fail to give weight to this key fact.

Westinghouse is not a company with a few locations and a small number of readily identifiable product lines. It is a broadly diversified, worldwide corporation that has employed upwards of 100,000 people and manufactures, or has manufactured, several thousand basic products and thousands of variations of those products. Westinghouse has been engaged principally in the manufacture, sale and service of equipment and components for the generation, transmission, utilization and control of electricity. However, especially in recent years, its businesses have expanded to include a wide range of products and services that are unrelated to electrical manufacturing.

Many of the products that Westinghouse manufactures and sells are extremely complex, consisting of hundreds or even thousands of components. Many of these components, as well as other materials, are supplied to Westinghouse by other companies. Westinghouse does not maintain records by which it might identify the composition of each component of each product. Similarly, Westinghouse does not know and cannot determine the ultimate destination of each product sold because many of its sales are not to the ultimate user.

Westinghouse's portfolio of businesses and products changes almost continually.

Changes occur when Westinghouse develops new products, discontinues old products, acquires other companies or their product lines, or divests itself of subsidiaries or product lines. Changes also occur when Westinghouse adds suppliers to, and deletes suppliers from, its product lines.

Westinghouse has not and does not generally maintain its business records according to product content, asbestos or otherwise. Therefore, it is not reasonably possible for Westinghouse to fully answer form interrogatories because of the overly broad, categorical manner in which they are framed.

These discovery requests are not limited in any fashion to the product(s) reasonably believed by plaintiffs to have been sold, distributed or manufactured by Westinghouse and to which they reasonably believe they were exposed. Without this basic information from plaintiffs about product type and location, it would be unduly burdensome for Westinghouse to attempt to respond because to do so would require review of documents from thousands of files relating to many different products and issues having nothing to do with this litigation.

Normally, once the specific location is identified, Westinghouse, from public and internal documents, is able to verify the sale of a marine or land-based turbine. As to other products, Westinghouse cannot reasonably respond to those Interrogatories which seek confirmation of all specific sales to specific customers or geographic regions. Westinghouse does not maintain its records according to product content, whether asbestos or otherwise. Documents generated by various Westinghouse divisions and subsequently stored by Westinghouse are not maintained by customer name or purchaser name. These documents are generally stored according to their

source and according to broad categories such as general business records, financial records, engineering records, etc.

There is no single length of time for which Westinghouse records are retained. Sales orders are initially kept at the Westinghouse or WESCO office receiving the order. Once the order is filled and payment is received from the customer, the sales order is considered closed. After a one to three year period, closed orders are then sent to a Westinghouse records storage facility for retention. Sales orders are only retained for a limited period of time, generally for a period of less than ten years.

Beginning in approximately 1985, Westinghouse made an effort to identify those of the various Westinghouse divisions which it reasonably believed likely to have documents that could be relevant in asbestos personal injury cases. Documents were collected from these locations, copied and placed in a repository. The documents are now located in Pittsburgh, PA.

Upon identification of the type of product(s) which plaintiffs have reason to believe was manufactured by Westinghouse, and from which they may have been exposed to asbestos, Westinghouse can review the documents collected and other potential sources of information, if any, for relevant, responsive information. Following an appropriate review of responsive documents for privilege and proprietary information, Westinghouse will respond fully and fairly based upon the documents and information it is able to collect.

Further, since approximately 1933, Westinghouse has had a corporate industrial hygiene department. This department has been the largest, most central location at which information relating to a wide range of safety and health issues has been collected. Westinghouse does not oppose reasonable, focused discovery relating to corporate industrial hygiene issues.

Westinghouse also objects to these Interrogatories to the extent that they seek to elicit information that is protected by the attorney-client privilege, the attorney work product doctrine or as trial preparation material, and to the extent that they seek to elicit expert witness opinion beyond the scope of permissible discovery prior to disclosure of experts. Such information will not be disclosed herein.

In summary, Westinghouse opposes only a type and volume of discovery which would impose an unreasonable burden on Westinghouse because it is not tailored in any way to deal with a corporation such as Westinghouse, or reasonably designed to lead to the discovery of admissible evidence concerning the products the plaintiffs reasonably believe to have caused them harm.

Without waiving its objections, and subject thereto, Westinghouse responds to the Interrogatories as follows:

Responses to Interrogatories

1. For each Interrogatory below, please state the name and last known address of each person answering it, including whether he/she is employed by Defendant and if employed by Defendant include 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.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse objects to this interrogatory to the extent it calls for information protected by the attorney-client privilege or attorney work product doctrine. All answers are derived from numerous sources, persons and documents over an extended period. The person signing these responses does so to satisfy the requirement for an officer or employee for the corporation answering the interrogatories to affix his signature. Such signing person does not necessarily have direct knowledge regarding the matters included in these responses. No single

officer, employee or agent of Westinghouse has direct knowledge of each and every answer requested.

Therefore, as applied to Westinghouse, this Interrogatory is overly broad and unduly burdensome.

2. Please state whether or not Defendant is a corporation. If so, please state:

- a) Your correct corporate name;
- b) The state of your incorporation;
- c) The address of your principal place of business;
- d) Your registered agent for service in the state of Ohio.

ANSWER:

- a) **Westinghouse Electric Corporation**
- b) **Pennsylvania**
- c) **Westinghouse Building, Gateway Center, Pittsburgh, PA 15222**
- d) **CT Corporation System**

3. Please describe Defendant's corporate history including any:

- a) Mergers;
- b) Consolidations;
- c) Asset purchases;
- d) Acquisitions; or
- e) Spinoffs.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further incorporates by reference its objections and response to Interrogatory 4.

4. Please state whether or not the Defendant has purchased, assumed, or in any other manner acquired any of the assets and/or liabilities of any corporation or entity (such corporations or entities being limited to those engaged in the mining, selling, manufacturing, marketing or distribution of asbestos-containing products.) If so, please state the following:

- a) The name of each such corporation or entity;
- b) Date of acquisition;
- c) The nature of the company as it relates to asbestos.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome inasmuch as it is requesting information concerning other assets, liabilities and/or entities not alleged to have contributed to or related to the injuries of Plaintiffs. Westinghouse does not oppose reasonably tailored discovery concerning any particular subsidiary whose products are reasonably at issue in a particular case.

Without waiving its objections, Westinghouse states that it is not and never has been a member of the asbestos mining and bulk insulation industry (commonly referred to as the "asbestos industry"). Westinghouse has never mined or milled asbestos ore or sold raw asbestos products. Further, Westinghouse states that neither its present nor former subsidiaries has ever been a miner or miller of asbestos fibers.

Without waiving the foregoing objections, Westinghouse states that it has had in the past numerous subsidiaries. Westinghouse never had any controlling interest in any company engaged in the manufacture, distribution or sale of asbestos-containing thermal insulation products as a regular and substantial part of its business. As described more fully below, some of its lines of business may have involved, to a relatively small extent, sales of products which contained asbestos or asbestos-containing components.

This business was generally carried out under the name "Westinghouse", though from time to time it may have done business through divisions or subsidiaries with various trade names (for example, its former subsidiary/division, Westinghouse Electric Supply Company or WESCO.) WESCO was a subsidiary of Westinghouse with a separate corporate existence until March 1, 1958. After that date, WESCO was continuously a division of Westinghouse Electric Corporation, until it was sold in 1994 to Eaton Corporation. Neither Westinghouse or WESCO has ever mined or marketed raw asbestos fiber. WESCO offered for sale asbestos-

containing wire and cable products manufactured by others. In addition, the Hampton Micarta facility was listed as a subsidiary of Westinghouse when purchased in 1954. However, it soon became a part of the Micarta Division of Westinghouse. As a subsidiary it was known as Plywood-Plastics Corporation of Hampton, South Carolina. Also, in 1968 Westinghouse purchased its West Mifflin Pennsylvania Micarta Production facility from TRW. Although West Mifflin became part of the Insulating Materials division, for a period of time it operated as a subsidiary under the name Electro Insulation. Westinghouse is unaware of any other subsidiary which, while owned by Westinghouse, sold asbestos-containing products as a regular part of its business. However, given the difficulties set forth in the General Objection above, Westinghouse cannot conclusively foreclose the possibility that such subsidiaries may have existed in the past.

However, Westinghouse may have from time to time owned non-controlling security or ownership interests in various entities which have had some involvement with asbestos. For example, Westinghouse has from time to time had funds invested in U.S. Government securities and it is aware, through its attorneys, that the U.S. Government has on occasions in the past sold, supplied, distributed or otherwise placed asbestos-containing products in the stream of commerce through sales of surplus asbestos stocks or otherwise. Westinghouse is unable at this time to state with certainty every interest it ever owned in any entity that may have had some involvement with asbestos, and on that ground objects to any further answer to this interrogatory.

5. Has Defendant ever engaged in the mining, manufacturing, selling, marketing, installation or distribution of asbestos-containing products? If so, please state the following:

- a) The name of the company engaged in the activity (whether it is Defendant, Defendant's predecessor, or Defendant's subsidiary);
- b) As to each product mined, manufactured, sold, marketed, installed or distributed, please state the following:
 - 1) The trade or brand name.
 - 2) Its identification number (model, serial number, etc.).
 - 3) The time period it was manufactured, mined, marketed, distributed or sold.
 - 4) Its physical description including color, general composition, and form.
 - 5) A detailed description of its intended use and purpose.
 - 6) A detailed description of the type package in which it was sold, listing the dates of each type of package used, a physical description of the package,

and a description of any printed material or trademarks that appeared thereon.

- 7) The percent of asbestos which it contained.
- 8) The percent of asbestos by asbestos type (amosite, crocidolite, tremolite, anthophyllite).
- c) The time period during which each of these products were on the market;
- d) A description of the physical composition of each product;
- e) How each of these asbestos-containing product can be distinguished from those competitors;
- f) A description of the physical appearance of such product;
- g) A detailed description of the intended uses.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to responding to this Interrogatory concerning any products not alleged to have contributed to the alleged injuries of plaintiff(s), on the grounds that the Interrogatory, as applied to Westinghouse, is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence. If a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

Without waiving its objections, Westinghouse states that it is not and never has been a member of the asbestos mining and bulk insulation industry (commonly referred to as the "asbestos industry"). Westinghouse has never mined or milled asbestos ore or sold raw asbestos products. Further, Westinghouse states that neither its present nor former subsidiaries has ever been a miner or miller of asbestos fibers.

6. Does Defendant or any of its subsidiary companies claim that any patent would cover any product listed in answer to Interrogatory No. 5? If so, please state the following:

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse objects to responding to this Interrogatory concerning any products not alleged to have contributed to the alleged injuries of plaintiff(s), on the grounds that the Interrogatory, as applied to Westinghouse, is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence. If a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

7. Have any of the products listed above in answer to Interrogatory No. 5 been altered in chemical composition since first being marketed? Is so, please state the following:

- a) The trade name of each such product;
- b) The date each such product was altered;
- c) The nature of the alteration;
- d) The reason for the alteration.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to responding to this Interrogatory concerning any products not alleged to have contributed to the alleged injuries of plaintiff(s), on the grounds that the Interrogatory, as applied to Westinghouse, is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence. If a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

8. Have any of the asbestos-containing products listed in response to Interrogatory No. 5 ever been marketed, distributed, packaged, labeled, and/or sold by any other company or business? If so, please state the following:

- a) The name and address of each such company.
- b) The names and address of Defendant's distributors in Ohio and Illinois since 1940.
- c) The date of each sale.
- d) The name of the person at each location with whom you primarily dealt.
- e) A list of all asbestos-containing products that you sold to each location from 1945 to 1980.
- f) The amount of each asbestos product sold to each location during this period.
- g) Please identify all documents relating to this distributor for the particular location.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to responding to this Interrogatory concerning any products not alleged to have contributed to the alleged injuries of plaintiff(s), on the grounds that the Interrogatory, as applied to Westinghouse, is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence. If a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

8.1 Does Defendant have reason to believe that the asbestos-containing products listed in response to Interrogatory No. 5 were used at the ARMCO/A.K. Steel Middletown Plant and/or the ARMCO/A.K. Steel Hamilton Plant. If you answer is "yes", please state the basis of your answer.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to responding to this Interrogatory concerning any products not alleged to have contributed to the alleged injuries of plaintiff(s), on the grounds that the Interrogatory, as applied to Westinghouse, is overly broad and unduly burdensome and seeks information

which is irrelevant and immaterial to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence. If a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

8.2 For each company or business that Defendant knows may have marketed, distributed, installed, and/or sold, those products listed in response to Interrogatory No. 5 ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant, please state the following:

- a) The name and address of each such company;
- b) the date of each sale from Defendant to such other company;
- c) The name of the person at each other company with whom Defendant primarily dealt.
- d) Names and quantities of the asbestos-containing products that you marketed, distributed, installed, and/or sold to each such company from 1950 to 1974.
- e) Please identify all documents relating to the sales to each such company.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to responding to this Interrogatory concerning any products not alleged to have contributed to the alleged injuries of plaintiff(s), on the grounds that the Interrogatory, as applied to Westinghouse, is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence. If a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

8.3. If you do not know any business that may have marketed, distributed, installed, and/or sold the products listed in response to Interrogatory No. 5 to ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant, please state the names and last known addresses of those companies who Defendant knows marketed, distributed, and/or sold their

asbestos-containing products in Ohio from 1950 to 1974. For each of those companies, please state the following:

- a) The name and address of each such company;
- b) the date of each sale from Defendant to such other company;
- c) The name of the person at each other company with whom Defendant primarily dealt.
- d) Names and quantities of the asbestos-containing products that you marketed, distributed, installed, and/or sold to each such company from 1950 to 1974.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to responding to this Interrogatory concerning any products not alleged to have contributed to the alleged injuries of plaintiff(s), on the grounds that the Interrogatory, as applied to Westinghouse, is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence. If a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

8.4 Does Defendant have records and/or any knowledge that reflects sales of their asbestos-containing products to ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant? If so, please state:

- a) The names and last known addresses of those people with such knowledge.
- b) The location of such records.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to responding to this Interrogatory concerning any products not alleged to have contributed to the alleged injuries of plaintiff(s), on the grounds that the Interrogatory, as applied to Westinghouse, is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence. If a particular plaintiff

will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

Without waiving its objections, Westinghouse states that it cannot reasonably confirm specific sales to specific customers or geographic regions from decades ago. Documents generated by various Westinghouse divisions and subsequently stored at a Westinghouse records facility are not maintained by customer or purchaser name, nor by product content. These documents are generally stored according to their source and according to broad categories such as general business records, financial records, engineering records, etc. Sales orders are initially kept at the Westinghouse office receiving the order. Once the order is filled and payment is received from the customer, the sales order is considered closed. After a one-to-three year period, closed orders may be sent to a records facility for retention. Thereafter, sales orders are only retained for a limited period of time, generally for a period of less than ten years.

9. Did Defendant or any of Defendant's distributors, as listed in response to Interrogatory Nos. 8.1, 8.2, and/or 8.3 have sales representatives who specifically called on ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant, from 1945 to 1975? If your response is yes, as to each facility, please state the following:

- a) The name and last known address of each such representative and whether they are still employed by Defendant;**
- b) The period of time they acted as your representative;**
- c) Their general responsibility as to each facility; and**
- d) Whether that person is still alive.**

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to responding to this Interrogatory concerning any products not alleged to have contributed to the alleged injuries of plaintiff(s), on the grounds that the Interrogatory, as applied to Westinghouse, is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence. If a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will

endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

10. Did Defendant ever have any division or subsidiary engaged in the contract business of applying asbestos-containing products? If so, please state:

- a) The name of each subdivision;
- b) The full address of the home office and the date such subdivision or subsidiary was engaged in this contracting business; and
- c) Whether said division or subsidiary conducted such business at ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant, from 1954 to 1975? If so, please state:
 - 1) The dates of such contracts;
 - 2) The specific asbestos-containing products that were used in each contract.

ANSWER:

Westinghouse understands plaintiff's reference to "contract business of applying asbestos-containing products", which the plaintiff has not defined, to refer to the contracting with others who install block and pipe insulation. So defined, the answer is no.

On November 1, 1983, Westinghouse purchased the assets, but not the stock, of Global Power Company and several affiliated entities. Westinghouse sold its interest in Global Power on February 13, 1987. Global was in the business of installing and repairing steam generation and power production equipment, and providing and installing replacement parts for steam generation and power production equipment, including boilers and steam turbines, and the prefabricated panels contained asbestos during the 1980's, when it had an interest in Global. Westinghouse likewise has no present information that indicates Global performed asbestos tear out during the time it had an ownership interest in Global.

In addition, Westinghouse had an ownership interest in the following companies during the specified periods of time:

**Gangloff Corporation (L.K.A. Heat Engineering, Inc.),
2/22/1980 until 2/13/1987
Senoyuit Corporation (L.K.A. Electric Arc, Inc.),
2/22/1980 until 2/13/1987**

LABCO of Louisiana, Inc., 10/12/1983 until 2/13/1987
Moorehead Machinery & Boiler Company,
5/2/1983 until 2/13/1987
Process Mechanical, Inc., 5/2/1983 until 2/13/1987
O'Conner Combustor Company, 1983 until 1990

During the years Westinghouse had an interest in the above-listed companies, they were engaged in activities including boiler maintenance and service; construction and erection of interlocking fiberglass insulated aluminum panels; heater blanket construction and service; electrical product purchasing and supply; and rotating kiln incinerator construction and erection.

Westinghouse has no present knowledge or information that suggests any of the above-listed entities installed or supplied asbestos-containing products on the furnaces, pipes, boilers, or turbines at any site listed in this Interrogatory during the periods of time the companies were affiliated with Westinghouse. Westinghouse objects and is unable to respond to this Interrogatory to the extent it applies to periods of time during which Westinghouse neither owned nor operated the companies, and to which it calls for information that is not within Westinghouse's direct knowledge or control.

11. Did Defendant ever have any division or subsidiary engaged in the contract business of applying asbestos-containing refractory? If so, please give the name of each subdivision, the full address of the home office and the date such subdivision or subsidiary was engaged in this contracting business.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to responding to this Interrogatory concerning any products not alleged to have contributed to the alleged injuries of plaintiff(s), on the grounds that the Interrogatory, as applied to Westinghouse, is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence. If a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

Without waiving the foregoing objections, Westinghouse states that it has no information which would indicate that it ever had a division or subsidiary engaged in the contract business of applying asbestos-containing refractory.

12. Please identify by location and product produced, each plant in which products listed in your answer to Interrogatory No. 5 have been manufactured an/or assembled and the dates said plants have been in operation.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to responding to this Interrogatory concerning any products not alleged to have contributed to the alleged injuries of plaintiff(s), on the grounds that the Interrogatory, as applied to Westinghouse, is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence. If a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

13. Has Defendant, at any time, entered into a "rebranding" agreement with any other company, either as a buyer or a seller, concerning any asbestos-containing products and/or materials? If so, please state:

- a) The name of the company manufacturing the asbestos products under such agreement;
- b) the trade name affixed to such products;
- c) The periods of time covered by each such agreement;
- d) The volume (in dollars amounts) of each such transaction;
- e) The purchaser of such products;
- f) Does Defendant currently have in its possession any of the writings or contracts concerning such rebranding agreement?

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to responding to this

Interrogatory for any products not claimed to have contributed to the alleged injuries of the Plaintiffs.

Without waiving its objections, Westinghouse states that upon information and belief, it has never rebranded any product for sale. Westinghouse further states that many of its products were sold to distributors. If the plaintiffs will identify the distributors, Westinghouse will investigate any distribution arrangements it may have had with those entities.

14. What is the name, address and job title of each individual who participated in the design and preparation of manufacturing specifications for each such products listed above in answer to Interrogatory No. 5?

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to responding to this Interrogatory concerning any products not alleged to have contributed to the alleged injuries of plaintiff(s), on the grounds that the Interrogatory, as applied to Westinghouse, is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence. If a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

15. As to each product listed in response to Interrogatory No. 5, please describe how each product was to be cut, shaped, scribed, mixed and applied on the job. (In answering this question, give particular reference as to whether or not the materials were to be sawed or cut on the job, blown into confined areas, mixed with water in a cement or paste.)

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to responding to this

Interrogatory concerning any products not alleged to have contributed to the alleged injuries of plaintiff(s), on the grounds that the Interrogatory, as applied to Westinghouse, is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence. If a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

16. Based upon material contents of the asbestos-containing products, the method of manufacturing, and the method of application, please state which products listed in Interrogatory No. 5 could be applied by a worker without creating dust.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to responding to this Interrogatory concerning any products not alleged to have contributed to the alleged injuries of plaintiff(s), on the grounds that the Interrogatory, as applied to Westinghouse, is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence. If a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

17. Do any documents, including but not limited to, written memoranda, specifications, recommendations, blueprints or other written materials of any kind or character now exist relating to the design and preparation of the products listed in answer to Interrogatory No. 5? If so, please:

- a) List each such written material or document;
- b) Identify the person or persons presently in possession of each such document;
- c) State where each such document is located.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to responding to this Interrogatory concerning any products not alleged to have contributed to the alleged injuries of plaintiff(s), on the grounds that the Interrogatory, as applied to Westinghouse, is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence. If a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

18. Prior to releasing the products listed in Interrogatory No. 5 for sale and usage, were any tests (either animal or human) conducted on said products to determine potential health hazards involved in the use of, or exposure to, the materials and/or products? Is so, please state:

- a) The name of the products tested and the date of each test.
- b) The name, address, and job classification of each individual who conducted such tests;
- c) The results of such tests.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to responding to this Interrogatory concerning any products not alleged to have contributed to the alleged injuries of plaintiff(s), on the grounds that the Interrogatory, as applied to Westinghouse, is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence. If a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

19. Does Defendant have or control 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 listed in Interrogatory No. 5 hereinabove?

- a) Identify each such written material or document;
- b) Identify each person who presently has possession of each such document;
- c) State where each such document is located.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to responding to this Interrogatory concerning any products not alleged to have contributed to the alleged injuries of plaintiff(s), on the grounds that the Interrogatory, as applied to Westinghouse, is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence. If a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

20. Were any design changes or modification made as a result of such tests listed in answer to Interrogatory No. 18 hereinabove? If so, please state:

- a) The trade name of the product changed or modified;
- b) the nature of the change made and the date of such changes or modifications;
- c) The name, address, and job classification of each person in charge of making a change.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to responding to this Interrogatory concerning any products not alleged to have contributed to the alleged injuries of plaintiff(s), on the grounds that the Interrogatory, as applied to Westinghouse, is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence. If a particular plaintiff

will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

21. After releasing for sale, distribution or marketing the products listed in answer to Interrogatory No. 5, did Defendant conduct any tests (either on animals or humans) to determine potential health hazards involved in the use of said materials an/or products?

- a) The names of the products tested and the dates of said tests;
- b) The name, address, and job classification of each person and/or agency conducting said tests;
- c) the results of said tests;
- d) Whether, as a result of any tests conducted, any products were removed rom the market;
- e) The names of all products removed from the market as a result of said tests.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to this Interrogatory as argumentative to the extent that it implies Westinghouse was under a duty to conduct tests "to determine potential health hazards involved in the use of" its products. Without waiving these objections, Westinghouse states that it conducted air sampling and other industrial hygiene measures at various times at various Westinghouse facilities. Upon identification of the Westinghouse products reasonably believed to be at issue in this case, Westinghouse will review these documents and supplement this answer.

22. Has Defendant ever conducted or caused to be conducted any studies concerning the effects of the inhalation of asbestos dust and/or fibers on workers or other persons applying, using and/or working around any of the asbestos products manufactured, sold, distributed and/or relabelled for distribution by you or your predecessor? If so, please state:

- a) The dates and nature of such studies;
- b) The names and addresses of persons conducting such studies;
- c) The purpose of such studies;

- d) Identify and list those persons to whom such reports were given and the date of such dissemination;
- e) State any publication or other written dissemination of the results of such studies;
- f) State the nature of any action to eliminate or minimize the inhalation of asbestos fibers; and
- g) Attach a copy of reports based upon such studies.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further incorporates by reference its objections and response to Interrogatory 25.

23. Before placing in the market the asbestos-containing products that Defendant, mined, manufactured, sold, marketed, installed or distributed on the market, did Defendant make or cause to be made, any studies to determine whether their asbestos-containing products would be hazardous to people? If so, please state:

- a) The date of said studies;
- b) What studies were done; and
- c) The titles of each study.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to responding to this Interrogatory concerning any products not alleged to have contributed to the alleged injuries of the plaintiff on the grounds that, as applied to Westinghouse, the Interrogatory is vague, overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence. Westinghouse further objects to this Interrogatory as argumentative to the extent that it implies Westinghouse was under a duty to make or cause to be made studies "to determine whether their asbestos-containing products would be hazardous to people". Without waiving the foregoing objections, Westinghouse states that if a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will

endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

Without waiving its objections, Westinghouse states that it is not and never has been a member of the asbestos mining and bulk insulation industry (commonly referred to as the "asbestos industry"). Westinghouse has never mined or milled asbestos ore or sold raw asbestos products. Further, Westinghouse states that neither its present nor former subsidiaries has ever been a miner or miller of asbestos fibers.

24. Please state whether or not Defendant ever conducted or caused to be conducted any tests in the field (where asbestos-containing products were applied, removed or utilized) to determine the nature and extent of asbestos dust and/or fiber exposure to insulators, applicators, fellow employees, or other workers removing and/or tearing out asbestos-containing products, and/or other workers in the vicinity thereof? If so, please identify:

- a) The date, place and nature of each and every test;
- b) The particular asbestos-containing products to which each test applied;
- c) The results of each test with particular reference to the number of asbestos fibers per cubic centimeter of air found at each site; and
- d) The persons to whom the results said tests were given and the date of such dissemination.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to this Interrogatory on the grounds that, as applied to Westinghouse, it is overly broad and unduly burdensome inasmuch as it is requesting information concerning tests performed at locations and/or job sites unrelated to this litigation. Westinghouse does not oppose reasonably tailored discovery concerning tests conducted at those job sites, if any, reasonably at issue in this litigation. By way of further response, and without waiving its objections, Westinghouse states that it may have conducted tests at certain job sites. Westinghouse objects that it would be unduly burdensome to require it to determine if tests were performed at thousands of job sites without regard to whether any such job site is reasonably at issue in this litigation. If a particular plaintiff will specifically identify a particular job site reasonably at issue in this litigation, Westinghouse will endeavor to answer this Interrogatory for such job site(s), if any, to the extent Westinghouse reasonably can do so.

25. Please state whether or not Defendant ever obtained any knowledge concerning the likelihood of asbestos being hazardous to human health. If so, please state:

- a) When Defendant first became aware of the hazardous potential of asbestos dust and asbestos fibers;
- b) The manner in which the Defendant, Defendant's predecessor, or Defendant's subsidiary companies first obtained this knowledge and became aware of said hazards and from what source this information was obtained;
- c) What information was disseminated within Defendant's company, or its subsidiary or predecessor regarding such adverse consequences or effects;
- d) Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form.
- e) The name, address and job classification of the custodian of such information.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Without waving its objections, Westinghouse states that it was a member of the Air Hygiene Foundation (AHF), and has learned that the AHF distributed abstracts which summarized articles dealing with industrial hazards including asbestos in the mid 1930's. Westinghouse learned that inhalation of certain types and quantities of asbestos fibers, over significant periods of time, was being associated with increased risks of disease for some people by the early 1940's. The specifics of exactly how or when Westinghouse personnel acquired such knowledge or awareness, or dates for specific diseases, is not reasonably ascertainable, but it is probable that it came from reading government publications or other public documents, reports, studies or journals. Westinghouse obtained this level of knowledge based upon what was published at that time, all of which was based on the relevant work histories, dose, fiber type, length of exposure and other variables involved in the particular study, periodical or journal.

In August 1974, a report titled "Identification and Quantification of Fibrous Dust and Ferruginous Bodies in Lungs of Autopsied Adults" was published by the Industrial Health Foundation, Inc. Westinghouse's name, along with Alcoa and Gulf Oil, appears on the cover of this report. The report was prepared by Paul Gross, M.D., John M.G. Davis, Ph.D. and Russell A. Harley, Jr., M.D. This report studies the mineral fiber (including asbestos) content of human lungs. Westinghouse has no present knowledge of the reason for the appearance of its corporate name on this report.

Westinghouse objects to and cannot answer this Interrogatory in the categorical manner in which it is phrased. Without waiving its objections, Westinghouse states that it has learned that mere exposure to asbestos, without more, does not constitute a health risk. Westinghouse generally has learned that inhalation of certain types and quantities of asbestos fibers over certain periods of time is associated with increased health risks for some people. The specifics of exactly how or when Westinghouse personnel acquired such knowledge or awareness is not presently known, but it is believed to have been by the 1940's. It is probable that it came from reading government publications or other public written materials.

26. Please state when Defendant first became aware of the possible association between inhalation of asbestos dust and/or fibers and the contraction of asbestosis and cancers including, but not limited to gastrointestinal cancer, laryngeal cancer, renal cancer, lymphoma, lung cancer and mesothelioma. As to each disease or condition, please state the source of that information, including a description of all tests conducted relative to the possibility of such a relationship.

ANSWER:

See answer to Interrogatory 25.

27. Please identify all physicians, industrial hygienists, and other employees (including their names and addresses) who were employed, retained or otherwise engaged by Defendant for research, investigation or study concerning asbestos or asbestos-related diseases.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse has had an Industrial Hygiene Department since the early 1930's. A number of industrial hygienists have been employed within the Department since its inception. Records have not been found or are no longer available which would indicate the names and addresses of all such employees.

The following persons are known to have been employed in the Industrial Hygiene Department:

**H.W. Speicher (deceased)
G. Stewart**

**W.E. Piros
C.W. Bickerstaff
E.C. Barnes (deceased)
Z.R. Heasley
J. Adams
K. Bodden
K. Goellner
R. Sampson
G. Arsensman
M.A. Perriello
D. Whittier
R.J. Wengrzyn**

Currently, the Industrial Hygiene and Corporate Product and Safety department are within the department of Environmental Affairs. Corporate Medical is located within Corporate Human Resources.

The title "Industrial Hygiene" defines the department's function. The Industrial Hygiene Department's primary role relates to identifying and reducing conditions in the workplace that are hazardous or dangerous to Westinghouse employees or that in some form threaten worker safety.

Westinghouse states that it has retained plant physicians and nurses at numerous locations over many years. There is no central index identifying such personnel. Westinghouse first employed a medical director in 1920.

The following persons were the principal medical personnel:

**Dr. T.L. Hazlett, Corporate Medical Director
before 1950 (deceased)**

**Harry Burr, Administrator of Medical Services
1954-1982 (deceased)**

**E. Carroll Curtis, M.D.
1982-1991**

28. As to each person who acted in a medical advisory capacity (as it relates in any way to asbestos) to Defendant, please list their name, the date individual acted in this capacity, and that person's current address and job title.

ANSWER:

See Answer to Interrogatory 27.

29. Please state if any medical officer or industrial hygienist or medical consultant ever made at any time any recommendations and/or suggestions to Defendant pertaining to the risks or hazards to persons involved in the manufacture or use of asbestos products and, if so, please state when, by whom or to whom such recommendations and/or suggestions were made and the substance of each recommendation.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse objects to and cannot answer this Interrogatory in the categorical manner in which it is phrased. Without waiving its objections, Westinghouse states that it has learned that mere exposure to asbestos, without more, does not constitute a health hazard. Westinghouse generally has learned that inhalation of certain types and quantities of asbestos fibers over certain periods of time is associated with increased risks of health hazards for some people. The specifics of exactly how or when Westinghouse personnel acquired such knowledge or awareness is not certain. It is probable that it came from reading government publications or other public written materials.

Westinghouse's Industrial Hygiene Department would have been the most likely source of documents containing such information, if any. Westinghouse opposes unfocused production of documents from this department. However, Westinghouse will make available, in response to specific requests related to the specific issues in this case, relevant documents collected from its Industrial Hygiene Department.

30. Please state the scientific and/or medical periodicals to which Defendant, its medical department, research department, industrial hygiene divisions, engineering department or consulting physicians subscribed between 1945 to 1975.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse does not maintain a single, central library. Westinghouse states that it maintains general reference materials and technical libraries throughout the corporation, which may include various industry periodicals, occupational health and medicine periodicals and other topical reference materials. There is no central indexing system that contains all of the information requested by this interrogatory for all departments within the corporation. Westinghouse's Industrial Hygiene Department would have been the most likely source of documents containing such information, if any. Westinghouse opposes unfocused production of documents from this department. However, Westinghouse will make available, in response to specific requests targeted to issues relevant in this case, certain specific documents collected from its Industrial Hygiene Department.

Westinghouse states that as a member of the National Safety Council, Industrial Health Foundation and American Industrial Hygiene Foundation, Westinghouse probably would have received the publications of those organizations routinely distributed to members of those organizations. Information regarding these publications should be sought from the organizations themselves and not from Westinghouse.

31. State in detail what test, if any, Defendant ever made with regard to the quantity, quality, or threshold limit values of asbestos dust, fibers or particles to which workers were exposed while using, working with and/or around, installing and/or applying your asbestos-containing products.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to responding to this Interrogatory concerning any products not alleged to have contributed to the alleged injuries of plaintiff(s), on the grounds that the Interrogatory, as applied to Westinghouse, is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence. If a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

Without waiving the foregoing objections, Westinghouse believes that it would have been aware of and would have adhered to established threshold limit values as a measure of good industrial hygiene practices.

32. For each test described in Interrogatory No. 31, please give the name of the person conducting the test, the date of the test, and attach true copies of any documents, including but not limited to, reports, finding or memoranda concerning such tests or studies.

ANSWER:

See Answer to Interrogatory 31.

33. Please state the year that Defendant was first advised of either threshold limit values or maximum allowable concentrations of both asbestos dust and total dust by the American Conference of Governmental Industrial Hygienists and state the name of the employee/official of the company receiving such advice.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Without waiving its objections, Westinghouse understands that the American Conference of Governmental and Industrial Hygienists (ACGIH) defines threshold limit value-time weighted average (TLV-TWA) as the eight hour time weighted average concentration of a substance to which nearly all workers may be repeatedly exposed (day after day) without adverse effect. Westinghouse was aware of published threshold limit values, or their equivalent, which would have been published at various times by the ACGIH or by OSHA. Westinghouse is unable to state the name of any single employee who received such information.

34. Does Defendant maintain a library dealing with industrial hygiene, medicine, safety and engineering and/or research? If so, state:

- a) The date each such library was established;
- b) The location of each library;
- c) The name(s) of the librarian(s) since 1930;

- d) List all journals subscribed to by you concerning asbestos, industrial hygiene, medicine, safety, and/or engineering;
- e) List all books and articles dealing with asbestos and asbestos-related diseases and the date acquired.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to this Interrogatory, as applied to Westinghouse, on the grounds that it is subject to various interpretations, the primary one being that it presupposes that Westinghouse is a member of the "asbestos industry" (i.e., an asbestos mining or bulk insulation manufacturing operation).

By way of further response, and without waiving its objections, Westinghouse states that it does not maintain a single, central library. Westinghouse states that it maintains general reference materials and technical libraries throughout the corporation, which may include various industry periodicals, occupational health and medicine periodicals and other topical reference materials. There is no central indexing system that contains all of the information requested by this interrogatory for all departments within the corporation. Westinghouse's Industrial Hygiene Department would have been the most likely source of documents containing such information, if any. Westinghouse opposes unfocused production of documents from this department. However, Westinghouse will make available, in response to specific requests targeted to issues relevant in this case, certain specific documents collected from its Industrial Hygiene Department.

Westinghouse states that as a member of the National Safety Council and Industrial Health Foundation, Westinghouse probably would have received the publications of those organizations routinely distributed to members of those organizations. Information regarding these publications should be sought from the organizations themselves and not from Westinghouse.

35. Did Defendant in the 1920's or 1930's commission, or participate in the arrangements with Metropolitan Life Insurance Company for studies at the Trudeau Foundation at Saranac Lake, New York, concerning the effect of inhalation or ingestion of asbestos fibers upon human and/or animal bodies.

ANSWER:

Westinghouse may have become aware of Saranac studies through published material but has no present knowledge of having commissioned or participated in the studies performed by the Saranac Lake Laboratory relating to asbestos exposure.

36. When was Defendant first aware of reports of studies of the Trudeau Foundation at Saranac Lake, New York, entitled "Effects of the Inhalation of Asbestos Dust in the Lungs of Asbestos Workers" by A. J. Lanza, Assistant Medical Director published in the J. Public Health Report, Vol. 50, No. 1, dated January 4, 1935 ("Lanza Report")?

ANSWER:

Westinghouse cannot state exactly when it may have become aware of this study, which is related to asbestos manufacturers and the asbestos industry of which Westinghouse is not a member.

37. Please state whether the Defendant at any time has been a member of any "trade organization" or "trade association" composed by other manufacturers, miners, distributors, and/or sellers of asbestos-containing products and, if so, please identify the name and address of each such association or organization, the dates of membership, and the names of any publications issued or written by such association or organization.

ANSWER:

Westinghouse has never been a member of the "asbestos industry" as that term is commonly used in asbestos litigation and therefore, has not been a member of organizations of the "asbestos industry," including the Asbestos Textile Institute; National Insulation Manufacturers Association; National Insulation Contractors Association; National Mineral Wool Association; Asbestos Cement Products Group; Air Hygiene Committee of the Asbestos Textile Institute; Asbestos Information Association; Quebec Asbestos Mining Association.

Westinghouse states that at the present time, it has not identified any information indicating that it was a member of the Asbestos Research Council of

England; Refractories Institute, the 1964 N.Y Academy of Sciences, Institute of Environmental Health.

Westinghouse objects to the incredible burden which would be imposed by reviewing its records to identify organizations to which its thousands of employees (past or present) may have belonged over the past years. There is no central repository of such information. Individual Westinghouse health and safety professional employees have undoubtedly belonged to various professional, trade, industrial and safety, hygiene or health organizations such as the American Industrial Hygiene Association, Health Physics Society, and the Society of Safety Engineers. Westinghouse's records would not include the dates individual memberships were commenced or terminated or who, if anyone, attended meetings.

Westinghouse cannot reasonably determine all of the trade and industry associations, groups and organizations of which it has been a member over the past twenty-five years. Nevertheless, without waiving these objections, Westinghouse can verify the following memberships.

- (a) National Electrical Manufacturers Association, 2101 L Street Northwest, Washington, D.C., is a trade organization for the electrical manufacturing industry, and includes companies that manufacture equipment used for the generation, transmission, distribution control and utilization of electrical power. Westinghouse has been a member of National Electrical Manufacturers Association since its inception in 1926. Before that, Westinghouse was a member of a predecessor organization since about 1915.**
- (b) The American Society for Testing and Materials ("ASTM"), 1016 Race Street, Philadelphia, PA. ASTM is an organization of engineers, scientists, professionals and others representing business firms, government agencies, educational institutions and laboratories. ASTM established voluntary consensus standards for various products, materials and services.**
- (c) Electronic Industries Association ("EIA"), Eye Street, N.W., Washington, D.C. EIA is an organization representing manufacturers of all types of electronic products which monitors and reports on regulatory and legislative events and provides informational services to its customers.**
- (d) American National Standards Institute ("ANSI"), 1430 Broadway, New York, New York. ANSI is a certification authority and clearing house for nationally coordinated voluntary safety, engineering and industrial standards.**
- (e) Charter member of the National Safety Council.**

- (f) The Industrial Health Foundation and its predecessors in name (the Air Hygiene Foundation and the Industrial Hygiene Foundation), from approximately 1936 through 1984.**
- (g) The American Industrial Hygiene Association, in 1978.**
- (h) American Ceramics Society, 1935.**

38. With respect to each trade organization or association listed in answer to Interrogatory No. 37, please state whether the minutes of the group's meetings and any correspondence between the members of such groups concerning the hazards of asbestos exposure are available.

ANSWER:

See Answers to Interrogatories 30 and 34.

39. Please identify by name the technical and trade association periodicals to which the Defendant subscribed, and state whether Defendant had knowledge of any articles being printed, or withheld from printing, in said periodicals pertaining to the potential hazards of asbestos. If so, please state the following:

- a) The title of each such article;
- b) The periodical in which each such article was published;
- c) The date each such article was published;
- d) A detailed explanation of the reason for withholding any such article for printing;
- e) Produce documentation which refers, alludes or mentions articles which were withheld for publication.

ANSWER:

See Answers to Interrogatories 30, 34, and 38.

40. Please state whether, prior to 1975, the defendant sponsored, or attended any meeting, seminar, conference, convention or legislative hearing where the subject of occupational health and exposure to asbestos was discussed and, if so, please state the date and place of such meeting and the name and address of any speakers or participants.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Without waiving its objections, Westinghouse incorporates its response to Interrogatory 37, and further objects that it would be an unreasonable burden upon Westinghouse to review its records to determine which, if any, of its thousands of employees attended any meetings, conferences, conventions, etc. There is no central repository for such records.

41. As to each product listed in response to Interrogatory No. 5, please state whether Defendant, at any time, published and/or distributed any printed materials, including but not limited to brochures, pamphlets, catalogs, packagings or other written materials of any kind or character that contain any warnings, cautions, caveats or directions concerning the possible health effects of the products on a person. If so, please state as to each product:

- a) The name of each relevant product;
- b) The wording of each such warning;
- c) A description of each such printed material;
- d) The method used to distribute the warning to persons who are likely to use the products;
- e) The date each such warning was issued;
- f) Whether any warning accompanied any of your asbestos-containing products' sales literature, handout or pamphlets;
- g) Please attach a copy of the warning and date said warning was issued;
- h) The name, address, and job classification of each person who presently has possession of the above-described documents;
- i) The name or names and addresses of the company who provided, produced, or manufactured the boxes or containers on which the warning appeared and dates these boxes with the warnings appeared.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to responding to this Interrogatory concerning any products not alleged to have contributed to the alleged injuries of plaintiff(s), on the grounds that the Interrogatory, as applied to Westinghouse, is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence. If a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

42. Has sales material been prepared by Defendant or its agents for purposes of marketing or advertising the asbestos products listed in answer to Interrogatory No. 5? If so, please state:

- a) The name and address of each person or entity who prepared same;
- b) The name, address and job title of each person who presently has possession of same;
- c) The date same was prepared;
- d) The media used to disseminate the sales material.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to responding to this Interrogatory concerning any products not alleged to have contributed to the alleged injuries of plaintiff(s), on the grounds that the Interrogatory, as applied to Westinghouse, is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence. If a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

In addition, Westinghouse does not maintain its documents on the basis of products or the asbestos content of products. Therefore, Westinghouse would have to review every document maintained from its various divisions to identify the

materials requested by the interrogatory. Consequently, a response to this interrogatory would be burdensome and oppressive and require an unreasonable effort from Westinghouse.

43. Has any written material of any kind or character been prepared by Defendant, Defendant's predecessor or any of Defendant's subsidiary companies or their agents indicating how the products listed in answer to Interrogatory No. 5 should be used or maintained by the ultimate user? If so, please state the following:

- a) The name, address and job classification of each person who prepared same;
- b) The and address and job classification of each person who presently has possession of same;
- c) The dates and manner in which said material was distributed to purchasers of the products in answer to Interrogatory No. 5.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to responding to this Interrogatory concerning any products not alleged to have contributed to the alleged injuries of plaintiff(s), on the grounds that the Interrogatory, as applied to Westinghouse, is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence. If a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

44. Was any written material of any kind prepared by Defendant and distributed to those individuals listed in response to Interrogatory No. 9? If so, please state the following:

- a) Identify the written material by content and date;
- b) To whom was it delivered.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to responding to this Interrogatory concerning any products not alleged to have contributed to the alleged injuries of plaintiff(s), on the grounds that the Interrogatory, as applied to Westinghouse, is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence. If a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

45. Does Defendant contend that asbestos-containing products can be manufactured so as to eliminate all potential health hazards to persons working with or around, installing or applying same? If so, please state the following:

- a) The date that Defendant first determined that another product could be used in place of asbestos;
- b) The chemical of the substitute;
- c) Whether the substitute is suitable for the purpose for which they are to be used;
- d) Whether Defendant used the substitute for asbestos to 1971;
- e) Whether Defendant ever used the substitute for asbestos for high or low heat insulation.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to this interrogatory as to products not claimed to have contributed to the alleged injuries of the plaintiffs. Westinghouse also objects to this interrogatory on the grounds that it calls for medical and scientific opinions, which Westinghouse is not competent to render.

Without waiving these objections, Westinghouse contends that some asbestos-containing products can be safe depending upon their low potential, if any, to release loose, friable fibers, or because the asbestos ingredient in them does not become airborne due to its location and how the product is used.

Only loose, friable asbestos fibers are capable of being hazardous to a person. Products which are encapsulated by the manufacturing process, or encapsulated asbestos which is located in the internal components of a particular piece of equipment, or which because of the nature of the product loose, friable fibers are not normally released, do not present a health risk.

Similarly, a product which might contain some amount of asbestos does not present a health risk to a particular worker unless that particular worker breathes sufficient quantities of fibers from that product.

46. Did Defendant give any warnings to ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant regarding the potential health hazards of any product listed in response to Interrogatory No. 5. If yes, please state:

- a) Name of person most knowledgeable about this communication.
- b) Name of person at ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant most knowledgeable about this communication.
- c) Dates of each communication.
- d) Contents of each communication.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to responding to this Interrogatory concerning any products not alleged to have contributed to the alleged injuries of plaintiff(s), on the grounds that the Interrogatory, as applied to Westinghouse, is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence. If a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

47. Did any person prior to 1970, file a claim against any Workers' Compensation carrier covering Defendant alleging that he or she contracted a disease as a result of exposure to asbestos? If so, please state the following:

- a) A list of each such claim by claimant's name, date filed, the caption and jurisdiction involved;
- b) The disease alleged in each such claim;
- c) A brief summary of the disposition of each such claim; and
- d) The name, address and job classification of the person or persons having custody of the records pertaining to each such claim.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to this interrogatory on the ground that it is overly broad, unduly burdensome, and seeks information that is irrelevant and immaterial to these proceedings and that is not reasonably calculated to lead to the discovery of relevant, material or admissible evidence. In addition, the attorney client privilege and work product doctrine may be applicable.

By way of further response, without waiving its objections, upon information and belief, based on the review of these records, Westinghouse responds no.

48. Did Defendant receive notice prior to 1968 that any person was claiming injury as a result of using asbestos products manufactured, sold, installed, an/or distributed by Defendant? 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;
- d) The type of injuries allegedly sustained;
- e) The name and address of each attorney representing the individuals making such claims;
- f) The style and court number of each such claim;
- g) The resolution of each claim.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to this interrogatory on the grounds that it is overly broad, burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence and seeks information protected by the attorney/client privilege and the attorney work product doctrine.

Westinghouse also objects to this request as seeking patently irrelevant information not discoverable under any theory.

Without waiving its objections, Westinghouse responds: see response to Interrogatory 47.

49. Has Defendant obtained statement from any witnesses including the Plaintiffs? If so, please:

- a) list each witness who has given a statement and the name, address, and job title of each person having custody of any such statement.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects on the basis that this interrogatory seeks information protected by the attorney-client privilege and attorney work product doctrine. Without waiving these objections, Westinghouse states that such statements as Westinghouse may possess, if any, would have been furnished by Plaintiffs' counsel and therefore, Plaintiffs are already in possession of same.

50. Do you contend that the Plaintiff/Decedent improperly used those products listed in response to Interrogatory No. 5? If so, please set out in detail in what respect the product was improperly used.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to responding to this Interrogatory concerning any products not alleged to have contributed to the alleged injuries of plaintiff(s), on the grounds that the Interrogatory, as applied to Westinghouse, is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence. If a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have

given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

51. As to ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant, and as to each Plaintiff/Decedent, please state whether Defendant contends that there was any substance other than asbestos which contributed or caused Plaintiff/Decedent's injuries. If your answer is yes, please state the following:

- a) The facts upon which you rely;
- b) The identity of the sources upon which you rely which substantiate these facts.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Without waiving these objections, Westinghouse states that its investigation and its discovery are ongoing. At such time as Westinghouse has obtained information regarding other sources of Plaintiffs' injuries, Westinghouse will supplement this response.

52. Would any respirator, mask or other breathing devices prevent inhalation of the asbestos dust and fibers contained in products listed in answer to Interrogatory No. 5? If so, state:

- a) When the respirator was sold;
- b) A detailed description of such respirator or other breathing devices, including name of manufacturer and model number;
- c) The basis of your claim that such respirators or other breathing devices will prevent the inhalation of such dust and fibers;
- d) Identify any tests performed regarding the efficaciousness of such respirators and other breathing devices in preventing the inhalation of asbestos dust and fibers including date, title, author and number;
- e) List all documents which mention, allude or refer to tests performed on breathing devices which prevented the inhalation of asbestos dust and/or fibers.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to responding to this Interrogatory concerning any products not alleged to have contributed to the alleged injuries of plaintiff(s), on the grounds that the Interrogatory, as applied to Westinghouse, is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and is not reasonably calculated to lead to the discovery of admissible evidence. If a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

53. Does Defendant expect to call expert witnesses at the trial of this case? If so, please state the following:

- a) Their identity, last known address;
- b) The subject matter on which the expert is expected to testify;
- c) The expert's specific conclusion and specific opinions and the specific basis therefore;
- d) The expert's qualifications to render the opinions set forth above;
- e) Whether any person identified in sub-paragraph (a) above has provided a report or other documentation to you, and if so, identify such document or report;
- f) Identify all documents that you have provided to each person identified in response to sub-paragraph (a) above; and
- g) 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 sub-paragraph (a) above. Alternatively, in lieu of said response, attach a copy of a resume or curriculum vitae and a list of publications to your answer.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects on the basis that this interrogatory seeks information protected by the attorney-client privilege and attorney work product doctrine. Without waiving these objections, Westinghouse states that it has not yet determined what expert(s), if any, it will rely upon with regard to the above cases. Westinghouse will furnish such information to Plaintiffs'

counsel at such time as the rules of this jurisdiction require and/or the provisions of this Court's pretrial orders.

54. Please state the name and last known address of each expert witness who is not retained or employed for that purpose who is an employee of Defendant and will render an opinion within his expertise at the time of trial.

ANSWER:

See Answer to Interrogatory 53.

55. Does Defendant admit that service of process was properly had on it in these cases? If not, please state why.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to the form of this Interrogatory as it is clearly a request for admission and not an interrogatory.

Without waiving the foregoing objections, Westinghouse responds with a denial.

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

- a) If so, please list the name of each insurance carrier who may have coverage, the amount of such coverage, and the dates of each such policy.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Without waiving its objections, and subject thereto, Westinghouse responds that it has and has had numerous policies of insurance, both

primary and excess or umbrella policies, covering claims for alleged bodily injury. Coverage under the various policies may depend on the plaintiff's alleged dates of direct exposure, exposure in residence, manifestation, or other pertinent dates. Westinghouse states that it is either insured or is self-insured and has assets sufficient to respond to a judgment in this action.

It would be extremely burdensome and very likely impossible for Westinghouse to provide information relating to the numerous insurance policies which might apply to each individual plaintiff involved in this complex asbestos litigation.

57. Please state the name and address of each person who has knowledge of relevant facts regarding claims and defenses of this lawsuit.

ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to this Interrogatory as being overly broad, unduly burdensome, and so vague as to be unanswerable. If Plaintiffs will reasonably tailor this Interrogatory to specify some discernable subject matter, Westinghouse will endeavor to answer it to the extent Westinghouse can reasonably do so.

58. State the last date that this Defendant sold, distributed, manufactured, installed, and/or otherwise placed asbestos-containing products into the stream of commerce.

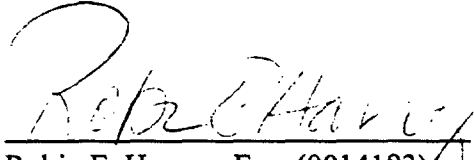
ANSWER:

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Westinghouse further objects to responding to this Interrogatory concerning any products not alleged to have contributed to the alleged injuries of plaintiff(s), on the grounds that the Interrogatory, as applied to Westinghouse, is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and is not reasonably

calculated to lead to the discovery of admissible evidence. If a particular plaintiff will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in his or her presence, Westinghouse will endeavor to answer this Interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

DATED: April 23, 1997

Respectfully submitted,



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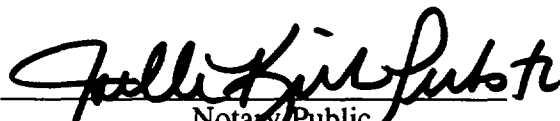
COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF ALLEGHENY)

Before me, the undersigned authority, a Notary Public in and for said Commonwealth and County, personally appeared **Janice A. Fall**, who, being duly sworn according to law, deposes and says that she is **Assistant Secretary of Westinghouse Electric Corporation** and that she signs the foregoing **Westinghouse Electric Corporation's Response To Plaintiffs' Interrogatories**, on behalf of that defendant and is duly authorized to do so; that the matters stated in the foregoing document are not necessarily within the personal knowledge of deponent and that deponent is informed that there is no officer of **Westinghouse Electric Corporation** who has personal knowledge of all such matters; and that the facts stated in the foregoing document have been assembled by authorized employees and counsel of defendant and deponent is informed by those authorized employees and counsel that the facts stated in the foregoing document are true.

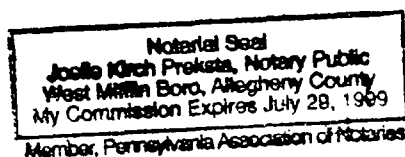


Janice A. Fall
Assistant Secretary

Sworn to and subscribed
before me this 22nd day
of April, 1997.



Notary Public



CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document was mailed by regular U.S. Mail to counsel for plaintiffs and notice of filing of the same was sent to all remaining counsel listed below this 23rd day of April, 1997.

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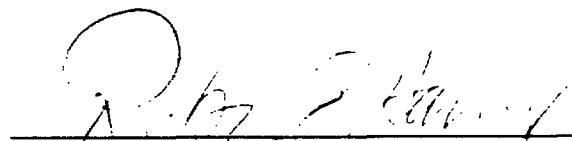
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