

IN THE COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO

DONALD LEE ABNER, JAMES R. BRIDGES,
DAVID LEE ENRIGHT, HONER R. FINCH,
CARSON HENSLEY, DAN L. MCINTIRE,
CLARK R. MOORE, SR., GEORGE KEETON
PARSHALL, JOHN PAUL PIERATT, and
JOE CHALMER STANDFILL,

Plaintiffs,

vs.

A-BEST PRODUCTS COMPANY, et al.,

Defendants.

CASE NO. CV96 01 0180

(Hon. George Elliott)

**WESTINGHOUSE ELECTRIC CORPORATION'S SUPPLEMENTAL
RESPONSES TO PLAINTIFFS' INTERROGATORY NOS. 6-8, 8.1-8.4,
9, 12, 14-21, 23, 41-46, 52, 58**

AND

**WESTINGHOUSE ELECTRIC CORPORATION'S SECOND SUPPLEMENTAL
RESPONSE TO PLAINTIFFS' INTERROGATORY NO. 5**

Preliminary Statement and General Objections

For the reasons set forth below, Westinghouse respectfully submits that this discovery, as applied to Westinghouse, is unduly burdensome and requires 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.

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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 a 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 current witnesses, and to locate and review relevant documents. It would be patently unfair to allow plaintiffs to conduct a massive fishing expedition through the use of form discovery requests, without a 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 over broad and burdensome as applied to Westinghouse because they fail to give weight to this key fact. Besides that, 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 which might identify the composition of each component of each product. Similarly, Westinghouse does not know, or 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 continuously. Changes occur when Westinghouse develops new products, discontinues old products, acquires other companies or product lines, or divests itself of subsidiaries or product lines. Changes also occur when Westinghouse adds suppliers to, or deletes suppliers from, its product lines. Westinghouse has not and does not generate or maintain its business records according to product content, asbestos or otherwise. Therefore, it would not reasonably be possible for Westinghouse to fully answer form interrogatories because of the over broad, categorical manner in which they are framed.

These discovery requests are not limited in any fashion to the product(s) reasonably believed to have been sold, distributed or manufactured by Westinghouse, or 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 a review of documents from thousands of files relating to many different products and issues having nothing to do with this litigation.

Normally, once a 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 by 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 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 (Westinghouse Electric Supply Company) 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, copies 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 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:

**WESTINGHOUSE ELECTRIC CORPORATION'S SECOND
SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 5**

QUESTION:

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.**

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Without waiving its objections, Westinghouse states that it is not, and has never been, a member of the asbestos mining and bulk insulation industry (commonly referred to as "the asbestos industry"). Westinghouse has never mined nor milled asbestos 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 its objections, Westinghouse is supplementing its responses to plaintiffs' interrogatories in an attempt to provide plaintiffs with information beyond that which Westinghouse has previously provided with regard to the Westinghouse products that plaintiffs, on oral examination, have identified as allegedly being present at the Armco/A.K. Steel Middletown Plant and/or the Armco/A.K. Steel Hamilton Plant, during plaintiffs' employment at the plant(s). Without waiving any of its objections, Westinghouse provides this supplemental information with regard to the following products:

- Motors
- Turbines
- Brake Assemblies
- Gaskets

Westinghouse has been in business since the late 1870's and has manufactured countless variations of electrical motors, switches, transformers and electrical machinery. There was no record kept of the first or last date on which any of these many types of equipment first or last contained any amount of asbestos; as a result, Westinghouse is unable to provide further information in that regard.

MOTORS

Since the 1880's, Westinghouse has manufactured a full range of alternating current (AC) and direct current (DC) motors. Hundreds of types of motors have been used to drive a variety of equipment in countless applications.

Motors have been manufactured by a variety of Westinghouse divisions, including the Small Motor Division in Lima, Ohio; the Large Motor Division in Buffalo, New York; and the Heavy Industry Motor Division in Round Rock, Texas. These divisions have evolved over time. For example, a former medium motor division has been merged into the Large Motor Division, and the Heavy Industry Motor Division did not emerge as a separate division until the 1980's. Specialty divisions or departments have also existed, such as the Aircraft Equipment Division, which manufactures motors for aircraft, missiles and spacecraft.

Generally, knowledge of the division that manufactured a given motor is irrelevant to the inquiry as to whether that motor may have contained asbestos components. Likewise, even the names or designations of motors allow no inference to be drawn regarding whether asbestos components were utilized. Westinghouse has manufactured countless types and classes of motors over the years and many are named or designated based on design features incorporated into the motor. For example, types of motors that have been manufactured by Westinghouse include: single-, two- or three-phase vertical, wound rotors, adjustable speed, constant speed, constant torque/adjustable speed, horizontal, induction, synchronous, series wound, shunt type, double shaft, drip proof, dust proof, enclosed, explosion proof, fan cooled, flange mounted, high frequency, high efficiency, high inertia, integral, multi-speed, pipe ventilated, polyphase, rib frame, reversible, shaker, slip ring, splash proof, squirrel cage, totally enclosed, U-frame, and variable frequency.

In addition to the fact that these designations of motor type do not indicate whether asbestos components were used, most other common designations of motors likewise

give no indication of whether asbestos components may have been present. This includes classifications based on the horsepower of the motor, frequency, speed or the number of phases.

However, there are two inter-acting classifications that can be indicators that asbestos-containing insulation *may have been used*: whether the motor was an AC or DC motor, and the National Electrical Manufacturer's Association (NEMA) rating and specifications for a motor based on the motor's application.

It was uncommon for AC motors to contain asbestos. From the beginning, Westinghouse manufactured mostly AC motors, although it has also manufactured DC motors for some applications.

Additionally, each motor is rated by NEMA based on the motor's anticipated application and is given a specification grade. A motor is comprised primarily of steel, iron, and copper. The motor also contains electrical insulation, which is defined as any material in the motor which does not conduct electricity. For each grade of motors, NEMA has specified the types of insulation that must be used.

Through the 1940's, 50's and 60's, NEMA rated a motor as Class A, Class B or Class H. The class was determined based on the temperature of the environment in which the motor would be used:

Class A motors were designed to function when the temperature was up to 105°C (221°F) above ambient temperature and required cotton, wood or paper fiber insulation;

Class B motors were designed to function where the temperature was up to 130°C (216°F) above ambient temperature, and required mica, glass or porcelain insulation, although in some limited applications, asbestos could be used; and

Class H motors were designed to function where the temperature was 180°C (356°F) above ambient temperature, and required mica, glass, silicone or asbestos insulation.

In the 1960's, NEMA added a Class F designation, which required similar insulation as the Class B motors, but with a higher form of impregnating varnish; asbestos was not specified. In the mid 1970's, several ratings higher than H were added, but asbestos was not specified.

Even in the case of Class H motors in which NEMA had specified asbestos as acceptable insulation, Westinghouse very rarely chose asbestos for use in its motors for several reasons. First, asbestos was much more expensive than glass or mica. Additionally, asbestos is porous; so, while it may be a good thermal insulation material, it is a bad electrical insulator because it conducts electricity. Asbestos has poor dielectric strength and poor mechanical strength.

The atypical occasions when asbestos would be used in AC motors, were for glass blowing facilities, fan furnaces, or other similar environments where the motor would encounter extremely high temperatures. Even in these circumstances, asbestos might have been used, but ordinarily would not have been used. When asbestos was in fact used in an AC motor, the only type which was used was micarta for wedges. The asbestos-containing industrial micarta was a pre-cut, pre-beveled and encapsulated laminate manufactured by Westinghouse.

If asbestos was to be used in a Westinghouse motor, it more likely would have been in a DC motor, although this, too, was rare. The majority of DC motors containing asbestos were traction motors used in rapid transit vehicles such as subway cars. Motors in railcars, trolleys and other transportation vehicles were the other common uses. Additionally, other DC motors containing asbestos would have been found in elevators, escalators and, to a lesser extent, in limited high-heat applications in steel mills, paper mills and other industrial facilities.

Such a DC motor could have used several forms of asbestos insulation, including micarta wedges, asbestos cloth treated with epoxy resin, asbestos-treated paper, glass asbestos paper treated with epoxy resin and/or asbestos tape, which was often treated with varnish. These products, in addition to being encapsulated themselves, were used in the armature or field frame of a DC motor, and both the armature and field frame were further vacuum impregnated as a whole with a varnish material and baked to protect the motor from moisture and dust.

Westinghouse has never maintained or possessed "history" files for motors by which one could trace the history of a given motor to determine what type of insulation was used at the time of manufacture or what type of insulation may have been used during subsequent rewindings. Theoretically, original drawings and specifications could be pulled for a given motor if a shop order number and other nameplate data from the motor were available. However, this process would be so unduly burdensome as to be virtually impossible, particularly in light of the fact that such documents would only make reference to

the NEMA rating and would not specify which insulation material of the options allowable for that rating were actually used.

Furthermore, because these asbestos products were encapsulated, and were internal components of the impregnated motor, a bystander at the plant would never be "exposed" to these products. The only time a theoretical "exposure" could occur was during rewinding of the motor. This was a highly skilled task performed only by a winder -- a craftsman with special skills and training beyond that of a mere electrician. For a plant or industrial facility to employ its own winders in the 1940's, 50's or 60's was virtually unheard of and is still rare. Westinghouse maintained a repair division specifically to provide services such as this, and almost all rewindings necessary to a motor owned by a plant or industrial facility were sent to Westinghouse or other companies providing similar rewinding services. Even in the very rare occasion where a plant maintained such a sophisticated electrical shop that its own winders could perform this task, a winder would choose his own insulation pursuant to NEMA specifications and the choice to use asbestos would in no way involve Westinghouse.

Westinghouse motors were distributed in a variety of ways. Many motors were sold to other Westinghouse divisions to be used as components in a larger product or power system. WESCO was a major distributor of Westinghouse motors, and motors were sold to outside distributors as well. To some extent, there was also a resale market for used motors. But in the majority of transactions, the customer purchased motors directly from Westinghouse through its industrial field sales organization, which had offices in most major cities where repair facilities were also located. It would be virtually impossible to trace the

chain of distribution of a given motor, let alone to compile a list of all distributors of Westinghouse motors.

TURBINES

Westinghouse has manufactured hundreds, if not thousands, of steam turbine-generators during the last one hundred years. Westinghouse has not merely manufactured a single type of steam turbine-generator, and the size and complexity of turbine-generators has increased significantly over time. For their many different applications, including propelling ships, generating electricity and driving machinery, there are a variety of turbine types. To accurately answer the plaintiffs' questions, it is necessary to know at least the alleged situs of the turbine and date of alleged exposure to insulation from the turbine. Even the turbine-generators that have similar characteristics as being within certain design "frames" are not identical to one another.

Nearly every Westinghouse turbine-generator is unique and is manufactured to the specific requirements dictated by the customer or the customer's architect/design engineer. The specific requirements for each turbine-generator generally would have been set forth in the customer's design specifications and/or the contract for the manufacture and sale of the turbine-generator. As a result, the answers to this and other requests would vary depending upon the particular turbine-generator involved. Westinghouse states that the only method through which one could attempt to determine the asbestos-containing components of a specific Westinghouse turbine-generator as manufactured would be to collect and analyze the customer's design specifications for the unit, the contract for the unit, and any relevant Westinghouse documents for each of the individual items on each turbine-generator. The

availability of all such documentation, however, is limited as a result of the passage of time. Westinghouse estimates that even if all of the documentation existed, it could take an engineer several weeks to answer the requests for any single turbine-generator.

Over time, the turbine-generators have grown in size and complexity. Although various Westinghouse turbine-generators may share similar characteristics, each turbine-generator is basically unique. Customarily, one must review such materials as sales contracts, engineering and architectural specifications, and engineering drawings and records for a given unit in order to determine the particular asbestos-containing components that may have been included as part of the sale.

Westinghouse has been manufacturing steam turbine generators for over 100 years. Historically, these were manufactured in Lester, Pennsylvania. In the 1970's, the work began to shift to Charlotte and Winston-Salem, North Carolina. The Lester facility was closed in the 1980's.

The following summarizes the results of the research that Westinghouse conducted with regard to the number and size of its turbines that were present at the Armco/A.K. Steel Middletown Plant and the Armco/A.K. Hamilton Plant. The listing of these turbines as follows does not necessarily imply that all, or any, of these turbines were insulated with asbestos either at the time of their manufacture or at any time thereafter.

WESTINGHOUSE ELECTRIC CORPORATION
TURBINES AT MIDDLETOWN, OHIO

ARMCO STEEL CORP. MIDDLETOWN, OH				
Function	Rating	Frame	Serial No.	Ship Date
Condenser Drive	115 HP	2 SNC	1118	1/3/11
Condenser Drive	115 HP	2 SNC	1091	1/3/11
Condenser Drive	75 HP	2 SNC	1092	1/16/11
Unknown	250 HP	2 SNC	1115	12/7/16
Turbine Generator	1500 KW	21 LP	941	1910
Turbine Generator	1500 KW	30 C	587	1908
Turbine Generator	1500 KW	21 LP	837	1910
Turbine Generator	3750 KW	55 CW	3640	1917
Turbine Generator	10,000 KW	125 CW	8436	1921
Turbine Generator	100 KW	2 SNC	902	1/9/11
Pump Drive	30 HP	C 14	1-A-8792-1	8/24/39
Pump Drive	46 HP	C 20	5-A-5094-1	10/1/47
Pump Drive	343 HP	C 25	5-A-5095-1	9/22/47
Fan Drive	44 HP	C-14	5-A-4905-1	9/11/47
Fan Drive	43 HP	C-14	5-A-4024-1 -2 & -3	4/28/47
Pump Drive	30 HP	C-14	5-A-4501-1	3/31/47
Fan Drive	117 HP	C-20	2-A-7506-1	7/15/41
Fan Drive	174 HP	C-20	5-A-4960-1	1947
Pump Drive	46 HP	C-20	5-A-5759-1	10/1/47
Pump Drive	20 HP	E-116	10-A-3540-1 & -2	1952

ARMCO STEEL CORP. MIDDLETOWN, OH				
Fan Drive	44 HP	C-14	5-A-4856-1	9/11/47
Fan Drive	174 HP	C-20	5-A-4622-1 & -2	1947
Unknown	500 HP	C-25	5-A-5289-1	12/5/47

**WESTINGHOUSE ELECTRIC CORPORATION
TURBINES AT HAMILTON, OHIO**

ARMCO STEEL CORPORATION HAMILTON, OH			
Function	Rating	Serial No.	Shipped
Blower Drive	1240 HP	5-A-9245-1	1950
Fan Drive	39 HP	2-A-7674-1	6/11/41
Fan Drive	200 HP	10-A-1095-1	9/6/50
Fan Drive	200 HP	10-A-1096-1	9/15/50
Pump Drive	150 HP	1-A-6266-39	6/18/37
Pump Drive	287 HP	1-A-7337-8	12/1/37

Westinghouse will make the responsive documents it has in its possession with regard to the above-referenced turbines available to plaintiffs at the law offices of Eckert Seamans Cherin & Mellott, LLC, 600 Grant Street, 42nd Floor, Pittsburgh, Pennsylvania 15219, at a time mutually convenient to the parties.

BRAKE ASSEMBLIES

Westinghouse did not manufacture brake linings or other "friction products," but did incorporate some friction materials, manufactured by and purchased from other companies, as components in other products. Westinghouse has manufactured brake assemblies, commonly known as brake drums, primarily for use with electric motors. Brake assemblies should be distinguished from the brake linings, which are affixed to the brake assembly itself. The brake linings come into contact with the shaft, rotor or other device, which is to be reduced in speed or stopped by the breaking mechanism. Westinghouse believes that it manufactured seven types of brake assemblies, which included brake linings as original equipment. Some of these original brake linings shipped with the brake assembly contained asbestos. In 1984, this line of business was sold to McGraw-Wagner. Prior to that time, Westinghouse assemblies can be broken down into three series of product types.

The first series included DI, AI and HI Type brakes. Both DI and HI brakes had numerous models, which utilized the same basic design. The difference between the models was the size of the brake assemblies. The DI brake, manufactured from the 1930's until 1950, was used in DC motors, and the AI brake was used in AC motors. The design of the HI brake differed significantly from that of the AI and DI type brakes. HI brakes, manufactured from the 1930's until 1970, were hydraulically operated and were used in motors with larger torque range than the AI and DI type brakes. This type of brake was used mostly for motors in drawbridges.

The second series of Westinghouse brakes included SA and AK type brake assemblies. In 1950, Westinghouse changed the design of its brakes and the DI brake used

in DC motors was supplanted by the SA type brake. The SA brake was a self-adjusting brake used in the steel industry by all major manufacturers in the United States, and was specifically used in cranes, papermills and naval vessels. The brakes were also sold as a separate product apart from DC motors. The Buffalo division of Westinghouse sold the SA brake from 1950 until 1960. The AK brake was similar in design to the SA brake, but, unlike the SA brake, the AK brake was used for AC motors. The AK brake was manufactured and sold from 1950 until approximately 1979. Asbestos brake linings used in the AK brakes were purchased from American Brake Bloc (which later became ABEX).

The third series of Westinghouse brakes was comprised of TM and CB type brakes. In 1960, the SA brake became the TM, or Twin Magnetic brake, which was designed for use in DC motors. The TM brake was manufactured and sold from 1960 until the Westinghouse brake product line was sold to McGraw-Wagner in 1984. The TM brake had the same applications as the SA type brake. Asbestos brake linings were used in these brake assemblies from 1960 to 1979. The TM brake began a second production line in 1980 at the Westinghouse Puerto Rico facility. The AK type brake, described above, evolved into the CB brake in 1979. The CB brake was used for AC motors and its primary use was in motors in small cranes. The CB brake was manufactured first in Garubo, Puerto Rico, but was later transferred to Buffalo in 1981.

Westinghouse brake assemblies were routinely sent directly from a Westinghouse division to a customer. At times, WESCO provided customers with a particular Westinghouse brake assembly.

Westinghouse brake assemblies may also be found on hydrogenerators, when it is necessary to slow or stop the rotor of the generator. The brake shoes are placed at intervals around the brake ring on the generator, and are powered by air.

GASKETS

As of the time of the drafting of this Second Supplemental Response to Interrogatory No. 5, Westinghouse is unable to provide any information with regard to any type(s) of gaskets that may have been used in conjunction with its products. Westinghouse is continuing to research its connection, if any, with this product, and will supplement this Answer as soon as, and to the extent, it is able to do so.

WESTINGHOUSE ELECTRIC CORPORATION'S SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 6

QUESTION:

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[.]

Westinghouse incorporates its Preliminary Statement, General Objections and prior response to Interrogatory No. 6. Even if the scope of this Interrogatory were limited to turbines, brake assemblies, gaskets and motors, this Interrogatory remains 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 a particular size, type, application, serial number, etc. of the four products at issue that is alleged to have given off

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

**WESTINGHOUSE ELECTRIC CORPORATION'S
SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 7**

QUESTION:

7. Have any of the products listed above in answer to Interrogatory No. 5 been altered in chemical composition since first being marketed? If 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.**

Westinghouse incorporates by reference its Second Supplemental Response to Interrogatory No. 5.

**WESTINGHOUSE ELECTRIC CORPORATION'S
SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 8**

QUESTION:

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.**

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 this case.

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, when WESCO (the corporation) was liquidated and officially dissolved on May 26, 1958. After that date, WESCO was continuously a division of Westinghouse Electric Corporation, until it was sold to Eaton Corporation. Neither Westinghouse or WESCO has ever mined or marketed raw asbestos fiber. 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. 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 Objections 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.

**WESTINGHOUSE ELECTRIC CORPORATION'S
SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 8.1**

QUESTION:

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 your answer is "yes", please state the basis of your answer.

Westinghouse incorporates by reference its Second Supplemental Response to Interrogatory No. 5.

**WESTINGHOUSE ELECTRIC CORPORATION'S
SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 8.2**

QUESTION:

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.**

Westinghouse incorporates by reference its Supplemental Response to Interrogatory Nos. 8 and 9.

**WESTINGHOUSE ELECTRIC CORPORATION'S
SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 8.3**

QUESTION:

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 asbestos-containing products that you marketed, distributed, installed, and/or sold to each such company from 1950 to 1974.**

Westinghouse incorporates by reference its Supplemental Response to Interrogatory No. 8.2.

**WESTINGHOUSE ELECTRIC CORPORATION'S
SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 8.4**

QUESTION:

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.**

Westinghouse incorporates by reference its Second Supplemental Response to Interrogatory No. 5.

**WESTINGHOUSE ELECTRIC CORPORATION'S
SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 9**

QUESTION:

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.**

Westinghouse incorporates by reference its Second Supplemental Response to Interrogatory No. 5. Without waiving the foregoing, Westinghouse states that it has employed hundreds of salesmen and other individuals over the years whose responsibility it is to market and sell its products. By way of further response, Westinghouse states that it is unaware of any records which would document the specific activities and locations of each of these individuals at any given time. Therefore, Westinghouse is unable to state whether any of its representatives specifically called on Armco/A.K. Steel Middletown Plant and/or Armco/A.K. Steel Hamilton Plant from 1945 to 1975.

**WESTINGHOUSE ELECTRIC CORPORATION'S
SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 12**

QUESTION:

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

Westinghouse incorporates by reference its Second Supplemental Response to Interrogatory No. 5.

**WESTINGHOUSE ELECTRIC CORPORATION'S
SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 14**

QUESTION:

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?

Westinghouse incorporates by reference its Second Supplemental Response to Interrogatory No. 5. Without waiving any of its objections, Westinghouse states that, in view of the extensive and complex history of the evolution of the products discussed in the

Second Supplemental Response to Interrogatory No. 5, this Interrogatory, as applied to Westinghouse, is overly broad and unduly burdensome. Further, given the length of time over which these Westinghouse products have evolved, Westinghouse further objects that this Interrogatory seeks ancient information which is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence.

**WESTINGHOUSE ELECTRIC CORPORATION'S
SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 15**

QUESTION:

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.)

Westinghouse incorporates by reference its Second Supplemental Response to Interrogatory No. 5.

**WESTINGHOUSE ELECTRIC CORPORATION'S
SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 16**

QUESTION:

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.

Westinghouse incorporates by reference its Second Supplemental Response to Interrogatory No. 5.

**WESTINGHOUSE ELECTRIC CORPORATION'S
SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 17**

QUESTION:

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.**

Westinghouse incorporates by reference its Second Supplemental Response to Interrogatory No. 5.

**WESTINGHOUSE ELECTRIC CORPORATION'S
SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 18**

QUESTION:

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? If 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.**

Westinghouse incorporates by reference its Preliminary Statement, General Objections and previous objections to Interrogatory No. 18. Westinghouse further incorporates by reference its Second Supplemental Response to Interrogatory No. 5. Without waiving any of its objections, Westinghouse states that it monitored the use of potentially hazardous materials, including asbestos used in the manufacture of its electrical products, to determine whether the manufacturing process in those plants posed a health threat to its workers. Westinghouse did conduct air sampling and other industrial hygiene measures at various times at some Westinghouse facilities, as any large manufacturing employer would have done. Westinghouse had no reason to believe that the use of its finished products posed a hazard related to asbestos and consequently did not test its finished products for release of respirable asbestos fibers.

**WESTINGHOUSE ELECTRIC CORPORATION'S
SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 19**

QUESTION:

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.**

Westinghouse incorporates by reference its Second Supplemental Response to Interrogatory No. 5 and Supplemental Response to Interrogatory No. 18.

**WESTINGHOUSE ELECTRIC CORPORATION'S
SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 20**

QUESTION:

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.**

Westinghouse incorporates by reference its Second Supplemental Response to Interrogatory No. 5 an Supplemental Response to Interrogatory No. 18.

**WESTINGHOUSE ELECTRIC CORPORATION'S
SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 21**

QUESTION:

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 and/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 from the market;
- e) The names of all products removed from the market as a result of said tests.

Westinghouse incorporates by reference its Supplemental Response to Interrogatory No. 18.

**WESTINGHOUSE ELECTRIC CORPORATION'S
SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 23**

QUESTION:

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.

Westinghouse incorporates by reference its Supplemental Response to Interrogatory No. 18.

**WESTINGHOUSE ELECTRIC CORPORATION'S
SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 41**

QUESTION:

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.**

Westinghouse incorporates by reference its Preliminary Statement and General

Objections and its Second Supplemental Response to Interrogatory No. 5. Without waiving the foregoing, Westinghouse states that most of its involvement with asbestos arose from situations where one small component of a complex product had some asbestos content. Many of these components were installed in a way that they would never be disturbed by, or visible to, buyers or users of the product. As applied to such products, the interrogatory is overly broad, unduly burdensome and irrelevant, particularly in the absence of evidence that the products gave off respirable fibers affecting particular plaintiffs and in the absence of evidence that warnings were practicable on such products or would have been visible to an affected plaintiff. If plaintiffs will specifically and credibly identify the Westinghouse product(s) alleged to have given off respirable asbestos fibers in plaintiffs' presence, and for which plaintiffs may have seen the packaging, Westinghouse will endeavor to answer this interrogatory for such product(s), if any, to the extent Westinghouse reasonably can do so.

Westinghouse further objects to this interrogatory as argumentative to the extent it implies that Westinghouse was under a duty to provide warnings for its products, or that any products sold by Westinghouse would expose workers to harmful dust levels.

Plaintiffs' employers had complete control over the workplace and responsibility for insuring the safety of the workplace. Plaintiffs' employers could adequately train, supervise, and monitor their employees in proper methods to use and handle products used in the workplace, including asbestos-containing products. Furthermore, Westinghouse objects to this interrogatory on the grounds that it is argumentative, conclusory, and without foundation to the extent that it implies that all levels of asbestos exposure can result in development of health disorders. Without waiving its objections, Westinghouse states that it has learned that mere exposure to asbestos, without more, does not constitute a health risk.

**WESTINGHOUSE ELECTRIC CORPORATION'S
SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 42**

QUESTION:

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.**

Westinghouse incorporates by reference its Preliminary Statement and General Objections. Without any of its objections, Westinghouse has prepared and published various sales or promotional literature relating to the products it has manufactured over the years. Westinghouse brochures, pamphlets, catalogs, or other advertising materials are contained in the Pittsburgh document repository, as described in the Preliminary Statement. In addition, it is probable that Westinghouse brochures, pamphlets, catalogs, or other advertising

materials might be located at almost every Westinghouse office in the world. Thus, Westinghouse objects to further responding to this overly broad and unduly burdensome interrogatory.

**WESTINGHOUSE ELECTRIC CORPORATION'S
SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 43**

QUESTION:

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 name 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.**

Westinghouse incorporates by reference its Second Supplemental response to Interrogatory No. 5 and its Supplemental Response to Interrogatory Nos. 41 and 42.

**WESTINGHOUSE ELECTRIC CORPORATION'S
SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 44**

QUESTION:

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.**

Westinghouse incorporates by reference its Supplemental Response to Interrogatory Nos. 9, 41, 42 and 43.

**WESTINGHOUSE ELECTRIC CORPORATION'S
SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 45**

QUESTION:

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.

Westinghouse incorporates by reference its Preliminary Statement, General Objections, its Prior Response to Interrogatory No. 45, and its Supplemental Response to Interrogatory No. 41. Without waiving any of its objections, Westinghouse states that, upon promulgation of the OSHA regulations in 1972, Westinghouse undertook to review its manufacturing operations to determine whether asbestos substitution was necessary or appropriate.

**WESTINGHOUSE ELECTRIC CORPORATION'S
SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 52**

QUESTION:

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.**

Westinghouse incorporates by reference its Preliminary Statement, General Objections and its Prior Objections to Interrogatory No. 52. Westinghouse further incorporates by references its Supplemental Response to Interrogatory Nos. 41 and 42. Without waiving any of its objections, Westinghouse states that it did not manufacture or sell products which were a substantial factor in causing plaintiffs' alleged asbestos-related injuries. Because the plaintiffs allege exposure to other asbestos-containing products, which were a source of respirable asbestos fibers producing the plaintiffs' alleged asbestos-related injuries, Westinghouse contends that plaintiffs' employer(s) were obliged to provide the plaintiffs with a safe workplace, among other things, providing respirators and ensuring adequate ventilation. Westinghouse further states that its products did not present the type or kind of health risk so as to create the need for the use of a respirator.

**WESTINGHOUSE ELECTRIC CORPORATION'S
SUPPLEMENTAL RESPONSE TO INTERROGATORY NO. 58**

QUESTION:

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

Westinghouse incorporates by reference its Second Supplemental Response to Interrogatory No. 5.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robin E. Harvey", with a long horizontal flourish extending to the right.

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Dated: November 26, 1997

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF ALLEGHENY

Janice A. Fall

Janice A. Fall
Assistant Secretary


Notary Public

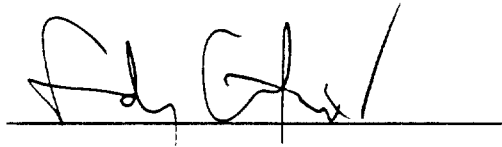


CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on the plaintiff's counsel of record by deposit in the United States mail, first class postage prepaid, this 26 day of November, 1997 at the following address:

Bruce Carter, Esq.
BARON & BUDD
43-B New Garver Road
Monroe, OH 45050

All other counsel of record were notified of the same this day by letter sent United States mail, first class, postage prepaid.

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