FILE NAME: Johns-Manville (JMA)

DATE: 1979

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JOHN D. McDANIEL, et al.,

Plaintiffs

-vs-

NO. 77 C 3534

JOHNS-MANVILLE, et al.,

Defendants

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LEGAL DEPARTMENT
JOHNSON, CUSACK & BELL
LIMITED

NOTICE OF FILING

TO: ALL ATTORNEYS OF RECORD
(See attached Rider)

PLEASE TAKE NOTICE that on September 13, 1979 there was filed with the Clerk of the United States District Court, for the Northern District of Illinois, Eastern Division

ANSWERS TO INTERROGATORIES

a copy of which is attached hereto.

Attorney for Defendant,
METROPOLITAN LIFE INSURANCE COMPANY

BAKER & McKENZIE
130 East Randolph Drive
Chicago, Illinois 60601
312/~~565-0025~~ 861-2792

State of Illinois )
) SS.
County of Cook )

The undersigned, on oath, states that a copy of the above and foregoing Notice of Filing was served on all attorneys of record by mailing a copy on this 13th day of September, 1979.

Subscribed and Sworn to this 12 day of September, 1979.

Notary Public

COONEY & STENN
77 West Washington Street
Chicago, Illinois 60602

Hinshaw, Culbertson, Moelmann,
Hoban & Fuller
69 West Washington Street
Suite 2700
Chicago, Illinois 60602

Kralovec, Sweeney, Marquard & Doyle
39 South LaSalle Street
Chicago, Illinois 60603

Clausen, Miller, Gorman, Caffrey
& Witous
5400 Sears Tower
Chicago, Illinois 60606

Isham, Lincoln & Beale
One First National Plaza
Suite 4200
Chicago, Illinois 60603

Epton, Mullen, Miller & Druth
69 West Washington Street
Chicago, Illinois

Shaheen, Lundberg, Callahan
& Burke
20 North Wacker Drive
Chicago, Illinois 60606

Lord, Bissel & Brook
115 South LaSalle Street
Chicago, Illinois 60603

Peterson, Ross, Schloerb & Seidel
200 East Randolph - Suite 7300
Chicago, Illinois

Johnson, Cusack & Bell, Ltd.
One North LaSalle Street
Chicago, Illinois 60602

Darci L. Rock
Trial Attorney, Torts Branch
Civil Division
U.S. Department of Justice
Washington, D.C. 20530

Edward Moran
Assistant U.S. Attorney
Everett McKinley Dirksen Bldg.
219 South Dearborn Street
Room 1500 South
Chicago, Illinois 60604

Jenner & Block
One IBM Plaza - 44th Floor
Chicago, Illinois 60611

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

| | | |
|---|---|---|
| JOHN D. McDANIEL, et al, Plaintiffs, | ) | |
| v. | ) | No. 77 C 3534 |
| JOHNS-MANVILLE, et al, Defendants. | ) | |

ANSWERS TO INTERROGATORIES

NOW COMES the defendant, METROPOLITAN LIFE INSURANCE COMPANY, by its attorneys, BAKER & McKENZIE, and for answers to interrogatories propounded by the plaintiffs state as follows:

1. Has Metropolitan Life Insurance Company ever performed studies for Johns-Manville Corporation and/or its subsidiaries and prepared reports and made recommendations to Johns-Manville Corporation and/or its subsidiaries based upon the information obtained in the studies? If answer is affirmative, state:

(a) The nature of the studies, reports and recommendations.
(b) The date Metropolitan undertook the task of making such studies, reports and recommendations.
(c) The name, address and position of the person or persons who prepared such studies, reports and recommendations.
(d) The date or dates such studies, reports and recommendations were provided.
(e) The manner in which such studies, reports and recommendations were provided.
(f) Attach hereto a copy of all studies, reports and recommendations Metropolitan provided and all writings and documents referring thereto.

ANSWER: Yes. In response to subparagraphs (a) and (b), where available, the Industrial Health Section of Metropolitan Life Insurance Company for the years 1924 (when the Industrial Health Laboratory was founded) through 1951, (when the Industrial Health Laboratory was discontinued), copies of the relevant excerpts of which are attached, reveal the following references to inspections done for Johns-Manville Corp. plants which essentially concerned an evaluation of the dust control system in each plant studied:

i) Surveys of asbestos plants started in 1934 and concluded during 1936. Such investigations included recheck surveys of some of the plants to determine what improvements, if any, had been effected by the

installation of certain equipment designed to control the dust, as well as surveys of a number of new plants, particularly those on the Pacific Coast. Plants studied for Johns-Manville Corp. in 1936 were those located in California at Redwood City, Pittsburg, Los Angeles, and Lompoc.

ii) During 1937, 1025 x-ray films of the chests of employers of the Asbestos Quebec Plant of Johns-Manville Corp. were read and interpreted and a report was sent to Mr. Vandiver Brown, attorney, at Johns-Manville Corp.'s New York City office.

iii) During 1941, 1942, and 1943, requests for plant surveys and information were made by and given to Johns-Manville Corp.

iv) In 1945, Mr. W.G. Hazard, Director of the Industrial Hygiene Division of the Department of Health of New Jersey, was ordered by the War Production Board to make an investigation of the Johns-Manville plant at Manville, N.J.. Mr. Hazard accepted the findings of the inspection made by the Industrial Health Section of Metropolitan Life Insurance Company, made his report to the War Production Board, and the case was closed.

v) In 1946, tests were conducted on certain days of the week for three consecutive weeks in the carding room of the Johns-Manville Plant at Manville, N.J..

vi) In 1947, 1948, 1949, and 1950, surveys of a number of Johns-Manville Corp. plants were conducted. Two letters from Johns-Manville Corp. regarding such surveys are attached.

However, in response to subparagraphs (c) through (f), the records of the specific nature, dates, manner, and results of such tests and studies are no longer contained in the files of Metropolitan Life Insurance Company. Investigation continues.

2. Has Metropolitan Life Insurance Company ever undertaken an inspection of any Johns-Manville plant? If answer is affirmative, state:

(a) List the date and place of such inspection.
(b) Identity of the person making such inspection.
(c) Attach to your answers copies of all reports or memoranda of inspection.
(d) Attach copies of your answers to interrogatories of writings and documents referring to said inspection.

ANSWER: See answers to Interrogatory No. 1. Investigation continues.

3. Has Metropolitan Life Insurance Company been sued in any other Court in the United States on allegations similar to the ones set forth in plaintiff's Complaint in the above entitled cause? If answer is affirmative, state:

(a) Name of plaintiff(s).
(b) Court number and Court where case is pending.
(c) Name and address of plaintiff's attorney.

ANSWER: Yes. Attached is a list of all information requested.

4. Has Metropolitan Life Insurance Company ever conducted studies concerning the potential danger of breathing significant amounts of asbestos fibers? If answer is affirmative, state:

(a) Date or dates of said studies.
(b) Name and address of person or persons conducting studies.
(c) Location at which the studies were performed.
(d) Name and address of person or persons to whom reports were made of said studies.
(e) Attach to your answers copies of all studies, reports and/or recommendations made by Metropolitan Life Insurance Company.

ANSWER: Yes. Based on, where available, the annual reports of the Industrial Health Section of Metropolitan Life Insurance Company for the years 1924 through 1951, copies of the relevant excerpts of which are attached, the following references to studies conducted by Metropolitan Life Insurance Company concerning the potential danger of breathing significant amounts of asbestos fibers can be found, and attached is a copy, where available, of each such study:

i) Study of the Raybestos-Manhattan Plant in Passaic, N.J. in 1934;
ii) Studies of the Bridgeport and Stratford Plants of Raybestos-Manhattan in 1930, 1935, 1936, and 1939;
iii) Studies of the Raybestos Plants in Charleston, S.C. in 1930, 1934, and 1936;
iv) Studies of the Raybestos Plants in Mannheim, Pa. in 1930, 1935, and 1939;
v) A report of the physical examinations of asbestos workers at Thetford Mines, Quebec in 1930;
vi) An article entitled "Effects of the Inhalation of Asbestos Dust on the Lungs of Asbestos Workers" by Dr. A.J. Lanza (now deceased) in 1935, a copy which was published in Public Health Reports and a copy issued directly to Johns-Manville Corp. .
vii) An article entitled "Asbestosis" by Dr. A.J. Lanza published in the February 1, 1936 issue of the Journal of the American Medical Association.

viii) An article entitled "Air Sampling of Asbestos Dust" by J. Wm. Fehnel (now deceased) of Metropolitan Life's Industrial Health Section published in an issue of Industrial Medicine in 1939.

Any other studies which were conducted are referred to in the copies of the excerpts of the annual reports of the Industrial Health Section. Based on information and belief, these and the above enumerated studies are the only incidents involving Metropolitan Life Insurance Company's conducting studies specifically concerning the dangers of breathing significant amounts of asbestos fibers. Investigation continues.

Charles M. Preston

State of New York )
) SS.
County of )

CHARLES PRESTON, being first duly sworn upon his oath, states that he is the Associate General Counsel for Metropolitan Life Insurance Company; and that he has read the above and foregoing answers to interrogatories and that the same are true to the best of his knowledge and belief.

Charles M. Preston

SUBSCRIBED AND SWORN to this 9th. day of August, 1979.

William D. Honest.
Notary Public

WILLIAM D. HONEST
NOTARY PUBLIC, State of New York
No. 31-4624475 Qual. in N. Y. County
Certificate filed in New York County
Commission Expires March 30, 1980