

COMMONWEALTH OF MASSACHUSETTS

PLAINTIFF'S EXHIBIT

KG-116

MIDDLESEX, SS.

SUPERIOR COURT
DEPARTMENT OF THE
TRIAL COURT

PAUL N. BELISLE and VIVIAN H. BELISLE, Plaintiffs, v. A C AND S, INC., et al., Defendants.	CIVIL ACTION NO. 01-5277
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**KAISER GYPSUM'S RESPONSES TO INTERROGATORIES
OF THE PLAINTIFFS PROPOUNDED TO DEFENDANT
KAISER GYPSUM CO., INC.**

TO THE DEFENDANT KAISER GYPSUM CO., INC.,
AND ITS ATTORNEYS OF RECORD:

Pursuant to Rule 33 of the Massachusetts Rules of Civil Procedure, Plaintiffs require that said Defendant answer, under oath, the following written Interrogatories. Interrogatories are to be answered in good faith, with reference to the following definitions and instructions.

INSTRUCTIONS

1. Rule 33 of the Massachusetts Rules of Civil Procedure requires that each Interrogatory must be answered separately and fully in writing under the penalties of perjury, unless it is objected to, in which event the reasons for the objection must be stated in lieu of the answer. Each answer or objection must be preceded by the Interrogatory to which it responds. The answers must be signed by the person making them. The party upon whom the Interrogatories have been served must serve a copy of the answers and objections, if any, within 45 days after service of the Interrogatories.

2. In answering these Interrogatories, you are required to make full and complete answers. You must include in your answers all information, that you know or that is available to you, including any and all information that you can obtain from (1) making inquiry of your principals, agents, employees, attorneys, representatives, any persons acting or purporting to act on your behalf, and any other persons in active concert and participation with you or with them, whether past or present and without regard to whether or not their relationship with you

currently exists or has been terminated, and (2) making examination of any and all documents or tangible things in your possession, custody, or control that in any way refer or relate to the information sought by these Interrogatories.

3. Unless otherwise specified, these Interrogatories refer to people, places, events, transactions and business activities not only of your company, but also of your corporate predecessors, successors, subsidiaries, and parent companies, and any companies you have or had an interest in.

4. Each Interrogatory is to be construed as asking for the source of any information provided in your answer thereto, including the identification of each person from whom you obtained any information provided in your answer and a description of any documents or tangible things relied upon by you in making your answer.

5. You are required, if you object to an Interrogatory on any grounds, to state for each such objection the precise nature of the objection made and a complete description of all facts upon which you or your counsel rely in making the objection.

6. Pre-Trial Orders 4, 5, and 6 of the Massachusetts Asbestos Litigation allow for additional interrogatories to be propounded to defendants in the Asbestos Litigation. You are required to provide answers to all interrogatories and are invited to contact Plaintiffs or the Special Master upon receipt of these interrogatories if you intend to object to the number of interrogatories propounded.

7. YOU ARE SPECIFICALLY REQUESTED PURSUANT TO RULE 26(e) TO SUPPLEMENT SEASONABLY ALL OF YOUR ANSWERS TO THESE INTERROGATORIES AND INCLUDE ANY information ACQUIRED BY YOU AFTER THE DATE OF THESE ANSWERS.

DEFINITIONS

The terms "this defendant", "you" and "you?", unless another intention clearly appears, refer to each party to whom these Interrogatories are directed and any of their present or former principals, agents, directors, officers, executives, employees, attorneys, representatives, insurers, and all persons acting or purporting to act on their behalf, and all persons acting or purporting to act in concert and participation with them, whether past or present, including, without limitation, your subsidiaries and/or predecessors in interest, without regard to whether or not the relationship currently exists or has been terminated. **You are specifically directed to answer this request on behalf of all such entities, irrespective of whether you (in your present business form) ever mined, milled, processed, produced, manufactured, designed, re-labeled, advertised, marketed, distributed, handled, installed, sold or otherwise placed in the stream of commerce any asbestos-containing products, or have ever been involved in the asbestos business in any manner whatsoever.**

The terms "asbestos products" or "asbestos-containing products", or any similar variant shall be liberally construed, and shall include, but shall not be limited to, any

products, including asbestos-containing industrial and commercial paints, plasters, textures, finishes, coatings, solutions, sprays, compounds or applications, including tremolite, in whole or in mixture with other products or materials, whether or not classified as an asbestos product by you or by your predecessors and/or successors in interest, including but not limited to raw asbestos, raw materials, unfinished products or finished products. Under this definition, an "asbestos-containing product" or "asbestos product", or any similar variant may include any article in which asbestos fibers in any form have been added at any stage in the process of manufacture.

The terms marketed, mined, processed, refined, manufactured, supplied, sold, distributed, installed, imported, or labeled are used interchangeably herein, and are to be construed in the broadest possible sense, and are in no way meant to be limiting or exclusive of the manner in which raw asbestos fiber and asbestos-containing products or materials were used by your company. The reference to one or more of these terms is to be interpreted as including all possible descriptions of the manner in which asbestos played a part in your business.

A request to describe the "nature", of asbestos containing product(s) shall mean to describe the: (a) color, (b) texture, (c) form (i.e., powder, liquid, paste, solid, board, cloth, blanket, wire insulation, loose, etc.), (d) physical dimensions (length, width, height, volume and weight), (e) chemical composition, and (f) amount type and location of asbestos fiber incorporated into the product.

"Writing" is used in its broadest sense, and includes any original, reproduction or copy of any typed, recorded, graphic, handwritten, printed, or documentary materials, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof.

A request to "identify" a "document" or "writing" shall mean a request to state the: (a) author; (b) addressee; (c) date of origin; (d) title; (e) nature of the writing or document (e.g., letter, telephone memorandum, audio tape recording, photograph, etc.); (f) subject matter of the writing or document; and (g) present location and name and present address of the custodian thereof. A request to state the "identity" of a person or individual means to state his or her name, the place of employment, job title, present business or present address or last known home address, and present home or business telephone number.

A "contract unit(s)" shall mean a department, division, subdivision, branch, or group which has been or is now engaged in any type of service work, whether it be new construction or repair work, for any third party.

"Company" means any business entity, regardless of form, including corporations, partnerships, joint ventures, and sole proprietorships.

PRELIMINARY STATEMENT & GENERAL OBJECTIONS

Kaiser Gypsum Company, Inc. ("Kaiser Gypsum") was formed in 1952 and ceased all manufacturing operations in 1978. Thus, all Kaiser Gypsum product sales occurred between 1952 and 1978. Therefore, Kaiser Gypsum's responses to these discovery requests are based on its on-going review of documents presently available. In responding to these discovery requests, Kaiser Gypsum has been furnished with such information as is presently available and these responses are based upon facts known or believed to be true by Kaiser Gypsum at the time. The information sought by plaintiff in these discovery requests involves events that occurred many years prior and is, therefore, difficult or impossible to secure or reconstruct.

Kaiser Gypsum has not yet completed investigating the facts relating to these cases, has not completed discovery in these matters, and has not completed preparation for trial. All responses contained herein are based only upon such information and documents which are presently available to and specifically known to Kaiser Gypsum. It is anticipated that further discovery, independent investigation, legal research, and analysis will supply additional facts, add meaning to the known facts, as well as establish entirely new factual conclusions and legal contentions, all of which may lead to additions to, changes in, and variations from the responses herein set forth.

Plaintiff herein alleges injuries resulting from exposure to asbestos-containing products over extended periods of time in Massachusetts. Therefore, Kaiser Gypsum's answers are limited by time and location, and all answers are limited to products that may have entered the Commonwealth of Massachusetts. First, these answers are limited to the time periods in which Kaiser Gypsum produced products that contained chrysotile asbestos as a component ingredient and are in no way meant to encompass those portions of the employment history of the plaintiff

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during which time Kaiser Gypsum did not produce products that contained chrysotile asbestos as a component ingredient. Second, these answers are limited to those products that contained (2) chrysotile asbestos as a component ingredient manufactured by Kaiser Gypsum that plaintiffs allege exposure to and are in no way meant to encompass all products manufactured by Kaiser Gypsum that contained chrysotile asbestos as a component ingredient.

Kaiser Gypsum objects to the entire set of discovery requests to the extent they seek to impose obligations greater than those required under Massachusetts law. This response is in accordance only with the express requirements of Massachusetts law. Kaiser Gypsum objects to this entire set of discovery requests on the grounds that it is not reasonably framed in terms of the facts and subject matter of the present action, with the result that Kaiser Gypsum is called upon to speculate as to what information is relevant to the present cases, if any, and may be deemed to fall within the scope of the written discovery as phrased. Kaiser Gypsum objects to all interrogatories and requests for production to the extent they would require the disclosure of privileged or protected information.

Kaiser Gypsum objects to the entire set of discovery to the extent it calls for information about Kaiser Gypsum employees or premises, or policies pertaining to Kaiser Gypsum employees or premises. Because plaintiff does not allege that he/she or the decedent was ever employed by Kaiser Gypsum or worked at any job site controlled by Kaiser Gypsum, such information is irrelevant and immaterial to these cases.

Kaiser Gypsum reserves the right to introduce at trial evidence which is presently unknown and/or is discovered subsequent to the date of these responses and reserves the right to amend or supplement these responses without motion at any time. All responses below are subject to the general objections set out above, without waiving same, and are given without

prejudice to Kaiser Gypsum's right to produce evidence of any subsequently discovered facts. These general objections are incorporated by reference into the Interrogatories of Plaintiff Propounded to Defendant Kaiser Gypsum Co., Inc.

RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1:

With respect to the individuals preparing these answers on your behalf, state the following:

- a. their names;
- b. their present business address;
- c. their present job title; and
- d. their date of first employment with you, and the dates and titles of each position they have held while they were employed by you.

ANSWER:

- a. Carroll LaGrafte;
- b. 3000 Busch Road, Pleasanton, CA;
- c. Assistant Secretary and custodian of records for Kaiser Gypsum;
- d. February 1, 2001.

INTERROGATORY NO. 2:

With respect to the individuals who were consulted or who provided information to assist in answering these Interrogatories, state the following:

- a. their names;
- b. their present business address;
- c. their present job title; and
- d. their date of first employment with you, and the dates and titles of each position they have held while they were employed by you.

ANSWER:

See Preliminary Statement and General Objections above as if fully incorporated herein.

INTERROGATORY NO. 3:

With respect to the individuals verifying the accuracy of these answers on your behalf, state the following:

- a. their names;
- b. their present business address;
- c. their present job title; and
- d. their date of first employment with you, and the dates and titles of each position they have held while they were employed by you.

ANSWER:

- a. Carroll LaGrafte;
- b. 3000 Busch Road, Pleasanton, CA;
- c. Assistant Secretary and custodian of records for Kaiser Gypsum;
- d. February 1, 2001.

INTERROGATORY NO. 4:

Indicate whether you are a corporation. If so, please state:

- a. your full corporate name;
- b. the state of incorporation;
- c. the date of incorporation;
- d. the address of your principal place of business;
- e. the proper agent for service and your current service address;
- f. if you are wholly-owned or if more than five (5) percent of the ownership interest of your company is owned by another business entity, state that entity's name and principal place of business; and
- g. if you have conducted business under any other name, please set forth all other prior names or predecessor entities by which you were known.

ANSWER:

See Preliminary Statement and General Objections set forth above as if fully incorporated herein. Without waiving these objections, Kaiser Gypsum states: Kaiser Gypsum was incorporated in Washington in 1952. In addition, Kaiser Gypsum's agent for service is CT Corporation, 520 Pike Street, Seattle, WA, 98101

INTERROGATORY NO. 5:

State whether you have ever been registered or qualified to do business in Massachusetts. If so, state the date on which you became qualified to conduct business in Massachusetts.

ANSWER:

Kaiser Gypsum does not have verification that it was registered to do business in Massachusetts.

Discovery and investigation is continuing and ongoing.

INTERROGATORY NO. 6:

Has the Defendant, or any company owned or acquired by the Defendant, in whole or in part, or any company that this defendant has or had an interest in, engaged in the manufacture, purchase, sale, supply, distribution, lease, installation, service, maintenance, repair or use of asbestos-containing industrial and commercial paints, plasters, textures, finishes, coatings, solutions, sprays, compounds or applications? If so, please state:

- a. the trade name, brand name, and generic name of each and every type of product;
- b. the date(s) that each type of product was first manufactured, fabricated, sold, leased, supplied, distributed, installed or used;
- c. the date(s) each type of product was last manufactured, fabricated, sold, supplied, distributed, installed or used;
- d. a description of the chemical composition of each type of product, including:
 - i. the type(s) and grade(s) of raw asbestos fibers contained in each type of product;
 - ii. the quantitative percentage of the type(s) of raw asbestos fiber in each type of product; and
 - iii. any change(s) in the quantitative percentages of the type(s) of raw asbestos.

- e. the nature of each type of product;
- f. a description of any wording, markings and/or logo on each type of product;
- g. the recommended use(s) of each type of product, including temperature limits;
- h. the name(s) of the manufacturers of each type of product;
- i. the source(s) of the asbestos fiber and/or raw materials contained within each product, including the locations where it was mined and/or the identity of each person or business which furnished, sold, or supplied it to you;
- j. the identity of the person(s) most knowledgeable concerning the purchase of asbestos fiber or asbestos-containing materials (including but not limited to insulation materials) by this Defendant or any company owned or acquired by this Defendant;
- k. the location of the mine or plant for each asbestos product; and
- l. the officers responsible for the facility described in subpart (k) at the time of the mining, processing, refining, manufacture, sale, supply, distribution, or installation.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "asbestos-containing" as overbroad, vague and ambiguous. This interrogatory is not limited as to time or location of plaintiff's alleged exposure to products manufactured by Kaiser Gypsum. Without waiving these objections, Kaiser Gypsum states: Between 1968 and 1975, Kaiser Gypsum sold building products in Massachusetts. A limited number of these products contained small amounts of chrysotile asbestos as a constituent ingredient at various times. The products sold were manufactured at Kaiser Gypsum's plant in Delanco, New Jersey. The building products were:

1. Joint Compound

The trade name of this product was Kaiser Joint Compound. Chrysotile asbestos was used as a component ingredient. Kaiser Gypsum sold Kaiser Joint Compound in 1969-70. The product consisted primarily of limestone and mica. Other component ingredients included casein, polyvinyl, clay, and talc. The product included between 9% and 11% by weight chrysotile asbestos as a component ingredient depending on the formula in effect at a given

date. This product was a white to off-white powder. It was packaged and sold in 10 or 25 lb. sacks, and in boxes of 5 or 18 lbs. Each container was labeled with the name Kaiser Gypsum Company, Inc., the product name, and directions for use. This product was a dry powder which, when mixed with water, formed a thick paste. Upon application it dried to a hard, durable surface. It was used to fill gypsum wallboard joints, embed joint reinforcing tape, finish joints, and to cover and finish nail heads and metal cornerbead.

2. Finishing (Topping) Compound

The trade name of this product was Kaiser Gypsum Finishing (Topping) Compound. Chrysotile asbestos was used as a component ingredient. Kaiser Gypsum last sold Finishing (Topping) Compound with chrysotile asbestos as a component ingredient in 1970. This product consisted primarily of limestone, soapstone and mica. Other component ingredients included clay, casein, and talc. The product included between 5.2% and 16% by weight chrysotile asbestos as a component ingredient, depending on the formula in effect at a given time. This product was a white to off-white powder. It was packaged and sold in 25 lb. sacks. Each container was labeled with the name Kaiser Gypsum Company, Inc., the product name, and instructions for use. This product was a dry powder which, when mixed with water, formed a thick paste. Upon application it dried to a hard, durable surface. It was used to top and finish gypsum wallboard joints.

3. Pre-Mix Joint Compound

The trade name of this product was Kaiser Gypsum Pre-Mix Joint Compound. Kaiser Gypsum sold Pre-mix Joint Compound between 1969 and 1973. Chrysotile asbestos was used as a component ingredient. The ingredients of this product are currently unknown. Investigation and discovery is continuing and ongoing. This product was a white to off-white or light buff-colored paste. Investigation and discovery is continuing and ongoing into the packaging of this product. Each container was labeled with the name of the manufacturer, Kaiser Gypsum Company, Inc., the name of the product, and directions for its use. This product was a thick paste-like material which, upon application, dried to a hard, durable surface. It was used to finish gypsum wallboard joints, embed joint reinforcing tape, finish joints, and to cover and finish nailheads and metal cornerbead.

4. Laminating Compound

The trade name of this product was Kaiser Gypsum Laminating Compound. Kaiser Gypsum sold Laminating Compound in 1970, at which time chrysotile asbestos was used as a component. The product consisted primarily of kaysoy, flour, sheroid and Lincoln clay. Other component ingredients included sodium carbonate and Dowicide A&G. The product included between 6.6% and 10% by weight chrysotile asbestos as a component ingredient, depending upon the formula in effect at a given date. This product was a white to off-white powder. It was packaged and sold in sacks of 25 lbs. Each container was labeled with the name Kaiser Gypsum Company, Inc., the product name, and directions for use. This product was a dry powder, which, when mixed with water, formed a thick paste. It was used as an adhesive to

laminate one piece of gypsum wallboard to another, which was occasionally done to create gypsum drywall partitions having thicker wallboard than could be created by a single sheet.

5. K-Spray Ceiling Texture

The trade names for this product included Kaiser Gypsum K-Spray Ceiling Texture, K-Spray Ceiling Texture, K-Spray Ceiling Texture Paint (Polystyrene), K-Spray Texture Paint with mineral filler, K-Spray Texture with mineral aggregate and K-Spray Ceiling Texture Paint (mineral aggregate). Kaiser Gypsum sold K-Spray between 1971 and 1974, at which time chrysotile asbestos was used as a component ingredient. The product consisted primarily of sheroid, clay, vicron, talc, limestone, and mica. Other constituent ingredients included titanox, polystyrene aggregate, styrene aggregate, bentanite wyogel, titanium pigment, casein, monsarto KGR resin, expanded vermiculite and expanded perlite. The product included between 1.3% and 14% by weight chrysotile asbestos as a component ingredient, depending upon the formula in effect at a given date. The product was a white powder. It was packaged and sold in 32 lb. sacks. Each container was labeled with the name Kaiser Gypsum Company, Inc., the product name, and directions for use. This was a dry powder which, when mixed with water, formed a paint-like product designed for spray application. When dry, it produced a hard, durable surface. It was used to produce texture effects over gypsum wallboard or interior concrete ceilings.

6. 3-Purpose Joint Compound

A search of current Kaiser Gypsum records did not provide information relating to the production of this product at Delanco. The following information relates to the production of this product at other plants. The trade name of this product was Kaiser Gypsum 3-Purpose Joint Compound. Kaiser Gypsum began manufacturing 3-Purpose Joint Compound in 1972, and chrysotile asbestos was used as a component ingredient at that time. Kaiser Gypsum last manufactured 3-Purpose Joint Compound with chrysotile asbestos as a component ingredient in 1975. This product consisted primarily of limestone and mica. Other component ingredients included Hamaco Gum and polyvinyl Alcohol. The product included between 5.1% and 14.3% by weight chrysotile asbestos as a component ingredient, depending on the formula in use at the time. The product was a white to off-white powder. It was packaged and sold in 25 lb. Sacks. Each sack was labeled with the name Kaiser Gypsum Company, Inc., the product name, and directions for use. This product was a dry powder which, when mixed with water, formed a thick paste. Upon application it dried to a hard, durable surface. It was used to tape, top and finish gypsum wallboard joints, nailheads, and metal cornerbead.

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7. Dual Purpose Premix Compound

The trade name of this product was Kaiser Gypsum Dual Purpose Premix Compound. Kaiser Gypsum sold this product between 1968 and 1975. Chrysotile asbestos was used as a component ingredient at that time. This product consisted primarily of mica, and whiting. Other component ingredients included sheroid and Lincoln clay product included 3.3% by weight chrysotile asbestos as a component ingredient. This product was a white to off-white colored paste. It was packaged and sold in cans of 4 or 5 gallons and in cartons of 5

gallons. Each container was labeled with the name Kaiser Gypsum Company, Inc., the name of the product, and directions for use. This product after water was added was a thick paste-like material which, upon application, dried to a hard, durable surface. It was used to fill gypsum wallboard joints, embed joint reinforcing tape, finish joints, and to cover and finish nailheads and cornerbead.

8. Premix Topping Compound

The trade name of this product was Kaiser Gypsum PreMix Topping Compound. Kaiser Gypsum sold Premix Topping Compound in 1970-71. Chrysotile asbestos was used as a component ingredient at that time. This product consisted primarily of limestone, mica, and water. The product included between 0.9% - 2.2% by weight chrysotile asbestos as a component ingredient, depending on the formula in effect at a given date. This product was a white to off-white or light buff-colored paste. It was packaged and sold in metal and plastic buckets of 4 or 5-gallons and in cartons of 4 gallons. Each container was labeled with the name Kaiser Gypsum Company, Inc., the product name, and directions for use. This product was a thick paste-like material which, upon application, dried to a hard, durable surface. It was used to top and finish gypsum wallboard joints.

INTERROGATORY NO. 7:

Please identify all suppliers of raw asbestos, asbestos-containing insulation materials, and/or other asbestos-containing components to you, including the following:

- a. the name and address of the supplier;
- b. the type of asbestos-containing material supplied;
- c. the type and amount of asbestos fiber in the materials supplied;
- d. the date(s) of supply;
- e. the amount of asbestos-containing material supplied; and
- f. the products into which you incorporated said asbestos-containing materials.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrases "asbestos-containing materials," "asbestos-containing insulation materials" and "asbestos-containing components" as overbroad, vague and ambiguous. Without waiving these objections, Kaiser Gypsum states: Kaiser Gypsum is aware of the following suppliers of chrysotile asbestos:

Harrison & Crosfield
Carmonia Chemical Co.
Western Chemical Co.
Philip Carey Corp. (Carey Canadian Asbestos)
Johns-Manville
Union Carbide Corp.
E.S. Browning

Current addresses, if any, are not known to Kaiser Gypsum. The specific time periods during which these firms supplied asbestos and the amounts of asbestos supplied are unknown.

Discovery and investigation is continuing and ongoing.

INTERROGATORY NO. 8:

Indicate whether you received any warnings, instructions, or other information regarding the dangers of asbestos inhalation when you purchased or accepted each order of raw asbestos fiber or asbestos-containing materials from any other manufacturer. If so, please provide:

- a. a detailed description of the warning; and
- b. the name of the company that provided such product.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "dangers of asbestos inhalation" as overbroad, vague and ambiguous. Without waiving these objections, Kaiser Gypsum states: In 1965, Kaiser Gypsum was provided by the Gypsum Association, a copy of an article reporting on the work of Dr. Irving Selikoff. In 1968 and 1970, Kaiser Gypsum received Asbestos Toxicology Reports from Union Carbide. In 1972, Union Carbide provided to Kaiser Gypsum a letter entitled "Airborne Asbestos." In 1972, Carey Canadian wrote to Kaiser Gypsum informing Kaiser Gypsum of the lack of health complications experienced by its employees in a chrysotile mine. In 1972, Pacific Asbestos wrote Kaiser Gypsum concerning possible health concerns associated with exposure to asbestos. In 1973, Kaiser Gypsum was provided with a report from the World Health Organization concerning possible health issues associated with exposure to asbestos dust.

Discovery and investigation is ongoing and continuing.

INTERROGATORY NO. 9:

For each asbestos product identified in your answer to Interrogatory No. 6, please state:

- a. the date when the product was first mined, processed, refined, manufactured, fabricated, sold, supplied, distributed, installed or used;

- b. the generic name of the product;
- c. the brand name of the product;
- d. the trademark name of the product;
- e. the asbestos content of the product; and
- f. the chemical composition of the product.

ANSWER:

See response to Interrogatory No. 6 above as if fully incorporated herein.

INTERROGATORY NO. 10:

For each product identified in your answer to Interrogatory No. 6, please provide a full description of the product, including its intended use and the form of the packaging.

ANSWER:

See response to Interrogatory No. 6 above as if fully incorporated herein.

INTERROGATORY NO. 11:

Please describe the nature of each product previously identified in your answer to Interrogatory No. 6 at the time it was first mined, processed, refined, manufactured, sold, supplied, distributed, or installed by you. If the nature of any such product at the time of mining, processing, refining, manufacture, sale, supply, distribution, or installation by you was different from the nature intended at final use, please describe the procedures necessary to ready each such product for use.

ANSWER:

See response to Interrogatory No. 6 above as if fully incorporated herein.

INTERROGATORY NO. 12:

With respect to each product identified in your answer to Interrogatory No. 6 which you distributed, please identify the manufacturer, seller, supplier or provider of the product to you. For each such company, please provide:

- a. the full name and business address;
- b. the product(s) supplied;

- c. the first date upon which you received the asbestos product;
- d. the last date upon which you received the asbestos product;
- e. the wording of all warnings provided by the manufacturer; and
- f. the date(s) that the warnings first appeared on the products.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Kaiser Gypsum states: Not applicable.

INTERROGATORY NO. 13:

With respect to each product identified in your answer to Interrogatory No. 6 which you distributed, please identify the company to which you distributed the product. For each such recipient, please provide:

- a. the full name and business address;
- b. the product(s) distributed;
- c. the first date upon which you distributed the asbestos;
- d. the last date upon which you distributed the asbestos;
- e. whether you provided a warning to the recipient;
- f. the wording of the warnings provided by you; and
- g. the date(s) that the warnings first appeared on the products distributed.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Kaiser Gypsum states: Not applicable.

INTERROGATORY NO. 14:

With respect to the commercial sale of the each asbestos-containing product identified in your answer to Interrogatory No. 6, please state:

- a. the date when the product was first commercially sold;

- b. the date when the product was first designed and/or developed;
- c. the place where the product was first designed and/or developed;
- d. the identity of the designer/developer of the product; and
- e. the identity of each company that purchased your asbestos products.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "asbestos-containing product" as overbroad, vague and ambiguous. Without waiving these objections, Kaiser Gypsum states: See response to Interrogatory No. 6 above as if fully incorporated herein.

INTERROGATORY NO. 15:

Please identify all recipients to whom you distributed asbestos-containing products in New England. The relevant time frame for this Interrogatory is 1920 through 1996. For each such recipient, please state:

- a. the year or years in which the distribution relationship was in effect;
- b. the trade name, brand name, and generic name of the asbestos-containing product(s) which you were authorized to or did distribute, and in each year of distribution, the quantity of each product distributed; and
- c. the yearly gross income that your company earned as a result of such distribution agreements.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrases "asbestos containing" and "recipients" as overbroad, vague and ambiguous. Without waiving these objections, Kaiser Gypsum states: Review of its existing records does not indicate that sales of any Kaiser Gypsum products were made to the jobsites plaintiffs worked at or were sold to the employers plaintiff identified.

INTERROGATORY NO. 16:

If the defendant engaged in the distribution of asbestos products, please describe in detail the specifics of the distribution arrangement, including but not limited to whether the

defendant entered into exclusive distribution agreements and if it subcontracted its distribution responsibilities.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "asbestos products" as overbroad, vague and ambiguous. Without waiving these objections, Kaiser Gypsum states: Not applicable.

INTERROGATORY NO. 17:

Has this Defendant owned or operated facilities anywhere in the United States in which asbestos-containing products have been manufactured, processed, assembled, stored, distributed, sold, or supplied, or in which raw asbestos fiber has been refined, processed, or milled? If so, please state:

- a. the address of each such facility, including city and state;
- b. the date said facilities began operation;
- c. the date said facility ceased operation; and
- d. the trade name, brand name, and generic name of each type of raw asbestos fiber refined, processed, or milled, and each type of asbestos-containing product manufactured, processed, assembled, distributed, sold or supplied at each such facility.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "asbestos-containing products" as overbroad, vague and ambiguous. Without waiving these objections, Kaiser Gypsum states: At various times, Kaiser Gypsum operated manufacturing plants in Delanco, New Jersey; Jacksonville, Florida; Rosario, New Mexico; Santa Ana, California; Antioch, California; St. Helens, Oregon; and Seattle, Washington where small amounts of chrysotile asbestos was used as a component ingredient in a limited number of the products manufactured.

INTERROGATORY NO. 18:

Have you, from the time of inception to the present, ever sold, shipped, distributed, supplied or delivered asbestos-containing products to any of the other defendants named in this action? If so, please state:

- a. the name of the product;
- b. the type and amount of asbestos in the product;

- c. the amount of product(s) sold, shipped, distributed, supplied or delivered;
- d. the name or identity of the recipient;
- e. the date(s) of transaction(s);
- f. the shipping destination;
- g. the content of any warnings your company provided to the recipient;
- h. the content of any instructions your company provided to the recipient; and
- i. the content of any information your company provided to the recipient regarding the dangers of asbestos exposure.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "asbestos-containing products" as overbroad, vague and ambiguous. Without waiving these objections, Kaiser Gypsum states: No.

INTERROGATORY NO. 19:

Have you or your-company ever, as a part of its business, had a division or unit which did engineering, new construction, or repair work (hereinafter "contract units")? If so, please state:

- a. where each contract unit was based;
- b. the names of the managers of each contract unit since the date of your company's inception;
- c. whether there existed rules, regulations, and/or work practices which were to be followed by employees on each such contract unit;
- d. whether employees in these contract units were ever required to wear respirators; if so, please state:
 - i. whether the requirement was a written regulation or oral direction;
 - ii. the names of the people in your firm originating such a requirement and/or in charge of enforcing it; and
 - iii. the date the requirement was imposed for the first time.

- e. whether former employees of your contract units ever filed worker's compensation claims due to lung or coronary illness. If so, for each such claim, state:
- i. the date, jurisdiction, and docket number;
 - ii. the illness or disease claimed;
 - iii. the resolution of the claim; and
 - iv. the names of the co-respondents.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Kaiser Gypsum states: Not applicable.

INTERROGATORY NO. 20:

Does this Defendant have any records of the mining, processing, refining, manufacture, supply, sale, distribution, installation, marketing, advertisement, or delivery of asbestos-containing products in or to locations in the Commonwealth of Massachusetts? If so, state:

- a. the manner in which the records are kept, (e.g., in boxes, files, on microfilm, microfiche, or computer tape or disk);
- b. the locations and addresses where such records are maintained; and
- c. the identity of the custodian of such records.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "asbestos-containing products" as overbroad, vague and ambiguous. Without waiving these objections, Kaiser Gypsum states: Kaiser Gypsum has retained sales information for products which it sold. The original records are located in California. The records custodian is Carroll LaGrafte, see above.

INTERROGATORY NO. 21:

If this Defendant has in its possession any records of the mining, processing, refining, manufacture, supply, sale, distribution, installation, marketing, advertisement, or delivery of asbestos-containing products (including microfilm, microfiche, computer tape or disk, or any

other system in which data is taken from other records), state whether this Defendant has retained the original documents from which the date entered into these modes of storage was obtained. If this Defendant has not retained such original documents, state:

- a. the date(s) when and locations where the original documents were disposed of,
- b. the identity of the custodian of the original documents at the time of their disposal; and
- c. whether this Defendant has a document retention policy.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "asbestos-containing products" as overbroad, vague and ambiguous. Without waiving these objections, Kaiser Gypsum states: See response to Interrogatory No. 20 above as if fully incorporated herein.

INTERROGATORY NO. 22:

Did your company conduct any advertising for your services regarding any products identified in your answer to Interrogatory No. 6? If so, please state:

- a. the subject matter of the advertising material;
- b. the type of media in which the advertisement was placed;
- c. the geographic area in which the advertising material was placed;
- d. whether any photographs of the product appeared in the advertisement; and
- e. the content of any warnings included within the advertisement.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Kaiser Gypsum states: It advertised its products through various forms of media. However, Kaiser Gypsum cannot state with any more specificity if and how it advertised its products within the State of Massachusetts.

INTERROGATORY NO. 23:

In the course of the manufacture, sale, supply, distribution or installation of the products identified in your answer to Interrogatory No. 6, did your company distribute any brochures,

writings, or other materials to distributors, contractors, users, or the general public regarding the design, manufacture, distribution, sale, use and/or quality of the products? If so, please state:

- a. the purpose of such materials;
- b. the content of such materials; and
- c. the author, present location, and custodian of the materials.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Kaiser Gypsum states: See response to Interrogatory No. 23 above as if fully incorporated herein.

INTERROGATORY NO. 24:

State whether your company employed any tests upon any asbestos-containing product prior to the manufacture, sale, supply, distribution, installation, service, repair or use thereof. For each testing method, please state:

- a. the name and position of the person responsible for performing the tests;
- b. the type of test(s) employed;
- c. the reason underlying your decision to test the product;
- d. the results and/or conclusions which emanated from the test(s) performed; and
- e. the present location of the test result information, or copies thereof.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "asbestos-containing product" as overbroad, vague and ambiguous. Without waiving these objections, Kaiser Gypsum states: Kaiser Gypsum never performed such tests on its own products with regard to any alleged health effects therefrom. However, the Gypsum Association, a national organization that Kaiser Gypsum belonged to, performed tests on dust exposure related to the use of joint compounds as compared to the threshold limit values for dust exposures during 1973. Kaiser Gypsum's products were not used in conducting the tests. Kaiser Gypsum was provided with the test results.

INTERROGATORY NO. 25:

With respect to each product identified in your answer to Interrogatory No. 6, state whether your company made any attempt to determine whether each product complied with any then applicable safety standards, safety orders, regulations, laws, rules and design requirements of any city, county, state, or the Federal Government of the United States.

- a. If the response is in the affirmative, please identify the safety standards, safety orders, regulations, laws, rules, or other ordinances which you claim you considered; and
- b. If the response is in the negative, please indicate the reason underlying your failure to pursue such an investigation, and the name of the person(s) responsible for the decision not to conduct the investigation.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Kaiser Gypsum states: See the response to Interrogatory No. 24 above as if fully incorporated herein.

INTERROGATORY NO. 26:

Prior to the date of first mining, processing, refining, manufacturing, selling, supplying, distributing or installing any products identified in your answer to Interrogatory No. 6, were you aware of any health hazards associated with the use and/or fabrication of asbestos?

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Kaiser Gypsum states: It became generally aware in 1972 of the government publications and regulations as they relate to the health consequences associated with exposure to asbestos fibers.

INTERROGATORY NO. 27:

When were you first alerted to the existence of health hazards associated with exposure to asbestos? Please provide:

- a. the date of acquiring this knowledge;
- b. the source of the information; and
- c. the nature and extent of the information received.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "exposure to asbestos" as vague, ambiguous and overbroad. Without waiving these objections, Kaiser Gypsum states: See response to Interrogatory No. 26 above as if fully incorporated herein.

INTERROGATORY NO. 28:

Upon learning of the health hazards of asbestos, did you organize any safety meetings to inform employees of such hazards?

- a. If the answer is in the affirmative, please indicate:
 - i. the factors considered in deciding to conduct each meeting;
 - ii. the identity of the person who participated in each meeting; and
 - iii. the date and location of each meeting.
- b. If the answer is in the negative, please indicate the reasoning underlying the decision not to hold such a safety meeting.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrases "health hazards of asbestos" and "safety meetings" as overbroad, vague and ambiguous. Without waiving these objections, Kaiser Gypsum states: Steps were taken to minimize potential risks associated with exposure to asbestos fibers.

Discovery and investigation is continuing and ongoing.

INTERROGATORY NO. 29:

Did your company ever issue warnings directly to the workers at any of your plants or places of business regarding the hazards associated with the use and/or fabrication of asbestos-containing products?

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "hazards associated with the use and/or fabrication of asbestos-containing products" as overbroad, vague and ambiguous. Without waiving these objections, Kaiser Gypsum states: Yes.

INTERROGATORY NO. 30:

Indicate whether you promulgated a set of rules, either written or oral, governing the handling of asbestos products by your employees. If so, please state:

- a. the time period during which the rules were in effect;
- b. whether these rules are currently in effect;
- c. the substance of the rules; and
- d. the identity of the recipients of the rules.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "handling of asbestos products" as overbroad, vague and ambiguous. Without waiving these objections, Kaiser Gypsum states: No formal rules were promulgated.

Discovery and investigation is continuing and ongoing.

INTERROGATORY NO. 31:

Did you ever issue instructions to purchasers of the products identified in your answer to Interrogatory No. 6 regarding the hazards associated with exposure to asbestos? If so, please provide:

- a. a verbatim description of the warning provided to purchasers, and if no verbatim description is available, please provide a general description of the warnings provided;
- b. the date upon which the warnings commenced;
- c. the author of each warning; and
- d. the location of the warning and whether it was placed on the packaging or upon the product itself.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to this interrogatory to the extent that it would require the disclosure of privileged or protected information. Kaiser Gypsum objects to the phrases "hazards associated with exposure to asbestos" as vague, ambiguous and overbroad. Without waiving these

objections, Kaiser Gypsum states: Beginning in 1972, in response to regulations adopted by the U.S. Occupational Safety and Health Administration (see 37 Fed. Reg. 11318, June 7, 1972), Kaiser Gypsum affixed caution labels to the packages and containers of its products that contained chrysotile asbestos as a component ingredient. The OSHA regulations requiring this label were made subject to the limitation that "no label is required where asbestos fibers have been modified by a bonding agent, coating, binder, or other material so that during any reasonably foreseeable use, handling, storage, disposal, processing, or transportation, no airborne concentrations of asbestos in excess of the exposure limits prescribed in paragraph B. of this section will be released." In light of then-existing ambiguities as to what tests OSHA would recognize as adequate to demonstrate a product's falling within this exception, Kaiser Gypsum applied the caution label to all its then-manufactured products in which chrysotile asbestos was used as a component ingredient.

Initially, the labels were four inches by eight inches in size and had yellow backgrounds with red letters. They were affixed to the bag or container of the product by adhesive in a prominent place. Plant managers were also informed of the option to hand stamp containers with the caution statement if the labels were not available. Later, as new bags and containers were purchased, the labels were printed onto the side of the bag or container and are believed to have been the same color or colors as the bag/container or the printing thereon. The warning label as prescribed by OSHA read:

CAUTION: contains asbestos fibers; avoid creating dust;
breathing asbestos dust may cause serious bodily harm.

Additionally, Kaiser Gypsum Technical Bulletins 5703-A, dated October 1973, and 5707, prescribed the use of respirators during spray application. The Technical Bulletins were given to members of the Kaiser Gypsum Sales Department. Sales personnel were responsible for sharing, verbally or in writing, the information contained in the Technical Bulletins with customers.

INTERROGATORY NO. 32:

Indicate whether you or your company had occasion to consider the effect that warnings would have on the sale, supply, distribution, installation or use of raw asbestos fibers or asbestos-containing products. If so, please state:

- a. the form of the consideration;
- b. the date of the consideration;
- c. the location at which the consideration was made; and
- d. whether any cost analysis was included within the consideration given.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. Kaiser Gypsum objects to the phrase "asbestos-containing products" as vague, ambiguous and overbroad. Without waiving these objections, based on information and belief, Kaiser Gypsum states: Kaiser Gypsum was the first manufacturer in its industry to warn that some of its products contained asbestos. Subsequent to such warnings and prior to our competitors placing similar warnings on their products, Kaiser Gypsum noted declining sales. A request from individuals within the marketing department regarding the necessity and possible removal of such warnings was rejected. 2

INTERROGATORY NO. 33:

Indicate whether you or your company ever recommended to purchasers or users of raw asbestos fibers or asbestos-containing products that respiratory masks and/or protective clothing should be used while working with, installing, servicing, repairing or removing the products.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. Kaiser Gypsum objects to the phrase "asbestos-containing products" as vague, ambiguous and overbroad. Without waiving these objections, Kaiser Gypsum states: See response to Interrogatory No. 31 above as if fully incorporated herein.

INTERROGATORY NO. 34:

With respect to any product mined, processed, refined, manufactured, sold, supplied, distributed or installed by you which does not contain asbestos, have you ever included a warning with the product indicating that it may in some way be harmful to human beings? If so, for each such product please state:

- a. the name of the product;
- b. the chemical composition or ingredients of the products;
- c. the use for which such product is or was intended;
- d. the manner in which it is thought that the product may cause harm to human beings;
- e. the contents of the warning;
- f. the size of the warning;
- g. the color of the warning;
- h. the date the warning was first disseminated to the public;

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. Kaiser Gypsum objects to the phrase "asbestos-containing products" as vague, ambiguous and overbroad. Without waiving these objections, based on information and belief, Kaiser Gypsum states: Kaiser Gypsum was the first manufacturer in its industry to warn that some of its products contained asbestos. Subsequent to such warnings and prior to our competitors placing similar warnings on their products, Kaiser Gypsum noted declining sales. A request from individuals within the marketing department regarding the necessity and possible removal of such warnings was rejected.] ?

INTERROGATORY NO. 33:

Indicate whether you or your company ever recommended to purchasers or users of raw asbestos fibers or asbestos-containing products that respiratory masks and/or protective clothing should be used while working with, installing, servicing, repairing or removing the products.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. Kaiser Gypsum objects to the phrase "asbestos-containing products" as vague, ambiguous and overbroad. Without waiving these objections, Kaiser Gypsum states: See response to Interrogatory No. 31 above as if fully incorporated herein.

INTERROGATORY NO. 34:

With respect to any product mined, processed, refined, manufactured, sold, supplied, distributed or installed by you which does not contain asbestos, have you ever included a warning with the product indicating that it may in some way be harmful to human beings? If so, for each such product please state:

- a. the name of the product;
- b. the chemical composition or ingredients of the products;
- c. the use for which such product is or was intended;
- d. the manner in which it is thought that the product may cause harm to human beings;
- e. the contents of the warning;
- f. the size of the warning;
- g. the color of the warning;
- h. the date the warning was first disseminated to the public;

- i. the names of the people responsible for or participating in the decision to provide the warning, including:
 - i. their present address;
 - ii. their present position or status with your company; and
 - iii. the position held at the time the decision was made.
- j. please identify every document which relates to the making of the decision to provide a warning.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not likely to lead to the discovery of admissible evidence. See response to Interrogatory No. 31 above as if fully incorporated herein. Discovery and investigation is continuing and ongoing.

INTERROGATORY NO. 35:

During the process of the mining, processing, refining, manufacture, sale, supply, distribution or installation of the products identified in your answer to Interrogatory No. 6, did you or your company communicate with any United States Department or Agency, or any trade associations, regarding specifications or standards for asbestos products? If so, please state:

- a. the identity of the product for which specifications or standards were discussed;
- b. the number assigned to the military or federal specification or standard;
- c. the name of the trade association; and
- d. the years of your company's membership or period of participation.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not likely to lead to the discovery of admissible evidence. Without waiving these objections, Kaiser Gypsum states: Kaiser Gypsum communicated with the EPA concerning the application of EPA regulations to the use of Kaiser Gypsum's products. Discovery and investigation is ongoing and continuing.

INTERROGATORY NO. 36:

Please indicate whether you or your company has modified any of the products identified in your answer to Interrogatory No. 6 in any manner since the onset of mining,

processing, refining, manufacturing, selling, supplying, distributing, installing or otherwise fabricating the product. For each such modification, state: -

- a. the nature of any modifications;
- b. the reason underlying the decision to modify the product;
- c. the details of the modifications;
- d. the identity of the person who recommended or approved the modifications;
- e. the date on which the modifications commenced; and
- f. the details of any studies, tests, or evaluations which prompted the modifications.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not likely to lead to the discovery of admissible evidence. Without waiving these objections, Kaiser Gypsum states: The formulas for the products identified in response to Interrogatory No. 6 above were modified from time to time in the process of developing a product that met quality and performance goals. The development of asbestos free products began in the early 1970's.

INTERROGATORY NO. 37:

Describe the safety measures employed by you or your company at the mining, processing, refining, manufacturing, sales, supply, distribution, installation or other type of facilities at which your employees worked with asbestos products.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. Kaiser Gypsum objects to the phrase "asbestos products" as vague, ambiguous and overbroad. This interrogatory is not limited as to time or location of plaintiff's alleged exposure to products manufactured by Kaiser Gypsum. Without waiving these objections, Kaiser Gypsum states: Beginning in 1965, employees who worked with raw asbestos were provided with respirators. With enactment of OSHA, measures were taken to be in compliance with OSHA regulations.

INTERROGATORY NO. 38:

Between the date you or your company began mining, processing, refining, manufacturing, selling, supplying, distributing, installing or otherwise fabricating the asbestos products and the present, did your company engage in any monitoring of the dust levels in your facilities? If so, please state:

- a. the date on which the monitoring commenced; and
- b. the location of the monitoring.

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ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "asbestos products" as overbroad, vague and ambiguous. This interrogatory is not limited as to time or location of plaintiff's alleged exposure to products manufactured by Kaiser Gypsum. Without waiving these objections, Kaiser Gypsum states: Evaluations airborne asbestos at Kaiser Gypsum's plant in Delanco, New Jersey, the plant where the products that were sold in Massachusetts were manufactured, were conducted on July, 15, 1971, October 25-26, 1972 and June 6, 1974. The surveys were conducted by an Industrial Hygienist, Mr. A. J. Trommershausen, who was not an employee of Kaiser Gypsum. Mr. Trommershausen prepared reports on his surveys.

INTERROGATORY NO. 39:

Have you or your company ever conducted or financed any inspection or performed any dust count where workers used raw asbestos fibers or asbestos products mined, processed, refined, manufactured, sold, supplied, distributed or installed by your company? If so, please state:

- a. the specific process undertaken; and
- b. the reasons underlying the decision to perform the inspection or dust count.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "asbestos products" as overbroad, vague and ambiguous. This interrogatory is not limited as to time or location of plaintiff's alleged exposure to products manufactured by Kaiser Gypsum. Without waiving these objections, based upon information and belief, Kaiser Gypsum states: Kaiser Gypsum had neither an ownership or possessory interest in any of the work sites. Kaiser Gypsum has no information as to whether the site owners, possessors or anyone else with a legal rite to do so conducted any such air samplings at these sites.

INTERROGATORY NO. 40:

Indicate whether you or your company have ever conducted or financed any studies of the levels of asbestos dust produced when asbestos-containing products are used, installed, or removed from a prior installation. If so, please state:

- a. the specific process undertaken; and
- b. the reasons underlying the decision to perform the studies.

ANSWER:

See response to Interrogatory No. 24 above as if fully incorporated herein

INTERROGATORY NO. 41:

Are you or your company currently subject, or ever been subjected, to any type of dust monitoring required by federal, state, or local government. If so, please state:

- a. the identity of the law requiring such dust monitoring;
- b. whether any samples were taken and logged in compliance with that law; and
- c. the technique utilized in the sampling.

ANSWER:

See Preliminary Statement and General Objections above as if fully incorporated herein. In addition, OSHA regulations applied to Kaiser Gypsum. Discovery and investigation is continuing and ongoing.

INTERROGATORY NO. 42:

Please describe the inspection system in effect during the period of time in which you mined, processed, refined, manufactured, sold, distributed or installed raw asbestos fibers and/or asbestos-containing products, as utilized for the products and facilities. Specifically, please state:

- a. the period of time during which the inspection system was in effect;
- b. the identity of the person(s) responsible for supervising inspection efforts;
- c. a brief description of the inspection process; and
- d. the identity of any documents describing the system of inspection.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "asbestos-containing products" as overbroad, vague and ambiguous. This interrogatory is not limited as to time or location of plaintiff's alleged exposure to products manufactured by Kaiser Gypsum. Without waiving these objections, Kaiser Gypsum states: See response to Interrogatory No. 38 above as if fully incorporated herein.

INTERROGATORY NO. 43:

Has your company ceased mining, processing, refining, manufacturing, selling, supplying, distributing, installing or otherwise using the asbestos products identified in your answer to Interrogatory No. 6. If so, please state:

- a. when the action was ceased;
- b. the reason underlying the decision to cease the action;
- c. the identity of the person(s) responsible for approving the cessation; and
- d. the identity of any studies conducted prior to the decision to cease the action.

ANSWER:

See Preliminary Statement and General Objections above as if fully incorporated herein.

INTERROGATORY NO. 44:

Does your company have any statistical data showing the number of your employees who have been exposed to asbestos dust and fibers for more than ten years who have asbestos-related cancer, lung disease, or impairment? If so, identify and provide the data.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "asbestos dust and fibers" as overbroad, vague and ambiguous. This interrogatory is not limited as to time or location of plaintiff's alleged exposure to products manufactured by Kaiser Gypsum. Without waiving these objections, Kaiser Gypsum states based upon information and belief: No.

INTERROGATORY NO. 45:

Have you or any of your company's employees been reassigned to other duties because of pulmonary or coronary health problems? If so, please state:

- a. the age of the employee at the time of reassignment;
- b. the date of reassignment;
- c. the employee's position prior to, and immediately following, reassignment.
- d. the reason that the employee was reassigned; and
- e. the health problems associated with the employee's reassignment.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is not limited as to time or location of plaintiff's alleged exposure to products manufactured by Kaiser Gypsum. Without waiving these objections, Kaiser Gypsum states based upon information and belief: No employee was reassigned to other duties due to health concerns allegedly related to exposure to asbestos.

Discovery and investigation is continuing and ongoing

INTERROGATORY NO. 46:

When did you first learn of a diagnosed case of asbestosis, lung cancer, mesothelioma, or other cancer associated with asbestos exposure:

- a. among your own employees or former employees;
- b. involving users of asbestos insulation products;
- c. involving users of your asbestos products;
- d. involving members of families of workers using asbestos-containing products manufactured, sold, distributed or installed by you; and
- e. involving family members of current and former employees.

ANSWER:

See response to Interrogatory No. 27 above as if fully incorporated herein.

INTERROGATORY NO. 47:

Have any worker's compensation claims been filed against you or your company based on asbestos-induced diseases or lung diseases? If so, for each such claim, please state:

- a. the date the claim was filed;
- b. when and where the claim was filed;
- c. the reference numbers of the claims filed; and
- d. the outcome of the claims.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "asbestos-induced disease or lung disease" as overbroad, vague and ambiguous. This interrogatory is not limited as to time or location of plaintiff's alleged exposure to products manufactured by Kaiser Gypsum. Without waiving these objections, Kaiser Gypsum states: No worker's compensation claims alleging injury due to exposure to asbestos were filed against Kaiser Gypsum prior to the time Kaiser Gypsum ceased the manufacture and sale of building products.

INTERROGATORY NO. 48:

Are you or the employees of your company currently subjected to periodic medical exams? If so, please state:

- a. the inception date of periodic medical examinations;
- b. whether the examinations are conducted by an in-house or an independent physician;
- c. whether the examinations were conducted pursuant to an order of the company; and
- d. whether any employees were reassigned, terminated, or pensioned as a result of any such medical examination.

ANSWER:

See Preliminary Statement and General Objections set forth above as if fully incorporated herein.

INTERROGATORY NO. 49:

Have any grievances been filed against you or your company regarding dusty conditions?

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to this interrogatory on the grounds it is vague, ambiguous and overbroad as to the term "grievances." This interrogatory is not limited as to time or location of plaintiff's alleged exposure to products manufactured by Kaiser Gypsum. Without waiving these objections, Kaiser Gypsum states: No.

Discovery and investigation is continuing and ongoing.

INTERROGATORY NO. 50:

Have you or your company ever been cited for dust levels in excess of the threshold limit value (TLV) or other predetermined number? If so, for each such citation, please indicate:

- a. the identity of the citing agency;
- b. the dust level or TLV involved in the citation;
- c. the date of the citation; and
- d. the punitive action taken by the citing agency.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is not limited as to time or location of plaintiff's alleged exposure to products manufactured by Kaiser Gypsum. Without waiving these objections, Kaiser Gypsum states: Kaiser Gypsum states it has no knowledge of any citations but discovery and its investigation is continuing and ongoing.

INTERROGATORY NO. 51:

Have you or your company regularly employed an industrial hygienist? If so, please state: .

- a. the reason for employing the hygienist; -
- b. the professional association of the hygienist;

INTERROGATORY NO. 49:

Have any grievances been filed against you or your company regarding dusty conditions?

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to this interrogatory on the grounds it is vague, ambiguous and overbroad as to the term "grievances." This interrogatory is not limited as to time or location of plaintiff's alleged exposure to products manufactured by Kaiser Gypsum. Without waiving these objections, Kaiser Gypsum states: No.

Discovery and investigation is continuing and ongoing.

INTERROGATORY NO. 50:

Have you or your company ever been cited for dust levels in excess of the threshold limit value (TLV) or other predetermined number? If so, for each such citation, please indicate:

- a. the identity of the citing agency;
- b. the dust level or TLV involved in the citation;
- c. the date of the citation; and
- d. the punitive action taken by the citing agency.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is not limited as to time or location of plaintiff's alleged exposure to products manufactured by Kaiser Gypsum. Without waiving these objections, Kaiser Gypsum states: Kaiser Gypsum states it has no knowledge of any citations but discovery and its investigation is continuing and ongoing.

INTERROGATORY NO. 51:

Have you or your company regularly employed an industrial hygienist? If so, please state:

- a. the reason for employing the hygienist; -
- b. the professional association of the hygienist;

- c. the duties of the hygienist;
- d. the date on which the hygienist was hired; and
- e. the identity of the hiring authority.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is not limited as to time or location of plaintiff's alleged exposure to products manufactured by Kaiser Gypsum. Kaiser Gypsum objects to this interrogatory on the grounds it is vague, ambiguous and overbroad as to the term "employed." Subject to and without waiving these objections, Kaiser Gypsum responds as follows: During the early 1970's, Mr. A.J. Trommershausen, an industrial hygienist, who was not an employee of Kaiser Gypsum, was retained by Kaiser Gypsum as a consultant to conduct plant inspection and air sampling tests to evaluate and ensure compliance with new U.S. Occupational Safety and Health Administration requirements.

INTERROGATORY NO. 52:

Has your company regularly employed a physician or biological scientist? If so, please state:

- a. the name and address of each such professional;
- b. the dates of employment;
- c. the duties and responsibilities of each such professional;
- d. the specialization of each such professional; and
- e. the identity of the hiring authority.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is not limited as to time or location of plaintiff's alleged exposure to products manufactured by Kaiser Gypsum. Kaiser Gypsum objects to this interrogatory on the grounds it is vague, ambiguous and overbroad as to the term "employed." Without waiving these objections, Kaiser Gypsum states: No.

INTERROGATORY NO. 53:

Please provide the name and address of any professional, trade, industrial, safety, hygiene, or health associations and research foundations or organizations that you or your company have been a member of since its date of incorporation. For each such membership, please state:

- a. the date when your company first joined the association;
- b. the membership termination date;
- c. the names and addresses of all employees who attended the meetings for such associations; and
- d. the date and location of the meetings attended.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. Without waiving these objections, Kaiser Gypsum states: It was a member of the Gypsum Association. Discovery and investigation is continuing and ongoing.

INTERROGATORY NO. 54:

Indicate whether you or your company are a member of any organizations involved in setting standards, regulations, information, lobbying, research, engineering, or use of asbestos products, materials and fibers.

ANSWER:

See Preliminary Statement and General Objections above as if fully set forth herein.

INTERROGATORY NO. 55:

Prior to 1972, had you or your company taken any action to notify the users of products manufactured, sold, distributed, installed or used by you of the dangers of inhaling asbestos dust and fibers? If so, please provide the dates of action and explain in detail the course of action pursued.

ANSWER:

See response to Interrogatory No. 31 above as if fully incorporated herein.

INTERROGATORY NO. 56:

Have you or your company contributed any funds to research concerning asbestos and its relation to lung, heart, gastrointestinal and/or larynx disease? If so, please state for each year the amount of money contributed, when and to whom, attaching any report or reports from each individual or organization to whom your funds were distributed.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is not limited as to time or location of plaintiff's alleged exposure to products manufactured by Kaiser Gypsum. Without waiving these objections, Kaiser Gypsum states: No.

INTERROGATORY NO. 57:

Has the defendant conducted, had conducted for it, or funded any investigation, study, test, review or analysis (hereinafter referred to collectively as studies) concerning asbestos-related diseases, asbestosis, pulmonary diseases or cancer. If so, identify each such study by:

- a. the date each study was conducted;
- b. the person authorizing the study;
- c. the person in charge of the study;
- d. the people participating in the study;
- e. the title and subject of the study;
- f. the results of each study;
- g. if statistical analyses were made, state the results, describe the data and assumptions upon which these results were based; and
- h. if in writing, either attach a copy of the study or identify it by date, title, identification number, present location, and custodian.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "asbestos-related disease" as overbroad, vague and ambiguous. This interrogatory is not limited as to time or location of plaintiff's alleged

exposure to products manufactured by Kaiser Gypsum. Without waiving these objections, Kaiser Gypsum states: No.

INTERROGATORY NO. 58:

Have you or your company conducted, participated, financed, or had conducted for you any tests, studies, investigations, or analyses (hereinafter referred to collectively as studies) to determine the effects of your product on workers working with any of your asbestos products? If so, identify each such study by:

- a. the subject matter, title and date of each study;
- b. the date and name of the person authorizing the study;
- c. the reason for the study;
- d. the names of the persons who conducted the study;
- e. the date the study was completed;
- f. whether the results were published and disseminated, and if so, where and to whom;
- g. the results of each study;
- h. if statistical analyses were made, state the results and describe the data and assumptions upon which the results were based; and
- i. if in writing, identify it by date, title, identification, number, present location and custodian, and attach a copy.

ANSWER:

See response to Interrogatory No. 24 above as if fully set forth herein.

INTERROGATORY NO. 59:

Have you or your company conducted, participated, financed or had conducted for you any tests, studies, investigations or analyses (hereinafter referred to collectively as studies) to determine the effects of inhalation of asbestos dust or fibers or any other safety problem, by anyone using or being exposed to your asbestos products? If so, state for each study:

- a. the subject matter, title and date of each study;
- b. the date and name of the person authorizing the study;

- c. the reason for the study;
- d. the name of the person who conducted the study;
- e. the date the study was completed;
- f. whether the results were published and disseminated, and if so, where and to whom;
- g. the results of each study;
- h. if statistical analyses were made, state the results and describe the data and assumptions upon which they were based; and
- i. if in writing, identify the study by date, title, identification number, present location and custodian, and attach a copy.

ANSWER:

See response to Interrogatory No. 24 above as if fully set forth herein.

INTERROGATORY NO. 60:

Have you or your company conducted, participated, financed or had conducted for you any tests, studies, investigations or analyses (hereinafter referred to collectively as studies) which had the purpose of preventing, minimizing, or eliminating inhalation of asbestos dust and fibers by those using or exposed to your asbestos products? If so, state for each study:

- a. the subject matter, title, and date of each study;
- b. the date and name of the person authorizing the study;
- c. the reason for the study;
- d. the names of the persons who conducted the study;
- e. the date the study was completed;
- f. whether the results were published or disseminated, and if so, where and to whom;
- g. the results of each study;
- h. if statistical analyses were made, state the results, describe the data and assumptions upon which the results were based; and

- i. if in writing, identify it by date, title, identification number, present location and custodian, and attach a copy.

ANSWER:

See response to Interrogatory No. 24 above as if fully set forth herein.

INTERROGATORY NO. 61:

State whether you considered or took any action as a result of any of the studies listed in your response Interrogatories 57 to 60. If so:

- a. describe the factors you considered;
- b. describe the action taken;
- c. identify who authorized or directed the action;
- d. state when the action was taken;
- e. state why the action was taken;
- f. identify all documents discussing the study, the action considered and the action taken by date, title, subject, author and present custodian and location and produce the documents;
- g. if you have not taken any action, state in detail the reasons for your inaction; and
- h. if you did not give any consideration to taking such actions, state in detail the reasons why.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections Kaiser Gypsum states: Kaiser Gypsum was in the process of developing products that did not contain chrysotile asbestos as a component ingredient prior to the tests conducted by the Gypsum Association.

INTERROGATORY NO. 62:

Whether or not you have contributed, participated in or caused to be conducted the studies mentioned in Interrogatories 57 to 60, state whether you ever considered doing so. If so, for each consideration, please state the following:

- a. the form of the consideration;

- b. the date of the consideration;
- c. if the consideration occurred at a meeting, the names and present business and home addresses of those attending; and
- d. the location and identifying codes of any records of such considerations.

ANSWER:

See response to Interrogatory Nos. 57 - 60 above as if fully set forth herein.

INTERROGATORY NO. 63:

Did you or your company in any way assist or participate in the Metropolitan Life Insurance Company studies of asbestos conducted from 1929-1940 or the Trudeau Foundation Saranac Lake studies from 1929-1960. If so:

- a. state what role or action you took; and
- b. identify all documents relevant to such activities by name, date, title, file number and present location.

ANSWER:

No.

INTERROGATORY NO. 64:

Do you maintain a library or file of pathological findings, slides, x-rays and related material concerning asbestos induced injuries, disability or impairment of your employees or other persons. If so, state:

- a. the date such file was first organized;
- b. all past and present custodians of the file;
- c. the current location of the file;
- d. identify the material included within the file; and
- e. state whether any statistical analyses of the material in the files were conducted.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "asbestos induced injuries" as overbroad, vague and ambiguous. This interrogatory is not limited as to time or location of plaintiff's alleged exposure to products manufactured by Kaiser Gypsum. Without waiving these objections, Kaiser Gypsum states: No.

INTERROGATORY NO. 65:

Have you or your company undertaken or financed any studies to determine what type of respirator and/or protective mask would either eliminate or afford maximum protection against the inhalation of asbestos fibers? If so, state:

- a. who conducted the study;
- b. when the study was conducted;
- c. the result of the study; and
- d. if the result was written, identify the document by title, date, file designation and author of each such study, and the location and present custodian thereof.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "asbestos induced injuries" as overbroad, vague and ambiguous. This interrogatory is not limited as to time or location of plaintiff's alleged exposure to products manufactured by Kaiser Gypsum. Without waiving these objections, Kaiser Gypsum states: No.

INTERROGATORY NO. 66:

Have you undertaken or financed any tests or studies to determine what type of ventilator or ventilating system would eliminate or decrease the number of airborne asbestos fibers in confined spaces. If so, please state:

- a. who conducted the test or study;
- b. when the test or study was conducted;
- c. the result of the study or test; and
- d. if the result was written, identify the document by title, date, file designation and author of each such study, and the location and present custodian thereof.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "asbestos induced injuries" as overbroad, vague and ambiguous. This interrogatory is not limited as to time or location of plaintiff's alleged exposure to products manufactured by Kaiser Gypsum. Without waiving these objections, Kaiser Gypsum states: No.

INTERROGATORY NO. 67:

If any of your employees or offices have testified before any Congressional Committee or administrative agency or for any civil suit, concerning asbestos exposure, pulmonary or asbestos-related diseases or industrial hygiene relating to asbestos use, state:

- a. the name, address and title of each person who testified;
- b. the date, location and forum of such testimony;
- c. whether the defendant has a copy of such testimony; and
- d. whether the defendant will voluntarily produce a copy of such testimony.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. Kaiser Gypsum objects to the phrases "asbestos exposure" and "asbestos-related diseases" as vague, ambiguous and overbroad. Kaiser Gypsum objects to this interrogatory as not being limited as to time or location. Without waiving these objections, Kaiser Gypsum states: A list of the depositions of former Kaiser Gypsum employees is set forth below. Kaiser Gypsum is in the process of updating this list, if necessary, and preparing a list of matters in which trial testimony was given by former employees. Discovery and investigation is continuing and ongoing.

Name	Job Description	Deposition Date	Court	Cause No.
Alessandri, Alfred P.	KG Regional Sales Manager	7/26/95	USDC – S.C.	2:87-1860-8
Blundon, Jill	VP and Gen Counsel and Secr of Three Rivers Mgmt and Director, Secr and President of Kaiser Gypsum	01/23/01	Boyle v. Kaiser	

Crosby, Brentwood F.	Regional Manager for Sales	01/19/99	Crum v. E.J. Bartells	
Crosby, Brentwood F.	KGC Sales Manager	06/01/99	Superior Ct. – WA; King County	98-2-24915- 3SEA
Crowle, Richard C.	KG Sales	07/26/95	USDC – S.C.	2:87-1860-8
Crum, John E.	KG Sales	11/06/98	Superior Ct. – WA; King County	98-2-24915- 3SEA
Donovan, Tom C.	KGC Sales Manager	07/25/95	USDC – S.C.	2:87-1860-8
Dupuis, Harlan Claire	KG Market Search / KC Engineering	04/16/85	Superior Ct. CA – County of S.F.	768674
Hobby, Joseph	Vice President (Custodian of Records)	04/25/97	Dato v. Kaiser	
Hobby, Joseph	Vice President of Human Resources and Vice President of KC, KG & KM	12/17/97	Hawaii Asbestos Litigation	
Hobby, Joseph		06/04/98	Superior Ct CA – County of S.F.	828684
Hobby, Joseph		11/04/98	Superior Ct WA – King County	98-2-09390-1
Hobby, Joseph	Vice President for Human Resources Aggregate West Vice President of Kaiser Gypsum (custodian of	07/28/99	Dist Ct of TX – Brazoria County	94-C-2110-2

	records)			
Hobby, Joseph	Vice President for Human Resources of Hanson Aggregates West Vice President of Kaiser Gypsum (custodian of records)	05/12/00 Vol. I	11th Cir IL	99-L-138
Hobby, Joseph	Vice President for Human Resources of Hanson Aggregates West Vice President of Kaiser Gypsum (custodian of records)	05/30/00	Superior Ct CA – Alameda County	753409-6
Hobby, Joseph		04/06/01 Vol. II	11th Cir. IL	99-L-138
Karanzas, Sally	Legal Assistant to Three Rivers Mgmt Assistant Secretary of KG	01/23/01	11th Circuit – IL	99-L-138
Kirk, George	KG Director of Process Engineering	11/15/00	Superior Ct CA- Alameda County	815590-4
Madsen, Richard	Director of KG Advertising and Public Relations	12/14/00	Crum v. Owens Corning	
Youngman, Melissa	Secretary and Assistant Treasurer KC and KG	03/04/93 – VI 03/05/93 – VII	Superior Ct. CA – County of SF	943928 920148 914076 914594 944872
Watson, James	KGC Reg Sales Mngr	09/29/95	Central Wesleyan v. Grace	

INTERROGATORY NO. 68:

Do you acknowledge that there exists a causal relationship between exposure to asbestos and the lung disease asbestosis?

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is not limited as to fiber type, nature and duration of exposure or other factors that may be related to the development of asbestos. Without waiving these objections, Kaiser Gypsum states: See response to Interrogatory No. 75 below as if fully incorporated herein.

INTERROGATORY NO. 69:

Do you acknowledge that there exists a causal relationship between exposure to asbestos and the occurrence of lung cancer?

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is not limited as to fiber type, nature and duration of exposure or other factors that may be related to the development of lung cancer. Without waiving these objections, Kaiser Gypsum states: See response to Interrogatory No. 75 below as if fully incorporated herein.

INTERROGATORY NO. 70:

Do you recognize that there exists a causal relationship between exposure to asbestos and mesothelioma?

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. This interrogatory is not limited as to fiber type, nature and duration of exposure or other factors that may be related to the development of mesothelioma. Without waiving these objections, Kaiser Gypsum states: See response to Interrogatory No. 75 below as if fully incorporated herein.

INTERROGATORY NO. 71:

If your answer to preceding Interrogatory Nos. 68, 69 and/or 70 is in the affirmative, please indicate what notices or other information were given to those persons exposed to your asbestos products, including the date and method of dissemination of the notices or information.

ANSWER:

See response to Interrogatory No. 31 above as if fully incorporated herein.

INTERROGATORY NO. 72:

Do you agree that a portion of inhaled asbestos fibers persist in the lungs unimpaired after being inhaled into the human body and do not eventually dissipate?

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum further objects to this interrogatory as it calls for a medical opinion which is beyond the scope of discovery and which we are not qualified to render.

INTERROGATORY NO. 73:

Do you agree that once asbestos fibers or dust are inhaled into the lungs of a person, there is no way to eliminate a portion of such dust or fibers from the lungs for the remainder of that person's life?

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "asbestos fibers" as vague, ambiguous and overbroad. Without waiving these responses, Kaiser Gypsum states: See response to Interrogatory No. 72 above as if fully incorporated herein.

INTERROGATORY NO. 74:

Do you agree that the symptoms of asbestosis and other asbestos-induced lung diseases or cancers may not manifest themselves until many years after the asbestos was inhaled into the body?

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum further objects to this interrogatory as it calls for a medical opinion which is beyond the scope of discovery and which we are not qualified to render.

ANSWER:

See response to Interrogatory No. 31 above as if fully incorporated herein.

INTERROGATORY NO. 72:

Do you agree that a portion of inhaled asbestos fibers persist in the lungs unimpaired after being inhaled into the human body and do not eventually dissipate?

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum further objects to this interrogatory as it calls for a medical opinion which is beyond the scope of discovery and which we are not qualified to render.

INTERROGATORY NO. 73:

Do you agree that once asbestos fibers or dust are inhaled into the lungs of a person, there is no way to eliminate a portion of such dust or fibers from the lungs for the remainder of that person's life?

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum objects to the phrase "asbestos fibers" as vague, ambiguous and overbroad. Without waiving these responses, Kaiser Gypsum states: See response to Interrogatory No. 72 above as if fully incorporated herein.

INTERROGATORY NO. 74:

Do you agree that the symptoms of asbestosis and other asbestos-induced lung diseases or cancers may not manifest themselves until many years after the asbestos was inhaled into the body?

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum further objects to this interrogatory as it calls for a medical opinion which is beyond the scope of discovery and which we are not qualified to render.

INTERROGATORY NO. 75:

Do you recognize that prolonged use of the asbestos material listed in your answer to Interrogatory No. 6 can cause or contribute to various occupational diseases, including asbestosis, mesothelioma, cancer and other diseases?

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum further objects to this interrogatory as it calls for a medical opinion which is beyond the scope of discovery and which we are not qualified to render.

INTERROGATORY NO. 76:

Do you recognize that the use of asbestos products listed in your answer to Interrogatory No. 6 are dangerous and harmful to human health? If your answer to this question is in the affirmative, explain when you came to this conclusion and what, if anything, you have done about it to notify the public and/or users of your products. If the answer is that your products were not harmful, then explain the basis for such conclusions.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Kaiser Gypsum states: See response to Interrogatory No. 75 above as if fully incorporated herein.

INTERROGATORY NO. 77:

Do you agree that the possibility of exposure to asbestos dust and fibers extends not only to workers actually handling the asbestos products but also to other workers in the area where the asbestos products are being used?

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum further objects to this interrogatory as it calls for a medical opinion which is beyond the scope of discovery and which we are not qualified to render.

INTERROGATORY NO. 78:

Do you recognize that it was foreseeable that people working in the same area where your asbestos products were being used, installed or repaired would inhale and/or ingest asbestos fibers released from your asbestos products?

ANSWER:

See response to Interrogatory No. 77 above as if fully incorporated herein.

INTERROGATORY NO. 79:

Do you recognize that in situations where asbestos dust was present at a jobsite, that it was foreseeable that asbestos fibers would be transported home on the clothing and person of individuals present at that jobsite?

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of admissible evidence. Kaiser Gypsum further objects to this interrogatory as it calls for a medical opinion which is beyond the scope of discovery and which we are not qualified to render.

INTERROGATORY NO. 80:

State separately for each year from the date you or your company first began manufacturing, selling, supplying, distributing, or installing asbestos-containing products to the present:

- a. total sales;
- b. asbestos product sales; and
- c. raw asbestos fiber sales.

ANSWER:

X Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. Without waiving these objections, Kaiser Gypsum states that discovery and investigation is continuing and ongoing concerning total sales. In response to subsection c. of this interrogatory, Kaiser Gypsum states: Not applicable.

INTERROGATORY NO. 81:

For every policy of liability insurance insuring you against losses as a result of claims for bodily injury or death, as a result of the use of your products, from the date of your company's inception to the present, list:

- a. the name of each insurer;
- b. each policy number,

- c. the term of each policy;
- d. the amount of the coverage;
- e. whether each policy provides for primary or excess coverage and if excess, the limits;
- f. the deductible, if any, for each policy;
- g. the basis of coverage for each, i.e., claims made, occurrence; and
- h. the identity Of the person having possession of each policy.

ANSWER:

Kaiser Gypsum is insured under a number of general corporate liability insurance policies that were issued by primary insurance carriers, including Truck Insurance Exchange, Fireman's Fund, The Home Insurance Company and National Union Insurance Company, which Kaiser Gypsum maintains provide coverage for personal injury claims. Certain policy terms and conditions are subject to disputes between Kaiser Gypsum and its carriers. Kaiser Gypsum also believes that it is insured under a number of excess liability insurance policies that were issued by a number of different insurance carriers, including some that may no longer be capable of responding to their obligations. The terms and conditions of these excess policies may be subject to dispute.

Kaiser Gypsum will supplement this response in the event the circumstances in a particular case may make more detailed information on insurance policies of relevance, taking into account the carrier and dispute resolution status pertaining at that time.

INTERROGATORY NO. 82:

Does your company have a record or document retention policy, plan, or program? If so, please describe such plan in detail. If the plan is different for separate categories of records, please describe the plan for each category. Please include in the description the following:

- a. the name and title of the custodian of the records;
- b. the length of time for which records are retained; and
- c. the titles and names of the personnel responsible for the removal and destruction of any records, pursuant to any such plans from the date of your company's inception to the present.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. Without waiving these objections, Kaiser Gypsum states: That it has retained

thousands and thousands of documents during the times it actively conducted business. The current records custodian is Carroll LaGrafte.

INTERROGATORY NO. 83:

Pursuant to your retention policy, have you destroyed any documents, records, or writings pertaining to:

- a. health hazards of asbestos;
- b. worker's compensation claims arising out of asbestosis, lung cancer, mesothelioma, or other asbestos-related conditions, pneumoconiosis, or pulmonary fibrosis;
- c. the placing of warning labels on asbestos-containing products manufactured, sold, distributed or installed by you;
- d. hazardous conditions in your plants or factories;
- e. the funding of studies about the health hazards of asbestos;
- f. lawsuits arising out of injuries alleged to have been caused by asbestos; or
- g. invoices reflecting shipments of asbestos-containing products.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. Without waiving these objections, Kaiser Gypsum states: It is currently unknown as to what, if any, documents were destroyed.

INTERROGATORY NO. 84:

If your answer to the preceding Interrogatory is in the affirmative, list every such destroyed document by author, date and subject matter.

ANSWER:

Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. Without waiving these objections, Kaiser Gypsum states: Not applicable.

INTERROGATORY NO. 85:

Please describe in detail all business dealings prior to 1972 between you and/or your company and (a) any Exposure Sites listed in Plaintiffs First Amended Disclosure Form, (b) any

defendant named in this litigation, (c) any employers, contractors or exposure sites identified by Plaintiff Paul N. Belisle in his deposition or (d) any other company, entity or person which you had dealings with in Massachusetts prior to 1996. Include specific details about each business dealing, including but not limited to dates, work performed, products sold, supplied or otherwise provided, total value of products or services provided, and names of all individuals involved.

ANSWER:

See response to Interrogatory No. 15 above as if fully incorporated herein.

KAISER GYPSUM

BY:

ITS:

As to Objections:

Richard B. Kirby, BBO# 273600
Lecomte, Emanuelson & Doyle
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