



PLAINTIFF'S EXHIBIT

WH-1113

DISTRICT COURT
FOR THE PARISH OF ORLEANS
STATE OF LOUISIANA

JAMES HENRY ROMINE. SR.

Plaintiff.

vs.

OWENS CORNING (CORP.) (a/k/a OWENS-
CORNING FIBERGLAS CORPORATION); ET
AL

Defendants.

§
§
§
§ DOCKET NO. 98-9066
§
§ DIVISION "B"
§
§
§
§
§

Now Into Court, through undersigned counsel comes CBS Corporation (formerly known as Westinghouse Electric Corporation), and provides the following responses to Interrogatories and Requests for Production of Documents propounded by plaintiff:

PRELIMINARY STATEMENT AND GENERAL OBJECTIONS

For the reasons set forth below, Westinghouse objects to this discovery, on the grounds that it is unduly burdensome and expensive, and that much of the information sought is not relevant to the pending action or calculated to lead to the discovery of admissible evidence.

The basic premise of every lawsuit is for the plaintiff to state a claim and to pursue discovery on the issues relevant to that claim. Plaintiff has so far failed to identify a single Westinghouse product that he believes released respirable asbestos fiber and caused his alleged injury. There is no authority for the plaintiff to seek discovery of Westinghouse products when he has no basis to believe the products are responsible for his alleged injuries. Plaintiff may not conduct unbridled discovery of every product manufactured or distributed by Westinghouse that may have contained some asbestos component without showing a link between a specific product and the alleged injury. The plaintiff should not be permitted to conduct a massive fishing expedition through use of form discovery requests, without any focus on the specific products at issue in this case.

Westinghouse has never mined asbestos fiber or manufactured the block, mud and cement thermal insulation products which have been the focus of asbestos personal injury litigation. Westinghouse is not a member of the asbestos industry as that term is commonly used in asbestos litigation.

Westinghouse was a broadly diversified corporation that employed upwards of 100,000 people and manufactured thousands of basic products and variations of those products. For over 100 years, Westinghouse was engaged principally in the manufacture, sale and service of equipment and components for the generation, transmission, utilization and control of electricity. However, especially in recent years, its businesses have changed to include a wide range of products and services that are unrelated to electrical manufacturing.

Westinghouse does not maintain its records according to product content, whether asbestos or otherwise. Documents generated by various Westinghouse divisions and subsequently stored by Westinghouse are not maintained by customer name or purchaser name. These documents are generally stored according to their source and according to certain broad categories. Normally, from public and internal documents, Westinghouse is able to verify the sale of a marine or land-based turbine. As to other products, Westinghouse cannot reasonably respond to discovery which seeks confirmation of all specific sales to specific customers or geographic regions. Westinghouse identified the various locations, including its industrial hygiene department, which it believed had documents potentially responsive for asbestos personal injury cases. Documents were collected from those locations and placed in a repository located in Pittsburgh, Pennsylvania. The repository is segregated according to the original locations from which it was collected. It is not organized according to type of product, date or place of sale, customer name or geographic region. Historical sales records are usually unavailable because they were only retained for a limited period of time, generally for a period of less than ten years. Without waiving its objections to this discovery, Westinghouse will make the documents in the repository available to plaintiff at a mutually convenient time, as the burden of deriving answers to this discovery, from the repository documents, is substantially the same for plaintiff as it is for Westinghouse. Upon identification of the Westinghouse products alleged to have caused the plaintiff's injuries, Westinghouse will review other potential sources, if any, for responsive information.

Westinghouse also objects to this discovery to the extent that it seeks to elicit information that is protected by the attorney-client privilege, the attorney work product doctrine or as trial preparation material, and to the extent that it seeks to elicit an expert witness opinion beyond the scope of permissible discovery prior to disclosure of experts.

Without waiving any objections, and subject thereto, Westinghouse responds to this discovery as follows:

INTERROGATORIES

INTERROGATORY NO. 1:

State the name, address, job title, length of time employed by Defendant, and a year-by-year list of all other positions, titles, or jobs held when working for Defendant of each person who has supplied any information used in answering these interrogatories.

RESPONSE:

See Preliminary Statement and General Objections. These answers are derived from numerous sources, persons and documents over an extended period. The person signing these responses does so to satisfy such requirement as may exist under the applicable rules of civil procedure requiring an officer or employee of the corporation answering the interrogatories to affix his/her signature. Such signing person does not necessarily have direct knowledge regarding the matters included in these responses. No single officer, employee or agent of Westinghouse has direct knowledge of each and every answer requested. Subject to and without waiving these objections, please refer to the affidavit appended to these responses. The affiant, Michael T. Sweeney, Assistant Secretary, has his business office at Six Gateway Center, Pittsburgh, Pennsylvania 15222.

INTERROGATORY NO. 2:

Please state the name, present address and present telephone number, along with the experience and qualifications, if applicable, of each and every person, known to Defendant or to Defendant's agents, having knowledge of facts relevant to this case, as well as a summary of the knowledge possessed by each individual. Further, if such person is or has been an employee of Defendant, please state the years of employment and the person's employment positions.

RESPONSE:

See Preliminary Statement and General Objections. Westinghouse further objects on the basis that the information requested is protected by the attorney work product doctrine and as trial preparation material. Subject to and without waiving these objections, Westinghouse states that it is unable to respond to this interrogatory due to a lack of information provided by Plaintiff's counsel, as well as that currently held by Westinghouse, regarding Plaintiff's alleged employment by Westinghouse. Plaintiff's First Supplemental and Amending Petition for Damages asserts that Westinghouse is a "Defendant Employer" as identified on Exhibit "C" to the Petition. Exhibit "C" lists one of Plaintiff's employers as being "Westinghouse Electric Corporation" without further elaboration or description. There are no allegations in the Petition which identify the specific business, division or subsidiary of Westinghouse in or for which the Plaintiff allegedly worked. Additionally, there are no allegations in the Petition which specify when the Plaintiff allegedly worked for Westinghouse, nor at what location or locations the Plaintiff allegedly worked while being employed by Westinghouse.

During the time period set forth in the Petition, Westinghouse was a broadly diversified corporation which at times employed over 100,000 people. While it was principally engaged in the manufacture, sale and service of equipment and components for the generation, transmission, utilization and control of electricity, it also was involved over the years in numerous businesses unrelated to the electrical industry. Its various businesses and operations were conducted at hundreds of locations throughout the United States and overseas. After a diligent effort, Westinghouse has been able to determine only that Plaintiff may have been a Westinghouse employee for a limited period of time, but it has not been able to locate any information specifying what business, subsidiary or division of Westinghouse Plaintiff may have worked for nor the location or locations at which Plaintiff may have worked. Without such information, Westinghouse is not able to respond more substantively to this interrogatory.

INTERROGATORY NO. 3:

List each employee who has acted in a medical advisory capacity to Defendant at any time, including, but not limited to, physicians and industrial hygienists, and the current address, telephone number and job title of each of those individuals and who has, had or may have had any knowledge regarding the hazards of asbestos.

RESPONSE:

See Preliminary Statement and General Objections. Subject to and without waiving these objections, Westinghouse states that it had a Medical Department concerned with the health of Westinghouse employees. Westinghouse first employed a medical director in 1907. It retained plant physicians and nurses in numerous locations over many years. There is no central index identifying all such personnel. The duty of the medical officer was to provide medical advice to the corporation as needed on various topics of interest. The following persons were the principal medical personnel:

Dr. C.H. Westgate, Medical Director
1907-1908 (deceased)

Dr. C.A. Lauffer, Medical Director
1908-1921 (deceased)

Dr. T. Lyle Hazlett, Corporate Medical Director
1921-1950 (deceased)

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

Dr. E. Carroll Curtis
1982 - 1991

In addition, Westinghouse had an Industrial Hygiene Department since the early 1930s. A number of

industrial hygienists have been employed within the Department since its inception. Records have not been found or are no longer available which would indicate the names and addresses of all such employees. The Industrial Hygiene Department's primary role related to identifying and reducing conditions in the workplace that were hazardous or dangerous to Westinghouse employees or that in some form threaten worker safety.

The following persons are known to have been management level employees in the corporate Industrial Hygiene Department:

Edward C. Barnes (deceased)
Corporate Industrial Hygiene, 1933-1949

H. Wilbur Speicher (deceased)
Administrator, Industrial Hygiene, 1947-1974

Keith A. Bodden (retired)
Manager, Industrial Hygiene, 1974-1976

C. Wayne Bickerstaff (retired)
Manager, Industrial Hygiene, 1976-March 1998

Mark A. Perriello
Director of Corporate Safety & Industrial Hygiene, April 1998-present

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

George Stewart (deceased) 1945- unknown
Wesley E. Piros 1947-1990
Zella Rees Heasley (retired) 1945-1981
John F. Adams 1971-1996
Kathleen Goellner 1984-1989
Ron Sampson (retired) 1952-1989
G. Arsensman
Mark A. Perriello 1974-1998
Diane Whittier 1977-1984
Richard J. Wengrzyn 1969-present

INTERROGATORY NO. 4:

Please state whether a medical monitoring program, medical examination program or other medical surveillance was provided to persons employed by Defendant or on Defendant's premises, including but not limited to employees of contractors engaged in the provision of services on Defendant's premises? If so, please indicate what records of such program, examination or surveillance exist at this time, including but not limited to reports, x-rays, medical notes and/or descriptions of any kind.

RESPONSE:

See Preliminary Statement and General Objections. Westinghouse further objects to this interrogatory to the extent it seeks a response for Westinghouse businesses, divisions or subsidiaries other than the particular Westinghouse business, division or subsidiary in or for which the Plaintiff allegedly worked, or for Westinghouse premises other than the specific Westinghouse location or locations at which the Plaintiff allegedly worked while employed by Westinghouse, on the grounds that the interrogatory is overly broad, unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Westinghouse states that it is unable to respond to this interrogatory due to a lack of information provided by Plaintiff's counsel, as well as that currently held by Westinghouse, regarding Plaintiff's alleged employment by Westinghouse. Plaintiff's First Supplemental and Amending Petition for Damages asserts that Westinghouse is a "Defendant Employer" as identified on Exhibit "C" to the Petition. Exhibit "C" lists one of Plaintiff's employers as being "Westinghouse Electric Corporation" without further elaboration or description. There are no allegations in the Petition which identify the specific business, division or subsidiary of Westinghouse in or for which the Plaintiff allegedly worked. Additionally, there are no allegations in the Petition which specify when the Plaintiff allegedly worked for Westinghouse, nor at what location or locations the Plaintiff allegedly worked while being employed by Westinghouse.

During the time period set forth in the Petition, Westinghouse was a broadly diversified corporation which at times employed over 100,000 people. While it was principally engaged in the manufacture, sale and service of equipment and components for the generation, transmission, utilization and control of electricity, it also was involved over the years in numerous businesses unrelated to the electrical industry. Its various businesses and operations were conducted at hundreds of locations throughout the United States and overseas. After a diligent effort, Westinghouse has been able to determine only that Plaintiff may have been a Westinghouse employee for a limited period of time, but it has not been able to locate any information specifying what business, subsidiary or division of Westinghouse Plaintiff may have worked for nor the location or locations at which Plaintiff may have worked. Without such information, Westinghouse is not able to respond more substantively to this interrogatory.

INTERROGATORY NO. 5:

Please state the years during which Defendant or its subsidiaries or predecessors operated a medical department and identify all persons who directed, headed or supervised said department and the years of their service in that capacity.

RESPONSE:

See Preliminary Statement and General Objections. Westinghouse further objects to this interrogatory to the extent it seeks a response for Westinghouse businesses, divisions or subsidiaries other than the particular Westinghouse business, division or subsidiary in or for which the Plaintiff allegedly worked, or for Westinghouse premises other than the specific Westinghouse location or locations at which the Plaintiff allegedly worked while being employed by Westinghouse, on the grounds that the interrogatory is overly broad, unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Westinghouse states that it had a Medical Department concerned with the health of Westinghouse employees. Westinghouse first employed a medical director in 1907. It retained plant physicians and nurses in numerous locations over many years. There is no central index identifying all such personnel. The duty of the medical officer was to provide medical advice to the corporation as needed on various topics of interest. The following persons were the principal medical personnel:

Dr. C.H. Westgate, Medical Director
1907-1908 (deceased)

Dr. C.A. Lauffer, Medical Director
1908-1921 (deceased)

Dr. T. Lyle Hazlett, Corporate Medical Director
1921-1950 (deceased)

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

Dr. E. Carroll Curtis
1982 - 1991

To the extent that this interrogatory is directed to the specific Westinghouse business, division or subsidiary in or for which the Plaintiff allegedly worked, see response to Interrogatory No. 4.

INTERROGATORY NO. 6:

Please state the years during which Defendant or its predecessors or subsidiaries operated a safety department and identify all persons who directed, headed or supervised said department and the years of their service in that capacity.

RESPONSE:

See Preliminary Statement and General Objections. Westinghouse further objects to this interrogatory to the extent it seeks a response for Westinghouse businesses, divisions or subsidiaries other than the particular Westinghouse business, division or subsidiary in or for which the Plaintiff allegedly worked, or for Westinghouse premises other than the specific Westinghouse location or locations at which the Plaintiff allegedly worked while being employed by Westinghouse, on the grounds that the interrogatory is overly broad, unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Westinghouse states that it had a Safety Department since the 1930's. The title given to the Safety Department has changed over the years. For example, at one time the Safety Department was known as Accident Prevention. Westinghouse employed personnel at various facilities whose primary responsibility was job-site safety. Records have not been found or are no longer available which would indicate the names and addresses of all such employees. At the corporate level, the following persons are known to have been management level employees within the Safety Department:

C.B. Auel (deceased)
Safety Director, until 1937

Jim Van Namee (deceased)
Corporate Director of Safety

William H. Ziefel
Manager, Industrial Hygiene & Safety, 1961-1980

Paul Palmieri
Manager, Corporate Safety, 1979-1988

The following persons are known to have been employed within the Safety Department:

Bert Behringer (retired)
Safety Supervisor, 1965-1978

Harry J. Duffus

To the extent that this interrogatory is directed to the specific Westinghouse business, division or subsidiary in or for which the Plaintiff allegedly worked, see response to Interrogatory No. 4.

INTERROGATORY NO. 7:

Please state whether Defendant has at any time provided safety equipment for workers' protection

against the inhalation of asbestos dust or fibers, including but not limited to masks, respirators, other breathing devices, protective clothing, protective gloves, etc. For each such item of equipment, please indicate when such was first provided to your workers, under what circumstances such were provided, the name, address and telephone number of the person most knowledgeable concerning such provision and whether such equipment was provided to employees of contractors performing services on Defendant's premises.

RESPONSE:

See Preliminary Statement and General Objections, and response to Interrogatory No. 4.

INTERROGATORY NO. 8:

Please state whether written warnings were placed at any locations adjacent or near asbestos in place at Defendant's facilities at any time. If so, please describe with specificity such signs, including size, color, wording, etc. Additionally, please state the number of such signs that were installed at Defendant's facilities and indicate the specific location of each such sign and the dates and length of time such sign was placed at that location.

RESPONSE:

See Preliminary Statement and General Objections, and response to Interrogatory No. 4.

INTERROGATORY NO. 9:

Please state when (Defendant's employer) your company stopped utilizing asbestos-containing products in your facilities or otherwise. In your answer, please include a reasonable description of the reason why your company was prompted to remove asbestos-containing materials and/or cease to utilize them, who made that decision, and how it was carried out.

RESPONSE:

See Preliminary Statement and General Objections, and response to Interrogatory No. 4.

INTERROGATORY NO. 10:

Please state whether asbestos products have been installed, removed or abated at any time on Defendant's premises. If so, please list each and every asbestos insulation contractor, abatement company or other contractor involved with the installation and/or removal of asbestos, including address and telephone number, dates and particular locations of such installation and/or removal.

RESPONSE:

See Preliminary Statement and General Objections, and response to Interrogatory No. 4.

INTERROGATORY NO. 11:

Identify by name and location each plant or manufacturing facility owned or operated by you in which asbestos products were assembled, stored, used, prepared for use, installed or fabricated, or otherwise utilized, specifying the dates each plant is or was in operation. and the time span during which each named item was stored, used, prepared for use, installed or fabricated.

RESPONSE:

See Preliminary Statement and General Objections, and response to Interrogatory No. 4.

INTERROGATORY NO. 12:

State in detail what tests, if any, Defendant, Defendant's employees, governmental inspectors or insurance company ever made before 1985 with regard to the quantity, quality, or threshold limit values of asbestos dust or particles to which workers were exposed while using, working with or around, or installing asbestos-containing products while in your employment and/or at any of your plants or industrial facilities. Please state where and when these tests were conducted, and the results of any such test.

RESPONSE:

See Preliminary Statement and General Objections, and response to Interrogatory No. 4.

INTERROGATORY NO. 13:

Did Defendant have a company respirator policy requiring that workers on Defendant's premises use respirators when working in dusty conditions? If so, please state when said policy became effective and please describe said policy.

RESPONSE:

See Preliminary Statement and General Objections, and response to Interrogatory No. 4.

INTERROGATORY NO. 14:

Please describe each and every occasion when any regulatory agency or other governing body inspected the Defendant's facilities for the purpose of ascertaining whether health and safety regulations governing exposure to asbestos were being followed or adhered to, including the date of such inspection and/or meeting, the results, and whether a written report was produced.

RESPONSE:

See Preliminary Statement and General Objections, and response to Interrogatory No. 4.

INTERROGATORY NO. 15:

Please state the precise State and/or Federal regulations, laws, statutes, or other authority pertaining to industrial hygiene or worker safety and health, including internal procedures and manuals that governed, controlled and/or were applicable to asbestos exposure in your operations at the Defendant's facilities.

RESPONSE:

See Preliminary Statement and General Objections, and response to Interrogatory No. 4.

INTERROGATORY NO. 16:

Does Defendant have in its possession any books, pamphlets, memoranda, or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings? If so, identify such publications.

RESPONSE:

See Preliminary Statement and General Objections. Westinghouse further objects to this interrogatory to the extent it seeks a response for Westinghouse businesses, divisions or subsidiaries other than the particular Westinghouse business, division or subsidiary in or for which the Plaintiff allegedly worked, or for Westinghouse premises other than the specific Westinghouse location or locations at which the Plaintiff allegedly worked while being employed by Westinghouse, on the grounds that the interrogatory is overly broad, unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Westinghouse states that its Industrial Hygiene and Safety personnel endeavored to keep generally abreast of developments pertaining to a wide range of industrial health issues, including asbestos. Westinghouse states that it did not maintain a single, central library. It maintained general reference materials and technical libraries throughout the corporation, which may have included various industry periodicals, occupational health and medicine periodicals and other topical reference materials. There is no central indexing system that contains all of the information requested by this interrogatory for all departments within the corporation. To the extent that this interrogatory is directed to the specific Westinghouse business, division or subsidiary in or for which the Plaintiff allegedly worked, see response to Interrogatory No. 4.

INTERROGATORY NO. 17:

Has Defendant or any of its predecessor or subsidiary companies at any time published or distributed any printed material, including brochures, warning signs or statements, pamphlets, catalogs, packaging or other written material or any kind or character containing any warnings concerning the possibility of injury resulting from the use of asbestos-containing products or exposure to asbestos? If so, identify each person responsible for having drafted or issued the warning statements and/or written materials, and the dates when each warning was first issued or distributed.

RESPONSE:

See Preliminary Statement and General Objections, and response to Interrogatory No. 4.

INTERROGATORY NO. 18:

Please identify if your company was a member of, or subscribed to scientific or medical periodicals published by, the following trade organizations, associations, panels, or other groups and entities relating to occupational disease and/or industrial hygiene related to asbestos before 1985:

- a. The American Petroleum Institute;
- b. The Chemical Manufacturers Association (or its predecessor. The MCA);
- c. Chlorine Institute;
- d. Industrial Hygiene Foundation;
- e. National Insulation Manufacturers Association;
- f. The Asbestos Textile Institute;
- g. The Asbestos Information Association;
- h. The National Safety Council;
- i. ACGIH;
- j. The American Occupational Medical Association;
- k. The American Public Health Association;
- l. The American Medical Association;
- m. The American Chemical Society;
- n. Other organizations addressing other occupational diseases or industrial hygiene concerns relating to asbestos.

In your answer, please state whether your company participated in any meeting of these trade groups relating to asbestos or asbestos-related diseases and please identify all documents received as a result of such memberships or subscriptions relating to asbestos or asbestos-related diseases or which refer to any discussions held at such meetings relating to asbestos or asbestos-related diseases, and the names of the person(s) who you have reason to believe would have attended these meetings on behalf of your company.

RESPONSE:

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

Subject to and without waiving these objections, Westinghouse states that at the present time, it has not identified any information indicating that it was a member of the American Petroleum Institute; The Chemical Manufacturers Association (or its predecessor. The MCA); Chlorine Institute; National

Insulation Manufacturers Association; The Asbestos Textile Institute; The Asbestos Information Association; ACGIH; The American Occupational Medical Association; The American Public Health Association; The American Medical Association; and The American Chemical Society.

Westinghouse can verify the following memberships:

(a) National Electrical Manufacturers Association ("NEMA"), 2101 L Street Northwest, Washington, D.C. NEMA is a trade organization for the electrical manufacturing industry, and includes companies that manufacture equipment used for the generation, transmission, distribution control and utilization of electrical power. Westinghouse has been a member of NEMA since its inception in 1926. Before that, Westinghouse was a member of a predecessor organization since about 1915.

(b) The American Society for Testing and Materials ("ASTM"), 1016 Race Street, Philadelphia, Pa. ASTM is an organization of engineers, scientists, professionals and others representing business firms, government agencies, educational institutions and laboratories. ASTM establishes voluntary consensus standards for various products, materials and services.

(c) Electronic Industries Association ("EIA"), Eye Street, N.W., Washington, D.C. EIA is an organization representing manufacturers of all types of electronic products which monitors and reports on regulatory and legislative events and provides informational services to its customers.

(d) American National Standards Institute ("ANSI"), 1430 Broadway, New York, New York. ANSI is a certification authority and clearinghouse for nationally coordinated voluntary safety, engineering and industrial standards.

(e) Charter member of the National Safety Council.

(f) The Industrial Health Foundation and its predecessors in name (the Air Hygiene Foundation and the Industrial Hygiene Foundation), from approximately 1936 through 1984.

(g) The American Industrial Hygiene Association, in 1978.

(h) American Ceramics Society, 1935

INTERROGATORY NO. 19:

State the name, address, job title, and length of time employed of each and every individual employed at any time by Defendant who has made or presented a Worker's Compensation or other claim for personal injury and/or death resulting from inhalation of, or exposure to, industrial dust or other contaminants, including but not limited to asbestos. In your answer also give the date of any such claims and the injury alleged.

RESPONSE:

See Preliminary Statement and General Objections, and response to Interrogatory No. 4.

INTERROGATORY NO. 20:

Does Defendant have insurance policies that might cover the claims made by Plaintiff in this case? If so, list the name of each insurance carrier and the number of each policy, the amount of layer of coverage, and the effective dates of each policy.

RESPONSE:

See Preliminary Statement and General Objections. Subject to and without waiving these objections, Westinghouse responds that it has and has had numerous policies of insurance, both primary and excess or umbrella policies, covering claims for alleged bodily injury. Coverage under the various policies may depend on the plaintiff's alleged dates of direct exposure, exposure in residence, manifestation, or other

pertinent dates. Westinghouse states that it is either insured or is self-insured and has assets sufficient to respond to a judgment in this action.

INTERROGATORY NO. 21:

Please state the following with respect to each expert witness that you may call during trial of these cases. Please designate with specificity the expert witnesses that you will call, including the name, address, and job classification of each such expert witness; the subject matter on which the expert is expected to testify; the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion and whether any such expert has provided a report or other documentation to you, and if so, identify each such document or report.

RESPONSE:

See Preliminary Statement and General Objections. Westinghouse further objects to this interrogatory on grounds that it is premature and beyond the scope of permissible discovery at this time. Westinghouse also objects on the ground that such information is protected from disclosure under the attorney work product doctrine, the attorney-client privilege and as trial preparation materials. Westinghouse will comply with the requirements of the Court regarding disclosure of experts.

INTERROGATORY NO. 22:

Please provide a corporate history of the answering Defendant and state Defendant's correct corporate name, the address of its principal place of business and the parish wherein Defendant's primary place of business is located.

RESPONSE:

Westinghouse Electric Co. was incorporated on January 8, 1886. In 1889, Westinghouse Electric Co. purchased the charter of the Chartiers Improvement Company, (which was incorporated in Pennsylvania on April 9, 1872) and changed its name to Westinghouse Electric & Manufacturing Corporation. On May 10, 1945, the name Westinghouse Electric & Manufacturing Corporation was changed to Westinghouse Electric Corporation. On 12/1/97, the name Westinghouse Electric Corporation was changed to CBS Corporation. This defendant's correct corporate name is CBS Corporation. Its principal place of business is located at 51 West 52nd Street, New York, NY 10019.

INTERROGATORY NO. 23:

By 1985, was the answering defendant aware of information or facts concerning any reported association between exposure to asbestos or asbestos products and the following:

- a. Asbestosis?
- b. Pleural Disease?
- c. Lung Cancer?
- d. Mesothelioma?
- e. Gastrointestinal cancer?
- f. Other cancers?
- g. Other health effects?

If not by 1985, when, if ever, did you become aware of information or facts concerning any reported association between exposure to asbestos or asbestos products and the health effects listed above?

RESPONSE:

INTERROGATORY NO. 24:

If your answer to Interrogatory No. 23, as to any of the subparts is affirmative, please provide a

reasonable description of the following:

- a. The time and manner this defendant learned of such an association;
- b. Any documents you received prior to plaintiff's last presence at your facility which referred to, reflected or discussed facts concerning the association between exposure to asbestos and the diseases set forth in Interrogatory No. 23, and the identity of the person(s) so communicating, the manner in which you received these documents, including by medical or scientific studies or attendance at conferences, lectures, conventions, symposia, or meetings, and the current custodian of such records.

RESPONSE:

See Preliminary Statement and General Objections and response to Interrogatory No. 23.

INTERROGATORY NO. 25

Identify by style, cause number, and date, every lawsuit filed against Defendant wherein the claimant alleged injury from exposure to asbestos.

RESPONSE:

See Preliminary Statement and General Objections. Westinghouse further objects to this interrogatory on the grounds that the information sought is irrelevant, unduly burdensome, vague and overly broad, and not reasonably calculated to lead to the discovery of admissible evidence. It also seeks information protected by the attorney/client privilege and the attorney work product doctrine. Westinghouse further objects to this interrogatory to the extent it seeks a response for Westinghouse businesses, divisions or subsidiaries other than the particular Westinghouse business, division or subsidiary in or for which the Plaintiff allegedly worked, or for Westinghouse premises other than the specific Westinghouse location or locations at which the Plaintiff allegedly worked while being employed by Westinghouse, on the grounds that the interrogatory is overly broad, unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NO. 26

Do you contend that Defendant, Defendant's representatives, insurance carriers and/or agents performed measurements and/or studies prior to 1970 to determine the quantity of asbestos fibers in the air at Defendant's facilities? If the answer is anything other than "no", identify each and every fact which supports this contention and identify all documents which specifically support this contention.

RESPONSE:

See Preliminary Statement and General Objections and response to Interrogatory No. 4.

INTERROGATORY NO. 27

Do you contend that Defendant specifically warned its employees and/or other persons on Defendant's premises about the hazards of asbestos and asbestos-containing products prior to 1970? If the answer is anything other than "no", identify each and every fact which supports this contention and identify all documents which specifically support this contention.

RESPONSE:

See Preliminary Statement and General Objections and response to Interrogatory No. 4.

INTERROGATORY NO. 28

For the years 1950 to the present, identify each and every person who has held the following positions at Defendant's facilities:

- (a) Plant Manager/Superintendent;
- (b) Plant Safety Manager/Supervisor;
- (c) Plant Industrial Hygienist;
- (d) Plant Physician;

- (e) Environmental Manager;
- (f) Toxicologist;
- (g) Medical Director/Supervisor.

RESPONSE:

See Preliminary Statement and General Objections and response to Interrogatory No. 4.

INTERROGATORY NO. 29

Please identify the current/prior employee or employees who would be designated by you to testify at a corporate deposition regarding the following areas relating to the time period the plaintiff was employed by you and/or worked at your facility. The person(s) so designated should be able to address corporate and/or facility awareness up to 1985 regarding the following area. In your answer, please state the positions or titles held in your company:

- a. Potential adverse health effects associated with exposure to asbestos;
- b. Safety, medical and environmental staffing at your facilities;
- c. Engineering controls utilized at your facilities relative to the reduction, mitigation or elimination of exposure to asbestos;
- d. Safety and industrial hygiene policies, practices and procedures at your facilities relative to the reduction, mitigation or elimination of exposure to asbestos;
- e. Industrial hygiene monitoring conducted at your facilities for asbestos;
- f. Medical monitoring and testing programs for the employees at your facilities exposed to asbestos materials of any type;
- g. The policies, procedures, and practices with regard to informing employees working at your facilities of abnormal X-ray findings such as increased interstitial markings, pleural plaques, etc., and their possible relationship to the employee's prior asbestos exposure;
- h. The personal protective and respiratory protection equipment utilized at your facilities for the protection against asbestos materials;
- i. Any hazard communication "safety program: or other similar program for which the purpose was to inform employees working at your facilities of the potentially hazardous qualities of any asbestos-containing material present at your facilities;
- j. Material safety data sheets which refer to asbestos;
- k. Toxicological studies concerning asbestos which this defendant either conducted, coordinated or sponsored which relate or refer to asbestos, published or unpublished;
- l. Epidemiological studies (formal or informal, internal or third party, proposed, published or unpublished, completed or still in progress) which included workers at your other facilities and all documents which refer, reflect or relate to such studies (and regarding whether such studies were for the specific purpose of investigating asbestos-related disease);
- m. The consideration, adoption, and/or establishment of a respiratory protection program at your facilities;
- n. The purchase or acquisition of asbestos-containing insulation products for use at your facilities; and
- o. Compliance with federal and state regulations, specifically, regulations pertaining to workplace safety practices and exposure to asbestos. [If your response to any of the above

subparts includes any claim that you employ no person or persons that meet the descriptions in the subparts, please identify the employee or employee(s) or other source(s) of information upon which you rely to make such a statement.]

RESPONSE:

See Preliminary Statement and General Objections. Westinghouse further objects to this interrogatory on the basis that it is an improper attempt to evade the procedures and requirements set forth in Article 1442 of the Code of Civil Procedure. Additionally, Westinghouse objects to this interrogatory to the extent it seeks a response for Westinghouse businesses, divisions or subsidiaries other than the particular Westinghouse business, division or subsidiary in or for which the Plaintiff allegedly worked, or for Westinghouse premises other than the specific Westinghouse location or locations at which the Plaintiff allegedly worked while employed by Westinghouse, on the grounds that the interrogatory is overly broad, unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Westinghouse states that it is unable to respond to this interrogatory due to a lack of information provided by Plaintiff's counsel, as well as that currently held by Westinghouse, regarding Plaintiff's alleged employment by Westinghouse. Plaintiff's First Supplemental and Amending Petition for Damages asserts that Westinghouse is a "Defendant Employer" as identified on Exhibit "C" to the Petition. Exhibit "C" lists one of Plaintiff's employers as being "Westinghouse Electric Corporation" without further elaboration or description. There are no allegations in the Petition which identify the specific business, division or subsidiary of Westinghouse in or for which the Plaintiff allegedly worked. Additionally, there are no allegations in the Petition which specify when the Plaintiff allegedly worked for Westinghouse, nor at what location or locations the Plaintiff allegedly worked while being employed by Westinghouse.

During the time period set forth in the Petition, Westinghouse was a broadly diversified corporation which at times employed over 100,000 people. While it was principally engaged in the manufacture, sale and service of equipment and components for the generation, transmission, utilization and control of electricity, it also was involved over the years in numerous businesses unrelated to the electrical industry. Its various businesses and operations were conducted at hundreds of locations throughout the United States and overseas. After a diligent effort, Westinghouse has been able to determine only that Plaintiff may have been a Westinghouse employee for a limited period of time, but it has not been able to locate any information specifying what business, subsidiary or division of Westinghouse Plaintiff may have worked for nor the location or locations at which Plaintiff may have worked. Without such information, Westinghouse is not able to respond more substantively to this interrogatory.

REQUEST FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Produce any and all documents, memoranda and/or other writings that reflect, indicate or in any way relate to communications between you and any manufacturer of asbestos-containing products concerning or related to the asbestos contained in such products.

RESPONSE:

See Preliminary Statement and General Objections. Westinghouse further objects to this request to the extent it seeks a response for asbestos-containing products used by Westinghouse businesses, divisions or subsidiaries other than the particular Westinghouse business, division or subsidiary in or for which the Plaintiff allegedly worked, or at or on Westinghouse premises other than the specific Westinghouse location or locations at which the Plaintiff allegedly worked while employed by Westinghouse, on the grounds that the request is overly broad, unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, Westinghouse states that it is unable to respond to this request due to a lack of information provided by Plaintiff's counsel, as well as that currently held by

Westinghouse, regarding Plaintiff's alleged employment by Westinghouse. Plaintiff's First Supplemental and Amending Petition for Damages asserts that Westinghouse is a "Defendant Employer" as identified on Exhibit "C" to the Petition. Exhibit "C" lists one of Plaintiff's employers as being "Westinghouse Electric Corporation" without further elaboration or description. There are no allegations in the Petition which identify the specific business, division or subsidiary of Westinghouse in or for which the Plaintiff allegedly worked. Additionally, there are no allegations in the Petition which specify when the Plaintiff allegedly worked for Westinghouse, nor at what location or locations the Plaintiff allegedly worked while being employed by Westinghouse.

During the time period set forth in the Petition, Westinghouse was a broadly diversified corporation which at times employed over 100,000 people. While it was principally engaged in the manufacture, sale and service of equipment and components for the generation, transmission, utilization and control of electricity, it also was involved over the years in numerous businesses unrelated to the electrical industry. Its various businesses and operations were conducted at hundreds of locations throughout the United States and overseas. After a diligent effort, Westinghouse has been able to determine only that Plaintiff may have been a Westinghouse employee for a limited period of time, but it has not been able to locate any information specifying what business, subsidiary or division of Westinghouse Plaintiff may have worked for nor the location or locations at which Plaintiff may have worked. Without such information, Westinghouse is not able to respond more substantively to this request.

REQUEST FOR PRODUCTION NO. 2:

Produce any and all documents, memoranda and/or other writings, including but not limited to books, pamphlets, or other written materials of any kind or character in your possession that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings.

RESPONSE:

See Preliminary Statement and General Objections. Subject to and without waiving these objections, Westinghouse's Industrial Hygiene Department would be the most likely source of responsive documents containing such information, if any. Westinghouse will make the non-privileged responsive documents from its Industrial Hygiene Department available to plaintiff for inspection and copying at a mutually convenient time in Pittsburgh, Pennsylvania, as the burden of isolating documents responsive to this request is substantially the same for plaintiff as it is for Westinghouse.

REQUEST FOR PRODUCTION NO. 3:

Produce any and all publications in your possession that were disseminated or published by any trade association or organization and that contain information relating to the hazards of asbestos and all documents which refer to such publications.

RESPONSE:

See Preliminary Statement and General Objections. Subject to and without waiving these objections, Westinghouse's Industrial Hygiene Department would be the most likely source of responsive documents containing such information, if any. Westinghouse will make the non-privileged responsive documents from its Industrial Hygiene Department available to plaintiff for inspection and copying at a mutually convenient time in Pittsburgh, Pennsylvania, as the burden of isolating documents responsive to this request is substantially the same for plaintiff as it is for Westinghouse.

REQUEST FOR PRODUCTION NO. 4:

Produce any and all documents, memoranda and/or other writings that indicate and/or reflect or refer to any inspections by any regulatory agency for the purpose of ascertaining whether health or safety regulations were being followed or adhered to at any of your plants, including but not limited to written reports produced by such agency. This request specifically seeks any and all such documentation referring to dust hazards, including but not limited to asbestos in your plants.

RESPONSE:

See Preliminary Statement and General Objections, and response to Request for Production No. 1.

REQUEST FOR PRODUCTION NO. 5:

Produce any and all safety meeting minutes or other documents, memoranda and/or writings that

refer to the dangers of asbestos and/or safety measures to be used in the vicinity of asbestos at Defendant's facilities.

RESPONSE:

See Preliminary Statement and General Objections, and response to Request for Production No. 1.

REQUEST FOR PRODUCTION NO. 6:

Produce any and all contracts, memoranda, and/or other writings that in any way reflect arrangements made for the removal of asbestos and/or the installation of asbestos products at Defendant's facilities.

RESPONSE:

See Preliminary Statement and General Objections, and response to Request for Production No. 1.

REQUEST FOR PRODUCTION NO. 7:

Produce any and all documents, memoranda, and/or other writings that in any way reflect a removal plan or organized written criteria or schedule for the removal of asbestos at Defendant's facilities.

RESPONSE:

See Preliminary Statement and General Objections, and response to Request for Production No. 1.

REQUEST FOR PRODUCTION NO. 8:

Any and all videotapes and/or photographs and/or other recordings of Plaintiff.

RESPONSE:

Westinghouse has none.

REQUEST FOR PRODUCTION NO. 9:

Any and all material safety data sheets for any asbestos-containing product used at Defendant's facilities.

RESPONSE:

See Preliminary Statement and General Objections, and response to Request for Production No. 1.

REQUEST FOR PRODUCTION NO. 10:

Produce any and all documents, memoranda and/or other writings that indicate and/or refer to in any way a decision related to ceasing the use of asbestos-containing products in any of your plants.

RESPONSE:

See Preliminary Statement and General Objections, and response to Request for Production No. 1.

REQUEST FOR PRODUCTION NO. 11:

Produce any and all documents, memoranda and/or other writings that reflect and/or demonstrate in the form of a map and/or chart the layout of Defendant's facilities, including the location and dimensions of all buildings and specifically including, but not limited to, the location and/or placement of asbestos-containing products at any time.

RESPONSE:

See Preliminary Statement and General Objections, and response to Request for Production No. 1.

REQUEST FOR PRODUCTION NO. 12:

Produce any brochures, pamphlets, catalogs, packaging, or other written material of any kind or character containing any warnings concerning the possibility of injury resulting from the use of asbestos-containing products or exposure to asbestos that have been published, distributed, or disseminated by you.

RESPONSE:

See Preliminary Statement and General Objections, and response to Request for Production No. 1.

REQUEST FOR PRODUCTION NO. 13:

Produce any photographs of asbestos products in place or asbestos products being fabricated and/or utilized at Defendant's facilities.

RESPONSE:

See Preliminary Statement and General Objections, and response to Request for Production No. 1.

REQUEST FOR PRODUCTION NO. 14:

Produce any photographs of warning signs or other statements in place at any time in the vicinity of asbestos-containing products or asbestos in place at any time at Defendant's facilities.

RESPONSE:

See Preliminary Statement and General Objections, and response to Request for Production No. 1.

REQUEST FOR PRODUCTION NO. 15:

Produce any documents indicating in any way that individuals claimed injury to their lungs as a result of exposure to asbestos at Defendant's facilities.

RESPONSE:

See Preliminary Statement and General Objections, and response to Request for Production No. 1.

REQUEST FOR PRODUCTION NO. 16:

Produce any documents, including but not limited to workers compensation claims, indicating that any individuals claimed injury as a result of exposure to asbestos products at any of your facilities and/or factories where asbestos was used.

RESPONSE:

See Preliminary Statement and General Objections, and response to Request for Production No. 1.

REQUEST FOR PRODUCTION NO. 17:

Produce any memoranda, writings, or other documents, including but not limited to, corporate minutes, which in any way contain a discussion of the hazards or potential hazards of asbestos.

RESPONSE:

See Preliminary Statement and General Objections. Subject to and without waiving these objections, Westinghouse's Industrial Hygiene Department would be the most likely source of responsive documents containing such information, if any. Westinghouse will make the non-privileged responsive documents from its Industrial Hygiene Department available to plaintiff for inspection and copying at a mutually convenient time in Pittsburgh, Pennsylvania, as the burden of isolating documents responsive to this request is substantially the same for plaintiff as it is for Westinghouse.

REQUEST FOR PRODUCTION NO. 18:

Produce any insurance policies that might cover the claims made by Plaintiff in this case.

RESPONSE:

See Preliminary Statement and General Objections. Westinghouse further objects to responding to this request in that it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 19:

Produce any minutes or other notes or records from any meetings at which the hazards and/or potential hazards of asbestos were discussed by officers, agents, and/or employees of Defendant.

RESPONSE:

See Preliminary Statement and General Objections. Subject to and without waiving these objections, Westinghouse's Industrial Hygiene Department would be the most likely source of responsive documents

containing such information, if any. Westinghouse will make the non-privileged responsive documents from its Industrial Hygiene Department available to plaintiff for inspection and copying at a mutually convenient time in Pittsburgh, Pennsylvania, as the burden of isolating documents responsive to this request is substantially the same for plaintiff as it is for Westinghouse.

REQUEST FOR PRODUCTION NO. 20:

Produce any and all documents, including invoices, shipping receipts, bills of lading, purchase orders, or other documents of a similar nature related to the purchase and/or installation of asbestos-containing products at Defendant's facilities.

RESPONSE:

See Preliminary Statement and General Objections, and response to Request for Production No. 1.

REQUEST FOR PRODUCTION NO. 21:

Produce any and all records, documents, memoranda or other writings reflecting in any way any inspections by labor inspectors, insurance company inspectors or anyone from your company or hired by your company, that included the taking or measuring of "dust counts". This request specifically includes any and all of your plants or facilities where asbestos-containing products were used and/or in place at any time.

RESPONSE:

See Preliminary Statement and General Objections, and response to Request for Production No. 1.

REQUEST FOR PRODUCTION NO. 22:

In the event that Defendant performed or had performed any dust level counts or measurements of any of its plants or industrial facilities with respect to asbestos dust, produce any documents, memoranda, or other writings that in any way reflect the results of such studies or counts and actions taken as a result of such counts or studies.

RESPONSE:

See Preliminary Statement and General Objections, and response to Request for Production No. 1.

REQUEST FOR PRODUCTION NO. 23:

Please produce any and all reports, writings (whether published or unpublished) and/or other documentation written, created and/or edited by any of your experts that in any way pertain to asbestos and the hazards and/or diseases that may result therefrom.

RESPONSE:

See Preliminary Statement and General Objections. Westinghouse further objects to this request on the grounds that it is premature and beyond the scope of permissible discovery at this time. Westinghouse also objects on the ground that such information is protected from disclosure under the attorney work product doctrine, the attorney-client privilege and as trial preparation materials. Westinghouse will comply with the requirements of the Court regarding disclosure of expert material.

REQUEST FOR PRODUCTION NO. 24:

Produce any and all documents provided to any expert or fact witnesses as a result of the filing of this case.

RESPONSE:

See Preliminary Statement and General Objections. Westinghouse further objects to this request on the grounds that it is premature and beyond the scope of permissible discovery at this time. Westinghouse also objects on the ground that such information is protected from disclosure under the attorney work product doctrine, the attorney-client privilege and as trial preparation materials. Westinghouse will comply with the requirements of the Court regarding disclosure of expert and fact witness material.

REQUEST FOR PRODUCTION NO. 25:

Produce any and all curriculum vitae and/or resumes of any of the experts and/or persons with knowledge of relevant fact that you have listed in your Answers to Interrogatories and/or on your witness

list.

RESPONSE:

See Preliminary Statement and General Objections. Westinghouse further objects to this request on the grounds that it is premature and beyond the scope of permissible discovery at this time. Westinghouse also objects on the ground that such information is protected from disclosure under the attorney work product doctrine, the attorney-client privilege and as trial preparation materials. Westinghouse will comply with the requirements of the Court regarding disclosure of expert and fact witness material/lists.

REQUEST FOR PRODUCTION NO. 26:

All documents in the possession of Defendant relating or pertaining to all prior lawsuits or other claims involving allegations of asbestos exposure by anyone in any of your facilities at which the Plaintiff now alleges exposure to asbestos, including, but not limited to, copies of transcripts of prior deposition or trial testimony; all product lists; "work history sheets" or other discovery responses from previous or ongoing lawsuits, and any other documents regarding these lawsuits or claims.

RESPONSE:

See Preliminary Statement and General Objections. Westinghouse further objects to responding to this request in that it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 27:

All documents relating or pertaining to all co-workers or persons that worked at the same facilities as Plaintiffs regarding their identification of asbestos-containing products.

RESPONSE:

See Preliminary Statement and General Objections, and response to Request for Production No. 1.

REQUEST FOR PRODUCTION NO. 28:

All documents (including but not limited to invoices, receipts or purchasing records) pertaining or relating to the presence or absence of asbestos-containing products at the sites identified in Plaintiffs' discovery responses.

RESPONSE:

See Preliminary Statement and General Objections, and response to Request for Production No. 1. Subject to and without waiving these objections, Westinghouse has not received any such discovery responses from Plaintiff.

REQUEST FOR PRODUCTION NO. 29:

All documents relating or referring to your knowledge of the presence or absence of asbestos-containing products manufactured, sold or distributed by any of the Defendants in this case at any job site at which Plaintiff alleges he worked.

RESPONSE:

See Preliminary Statement and General Objections, and response to Request for Production No. 1.

REQUEST FOR PRODUCTION NO. 30:

All documents stating the names, identity or current residential or business address of current or former co-workers of Plaintiff at your facilities.

RESPONSE:

See Preliminary Statement and General Objections, and response to Request for Production No. 1.

REQUEST FOR PRODUCTION NO. 31:

All documents in your possession (including, but not limited to, pictures, photographs, drawings, sketches, or otherwise) relating or pertaining to identifiable characteristics of asbestos-containing products. Documents responsive to this request include items reflecting names, packaging, or other

characteristics of such products.

RESPONSE:

See Preliminary Statement and General Objections, and response to Request for Production No. 1.

REQUEST FOR PRODUCTION NO. 32:

All documents, document indexes, and computer databases that allow you to access specific knowledge concerning the presence or absence of any asbestos-containing products at your facilities.

RESPONSE:

See Preliminary Statement and General Objections, and response to Request for Production No. 1.

REQUEST FOR PRODUCTION NO. 33:

All documents in your possession concerning property damage litigation relating or pertaining to the presence of asbestos-containing products at your facilities.

RESPONSE:

See Preliminary Statement and General Objections, and response to Request for Production No. 1.

REQUEST FOR PRODUCTION NO. 34:

Produce any and all documents, memoranda and/or other writings that reflect, indicate or in any way relate to communications between you and any manufacturer of asbestos-containing products concerning or related to the asbestos contained in such products.

RESPONSE:

This request is identical to Request for Production No. 1 and, as such, constitutes harassment by Plaintiffs' Counsel.

REQUEST FOR PRODUCTION NO. 35:

Produce any and all documents, memoranda and/or other writings, including but not limited to books, pamphlets, or other written materials of any kind or character in your possession that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings.

RESPONSE:

This request is identical to Request for Production No. 2 and, as such, constitutes harassment by Plaintiffs' Counsel.

REQUEST FOR PRODUCTION NO. 36:

Produce any minutes or other notes or records from any meetings at which the hazards and/or potential hazards of asbestos were discussed by officers, agents, and/or employees of Defendant.

RESPONSE:

See response to Request for Production No. 17.

REQUEST FOR PRODUCTION NO. 37:

Produce any and all documents which will be used at the time of trial, including all potential exhibits and those documents which may be used to cross-examine other witnesses or in rebuttal, and which you contend are relevant to any of Defendant's enumerated defenses in Defendant's most recently filed Answer.

RESPONSE:

See Preliminary Statement and General Objections. Westinghouse further objects to this request on the grounds that it is premature and beyond the scope of permissible discovery at this time. Westinghouse also objects on the ground that such information is protected from disclosure under the attorney work product doctrine, the attorney-client privilege and as trial preparation materials. Westinghouse will comply with the requirements of the Court regarding disclosure of trial material.

REQUEST FOR PRODUCTION NO. 38:

Produce a copy of any and all regulations, orders, rules and/or policies which govern the safety of the Defendant's facilities.

RESPONSE:

See Preliminary Statement and General Objections, and response to Request for Production No. 1.

REQUEST FOR PRODUCTION NO. 39:

Produce any documents, organizational charts or rosters, which identify the members of the management at the Defendant's facilities and their areas of responsibility.

RESPONSE:

See Preliminary Statement and General Objections, and response to Request for Production No. 1.

REQUEST FOR PRODUCTION NO. 40:

Produce any and all correspondence, construction contracts and/or other documents which discuss, relate or refer to services performed at any of Defendants' facilities by the following entities: Anco Insulations; Acands (a/k/a Armstrong Contracting and Supply); Ford, Bacon and Davis Construction Corporation; Jacobs Constructors; The McCarty Corporation; Hullinghorst; National Maintenance Corporation; Nichols Construction Corporation; Raytheon Engineers and Constructors; Stone and Webster Engineering Corporation; Tidewater Construction Corporation; Reilly-Benton Company, Inc.

RESPONSE:

See Preliminary Statement and General Objections, and response to Request for Production No. 1.

REQUEST FOR PRODUCTION NO. 41:

Produce any and all correspondence, memoranda and/or documents regarding asbestos, if any, which were provided by Defendant to contractors performing services on Defendant's premises.

RESPONSE:

See Preliminary Statement and General Objections, and response to Request for Production No. 1.

REQUEST FOR PRODUCTION NO. 42:

Produce any and all interrogatory answers, responses to requests for production and/or responses to requests for admissions filed by Defendant and/or Defendant's officers and directors, in any action wherein the Plaintiff was claiming an injury from exposure to asbestos or asbestos containing products at Defendant's plant.

RESPONSE:

See Preliminary Statement and General Objections. Westinghouse further objects to responding to this request in that it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to the discovery of admissible evidence.

REQUEST FOR PRODUCTION NO. 43:

Produce all written or tangible documentation, including but not limited to reports, x-rays, medical notes and/or descriptions of any kind, evidencing or referencing the medical monitoring program(s), medical examination program(s), or other medical surveillance provided, offered, or sponsored by the defendant or its insurance carrier(s) with regard to persons employed by Defendant or on Defendant's premises, including but not limited to employees of contractors engaged in the provision of services on Defendant's premises.

RESPONSE:

See Preliminary Statement and General Objections, and response to Request for Production No. 1.

By Attorneys:
JONES, WALKER, WAECHTER, POITEVENT,

CARRÈRE & DENÈGRE, L.L.P.

LEON GARY, JR. (Bar Roll No. 5959)

WILLIAM L. SCHUETTE, JR. (Bar Roll No. 2098)

8555 United Plaza Boulevard

Four United Plaza, Fifth Floor

Baton Rouge, Louisiana 70809-7000

Telephone: (225) 231-2056

Facsimile: (225) 231-3356

William L. Schuette, Jr.