

OCT. 30.99* 20197

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
98-CVS-9679

GARY ROBERT ALBRIGHT, et al.

Plaintiffs,

v.

HNA HOLDINGS, INC., also known as
TREVIRA, INC. formerly HOECHST
CELANESE, INC. and FIBER
INDUSTRIES, INC.,

Defendants.

PLAINTIFF'S EXHIBIT

CEL-1375

**THE DEFENDANT'S RESPONSES
TO THE PLAINTIFF'S COURT
ORDERED INTERROGATORIES
DIRECTED TO HERBERT
KOLODNER**

Pursuant to Rules 26 and 33 of the North Carolina Rules of Civil Procedure, the defendant HNA Holdings, Inc. responds to the plaintiffs' court ordered interrogatories directed to Herbert Kolodner as follows:

INTERROGATORY NO. 1: Please state your full name, current home address and current work address.

ANSWER: Herbert J. Kolodner
777 Pebble Beach Drive
Crescent City, California 95531

INTERROGATORY NO. 2: Please provide the name(s) of your employer(s) since 1965.

ANSWER:

1. Warner Lambert
2. Celanese Corporation
3. International Loss Control Consultants, Inc.
4. Knott Laboratory, Inc.

INTERROGATORY NO. 3: For each employer above, provide the:

- (a) Name of your title, position with said employer;
- (b) The date(s) you occupied/held such position and/or title;

- (c) The plant(s) where you worked; and
- (d) The plant(s) which you oversaw, supervised or were part of your job responsibility.

ANSWER:

1. Warner Lambert:

- a. Corporate director of safety, security and fire protection
- b. 1965 to 1970
- c. Not applicable
- d. Dr. Kolodner had oversight responsibility as corporate director of safety, security and fire protection over 26 Warner Lambert facilities.

2. Celanese Corporation:

- a. Corporate director of safety
- b. 1970 to 1984
- c. Not applicable
- d. Dr. Kolodner had oversight responsibility as corporate director of safety, for all Celanese facilities. He did not have direct supervision responsibilities for any specific plant.

3. International Loss Control Consultants, Inc.

- a. President
- b. 1984 to 1993
- c. Not applicable
- d. Not applicable

4. Knott Laboratory, Inc.

- a. Vice President; consultant
- b. 1993 to present
- c. Not applicable
- d. Not applicable

INTERROGATORY NO. 4: For each title/position stated above, provide a brief but inclusive description of your job responsibilities.

ANSWER:

1. Warner Lambert - Corporate director of safety, security and fire protection - Dr. Kolodner had overall responsibility for safety, security, and fire protection at Warner Lambert.

2. Celanese Corporation - Corporate director of safety - Dr. Kolodner had overall responsibility for safety at Celanese Corporation.

3. International Loss Consultants, Inc. - President - Dr. Kolodner had management responsibilities for a consulting firm and served as an independent consultant.

4. Knott Laboratory, Inc. - Consultant on fire safety issues, explosion issues, and other safety issues.

INTERROGATORY NO. 5: Did your job titles or positions entail or encompass in any way the Salisbury fiber plant, including but not limited to:

- (a) The purchase of materials, construction and/or construction;
- (b) Supervision of the plant;
- (c) The health, safety and welfare of any plant worker;
- (d) The drafting, implementation or dissemination of any corporate policy, bylaw or rule affecting said plant of any plant worker.

ANSWER:

- a. No.
- b. No
- c. As corporate director of safety for Celanese Corporation, Dr. Kolodner had overall responsibility for safety. He did not, however, have direct responsibility for any particular plant or plant worker.
- d. As corporate director of safety for Celanese Corporation, Dr. Kolodner had responsibility for implementing corporate policies concerning safety, which policies affected the safety of plant workers. He did not have direct responsibility for implementing policies at the plant level.

INTERROGATORY NO. 6: Please outline your education background, including any degrees obtained and/or any licensing, certification and official titles held or obtained.

ANSWER:

- 1. Bachelor of Science in Military Science from the University of Maryland
- 2. Bachelor of Arts in Business Administration from the University of Maryland
- 3. Master of Arts in Safety Engineering from New York University
- 4. Ph. D in Safety Engineering from New York University
- 5. Licensed Professional Engineer in Safety Engineering in the State of California

INTERROGATORY NO. 7: When were you first made aware of any hazards to human health associated with exposure to asbestos-containing materials.

ANSWER: Dr. Kolodner became aware of health hazards associated with exposure to asbestos-containing materials some time during the 1960s during his safety education at New York University and during his employment at Warner Lambert. He recalls hearing about asbestosis being a hazard that could result from prolonged exposure to heavy doses of asbestos. He does not recall the precise date when he first heard about that potential risk of asbestosis.

INTERROGATORY NO. 8: In regards to your answer above, identify the source of said communication or information and the manner in which you received it.

ANSWER: See answer to Interrogatory number 7.

INTERROGATORY NO. 9: Please identify the name(s), current and last known address, title and/or position of the person with the most knowledge concerning worker health and safety issues at the Salisbury fiber plant in:

- (a) 1965
- (b) 1975
- (c) 1985
- (d) 1995

ANSWER:

a. Dr. Kolodner does not know the name of the person with the most knowledge of worker health and safety issues at the Salisbury Fiber plant in 1965 since he was not employed by the company at that time.

b. Sam Swearingen

c. Dr. Kolodner does not know the names of the persons with the most knowledge concerning worker health and safety issues at the Salisbury Fiber plant in 1985 since he was retired at that time.

d. Dr. Kolodner does not know the names of the persons with the most knowledge concerning worker health and safety issues at the Salisbury Fiber plant in 1995 since he was retired at that time.

INTERROGATORY NO. 10: Please identify the person(s) with the most knowledge concerning the corporate defendant knowledge, policies and/or procedures involving actual or potential hazards associated with asbestos-containing materials at any corporate location or plant in:

- (a) 1965
- (b) 1975
- (c) 1985
- (d) 1995

ANSWER: The defendant objects to Interrogatory Number 10 on the grounds that it is overly broad, unduly burdensome, and seeks the discovery of information that is not reasonably calculated to lead to the discovery of relevant, admissible evidence. Subject to and without waiving the foregoing objections, the defendant responds to Interrogatory Number 10 as follows:

a. Dr. Kolodner does not know the name of the person with the most knowledge concerning the corporate defendant's knowledge about policies and procedures involving actual or potential hazards associated with asbestos-containing materials in 1965 since he was not employed by the corporation at that time. The corporate director of safety at Celanese Corporation at that time was Glenn Fleming, who is now deceased.

b. Dr. Kolodner does not know the name of the person with the most knowledge concerning the corporate defendant's knowledge about policies and procedures involving actual or potential hazards associated with asbestos-containing materials in 1975. Dr. Kolodner would certainly have some knowledge on this subject. Dr. Kolodner was the corporate director of safety in 1975. Charles Laubly was the corporate industrial hygienist in 1975. Dr. Ernest Dixon was the corporate medical director in 1975.

c. Dr. Kolodner does not know the name of the person with the most knowledge concerning the corporate defendant's knowledge about policies and procedures involving actual or potential hazards associated with asbestos-containing materials in 1985 since he was retired at that time.

d. Dr. Kolodner does not know the name of the person with the most knowledge concerning the corporate defendant's knowledge about policies and procedures involving actual or potential hazards associated with asbestos-containing materials in 1995 since he was retired at that time.

INTERROGATORY NO. 11: Please identify the person(s) in charge of, or with primary responsibility to oversee worker health and safety at the Salisbury fiber plant from:

- (a) 1965-1975
- (b) 1975-1985
- (c) 1985-1995
- (d) 1995-present

ANSWER:

- a. Sam Swearingen
- b. Sam Swearingen and Dow Perry
- c. Dr. Kolodner does not know the name of the person in charge of or with primary responsibility for worker health and safety at the Salisbury fiber plant from 1985 to 1995 since he was retired during that period.
- d. Dr. Kolodner does not know the name of the person in charge of or with primary responsibility for worker health and safety at the Salisbury fiber plant from 1995 to present since he was retired at that time.

This 4th day of June, 1999.



Josephine H. Hicks
Attorney for Defendant
HNA Holdings, Inc.

OF COUNSEL:

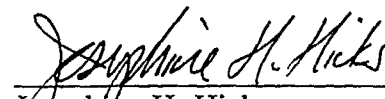
PARKER, POE, ADAMS & BERNSTEIN L.L.P.
2500 Charlotte Plaza
Charlotte, N.C. 28244
(704)372-9000

CERTIFICATE OF SERVICE

This is to certify that on this date I served the foregoing by depositing a copy thereof in the United States mail, postage prepaid, and addressed as follows:

Christopher D. Mauriello, Esq.
Wallace and Graham
525 North Main Street
Salisbury, NC 28144

This 4th day of June, 1999.



Josephine H. Hicks

OF COUNSEL:

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