



STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

In Re: Hennepin County
Asbestos Cases

DEFENDANT UNITED STATES MINERAL
PRODUCTS COMPANY'S ANSWERS TO
PLAINTIFFS' INTERROGATORIES, SET I

TO: PLAINTIFFS AND THEIR RESPECTIVE COUNSEL

Defendant United States Mineral Products Company as and for its Answers to Plaintiffs' Interrogatories, Set I, in the above-entitled cases, states as follows:

This answering Defendant states that it has attempted to answer the Interrogatories as they relate to this litigation to the best of its knowledge, but has had to review many documents, some of which are incomplete due to age and this Defendant's record retention policy, and such records may be incomplete. Accordingly, this Defendant reserves the right to amend or supplement its Answers if it finds that inadvertent omissions or errors have been made or additional or more accurate information becomes available that is required to be produced by the Minnesota Rules of Civil Procedure and the Court's Standing Order in this matter.

Additionally, this Defendant only manufactured and sold asbestos-containing products from 1954 through 1971. Unless otherwise stated in a specific Answer to a specific Interrogatory, the Answers to these Interrogatories shall be limited to those products, that period of time and to the State of Minnesota.

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1. Give the correct current name of the named defendant, its state of incorporation (if a corporation), the full street address of its principal place of business, its agent for service of process in the State of Minnesota (other than the Secretary of State), and state whether it is registered to do business in the State of Minnesota.

ANSWER: United States Mineral Products Company ("USM") is a New Jersey corporation with its principal office in Stanhope, New Jersey. USM is not registered to do business in the State of Minnesota and has no agent for service of process in the State of Minnesota.

2. If you claim insufficiency of service of process and/or lack of personal or subject matter jurisdiction as a defense to all or part of this action, state all facts in support of such defense or defenses.

ANSWER: USM does not do business in the State of Minnesota and has not done business in the State of Minnesota at any time relevant hereto. USM is not registered to do business in the State of Minnesota and has no agent for service of process in the State of Minnesota.

3. Identify all companies (defunct or extant) which are or were related to the named defendant in any way (for example, as parent, subsidiary, predecessor-in-interest, successor-in-interest, surviving or non-surviving company in a merger, seller or purchaser of assets, etc.) and which at any time mined, milled, manufactured, sold or distributed asbestos or products containing asbestos, and state in full detail the corporate history of those companies, including their corporate relationships.

ANSWER: In 1954 this answering Defendant's legal name was United States Mineral Wool Company. On December 12, 1964, the company's name was legally changed to United States Mineral Products Company.

4. Describe in detail all asbestos products mined, milled, manufactured, sold or distributed by you, including the name of the company, the name of the product, the precise composition of the product, and the period of manufacture of the product.

ANSWER: At no time has this Defendant ever mined asbestos. CAPCO BLAZE-SHIELD was manufactured with less than 30% chrysotile asbestos; less than 25% chrysotile asbestos was used in the manufacture of the remaining asbestos-containing products of this Defendant. All of this Defendant's asbestos-containing products were manufactured of mineral wool as the primary component, with non-asbestos containing proprietary binders and asbestos, the percentage of which is set forth herein. Any further description of this Defendant's products is objected to as

calling for proprietary information. This Defendant engaged in the manufacturing, marketing and sale of the following products containing asbestos fibers during the following periods of time:

CAFCO SPRAY	1954 to 1958
CAFCO BLAZE-SHIELD	1958 to 1971
CAFCO SOUND-SHIELD	1958 to 1964
CAFCO HEAT-SHIELD	1958 to 1971
CAFCO POWER-SHIELD .	1964 to 1971
CAFCO BLAZE-SHIELD, TYPE D	1965 to 1970

5. Describe in detail all insurance coverage which may apply to any liability established by this action, including identity of carriers, periods of coverage, and amount of coverage available.

ANSWER: Since at least the 1950's this Defendant has been insured for products liability and general liability with primary and excess coverages. These policies have been written by many companies, in varying amounts, at different times. Some or all of such policies may apply to claims asserted herein.

6. If you claim to have at any time provided to insulators or insulation contractors any warning or caution concerning any danger from inhalation of asbestos fibers, give all particulars concerning the same, including dates, contents, manner of communication and (if printed) size.

ANSWER: Attached hereto as Exhibit "A" is a portion of the CAFCO Sales and Application manual which was distributed by this answering Defendant to all contractors licensed by this Defendant who used its CAFCO products. Such manual was delivered to the contractors in a license package at the time the license was issued. Such package also included the Sprayed Mineral Fiber Manufacturer's Association bulletin attached hereto as Exhibit "B". Furthermore, beginning in May 1962 this answering Defendant began including a warning label on its asbestos-containing products. Attached hereto as Exhibit "C" is a photocopy of such warning label printed onto one of this answering Defendant's bags containing its CAFCO BLAZE-SHIELD TYPE D.

7. State when and how you first learned that inhalation of asbestos fibers could cause death or serious permanent lung disability.

ANSWER: This Defendant's personnel have been aware for a number of years that excessive exposure to asbestos dust may be hazardous to health. However, there has never been evidence or reason to believe that this Defendant's products, through normal and prescribed use, have caused or contributed to any hazardous condition, potential or otherwise. The precise date upon which Defendant's personnel first gained this awareness is not known.

3. If you still mine, mill, manufacture, sell or distribute asbestos or asbestos-containing products, give the names and contents of those products, where they are sold and an exact description of any cautionary or warning information accompanying them.

ANSWER: Not applicable.

9. When did you first manufacture, sell or distribute insulation materials which did not contain asbestos?

ANSWER: This Defendant first sold and/or distributed CAFCO SOUND-SHIELD "85" (a non-asbestos containing product) in 1965.

10. When did you first manufacture, sell or distribute insulation materials which did not contain asbestos as a substitute for asbestos-containing insulation?

ANSWER: See Answer to Interrogatory No. 9.

11. Have you ever taken any measure to reduce or eliminate asbestos fibers from your products?

ANSWER: Yes.

12. If your answer to Interrogatory No. 11 is in the affirmative, describe those measures in detail and give the dates they were developed or implemented, and the reason therefor.

ANSWER: All products set forth in this answering Defendant's Answer to Interrogatory No. 4 were altered and modified to remove asbestos during 1969 and 1970, except for CAFCO SOUND-SHIELD which was manufactured free of asbestos beginning in 1965 and thereafter was known as CAFCO SOUND-SHIELD "85." During some period in the 1960's amosite asbestos was substituted for chrysotile asbestos in experimental quantities of CAFCO HEAT-SHIELD, but such product was never put into commercial production. In 1965 this answering Defendant introduced CAFCO BLAZE-SHIELD TYPE D which contained lesser amounts of asbestos with increased binder content and density. During 1970 this Defendant's products were manufactured in an asbestos-free form and

were known as CAFCO BLAZE-SHIELD C/F, CAFCO HEAT-SHIELD C/F, CAFCO POWER-SHIELD C/F AND CAFCO BLAZE-SHIELD TYPE D C/F.

13. If you continued to sell asbestos insulation products in the United States after August 1, 1973, did you take any measures to avoid sales of such products in Minnesota? If so, describe those measures in detail.

ANSWER: Not applicable.

14. (For purposes of this Interrogatory, the word "claim" shall mean a worker's compensation claim, a civil legal action, or simply an informal notification of an assertion of a right to compensation.) As to all claims made against you before 1970 concerning alleged disease or death from exposure to asbestos fibers, state the following:

- A. Name and last known address of claimant;
- B. Name and last known address of person with disease, if other than claimant;
- C. Date and manner of first notification of claim;
- D. Nature of disease alleged;
- E. Manner of exposure (e.g., insulation worker, factory worker, etc.) and number of years exposed;
- F. Full case titles and file number if a formal proceeding of any type was commenced;
- G. Name and last known address of claimant's attorney;
- H. Resolution of claim (settlement or verdict, amount paid, if any).

ANSWER: Interrogatory No. 14 is objected to on the grounds that it is overly broad and vague and that it is not reasonably calculated to lead to the discovery of admissible or relevant material. Subject to the foregoing objections and without waiving the same, this answering Defendant states that it has no knowledge of any claims made against it prior to 1970 concerning alleged disease or death from exposure to asbestos fibers.

15. If you have ever taken any measures (such as warnings, cautions, provision of masks or respirators, enhancement of ventilation, x-ray or other physical examination, etc.) to reduce asbestos disease and exposure among your employees in mining, milling, manufacturing, selling or distributing operations, state in detail what measures were taken, where they were taken, when they were taken, who recommended or suggested that they be taken, and who ordered that they be taken.

ANSWER: Interrogatory No. 15 is objected to on the grounds that it is overly broad and vague and on the grounds that it is not reasonably calculated to lead to the discovery of admissible or relevant material. Subject to the foregoing objections, and without waiving the same, this answering

Defendant states that during the entire time that it manufactured and sold asbestos-containing insulation materials, dust masks approved by the Bureau of Mines were furnished to and used by its employees. As previously stated, this answering Defendant never mined asbestos.

16. If any employee in your mining, milling, manufacturing, contracting, selling or distributing operations has ever been diagnosed by any physician as having asbestosis or any cancer related to asbestos exposure, state the name, address, date of diagnosis, and general circumstances of exposure as to any person so diagnosed before you caused (if you have) sale or distribution of asbestos products in Minnesota.

ANSWER: Not applicable.

17. If you have ever conducted, funded, commissioned, requested, or in any way participated in any studies, tests, research, experiments, or the like, concerning the health effects of inhalation of asbestos fibers, set forth all dates, organizations and persons involved, sources of funds, results, and related publications.

ANSWER: Not applicable.

18. If you know of any tests, studies, research or experiments concerning the effects of inhalation of asbestos fibers, conducted at any time since 1900 by any member of the asbestos products industry (miners, millers, manufacturers, sellers, etc.) or by any group or organization of or related to that industry, give the titles, dates, participating company(s) or organizations(s) and responsible individuals.

ANSWER: Not applicable.

19. State the names of all industry or trade association periodicals to which you subscribed, or which you received without subscription, at any time from 1900 to the present, giving the period of subscription or receipt of each.

ANSWER: Interrogatory No. 19 is objected to as being overly broad and unduly burdensome.

20. Identify by name and date all medical texts, treatises, journals, studies or reports, whether privately or publicly circulated, which you received or obtained at any time from 1900 to the present and which concerned in any way lung disease or occupational health subjects.

ANSWER: Interrogatory No. 20 is objected to on the grounds that it is overly broad and unduly burdensome.

21. Give the names and last known home and business addresses of all physicians who were employed, contracted or otherwise engaged by you at any time from 1900 to the present, and give the dates and purposes for which each such physician was engaged.

ANSWER: This answering Defendant never employed a physician.

22. Give the names and last known business and home addresses of all persons whom you employed, contracted or otherwise retained as an industrial hygienist at any time from 1900 to the present, giving dates and purposes for which each such person was engaged. (For purposes of this Interrogatory, an industrial hygienist is one who performs engineering or health studies or other services to identify, evaluate or attempt to eliminate potential occupational health hazards.)

ANSWER: This answering Defendant never employed an industrial hygienist.

23. If you have ever been a member of the Asbestos Textile Institute, the National Mineral Wool Association, or the Asbestos Cement Products Group, state the years of membership; identify all meetings or conferences attended; and identify by date and title all publications received which related in any way to the dangers of asbestos exposure.

ANSWER: This answering Defendant was never a member of the Asbestos Textile Institute or the Asbestos Cement Products Group. This Defendant was a member of the National Mineral Wool Association throughout the period from 1954 through 1971. The National Mineral Wool Association has no relationship with asbestos and to the knowledge of this answering Defendant never produced any publications relating in any way to the "dangers of asbestos exposure."

24. If you were ever a member of the Air Hygiene Committee of the Asbestos Textile Institute, state when and identify all meetings of that committee attended by your representative.

ANSWER: Not applicable.

25. If you have ever been a member of the Industrial Health Foundation ("IHF"), give the years of membership, identify by names and current addresses any of your employees or representatives who were present at the 20th annual meeting of that organization in Pittsburgh, Pennsylvania in November of 1955, and state whether you received that organizations's monthly publication known as the Industrial Hygiene Digest.

same, this answering Defendant states that since at least the 1950's this Defendant has been covered for workers' compensation by several companies at different times.

UNITED STATES MINERAL PRODUCTS
COMPANY

By [Signature]

Its Chairman

Subscribed and sworn to before me
this 16th day of September, 1985.

[Signature]
Notary Public

NOTARY PUBLIC OF NEW JERSEY
My Commission Expires May 27, 1986

GISLASON, DOSLAND, HUNTER & MALECKI

By [Signature]

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