

**PLAINTIFF'S
EXHIBIT**

ASA-320

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7
8 Attorneys for Defendant
9 CAPCO PIPE COMPANY, INC.

10
11 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO

13 IN RE COMPLEX ASBESTOS LITIGATION) DEFENDANT CAPCO PIPE COMPANY'S
14) RESPONSES TO PLAINTIFFS'
15) STANDARD INTERROGATORIES

16 PROPOUNDING PARTIES: ASBESTOS PLAINTIFFS

17 RESPONDING PARTY: DEFENDANT CAPCO PIPE COMPANY, INC.

18 SET NUMBER: ONE [GENERAL ORDER NO. 129]

19 Defendant Capco Pipe Company, Inc., hereby responds to the
20 Plaintiffs' Standard Interrogatories pursuant to San Francisco
21 Superior Court General Order No. 129.¹

22 ¹ As provided in Plaintiffs' Standard Interrogatories:

23 Unless otherwise specifically set forth, the time frame
24 for response to these Interrogatories is from 1930 until
25 1985; except where otherwise specifically set forth, each
26 Interrogatory and each Response are intended and should be
construed as including and being limited to such time
frame. Where expressly stated with reference to the date
and circumstances justifying use of such date, the
responding party may limit any such response to dates
subsequent to 1930, but which in no event are later than
the inception of the responding party, including the
inception of any predecessor in interest.

Unless otherwise specifically set forth, the geographic
scope for response to these Interrogatories by domestic
corporations is the United States.

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1 DEFINITIONS (as provided in Plaintiffs' Standard Interrogatories)

2 1. "ASBESTOS-CONTAINING PRODUCT(S)" shall mean a product(s)
3 which THIS DEFENDANT knows or believes to have contained any amount
4 of the mineral asbestos at any time.

5 2. "COMPANY" means any private enterprise including
6 corporations, partnerships, joint ventures, and sole proprietorships.

7 3. A "CONTRACT UNIT" shall mean a branch, division, subsidiary
8 or other affiliated entity of a DEFENDANT which has been or is now
9 engaged in installation, disturbing or handling and/or removal of RAW
10 ASBESTOS and/or ASBESTOS-CONTAINING PRODUCTS.

11 4. "DOCUMENT(S)" or "WRITING(S)" shall include all writings as
12 defined by Section 250 of the California Evidence Code.

13 5. "GEOGRAPHIC AREA" means the 46 counties of Northern
14 California (Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra
15 Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kern, Kings,
16 Lake, Lassen, Marin, Mariposa, Mendocino, Merced, Modoc, Mono,
17 Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Francisco, San
18 Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou,
19 Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne,
20 Yolo, Yuba) and military facilities/installations in the State of
21 California, or the following shipyards: Bethlehem Shipbuilding, San
22 Pedro; California Shipbuilding, Terminal Island; Consolidated Steel
23 Shipyard, Wilmington; Los Angeles Shipbuilding and Dry Dock aka L.A.
24 Ship, San Pedro; National Steel and Shipbuilding Corporation, San
25 Diego; Todd Shipyards Corporation, San Pedro; Triple "A" Machine, San
26 Diego; Western Pipe and Steel Company, Los Angeles and San Pedro

1 Divisions; Naval Air Station, North Island; Thirty-Second Street Naval
2 Repair Facility, San Diego; Long Beach Naval Shipyard; and San Diego
3 Destroyer Base.

4 6. A request to "IDENTIFY" a "WRITING" or "DOCUMENT" or study
5 shall mean a request to either attach such an exhibit to your answers
6 to these Interrogatories, or to describe such with sufficient
7 particularity that it may be made the subject of a request for
8 production of documents. YOUR description should include an
9 indication of: (a) the author; (b) addressee(s); (c) date of origin;
10 (d) the nature of the writing or document (e.g., letter, telephone
11 memorandum, audio tape recording, photograph, etc.); and (e) its
12 present location, name and present address of custodian thereof.

13 7. A request to "IDENTIFY" an oral communication shall mean a
14 request to describe the communication with particularity, and shall
15 include the following information; (a) the identity of all parties to
16 the communication; (b) the identity of the person whom you contend
17 initiated the communication; (c) the identity of all persons present
18 at the time of the communication; and (d) the time, date and place of
19 the communication.

20 8. A request to "IDENTIFY" or to state the "IDENTITY" of a
21 person or individual means to state his or her name, the place of
22 employment, job title, present business or present or last known home
23 address, years of employment and last known telephone number if not
24 employed by DEFENDANT.

25 9. A request to "IDENTIFY" the product shall mean a request to
26 describe the product, the material or compound by the following means:

1 (1) by nickname or slang name used in your industry and/or occupation;
2 (2) by the name under which it is sold in the marketplace (trade
3 name); (3) by its generic name; and (4) by manufacturer.

4 10. "MARKETING" or "MARKETED" shall mean the mining, supply,
5 sale, labeling, distribution, importing, processing or manufacture of
6 RAW ASBESTOS and/or ASBESTOS-CONTAINING PRODUCT(S).

7 11. A request to describe the "NATURE" of a product means to
8 describe the: (a) color; (b) texture; (c) form (i.e., powder, liquid,
9 paste, solid, board, cloth, blanket, wire insulation, etc.); (d)
10 physical dimensions, if solid (length, width and height); (e) the type
11 of shipping package and shipping package dimensions if not solid; (f)
12 type of asbestos fiber used in the composition of the product (e.g.,
13 chrysotile, amosite, crocidolite); (g) the intended use or function
14 of such product as recommended by this DEFENDANT as the miner,
15 producer, supplier, contractor, manufacturer, distributor, owner or
16 seller; and (h) the type of worksite in which it was intended to be
17 used (e.g. shipyard, refinery, commercial building construction,
18 manufacturing plant, home, power generating plant, etc.).

19 12. "PREMISES" includes, but is not limited to, buildings,
20 structures in a refinery, boilers, generators, tract housing,
21 commercial buildings and other such structures.

22 13. "RAW ASBESTOS" means asbestos fiber mined, or milled, either
23 packaged or in bulk, not compounded with other substances and
24 essentially pure with the exception of naturally occurring trace
25 amounts of other substances.

26 14. "THIS DEFENDANT" or "DEFENDANT" shall mean the named

1 defendant herein, all of its divisions and subsidiaries in which it
2 holds a controlling interest, and all "alternate entities" as defined
3 and identified by name in any complaint pending against YOU as of the
4 date of your answers.

5 15. "YOU" and "YOUR" refer to the DEFENDANT who is named above
6 as responding party.

7 INTERROGATORIES

8 INTERROGATORY NO. 1:

9 IDENTIFY the person verifying these answers on YOUR behalf.

10 RESPONSE TO INTERROGATORY NO. 1:

11 Carmen D. Gonzalez

12 Secretary, Capco Pipe Company, Inc.

13 INTERROGATORY NO. 2:

14 State the date of first employment with YOU, and the dates and
15 titles of each job position the person verifying these interrogatories
16 has held while employed by YOU.

17 RESPONSE TO INTERROGATORY NO. 2:

18 Assistant Secretary 1985

19 Secretary 1986 to present

20 INTERROGATORY NO. 3:

21 State whether or not YOU are a corporation, and if so, state:

22 A. YOUR correct corporate name;

23 B. YOUR state of incorporation;

24 C. The date of YOUR incorporation;

25 D. The address of YOUR principal place of business;

26 E. Whether or not YOU have ever held a certificate of authority

1 to do business in the State of California, and if so, the inclusive
2 dates of any certificate;

3 F. If YOU are wholly owned or the majority interest of YOUR
4 company is owned by another business entity, state the entity's name
5 and principal place of business;

6 G. Whether YOU have any business offices in California, and,
7 if so, YOUR principal place of business in California.

8 RESPONSE TO INTERROGATORY NO. 3:

9 In response to Interrogatory no. 3(A-C), Capco Pipe Company,
10 Inc., formerly known as Cement Asbestos Products Company, and
11 hereinafter "Capco," was incorporated under the laws of the State of
12 Alabama on October 30, 1963; it was a start-up company and not a
13 successor to any predecessor entity.

14 In response to Interrogatory no. 3(D), Capco's officers can be
15 contacted at 180 Maiden Lane, New York, New York 10038.

16 In response to Interrogatory no. 3(E), yes, from 1972 until Capco
17 ceased operations in 1994.

18 In response to Interrogatory no. 3(F), Capco is a wholly-owned
19 subsidiary of ASARCO Incorporated, 180 Maiden Lane, New York, New York
20 10038.

21 In response to Interrogatory no. 3 (G), no.

22 INTERROGATORY NO. 4:

23 Have YOU ever been identified, known, or done business under any
24 other name in the State of California?

25 RESPONSE TO INTERROGATORY NO. 4:

26 Yes.

1 INTERROGATORY NO. 5:

2 If your answer to Interrogatory No. 4 is in the affirmative,
3 please state such name or names and the time period during which THIS
4 DEFENDANT was so known or identified.

5 RESPONSE TO INTERROGATORY NO. 5:

6 Capco was formerly named Cement Asbestos Products Company, from
7 October 1963 until June 1980, when the corporate name was changed to
8 Capco Pipe Company, Inc.

9 INTERROGATORY NO. 6:

10 If YOU are not a corporation, what is YOUR business structure
11 (partnership, joint venture, sole proprietorship, etc.).

12 RESPONSE TO INTERROGATORY NO. 6:

13 Not applicable.

14 INTERROGATORY NO. 7:

15 If YOU are not a corporation, please IDENTIFY all persons or
16 other entities with an ownership interest in YOU.

17 RESPONSE TO INTERROGATORY NO. 7:

18 Not applicable.

19 INTERROGATORY NO. 8:

20 If you are not a corporation, please state the following:

21 A. The address where the HISTORICAL RECORDS of THIS
22 DEFENDANT are currently located; and

23 B. The name, job title and current address of the
24 Custodian for THIS DEFENDANTS HISTORICAL RECORDS.

25 As used herein, "HISTORICAL RECORDS" shall include all DOCUMENTS
26 relating to the formation of THIS DEFENDANT, all minutes of partners',

1 general partners', or other owners' meetings, and all DOCUMENTS
2 relating to THIS DEFENDANT's merger with, acquisition of or purchase,
3 or sale of or by any other COMPANY.

4 RESPONSE TO INTERROGATORY NO. 8:

5 Not applicable.

6 INTERROGATORY NO. 9:

7 IDENTIFY YOUR custodian of Business Records.

8 RESPONSE TO INTERROGATORY NO. 9:

9 Porzio, Bromberg & Newman, P.C.

10 163 Madison Avenue

11 Morristown, NJ 07962

12 Telephone: (973) 538-4006

13 Attn. Roy A. Cohen, Esq.

14 INTERROGATORY NO. 10:

15 IDENTIFY the person or persons most knowledgeable about:

16 A. YOUR acquisition of RAW ASBESTOS and/or ASBESTOS
17 CONTAINING PRODUCTS;

18 B. YOUR use of RAW ASBESTOS and/or ASBESTOS CONTAINING
19 PRODUCTS;

20 C. YOUR contracting with others to do work involving use
21 or handling of RAW ASBESTOS or ASBESTOS CONTAINING PRODUCTS.

22 RESPONSE TO INTERROGATORY NO. 10:

23 In response to Interrogatory no. 10(A):

24 William Horace Beasley, retired former Controller

25 136 Hickory Lane

26 Pell City, Alabama 35128

1 Telephone: (205) 884-3139

2
3 Paul Cooper, former Administrative Assistant

4 517 Meadows Circle

5 Alma, Arkansas

6 Telephone: (501) 371-1270

7
8 In response to Interrogatory no. 10(B):

9 Bruce Klomfas, retired former Plant Manager

10 1617 Lovers Lane

11 Van Buren, Arkansas 72956

12 Telephone: (501) 474-0880

13
14 In response to Interrogatory no. 10 (C), not applicable.

15 INTERROGATORY NO. 11:

16 For DEFENDANTS involved in the MARKETING of ASBESTOS-CONTAINING
17 PRODUCTS, state the IDENTITY of physicians, medical directors and/or
18 industrial hygienists employed by YOU during the time frame or prior
19 to the time YOU discontinued the marketing of such products. All other
20 DEFENDANTS need only respond as to medical directors and/or industrial
21 hygienists or physicians employed in the area of employee health and
22 safety. PREMISES owners and domestic corporations need only respond
23 as to the United States.

24 RESPONSE TO INTERROGATORY NO. 11:

25 Capco did not have physicians on staff, although it did regularly
26 consult with local physicians near its plants and with other experts

1 on health and safety issues, and all Capco employees were required to
2 undergo yearly physicals. Capco did not employ individuals with the
3 title "industrial hygienist", or "medical director," but Capco did
4 employ Safety Engineers: Mohammed Saleem, Ragland, Alabama (1978-
5 1982); Gerald Fox, Van Buren, Arkansas (1974-1980); Lynn Roberts, Van
6 Buren, Arkansas (1980-1988).

7 INTERROGATORY NO. 12:

8 Has any employee of THIS DEFENDANT testified by deposition or at
9 trial on behalf of THIS DEFENDANT in a third-party case, in which THIS
10 DEFENDANT was a party, wherein the plaintiff has alleged an
11 asbestos-related injury? If so, for each such third-party case (except
12 that Premises Defendants and Contractor Defendants need answer only
13 with respect to cases relating to sites within the GEOGRAPHIC AREA)
14 please state:

- 15 A. The caption and case number;
- 16 B. The court filing including state and county;
- 17 C. The date of deposition or trial testimony;
- 18 D. The name and address of plaintiffs counsel of record;
- 19 E. The name and address of the court reporter.

20 RESPONSE TO INTERROGATORY NO. 12:

21 Yes

22 William R. Perrell

23 Bailey v. A.C.&S., et al., No. A-920,961-C

24 District Court of Orange County, Texas, 128th Judicial District
25 Deposition held on May 25, 1994

26 Glen W. Morgan, Esq., Reaud, Morgan & Quinn, Inc., 801 Laurel

1 Street, Beaumont, Texas 77701

2 Nancy S. Holland of Bain & Associates, 505 North 20th Street,
3 Birmingham, Alabama 35203.

4 INTERROGATORY NO. 13:

5 For each of the following, please state whether, at any time
6 within the time frame or until such time as any defendant which had
7 been engaged in MARKETING RAW ASBESTOS or ASBESTOS-CONTAINING PRODUCTS
8 discontinued the MARKETING of such products, THIS DEFENDANT was a
9 member or paid dues for any representative of THIS DEFENDANT
10 (excluding faculty members of educational institutions) to be a member
11 of the following:

12 A. American Conference of Governmental Industrial
13 Hygienists;

14 B. American Industrial Hygiene Association;

15 C. American Petroleum Institute;

16 D. American Railroad Association;

17 E. Asbestos Cement Producers Association;

18 F. Asbestos Information Association (AIA) (please answer
19 through date of your answers);

20 G. Asbestos Information Association/North America
21 (AIA/NA) (please answer through date of your answers);

22 H. Asbestos Textile Institute (ATI);

23 I. Industrial Hygiene Foundation and-or Industrial Health
24 Foundation (IHF):

25 J. Industrial Mineral Insulation Manufacturers Institute;

26 K. Magnesia Insulation Manufacturers' Association;

- 1 L. Magnesia Silica Insulation Manufacturers Association;
2 M. Mineral Wool Institute;
3 N. National Insulation Manufacturers Association (NIMA);
4 O. National Safety Council;
5 P. New York Academy of Sciences;
6 Q. Quebec Asbestos Mining Association (QAMA);
7 R. Refractories Institute;
8 S. Safe Building Alliance (please answer through date of
9 your answers);
10 T. Thermal Insulation Manufacturers Association (TIMA);
11 U. U.S. Maritime Commission;
12 V. IDENTIFY any other organizations, associations or
13 groups of manufacturers, miners, distributors, importers, labelers,
14 suppliers, and/or sellers of ASBESTOS-CONTAINING PRODUCTS of which
15 THIS DEFENDANT was a member;
16 W. IDENTIFY any such representative of THIS DEFENDANT.

17 RESPONSE TO INTERROGATORY NO. 13:

18 The only such organizations of which Capco was a member were: (1)
19 the Asbestos Cement Pipe Producers Association, and (2) the Asbestos
20 Information Association/North America. In addition, Capco paid dues
21 for at least one Capco officer to be an individual member of (3) the
22 American Water Works Association.

23 INTERROGATORY NO. 14:

24 For each organization, association or other entity identified in
25 YOUR Response to Interrogatory No. 13, please state:

- 26 A. The dates during which THIS DEFENDANT was a member;

1 B. The name(s) of any publication(s) received by THIS
2 DEFENDANT from such association or organization;

3 C. The name of any committee or subcommittee of which THIS
4 DEFENDANT was a member, and the dates of such committee or
5 subcommittee membership.

6 RESPONSE TO INTERROGATORY NO. 14:

7 Asbestos Cement Pipe Producers Association ("ACPPA"): Capco was
8 a member of the ACPPA from 1971 until 1996. Publications received
9 from the ACPPA included: periodic newsletters entitled "A/C Advisory";
10 "Recommended Work Practices for A/C Pipe"; "Asbestos-Cement Water Pipe
11 and Health"; "A/C Pipe and Health"; "A/C Pipe and Drinking Water"; and
12 "America's Choice."

13 ACPPA committees or subcommittees in which a Capco representative
14 was a member included: Industry Promotion Committee, Market
15 Development Committee, Sewer Redesign Committee, Technical Committee,
16 and Value Engineering Committee. Except as specified above, dates of
17 committee involvement are currently unknown.

18
19 Asbestos Information Association/North America ("AIA/NA"): Capco
20 was a member of the AIA/NA from 1970 until December 31, 1996.
21 Publications received from the AIA/NA included: periodic newsletters
22 entitled "AIA News and Notes"; various AIA/NA annual compilations of
23 federal asbestos regulations; and various of the AIA/NA's pamphlets
24 on asbestos and health, including "What Every Employee Should Know
25 about ASBESTOS."

26 The names and dates of any AIA/NA committee or subcommittee

1 memberships on the part of Capco representatives are currently
2 unknown.

3
4 American Water Works Association ("AWWA"): The AWWA advises that
5 Capco was not a member of the AWWA. However, various Capco officers
6 were individual members, inclusive dates of membership currently
7 unknown. Publications received from the AWWA included: a monthly
8 trade magazine entitled "AWWA Journal," and various AWWA technical
9 specifications for different types of pipe.

10 The names and dates of any AWWA committee or subcommittee
11 memberships on the part of Capco representatives are currently
12 unknown.

13 INTERROGATORY NO. 15:

14 Had THIS DEFENDANT prior to 1973 received any DOCUMENTS
15 containing results or conclusions of any studies and/or tests
16 conducted by Bonsib for Standard Oil of New Jersey relating to
17 asbestos exposure in the workplace or the human health consequences
18 of exposure to asbestos? If so:

19 A. Either (1) attach all DOCUMENTS evidencing the
20 information sought in this Interrogatory and its subparts to your
21 answers to these Interrogatories, or (2) attach disks containing such
22 data, or (3) describe such DOCUMENTS with sufficient particularity
23 that they may be made the subject of a request for production of
24 documents.

25 B. State the date upon which THIS DEFENDANT first received
26 such DOCUMENTS;

- 1 C. State the IDENTITY of the custodian of such DOCUMENTS.
2 D. This interrogatory does apply to DOCUMENTS contained
3 in a library maintained by a DEFENDANT hospital or a DEFENDANT's
4 library providing access to the general public.

5 RESPONSE TO INTERROGATORY NO. 15:

6 Not to Capco's knowledge.

7 INTERROGATORY NO. 16:

8 Had THIS DEFENDANT prior to 1973 received a copy or any portion
9 of any studies and/or tests conducted by any insurance company,
10 including but not limited to Metropolitan Life Insurance Company and
11 Aetna Insurance relating to asbestos exposure in the workplace or the
12 human health consequences of exposure to asbestos? If so:

13 A. Either (1) attach all DOCUMENTS evidencing the
14 information sought in this Interrogatory and its subparts to your
15 answers to these Interrogatories or (2) attach disks containing such
16 data, or (3) describe such DOCUMENTS with sufficient particularity
17 that they may be made the subject of a request for production of
18 documents.

19 B. State the date upon which THIS DEFENDANT first received
20 such DOCUMENTS;

21 C. State the IDENTITY of the custodian of such DOCUMENTS.

22 D. This interrogatory does not apply to DOCUMENTS
23 contained in a library maintained by a DEFENDANT hospital or a
24 Defendant's library providing access to the general public.

25 RESPONSE TO INTERROGATORY NO. 16:

26 Not to Capco's knowledge.

1 INTERROGATORY NO. 17:

2 Had THIS DEFENDANT prior to 1973 received any DOCUMENTS
3 containing results or conclusions of any studies and/or tests
4 conducted by any laboratory, including but not limited to, the Saranac
5 Laboratory relating to asbestos exposure in the workplace or the human
6 health consequences of exposure to asbestos? If so:

7 A. Either (1) attach all DOCUMENTS evidencing the
8 information sought in this Interrogatory and its subparts to your
9 answers to these Interrogatories, or (2) attach disks containing such
10 data, or (3) describe such DOCUMENTS with sufficient particularity
11 that they may be made the subject of a request for production of
12 documents.

13 B. State the date upon which THIS DEFENDANT first received
14 such DOCUMENTS;

15 C. State the IDENTITY of the custodian of such DOCUMENTS.

16 D. This interrogatory does not apply to DOCUMENTS
17 contained in a library maintained by a DEFENDANT hospital or a
18 DEFENDANT's library providing access to the general public.

19 RESPONSE TO INTERROGATORY NO. 17:

20 Not to Capco's knowledge.

21 INTERROGATORY NO. 18:

22 Had THIS DEFENDANT (except for a defendant that is an educational
23 institution) prior to 1973 ever maintained a library (or libraries)
24 which contained books, articles, periodicals, journals, and/or
25 reference materials that related to the subjects of asbestos,
26 industrial hygiene, medicine, safety and/or occupational disease. If

1 so, state:

2 A. The date each such library was established;

3 B. The location of each such library;

4 C. The IDENTITY of each librarian or other person in
5 charge of such library.

6 RESPONSE TO INTERROGATORY NO. 18:

7 Capco did not maintain a library, as such, but rather shelves of
8 books and other reference materials were maintained by various Capco
9 officers.

10 INTERROGATORY NO. 19:

11 With the exception of OSHA compliance, had THIS DEFENDANT (except
12 for a defendant that is an educational institution) prior to 1980
13 exchanged DOCUMENTS or communicated with any person or other COMPANY
14 expressly regarding the results of tests and/or studies relating to
15 asbestos exposure in the workplace or the human health consequences
16 of exposure to asbestos? If so, state:

17 A. Each person or COMPANY with whom the information was
18 exchanged or to whom it was communicated.

19 B. The date(s) of any such exchanges or communications;

20 C. The IDENTITY of the custodian of such DOCUMENTS.

21 RESPONSE TO INTERROGATORY NO. 19:

22 See response to Interrogatory no. 14. In addition, in 1977, an
23 industrial hygiene study regarding safe work practices for asbestos
24 cement pipe was performed for the Asbestos Cement Pipe Producers
25 Association ("ACPPA") by Equitable Environmental Health, Inc., 2020
26 Milvia Street, Berkeley, California 94704. The results of the study,

1 two reports by Wesley M. Noble, B.S., Barbara L. Kawahara, M.P.H. and
2 W. Clark Cooper, M.D., entitled "Asbestos Exposures During the Cutting
3 and Machining of Asbestos Cement Pipe," March 16, 1977, and "Dust
4 Exposures During the Cutting and Machining of Asbestos/Cement Pipe,
5 Additional Studies," December 15, 1977, were communicated to all
6 members of the ACPPA, including Capco. Copies of the reports are
7 available from Porzio, Bromberg & Newman, P.C.

8 INTERROGATORY 'NO. 20:

9 Has any employee or designee of THIS DEFENDANT testified as a
10 representative of THIS DEFENDANT before the Occupational Safety and
11 Health Administration, the National Institute of Occupational Safety
12 and Health, or any committee or subcommittee of the United States
13 Congress relating to asbestos exposure in the workplace or the human
14 health consequences of exposure to asbestos? If so, please state:

- 15 A. The entity before whom such testimony was given;
16 B. The date(s) and location(s) of such testimony;
17 C. The IDENTITY of the individual(s) who so testified;
18 D. Whether any DOCUMENTS were presented to the entity
19 before which testimony was given;
20 E. Whether copies of DOCUMENTS presented were retained by
21 THIS DEFENDANT and, if so, state the IDENTITY of the custodian of such
22 DOCUMENTS.

23 RESPONSE TO INTERROGATORY NO. 20:

24 On or about March 14, 1972, Capco plant manager W.H. Beasley
25 testified by means of a written statement submitted in regard to U.S.
26 Department of Labor (OSHA) hearings on the 1972 proposed standard for

1 exposure to asbestos dust, held in Washington, D.C.

2 On or about November 11, 1983, Capco President Warren T. Whitley
3 testified by means of an affidavit submitted in regard to U.S.
4 Department of Labor (OSHA) hearings on a November 4, 1983 Emergency
5 Temporary Standard for exposure to asbestos dust.

6 Copies of the documents are in the custody of Porzio, Bromberg
7 & Newman.

8 INTERROGATORY NO. 21:

9 Has THIS DEFENDANT (except for a defendant that is an educational
10 institution) conducted, or caused to be conducted, tests, and/or
11 studies of ambient asbestos dust created during the manufacture,
12 processing and/or assembling for sale of ASBESTOS-CONTAINING PRODUCTS?

13 If so, state:

14 A. Each manufacturing facility, including location and
15 address, at which any such test and/or study was conducted;

16 B. The date of each such test and/or study;

17 C. The individual(s) or entity conducting each such test
18 and/or study;

19 D. Whether THIS DEFENDANT has any DOCUMENTS containing the
20 results and/or conclusions of each such study;

21 E. The IDENTITY of the custodian of such DOCUMENTS.

22 RESPONSE TO INTERROGATORY NO. 21:

23 Capco had two manufacturing facilities at which asbestos was
24 used, and at which studies of ambient air asbestos dust concentrations
25 were conducted: (1) at Ragland, Alabama, such tests were conducted
26 periodically from at least 1972 until the plant was closed in 1982;

1 (2) at Van Buren, Arkansas, such tests were conducted periodically
2 from at least 1973 until the plant ceased making asbestos cement pipe
3 in 1993. Records of such ambient air sampling are in the possession
4 of Porzio, Bromberg & Newman, P.C.

5 INTERROGATORY NO. 22:

6 Has THIS DEFENDANT (except for a defendant that is an educational
7 institution) conducted, or caused to be conducted; any tests and/or
8 studies on ambient asbestos dust levels at any location or job site
9 where ASBESTOS-CONTAINING PRODUCTS were installed, utilized or
10 removed? If, for the first 5 tests and/or studies, state:

11 A. The location, including name and address, at which each
12 such test and/or study was conducted;

13 B. The individual(s) or entity conducting each such test
14 and/or study;

15 C. The date of each such test and/or study;

16 D. Whether THIS DEFENDANT has any DOCUMENTS containing the
17 results and/or conclusions of each such test and/or study;

18 E. The IDENTITY of the custodian of such DOCUMENTS.

19 RESPONSE TO INTERROGATORY NO. 22:

20 See response to Interrogatory no. 19.

21 INTERROGATORY NO. 23:

22 Did THIS DEFENDANT (except for a defendant that is an educational
23 institution) have any laboratory or other similar type of facility
24 anywhere in the United States at which it conducted, or caused to be
25 conducted, any tests and/or studies of ASBESTOS-CONTAINING PRODUCTS
26 or RAW ASBESTOS relating to the health consequences of asbestos or the

- 1 dust generated by any use of asbestos or ASBESTOS-CONTAINING PRODUCTS.
2 If so, state:
3 A. The location, including name and address, at which each
4 test and/or study conducted;
5 B. The individual(s) or entity conducting each such test
6 and/or study:
7 C. The date of each such test and/or study;
8 D. Whether THIS DEFENDANT has any DOCUMENTS containing the
9 results and/or conclusions of each such test and/or study;
10 E. The IDENTITY of the custodian of such DOCUMENTS.

11 RESPONSE TO INTERROGATORY NO. 23:

12 Capco did not itself operate such a laboratory or similar
13 facility as described in this Interrogatory. See, however, responses
14 to Interrogatory nos. 11, 19 and 21.

15 INTERROGATORY NO. 24:

16 Has THIS DEFENDANT made available to its employees a medical
17 examination program to determine the absence or presence of
18 asbestos-related disease? If so, state:

- 19 A. Whether chest x-rays or pulmonary function tests were
20 part of such program(s);
21 B. Whether participation in any such program was a
22 mandatory condition of employment or was voluntary;
23 C. Whether THIS DEFENDANT has DOCUMENTS of such
24 program(s);
25 D. The IDENTITY of the custodian of such DOCUMENTS.

26 //

1 RESPONSE TO INTERROGATORY NO. 24:

2 Capco conducted mandatory annual physical examinations of its
3 employees. The physical examinations included chest x-rays and
4 pulmonary function testing. Records relating to this medical
5 examination program are now in the possession of Porzio, Bromberg &
6 Newman, P.C.

7 INTERROGATORY NO. 25:

8 Prior to 1973, did any person file a Workers' Compensation claim
9 for asbestos-related injury against THIS DEFENDANT or against any
10 Workers' Compensation insurance carrier which provided coverage for
11 THIS DEFENDANT? If so, state the total number of such claims and, for
12 the first 20 such claims state:

- 13 A. The date of such claim;
14 B. The name of the claimant;
15 C. The case number;
16 D. The court in which the claim was filed;
17 E. The IDENTITY of THIS DEFENDANT's custodian of DOCUMENTS
18 evidencing such claims.

19 RESPONSE TO INTERROGATORY NO. 25:

20 No, none.

21 INTERROGATORY NO. 26:

22 Does THIS DEFENDANT have insurance available to cover judgment(s)
23 entered against it in asbestos-related personal injury lawsuits? If
24 so, state:

- 25 A. The name and principal place of business of any
26 insurance carrier who has issued such policy of insurance;

- 1 B. The number and effective date of each policy;
2 C. The amount(s) of coverage of each policy;
3 D. The applicable dates of coverage.

4 RESPONSE TO INTERROGATORY NO. 26:

5 Capco is currently attempting to secure insurance coverage
6 through negotiations with and threatened litigation against former
7 insurers, but does not at this time have assurance of coverage.

8 INTERROGATORY NO. 27:

9 State whether YOU have controlled, purchased, or in any way
10 acquired any controlling interest in any corporation or business
11 entity which has mined, manufactured, produced, processed, compounded,
12 sold, supplied, distributed and/or otherwise placed RAW ASBESTOS or
13 ASBESTOS-CONTAINING PRODUCTS in the stream of commerce. If so, state:

14 A. The name and address of said corporation or business
15 entity;

16 B. The dates YOU controlled, purchased or acquired any
17 interest; and

18 C. The nature of the business as it pea to asbestos.

19 RESPONSE TO INTERROGATORY NO. 27:

20 Capco has not controlled, purchased, or otherwise acquired an
21 interest in such an entity.

22 INTERROGATORY NO. 28:

23 State whether THIS DEFENDANT, between 1930 and 1985, has ever
24 engaged in the following activities with regard to RAW ASBESTOS, and
25 if so, state the inclusive dates of such activity:

26 A. Mining;

- 1 B. Milling;
- 2 C. Supply;
- 3 D. Importing;
- 4 E. Processing;
- 5 F. Distribution;
- 6 G. Marketing;
- 7 H. Sale;
- 8 I. Brokering.

9 RESPONSE TO INTERROGATORY NO. 28:

10 Capco has never mined, milled, supplied, distributed, marketed,
11 sold or brokered raw asbestos fiber. Capco has imported and processed
12 raw asbestos fiber only for Capco's own use in manufacturing asbestos
13 cement underground pipe.

14 INTERROGATORY NO. 29:

15 If YOUR answer to any of subparts of Interrogatory 28 regarding
16 RAW ASBESTOS is in the affirmative, state:

17 A. The trade, brand name, and/or generic name of such RAW
18 ASBESTOS milled or MARKETED in any form or quantity between 1930 and
19 1985;

20 B. The date(s) such RAW ASBESTOS was first placed on the
21 market, including the date(s) such RAW ASBESTOS was first marketed;

- 22 1. On an experimental basis;
- 23 2. On a test basis;
- 24 3. For sale.

25 C. The date(s) such RAW ASBESTOS:

- 26 1. Ceased to be produced; or

- 1 2. Was recalled from the market, if ever.
- 2 D. A description of the chemical composition of such RAW
- 3 ASBESTOS, including the type and/or grade of asbestos;
- 4 E. A description of the physical appearance and nature of
- 5 such RAW ASBESTOS, including any color coding, distinctive marking
- 6 and/or logo on the packaging or container;
- 7 F. A detailed description of the intended use of such RAW
- 8 ASBESTOS, including any temperature limits for each such use;
- 9 G. Whether such RAW ASBESTOS was on the U.S. Government's
- 10 "Qualified Products List," and if so, the inclusive dates it was on
- 11 such list;
- 12 H. IDENTIFY to whom such RAW ASBESTOS has, at any time,
- 13 been sold. As to each such, state:
- 14 I. Whether any of THIS DEFENDANT's RAW ASBESTOS has, at
- 15 any time, been sold, shipped, or otherwise distributed, used or
- 16 installed to or at any COMPANY (including power company or utility),
- 17 governmental agency or entity, shipyard, distributor, refinery,
- 18 contractor, supplier, PREMISE owner or occupant, ship owner, or other
- 19 PREMISE or site in the GEOGRAPHIC AREA and whether any of THIS
- 20 DEFENDANT's RAW ASBESTOS has at any time, been sold to any
- 21 manufacturer, or manufacturing facility, of ASBESTOS-CONTAINING
- 22 PRODUCTS. If so, state:
- 23 1. The names of each such COMPANY, governmental agency or
- 24 entity, shipyard, distributor, supplier, manufacturer or refinery;
- 25 2. The inclusive dates of each such sale, and the amount
- 26 (quantity) and the trade brand name of such RAW ASBESTOS sold;

- 1 3. The manner of shipment (e.g. boat, rail, etc.)
- 2 4. Whether you have any records indicating any such sale
- 3 or shipment and, if so, the name, address and job classification of
- 4 each person who currently has possession of such records.
- 5 5. Either (1) attach all DOCUMENTS evidencing the
- 6 information sought in this Interrogatory and its subparts to your
- 7 answers to these Interrogatories, or (2) attach disks containing such
- 8 data, or (3) describe such DOCUMENTS with sufficient particularity
- 9 that they may be made the subject of a request for production of
- 10 documents.

11 RESPONSE TO INTERROGATORY NO. 29:

12 Not applicable. As noted previously, Capco imported raw asbestos

13 only for its own use; Capco did not market the raw asbestos to others.

14 INTERROGATORY NO. 30:

15 Between 1930 and 1985, did YOU ever engage in any of the

16 activities listed below with regard to ASBESTOS-CONTAINING PRODUCTS?

17 If so, state the inclusive dates of such activity:

- 18 A. Supply;
- 19 B. Importing;
- 20 C. Distribution;
- 21 D. Marketing;
- 22 E. Sale;
- 23 F. Labeling;
- 24 G. Manufacturing;
- 25 H. Brokering.

26 //

1 RESPONSE TO INTERROGATORY NO. 30:

2 In response to Interrogatory no. 30 (A) and (C)-(G), the only
3 asbestos-containing products supplied, distributed, marketed, sold,
4 labeled or manufactured by Capco were asbestos cement underground
5 water pressure pipe and underground sewer or storm drain (non-
6 pressure) pipe. These are heavy duty types of asbestos-cement pipe
7 (sometimes hereinafter referred to as "underground A/C pipe") which
8 were used by pipeline contractors. Capco did not begin to sell any
9 products until July 1965.

10 In response to Interrogatory no. 30 (B) and (H), no.

11 INTERROGATORY NO. 31:

12 If your answer to any subpart of Interrogatory No. 31 regarding
13 "ASBESTOS-CONTAINING PRODUCTS" is in the affirmative, state:

14 A. The trade, brand name, and/or generic name of each such
15 ASBESTOS-CONTAINING PRODUCT MARKETED in any form or quantity between
16 1930 and 1985;

17 B. The date(s) each such ASBESTOS-CONTAINING PRODUCT was
18 first placed on the market, including the date(s) each such
19 ASBESTOS-CONTAINING PRODUCT was first MARKETED;

20 1. On an experimental basis;

21 2. On a test basis; or

22 3. For sale.

23 C. The date(s) each such ASBESTOS-CONTAINING PRODUCT:'

24 1. Ceased to be produced; or

25 2. Was recalled from the market, if ever.

26 D. A detailed description of the chemical composition of

1 each such ASBESTOS-CONTAINING PRODUCT, including the type and/or grade
2 of asbestos and/or asbestos fiber contained in each such product and
3 the quantitative percentage of asbestos or asbestos fiber in each such
4 product, and all non-asbestos components of the ASBESTOS-CONTAINING
5 PRODUCT, and if the chemical composition changed over time, the
6 inclusive dates of each formulation;

7 E. A description of the physical appearance and nature of
8 each such ASBESTOS-CONTAINING PRODUCT, including any color coding,
9 distinctive marking and/or logo, either on the product or on the
10 packaging;

11 F. A detailed description of the intended use of each such
12 ASBESTOS-CONTAINING PRODUCT, including any temperature limits for each
13 such use;

14 G. Whether any such ASBESTOS-CONTAINING PRODUCT was on the
15 U.S. Government's "Qualified Products List," and if so, the inclusive
16 dates it was on such list;

17 H. The name and address of the supplier of the RAW
18 ASBESTOS used in each such product and the time period of such supply;

19 I. Whether any of THIS DEFENDANT's RAW ASBESTOS OR
20 ASBESTOS-CONTAINING PRODUCTS have, at any time, been sold, shipped,
21 or otherwise distributed to any COMPANY (including power company or
22 utility), governmental agency or entity, shipyard, distributor,
23 refinery, contractor, supplier, manufacturer, PREMISE owner or
24 occupant, ship owner, or other PREMISE or site in the GEOGRAPHIC AREA.
25 If so, state:

26 1. The names of each such COMPANY, governmental agency or

1 entity, shipyard, distributor, supplier, manufacturer, refinery,
2 contractor, PREMISE owner or occupant, ship owner, PREMISE or site;

3 2. The inclusive dates of each such sale, shipment,
4 distribution, use or installation and the amount (volume) and the
5 trade or brand name of each such ASBESTOS-CONTAINING PRODUCT sold;

6 3. Whether you have any records indicating any such sale,
7 shipment, distribution, use or installation and, if so, the name,
8 address and job classification of each person who currently has
9 possession of such records.

10 J. Either (1) attach all DOCUMENTS evidencing the
11 information sought in this Interrogatory and its subparts to your
12 answers to these Interrogatories, or (2) attach disks containing such
13 data, or (3) describe such DOCUMENTS with sufficient particularity
14 that they may be made the subject of a request for production of
15 documents.

16 RESPONSE TO INTERROGATORY NO. 31:

17 In response to Interrogatory no. 31(A-B), see response to
18 Interrogatory no. 30. In addition, when Capco began making such pipe
19 in 1965, it initially used the brand or trade name "Permaflex," which
20 in 1965 Capco registered as the trademark for its rubber gaskets used
21 with the pipe. However, within a few years, Capco instead began using
22 the brand or trade name "Capco," which in 1969 Capco registered as the
23 trademark for its asbestos-cement pipe.

24 In response to Interrogatory no. 31(C), Capco ceased making such
25 pipe in 1993.

26 In response to Interrogatory no. 31(D), Capco's underground A/C

1 pipe was composed of a blend of Portland cement, silica, asbestos
2 fibers and water, with asbestos comprising about 20% of the weight of
3 the pipe. The asbestos fibers acted as minute reinforcing rods locked
4 in the cement binder, which gave the pipe strength without unduly
5 adding to the weight of the pipe, and, moreover, the pipe would not
6 rust.

7 In response to Interrogatory no. 31(E), like all underground A/C
8 pipe, Capco underground A/C pipe was gray in color. See also response
9 to Interrogatory no. 38 for marking information.

10 In response to Interrogatory no. 31(F), see response to
11 Interrogatory no. 30. In addition, the intended use of underground
12 A/C pipe was such that it required both great crush strength, to
13 withstand burial, for example under streets, and great hydrostatic
14 strength, to contain water being pumped under high pressure.

15 In response to Interrogatory no. 31(G), Capco is unaware whether
16 underground A/C pipe was included on such a list.

17 In response to Interrogatory no. 31(H), Capco purchased raw
18 asbestos from a number of sources, including:

19 Associated Minerals Corp. (1976-1982)
20 Stadtle 36 Post Bag 685, Vaduz, Liechtenstein
21 Brakegate Limited (1981-1993)
22 P.O. Box 782891, Sandton, IL
23 Bell Asbestos Mines (1975)
24 P.O. Box 99, Thetford Mines, Quebec, Canada
25 Calaveras Asbestos Ltd. (1977-1988)
26 P.O. Box 127, Copperopolis, CA 95228

- 1 Cape Asbestos Ltd. (1965, 1968)
- 2 Burlington House, 22 Rissik St., Johannesburg, South Africa
- 3 Cassiar Asbestos Corp. (1975-1978)
- 4 c/o Bell Asbestos Mines, above
- 5 Certain-Teed Products Corp. (1975-1976)
- 6 P.O. Box 860, Valley Forge, PA 19482
- 7 Central Asbestos Co. Ltd. (1966, 1970-1971, 1974-1976)
- 8 Central House, Thomas Road, London E14 7BQ, England, U.K.
- 9 General Mining (supply years unknown)
- 10 (address unknown), South Africa
- 11 Huxley Development Corp. (1975-1976, 1978)
- 12 Time & Life Bldg., Rockefeller Center, New York, NY 10020
- 13 J-M Asbestos Sales, Inc. (1988-1989)
- 14 2000 Peel Street, Montreal, Quebec H3A 2W5, Canada
- 15 Johns-Manville Corp. (1975, 1979)
- 16 P.O. Box 1500, Asbestos, Quebec J1TN2, Canada
- 17 Kuruman (1967)
- 18 (address unknown), South Africa
- 19 LAB Chrysotile Corp. (1986-1993)
- 20 Thetford Mines, Quebec G6G 5T5, Canada
- 21 Lac d'Amiante du Quebec, Ltee (1964-1986)
- 22 (f/k/a Lake Asbestos of Quebec, Ltd.)
- 23 P.O. Box 608, Black Lake, Quebec, Canada
- 24 Minerals Marketing Corp. (1988-1990)
- 25 (address unknown)
- 26 North American Asbestos Corp. (1965-1971, 1975-1976)

1 200 South Michigan Ave., Chicago, IL 60604
2 Pacific Asbestos Corp. (1969)
3 Copperopolis, CA 95228
4 Phillips Brothers, Division of Minerals & Chemicals, Phillips
5 Corp. (1965-1966)
6 350 Park Avenue, New York, NY 10022
7 Putten Asbestos Corp. (1965)
8 (address unknown)
9 S.A. Asbestos Trading (Pty.) Ltd. (1979-1980)
10 P.O. Box 8613, Johannesburg, South Africa 2000
11 Special Materials, Inc. (a/k/a Special Asbestos Co.) (1970-1971,
12 1973-1982)
13 P.O. Box 530, Northfield, IL 60093
14 Turner & Newall (supply years unknown)
15 c/o Huxley Development Corp. , above
16 In response to Interrogatory no. 31 (I) and (J), Capco's sales
17 were primarily direct sales to pipeline contractors and
18 municipalities; the number of such customers is extensive and
19 accordingly, rather than attempting to list them all here, copies of
20 Capco's California customer cards are available on request.

21 All of the above records are in the possession of Porzio,
22 Bromberg & Newman, P.C.

23 INTERROGATORY NO. 32 (PREMISES DEFENDANTS only)

24 Did YOU install, remove, or handle or contract to have others
25 install, remove, or handle RAW ASBESTOS or ASBESTOS-CONTAINING
26 PRODUCTS at any PREMISES in the GEOGRAPHIC AREA which PREMISES is at

1 issue as to YOU in San Francisco Superior Court asbestos litigation
2 as of the date of your answers to these interrogatories? If so:

3 A. IDENTIFY the PREMISES.

4 B. For each of the PREMISES:

5 1. State the nature of your ownership or possessory
6 interest;

7 2. State the inclusive date of that interest;

8 3. IDENTIFY the party from whom that interest was
9 acquired;

10 4. IDENTIFY the party, if any, to whom that interest was
11 transferred.

12 C. IDENTIFY every contract to which YOU were a party or
13 of which you have knowledge wherein the performance of such contract
14 involved the installation, removal, disturbing or handling of any RAW
15 ASBESTOS or ASBESTOS-CONTAINING PRODUCTS at YOUR PREMISES. For each
16 such contract:

17 1. IDENTIFY the parties to the contract;

18 2. Provide a general description and specific location of
19 the work to be performed by each party to the contract;

20 3. IDENTIFY and describe the NATURE of the RAW ASBESTOS
21 or ASBESTOS-CONTAINING PRODUCTS installed, removed, disturbed or
22 handled in the performance of the contract;

23 4. State the dates of the contract and the dates of
24 performance;

25 D. Except as provided in response to subpart (c), has any
26 work other than routine maintenance been done on or to the PREMISES

1 that involved the installation, removal, disturbing or handling of RAW
2 ASBESTOS or ASBESTOS-CONTAINING PRODUCTS? If so, for each such
3 instance:

- 4 1. State the inclusive dates of the work;
- 5 2. Provide a general description and specific location of
6 the work;
- 7 3. State whether the work was done by YOU and/or YOUR
8 employees;
- 9 4. IDENTIFY and describe the NATURE of the PAW ASBESTOS
10 or ASBESTOS-CONTAINING PRODUCTS installed, removed, handled or
11 disturbed;
- 12 5. IDENTIFY from whom the RAW ASBESTOS OR
13 ASBESTOS-CONTAINING PRODUCTS were acquired.

14 E. Has any asbestos abatement effort been made at the
15 PREMISES? If so, for each such effort:

- 16 1. IDENTIFY who did the work;
- 17 2. State the inclusive dates thereof;
- 18 3. State whether samples were taken, and, if the samples
19 still exist, IDENTIFY the custodian of the samples;
- 20 4. State whether any material was tested, and, if so, what
21 were the results of each test;
- 22 5. IDENTIFY each test result with sufficient particularity
23 for purposes of a request for production of documents, or, in the
24 alternative, attach a copy to YOUR answers to these interrogatories.

25 F. Except for insurance coverage litigation, have you
26 filed suit against or otherwise sought to recover from, any person or

1 entity for some or all of the cost of asbestos abatement or for the
2 property damage allegedly caused by the presence of RAW ASBESTOS or
3 ASBESTOS-CONTAINING PRODUCTS on the PREMISES identified in response
4 to subpart (A) above? If so:

5 1. IDENTIFY the person or entity against whom YOU have
6 filed suit or otherwise sought to recover;

7 2 If YOU have filed suit, state the court in which the
8 action was filed, the date on which it was filed, IDENTIFY all
9 Plaintiffs and Defendants their counsel of record;

10 3. State whether or not the case has been resolved, and,
11 if so, what was the status or disposition.

12 G. Either (1) attach all DOCUMENTS evidencing the
13 information sought in this Interrogatory and its subparts to your
14 answers to these Interrogatories, or (2) attach disks containing such
15 data, or (3) describe such DOCUMENTS with sufficient particularity
16 that they may be made the subject of a request for production of
17 documents.

18 H. IDENTIFY the person(s) presently most knowledgeable
19 about the information sought in this interrogatory or its subparts.

20 RESPONSE TO INTERROGATORY NO. 32:

21 Not applicable.

22 INTERROGATORY NO. 33 (CONTRACTOR DEFENDANTS only)

23 At any time between 1930 and 1985, did YOU hold a contractor's
24 license in the State of California? If so:

25 A. IDENTIFY each license by type, date and number.

26 B. If on the date of your answers YOU are a defendant in

1 four or more asbestos actions in San Francisco Superior Court,
2 IDENTIFY each job or contract that YOU performed (directly or through
3 one or more subcontractors) during this time period for work in any
4 PREMISES which is at issue as to YOU on such date, and in any PREMISES
5 of 50,000 square feet or more in the GEOGRAPHIC AREA which job or
6 contract involved installation, removal, disturbing or handling RAW
7 ASBESTOS or ASBESTOS-CONTAINING PRODUCTS. (Alternatively, at your
8 option, you may IDENTIFY each job or contract YOU performed (directly
9 or through one or more subcontractors) during this time frame for all
10 work, or for all work on PREMISES of 50,000 square feet or more, in
11 the GEOGRAPHIC AREA.) As to each such job or contract:

12 1. IDENTIFY the location (including name of ship, if
13 applicable) where the job or work was performed;

14 2. State the date of the contract or the inclusive dates
15 of the work;

16 3. IDENTIFY the person or entity with whom you contracted;

17 4. State your job or contract number.

18 C. If on the date of your answers you are not a defendant
19 in four or more IS asbestos actions in San Francisco Superior Court,
20 IDENTIFY each job or contract that YOU performed (directly or through
21 one or more subcontractors) during this time period for work in any
22 PREMISES which is at issue as to YOU on such date. As to each such job
23 or contract:

24 1. IDENTIFY the location (including name of ship, if
25 applicable) where the job or work was performed;

26 2. State the date of the contract or the inclusive dates

1 of the work;

2 3. IDENTIFY the person or entity with whom you contracted;

3 4. State your job or contract number.

4 RESPONSE TO INTERROGATORY NO. 33:

5 Not applicable.

6 INTERROGATORY NO. 34:

7 Did any of the distributors identified in your Answer to
8 Interrogatory Nos. 29 and 31 above have an exclusive distributorship?
9 If so, state the relevant time period.

10 RESPONSE TO INTERROGATORY NO. 34:

11 No.

12 INTERROGATORY NO. 35:

13 If THIS DEFENDANT entered into any agreements for the rebranding
14 of any ASBESTOS-CONTAINING PRODUCTS by THIS DEFENDANT for resale or
15 distribution by another person or entity, describe each agreement's
16 terms and the parties to said agreement, the duration of the
17 agreement, and name of each product(s) and/or material(s) covered by
18 each such agreement.

19 RESPONSE TO INTERROGATORY NO. 35:

20 Not applicable; with regard to the entire United States
21 market, Capco never made any products for rebranding by others.

22 INTERROGATORY NO. 36:

23 If THIS DEFENDANT entered into any agreement's for the rebranding
24 of ASBESTOS-CONTAINING PRODUCTS manufactured, sold, supplied or
25 distributed by another person or entity for resale or distribution by
26 YOU, describe each of the agreements and the parties to said

1 agreement, the terms, the duration, and the names of each product(s)
2 and/or material(s) covered by each such agreement.

3 RESPONSE TO INTERROGATORY NO. 36:

4 None to Capco's knowledge.

5 INTERROGATORY NO. 37:

6 As to RAW ASBESTOS and to each such ASBESTOS-CONTAINING PRODUCT
7 listed in YOUR responses to Interrogatories No. 29 and 31 did
8 DEFENDANT warn of the health hazards of asbestos? If so, state for
9 each such warning:

10 A. The content, size, color, and location; whether the
11 warning appeared on the material and/or on the container, and/or was
12 placed on a tag; whether the warning was included in contracts;
13 whether the warning was included in advertising or other promotional
14 materials.

15 B. State whether you have any photographs thereof;

16 C. The inclusive dates on which you used each' such
17 warning;

18 D. State all changes you made in such warnings and the
19 dates of such changes; and

20 E. Identify the person most knowledgeable about your
21 warnings and warning policy.

22 RESPONSE TO INTERROGATORY NO. 37:

23 In response to Interrogatory no. 37 (A-D), Capco provided asbestos
24 product warnings in various ways, including the following:

25 Each shipment of Capco underground A/C pipe was accompanied by
26 the "Capco Installation Guide." The guide was sent with every

1 shipment of pipe with the bill of lading, and in the case of multi-car
2 shipments, would be sent with the first truckload. The pipe did not
3 have any packaging in the normal sense, although Capco did tie
4 shipments of pipe together by using unitized strapping, blocks or
5 wooden end crating.

6 The Capco Installation Guide was a small and narrow booklet
7 designed to fit into the jobsite foreman's pocket. This installation
8 guidebook was first prepared in 1966, and then was revised in 1968,
9 1973, 1980, 1981 and 1990. It illustrates that generally the pipe
10 lengths and couplings are simply pushed together, using a gasket and
11 a lubricant, but that sometimes field cutting may be necessary, such
12 as for certain types of connections to other pipe

13 In 1973, before the 1973 edition of the Installation Guide was
14 published, the following instructions were distributed with each
15 shipment of Capco's underground A/C pipe:

16 FIELD PRACTICES - ASBESTOS CEMENT PIPE

17 OSHA regulations as published in the Federal Register,
18 Wednesday, June 7th, 1972, Volume 37, Number 110, Part I,
19 provide for a standard for exposure to asbestos dust.

20 As a result of our investigation into dust levels
21 generated by various methods of field cutting and trimming
22 asbestos-cement pipe products, the following methods can be
23 used to field cut and trim asbestos-cement pipe products in
24 an effort to achieve compliance with the above regulations.

- 25 1. Manually operated cutting and machining tools as
26 designed especially for use with asbestos-cement pipe and

1 available from various manufacturers.

2 2. Power driven cutting and machining tools as in Number
3 1 above.

4 3. Hand Sawing.

5 4. Hand Rasping.

6 5. Hammer and chisel (such as used to make a lateral tie-
7 in into a sewer or storm drain).

8 We do not recommend the use of power driven circular
9 saws that utilize abrasive discs (masonry blades) unless
10 the operator and anyone directly assisting him is using a
11 respiratory protective device that complies with the U.S.
12 Bureau of Mines Schedule 21-B. As an additional method of
13 providing minimum amount of dust, a small vacuum cleaning
14 device should be considered. Respirators that comply with
15 this specification are available from the following
16 manufacturers, as well as others:

- 17 1. American Optical Company, Southbridge, Massachusetts
18 2. Mine Safety Appliance Company, Pittsburgh, Pennsylvania
19 3. Welsh Manufacturing Company, Providence, Rhode Island
20 4. Willson Products Division, ESB Inc., Reading,
21 Pennsylvania

22 The 1973 edition of the Capco Installation Guide
23 included the following, rubber-stamped in red on the inside
24 cover, and the same was also stamped on the customer's copy
25 of the bill of lading:

C A U T I O N

THE FIELD CUTTING OF ASBESTOS CEMENT PIPE CAN CREATE DUST CONTAINING ASBESTOS FIBERS THAT MAY CAUSE SERIOUS BODILY HARM IF BREATHED. BEFORE CUTTING OR GRINDING A/C PIPE, READ ALL INSTRUCTIONS CONTAINED ON PAGE 47 OF CAPCO INSTALLATION GUIDE.

In addition to other instructions contained in the 1973 edition of the Capco Installation Guide, the instructions at the above-noted "page 47" were the same as the 1973 handout noted previously, "FIELD PRACTICES - ASBESTOS CEMENT PIPE."

Beginning in 1977, each A/C pipe shipment was also accompanied by a copy of a second booklet entitled "Recommended Work Practices for A/C Pipe," by the Asbestos Cement Pipe Producers Association ("ACPPA"). Capco also gave this Work Practices booklet to new customers and to anyone who had particular questions on work practices regarding asbestos-cement pipe. The Work Practices booklet begins with a discussion of asbestos and health, and then explains appropriate work practices. In 1978, the American Water Works Association ("AWWA") adopted and also reprinted the Work Practices document as an official standard, entitled "Work Practices for Asbestos Cement Pipe."

In about 1977 or 1978, the ACPPA prepared a brochure entitled "A/C Pipe and Health," which was distributed by Capco, among others.

In the 1978 Capco Installation Guide, the inside-cover "Caution" language noted previously was type-set but identical to the 1973

1 edition, as was the "page 47" language.

2 Beginning about 1978, the following was printed on the envelope,
3 accompanying each shipment, which contained the shipping documents,
4 Capco Installation Guide and Work Practices booklet. Printed at the
5 top of such 8 1/2" x 11" envelope were the instructions "Driver Give
6 This Package to Consignee," followed by "IMPORTANT NOTICE." In
7 addition to some other general instructions, there was also a printed
8 "CAUTION" warning in bold-faced red type on the envelope, as follows:

9

10

CAUTION

11

12

13

14

15

THE FIELD CUTTING OF ASBESTOS-CEMENT PIPE CAN CREATE DUST
CONTAINING ASBESTOS FIBRES THAT MAY CAUSE SERIOUS BODILY
HARM IF BREATHED. BEFORE CUTTING OR GRINDING A/C PIPE,
READ ALL INSTRUCTIONS CONTAINED ON INSIDE FRONT COVER OF
CAPCO INSTALLATION GUIDE.

16

For Assistance, Call 1-800-633-3420

17

18

19

In the 1980 edition of the Capco Installation Guide, the inside
front cover was changed to read as follows:

20

21

WARNING

22

23

24

25

26

Power driven saws with abrasive discs (masonry blades)
should never be used for dry cutting or beveling asbestos-
cement pipe. Abrasive disc cutters produce concentrations
of airborne asbestos dust which exceed OSHA permissible
levels and could be dangerous to your health.

1
2 **IMPORTANT:** Always follow instructions in "Recommended Work
3 **Practices for A/C Pipe"** booklet which is furnished with
4 each pipe order.

5
6 In the 1980 Capco Installation Guide, and in all subsequent
7 editions, at page 58 there appeared the following:

8 **WARNING:** HIGH SPEED ABRASIVE DISC SAWS ARE PROHIBITED BY
9 OSHA IF NOT EQUIPPED WITH LOCAL EXHAUST VENTILATION AND A
10 HEPA FILTER DUST COLLECTION SYSTEM.

11
12 Beginning in 1981, additional language was added below the
13 previously-noted "CAUTION" statement stamped on the customer's copy
14 of the bill of lading, requiring the customer receiving the shipment
15 of pipe to sign an acknowledgment of receipt of instructions as
16 follows:

17
18 **THIS SHIPMENT ALSO CONTAINS:**

19 1 EA. CAPCO INSTALLATION GUIDE BOOKLET
20 1 EA. RECOMMENDED WORK PRACTICES FOR A/C PIPE BOOKLET
21 1 EA. GASKET FEELER GUIDE

22 PER _____
23

24 In the 1981 edition of the Capco Installation Guide, the inside
25 front cover was changed to read as follows:
26

1 by a Spanish translation):

2

3

WARNING

4

This product contains asbestos, a chemical known to the
5 State of California to cause cancer if inhaled.

6

7

8

Investigation into areas covered by this Interrogatory is
continuing and supplemental information may be provided.

9

10

INTERROGATORY NO. 38:

11

12

13

14

15

16

17

With respect to each of YOUR ASBESTOS-CONTAINING PRODUCTS, state
whether THIS DEFENDANT's name, a trademark, logos, color coding, or
other identifying markings ever appeared on the actual product itself.
If so, IDENTIFY each such product, state when the practice to place
such identifying markings upon the product was begun and when it
ended, if applicable, and describe in detail the pertinent marking(s)
and the purpose, if any, of such markings.

18

RESPONSE TO INTERROGATORY NO. 38:

19

20

The words "Capco" or "Cement Asbestos Products Company"
appeared in stenciled letters on the pipe.

21

INTERROGATORY NO. 39:

22

23

24

Between the years 1930 to 1985, did THIS DEFENDANT purchase or
otherwise acquire any ASBESTOS-CONTAINING PRODUCT lines from another
person or entity? If so, state for each such purchase:

25

26

A. Date of purchase or acquisition;

B. Terms of purchase or acquisition agreement;

1 C. Either (1) attach all DOCUMENTS evidencing said
2 acquisition, or (2) attach disks containing such data, or (3) describe
3 such DOCUMENTS with sufficient particularity that they may be made the
4 subject of a request for production of documents.

5 D. Trade, brand, and/or generic name of each such product
6 line so acquired;

7 E. Name of the person or entity to whom YOU purchased or
8 acquired each such ASBESTOS-CONTAINING PRODUCT line; and

9 F. Location of any manufacturing facilities so acquired,
10 and the type of ASBESTOS-CONTAINING PRODUCTS manufactured therein.

11 RESPONSE TO INTERROGATORY NO. 39:

12 No.

13 INTERROGATORY NO. 40:

14 Between the years 1930 to 1985, did THIS DEFENDANT sell any
15 ASBESTOS-CONTAINING PRODUCT line to another person or entity? If so;
16 state for each such sale:

17 A. Date of sale;

18 B. Terms of sales agreement;

19 C. Either (1) attach all DOCUMENTS evidencing said sale,
20 or (2) attach disks containing such data, or (3) describe such
21 DOCUMENTS with sufficient particularity that they may be made the
22 subject of a request for production of documents.

23 D. Trade, brand, and/or generic name of each such product
24 line sold;

25 E. Name of person or entity to whom you sold each such
26 ASBESTOS-CONTAINING PRODUCTS line; and

1 F. Location of any manufacturing facilities so sold, and
2 the type of ASBESTOS-CONTAINING PRODUCTS manufactured therein.

3 RESPONSE TO INTERROGATORY NO. 40:

4 No.

5 INTERROGATORY NO. 41:

6 IDENTIFY all brochures, pamphlets, catalogs or other advertising
7 relating to ASBESTOS-CONTAINING PRODUCTS and/or RAW ASBESTOS which
8 THIS DEFENDANT manufactured, sold, distributed or supplied from the
9 year 1930 to 1985. For each such document, state:

10 A. A description of the document;

11 B. The year it was printed;

12 C. The period of time in which it was used;

13 D. The purpose of such document;

14 E. Whether the documents or copies of said documents
15 presently exist;

16 F. If said documents or copies still exist, where they are
17 located; and

18 G. The IDENTITY of the custodian of such documents.

19 RESPONSE TO INTERROGATORY NO. 41:

20 See response to Interrogatory no. 37, regarding the Capco
21 Installation Guides, the Recommended Work Practices booklet, and
22 related materials. In addition, there are also the following Capco
23 product materials in the custody of Porzio, Bromberg & Newman.

24 Material Specification Brochures: These brochures described the
25 technical specifications regarding Capco's various classes and
26 diameters of underground A/C pipe, and were revised from time to time.

1 They included at least the following editions:
2 Permaflex Water Pipe Material Specification CA101 65 (1965)
3 Permaflex Asbestos-Cement Irrigation Pipe Material Specification
4 CA102 66 (1966)
5 Capco Permaflex Water Pipe Material Specification CA102 69 (1969)
6 Capco Water Pipe Material Specification CA102 76 (1976)
7 Capco Water Pipe Material Specification CA102 78 (1978)
8 Capco Water Pipe Material Specification CA102 79 (1979)
9 Capco Water Pipe Material Specification CA102 84 (1984)
10 Capco Water Pipe Material Specification CA102 88 (1988)
11 Capco Water Pipe Material Specification CA102 92 (1992)
12 Permaflex Gravity Sewer Pipe Material Specification CAG101 67
13 (1967)
14 Capco Permaflex Sewer Pipe Material Specification CA104 70 (1970)
15 Capco Asbestos-Cement Non-Pressure Sewer Pipe Specifications CA
16 104-79 (1979)
17 Capco Asbestos-Cement Non-Pressure Sewer Pipe Specifications CA
18 104-80 (1980)
19 Capco Asbestos-Cement Non-Pressure Sewer Pipe Specifications CA
20 104-81 (1981)
21 Capco Asbestos-Cement Non-Pressure Sewer Pipe Specifications CA
22 104-86 (1986)
23 Capco Asbestos-Cement Non-Pressure Sewer Pipe Specifications CA
24 104-92 (1992)
25
26 Product Brochures and Bulletins. There were some marketing

1 materials with less technical detail than the material specifications.
2 They included at least the following items:

3 Capco Cement Asbestos pipe with Permaflex coupling, CA 106 71
4 (1971)

5 Capco Cement Asbestos pipe, Distribution Pipe, CA 106 85 (1985)

6 Capco Cement Asbestos pipe, Distribution Pipe, CA 106 88 (1988)

7 Capco Cement Asbestos pipe, Distribution Pipe, CA 106 91 (1991)

8 Capco Cement Asbestos pipe, Transmission Pipe, CA 107 86 (1986)

9 Capco Compact AC Cast Iron Fittings, CA110-79 (1979)

10 Capco Tapped Coupling For AC Pipe, Product Bulletin CA 191-AC
11 (date unknown)

12
13 Trade Magazine Advertisements. Capco placed advertisements in
14 relevant national and local trade journals, including the Journal of
15 the American Water Works Association, Waterworks & Wastewater Digest,
16 Worldwide Projects, Ways & Means, Waterworks Southwest, Southwest &
17 Texas Water Works Journal, The Georgia Operator and others.

18
19 Corporate Brochures. There are two Capco corporate brochures,
20 one printed sometime after 10/75 but before 1/77, and one printed
21 sometime after 3/78 but before 6/80.

22 INTERROGATORY NO. 42:

23 State if YOU have or had within YOUR corporate or other business
24 structure any CONTRACT UNITS.

25 RESPONSE TO INTERROGATORY NO. 42:

26 No.

1
2 INTERROGATORY NO. 43:

3 State whether or not any of YOUR CONTRACT UNITS installed and/or
4 removed RAW ASBESTOS and/or ASBESTOS-CONTAINING PRODUCTS in the
5 GEOGRAPHIC AREA at any time between 1930 and 1985. If so:

6 A. State the business addresses and name of the CONTRACT
7 UNIT;

8 B. State the inclusive periods of time the CONTRACT UNITS
9 were working in the GEOGRAPHIC AREA;

10 C. State the name and address of each job site within the
11 GEOGRAPHIC AREA and the dates the CONTRACT UNIT worked at those job
12 sites, and, IDENTIFY the RAW ASBESTOS and/or ASBESTOS-CONTAINING
13 PRODUCTS installed or removed on each occasion;

14 D. Either (1) attach all DOCUMENTS evidencing the
15 information sought in this Interrogatory and its subparts to your
16 answers to these Interrogatories, or (2) attach disks containing such
17 data, or (3) describe such DOCUMENTS with sufficient particularity
18 that they may be made the subject of a request for production of
19 documents.

20 RESPONSE TO INTERROGATORY NO. 43:

21 Not applicable.

22 INTERROGATORY NO. 44:

23 When do YOU contend that THIS DEFENDANT first became aware that
24 there is an association between asbestos exposure and disease in human
25 beings?

26 //

1 RESPONSE TO INTERROGATORY NO. 44:

2 From the time of its inception in 1963, Capco was aware of what
3 had been known by occupational physicians, industrial hygienists,
4 organized labor and government agencies since the 1930s, that
5 excessive exposure to asbestos dust is hazardous. Such general
6 knowledge is evidenced, for example, by the enactment of legislation
7 in nearly every state, during the 1930's and 1940's, extending
8 workers' compensation to asbestosis as an occupational disease. See
9 also response to Interrogatory no. 46

10 INTERROGATORY NO. 45:

11 How do YOU contend that THIS DEFENDANT first became aware that
12 there is an association between asbestos exposure and disease in human
13 beings.

14 RESPONSE TO INTERROGATORY NO. 45:

15 See response to Interrogatory no. 44.

16 INTERROGATORY NO. 46:

17 Either (1) attach all DOCUMENTS evidencing the information upon
18 which YOUR contentions in YOUR answers to Interrogatories No. 44 and
19 No. 45 are based, or (2) attach disks containing such data, or (3)
20 describe such DOCUMENTS with sufficient particularity that they may
21 be made the subject of a request for production of documents.

22 RESPONSE TO INTERROGATORY NO. 46:

23 "By the mid-1930s, the hazards of asbestos [dust] as a
24 pneumoconiotic dust were universally accepted." Borel v. Fibreboard
25 Paper Products Corp., 493 F.2d 1076, 1083 (5th Cir. 1973), cert.
26 denied, 419 U.S. 869 (1974). For example, an asbestosis decision

1 addressing the employer's duty to provide a safe workplace, Rowe v.
2 Gatke Corp., 126 F.2d 61, 64 (7th Cir. 1942), affirmed an employer's
3 tort liability for negligence where the employer had provided dust
4 control equipment which was "crude" compared with other dust control
5 equipment available during the 1930 to 1937 relevant time period. It
6 was well known during the 1930s that excessive exposure to asbestos
7 dust could cause asbestosis.² That awareness, and awareness regarding
8 silicosis (a similar pneumoconiosis caused by silica dust), helped
9 result in the extension of workers' compensation coverage to
10 asbestosis, silicosis and other occupational diseases.

11 In many states, workers' compensation was extended initially to
12 just a few specified occupational diseases, with both "asbestosis" and
13 "silicosis" expressly included.³ In other states where workers'
14 compensation was extended instead to occupational diseases in general,
15 "asbestosis" and "silicosis" were often addressed in special
16 provisions,⁴ such as rules acknowledging in some way that asbestosis

18 ² See, e.g., "The Pulmonary Asbestosis Menace," 9 The Asbestos Worker
(Sept. 1930) (magazine of the asbestos workers' union).

19 ³ See, e.g., Laws of North Carolina 1935, ch. 123; Laws of
20 Pennsylvania 1937, no. 552; Laws of Maryland 1939, ch. 465; Washington
21 Session Laws 1939, ch. 135; Virginia Acts of Assembly 1944, ch. 77;
New Jersey Laws of 1944, ch. 88; Laws of Arizona 1945, ch. 18;
Colorado Laws 1945, ch. 163; Laws of Florida 1945, ch. 22852; New
Mexico Laws of 1945, ch. 135.

22 ⁴ See, e.g., Laws of Illinois 1936, at 40; Acts of Indiana Gen. Assem.
23 1937, ch. 69; Laws of Minnesota 1943, ch. 633. "[S]ilicosis ... and
24 asbestosis are always coupled in the statutes." Young v. Whitehall
25 Co., 49 S.E.2d 797, 800 (N.C. 1948). Some states also addressed in-
26 state years of exposure. See, e.g., Magma Copper Co. v. Gonzales, 152
P.2d 618, 619 (Ariz. 1944) (no compensation for silicosis or
asbestosis "unless ... the injured employee shall have been exposed to
harmful quantities of silicon dust or asbestos dust for a period of
not less than five (5) years in this state"); Tokash v. Early Foundry
Co., 43 A.2d 553 (Pa. Super. 1945) ("at least four years").

1 and silicosis were latent diseases. As stated in Morris Metal
2 Products Co. v. Industrial Commission, 18 N.E.2d 899, 901 (Ill. 1938),
3 "special provision was made for cases of silicosis and asbestosis
4 because of the well known fact that they are both progressive
5 diseases."

6 Various federal efforts further demonstrate that the hazards of
7 excessive exposure to asbestos dust have long been well known
8 throughout American government and industry. It has been known at
9 least since a 1918 report by the United States Bureau of Labor, that
10 "asbestos mining results in less deleterious effects on health than
11 does certain dustier asbestos processing."⁵ Accordingly, dust control
12 equipment was necessary in asbestos product manufacturing factories
13 such as Capco's, and Capco did utilize such equipment.

14 The United States Public Health Service conducted a study during
15 1936 to 1938, headed by Dr. Waldemar Dreessen, the results of which
16 were published as an official governmental report "prepared by
17 direction of the Surgeon General."⁶ Decades before Capco's existence,
18 this well circulated governmental public health report had already
19 been published regarding asbestos and health. It was well known
20 throughout industry. Based on its findings, the report recommended
21 a safety standard for exposure to asbestos dust of no more than five
22 million particles per cubic foot of air ("5 mp/cf"). That 5 mp/cf
23 asbestos dust standard was officially adopted by the State of
24

25 ⁵ Hoffman, "Mortality from Respiratory Disease in Dusty Trades
26 (Inorganic Dust)," U.S. Bur. Labor Bulletin No. 231, at 178 (1918).
⁶ Dreessen, "A Study of Asbestosis in the Asbestos Textile Industry,"
Public Health Bulletin No. 241 (1938).

1 California in 1945.⁷ The federal Dreessen report concluded that:

2 [I]f the dust concentration in asbestos factories could be
3 kept below 5 million particles (the engineering section of
4 this report has shown how this may be accomplished), new
5 cases of asbestosis probably would not appear.⁸

6 The annotated bibliography to the Dreessen report noted that some
7 researchers had encountered an association of "lung cancer as a
8 possible complication of asbestosis."⁹ That provided further reason
9 to eliminate cases of asbestosis, because it was felt that asbestos
10 dust exposure had to be extensive enough to cause asbestosis first,
11 before it might cause lung cancer.¹⁰

12 INTERROGATORY NO. 47:

13 When did THIS DEFENDANT first warn its employees that exposure
14 to asbestos could be hazardous to human health? State:

- 15 A. Whether the first such warning was written or oral;
16 B. Whether copies of DOCUMENTS containing such warning
17 exist;
18 C. The IDENTITY of the custodian of such DOCUMENTS;
19 D. The content of the warning.

20 //

21 ⁷ State of California, Department of Industrial Relations,
22 Industrial Accident Commission, Supplement Covering Revisions to
Appendix A of Dusts, Fumes, Vapors and Gasses Safety Orders (1945).

23 ⁸ Dreessen, supra, Public Health Bulletin No. 241 (1938), at 117.

24 ⁹ Id. at 118, 125-26 (bib. nos. 52a-55).

25 ¹⁰ See, e.g., Lynch & Smith, "Pulmonary Asbestosis III: Carcinoma of
the Lung in Asbesto-Silicosis," Am. J. Cancer 24:56 (1935); Egbert &
Geiger, "Pulmonary Asbestosis and Carcinoma," Am. Rev. Tuberc. 34:143
(1936); Editorial, "Asbestosis and Cancer of the Lung," J.A.M.A.
26 140:1219 (1949); Article, "Cancer and Environment," Scientific
American 18:1 (1949).

1 RESPONSE TO INTERROGATORY NO. 47:

2 From the inception of Capco's manufacturing operations, which
3 began in 1965, dust protective masks were provided for employees, who
4 were orally advised that dust masks should be used for performing any
5 particularly dusty tasks. Capco also had meetings with its employees
6 to discuss the potential dangers of asbestos. Later, Capco posted
7 signs and distributed booklets to its employees concerning the
8 potential dangers of asbestos.

9 INTERROGATORY NO. 48:

10 Did THIS DEFENDANT ever issue a written COMPANY policy
11 discontinuing warning its employees that exposure to asbestos could
12 be hazardous to human health? If so,

13 A. Provide the date;

14 B. Describe the circumstances; and

15 C. Either (1) attach all DOCUMENTS evidencing the
16 information sought in this Interrogatory and its subparts to your
17 answers to these Interrogatories, or (2) attach disks containing such
18 data, or (3) describe such DOCUMENTS with sufficient particularity
19 that they may be made the subject of a request for production of
20 documents.

21 RESPONSE TO INTERROGATORY NO. 48:

22 No.

23 INTERROGATORY NO. 49:

24 Did THIS DEFENDANT provide any Independent Contractor or
25 Subcontractor within the GEOGRAPHIC AREA with a written warning that
26 exposure to asbestos could be hazardous to human health.

1 RESPONSE TO INTERROGATORY NO. 49:

2 Capco did not employ independent contractors or subcontractors
3 to install products. With regard to warnings generally, see response
4 to Interrogatory no. 37.

5 INTERROGATORY NO. 50:

6 Has THIS DEFENDANT been cited for or otherwise charged by a
7 public agency with a violation in the GEOGRAPHIC AREA of any statute,
8 ordinance, safety order, regulation. or law pertaining to asbestos
9 exposure? For each occasion, IDENTIFY:

10 A. The code section, safety order, statute, or regulation
11 for which THIS DEFENDANT had been cited or otherwise charged;

12 B. The date(s) thereof.

13 C. The agency or other governmental unit which issued the
14 citation or otherwise charged YOU.

15 D. All persons known to YOU with information relevant to
16 the incident.

17 E. What was the ultimate resolution.

18 RESPONSE TO INTERROGATORY NO. 50:

19 No.

20 INTERROGATORY NO. 51:

21 If THIS DEFENDANT has ever owned or operated a railroad, state:

22 A. The IDENTITY of each such railroad, including the
23 name(s) of such railroad during the time period of YOUR ownership
24 and/or operation, the principal place of business of such railroad and
25 the dates of YOUR ownership and/or operation;

26 B. The geographic area of operation of such railroad;

1 C. The name(s) of such railroad prior to YOUR ownership
2 and/or operation;

3 D. The IDENTITY of the person or entity from whom YOU
4 purchased your ownership or operating interest, and the date of such
5 purchase;

6 E. The IDENTITY of the person or entity to whom YOU sold
7 your ownership or operating interest, and the date of such sale;

8 F. Whether copies of DOCUMENTS evidencing your
9 ownership/operation and/or sale exist;

10 G. The IDENTITY of the Custodian of such DOCUMENTS;

11 H. To the extent that information has not been given in
12 answers to Interrogatory Nos. 32 and 33, the information requested in
13 Interrogatory Nos. 32 and 33, for each railroad owed or operated by
14 YOU.

15 RESPONSE TO INTERROGATORY NO. 51:

16 Not applicable.

17 INTERROGATORY NO. 52:

18 If DEFENDANT has ever owned or operated a shipyard, state:

19 A. The IDENTITY of each such shipyard, including the
20 name(s) of such shipyard during the time period of YOUR ownership
21 and/or operation, the place of business of such shipyard and the dates
22 of YOUR ownership and/or operation;

23 B. The name(s) of such shipyard prior to YOUR ownership
24 and/or operation;

25 C. The IDENTITY of the person or entity to whom YOU sold
26 your ownership or operating interest, and the date of such sale;

1 D. Whether copies of DOCUMENTS evidencing your
2 ownership/operation and/or sale exist;

3 E. Whether any representative of THIS DEFENDANT attended
4 the Maritime Commission Conference in December 1942 in Chicago,
5 Illinois? If so, IDENTIFY any such representative of THIS DEFENDANT;

6 F. The IDENTITY of the Custodian of such DOCUMENTS;

7 G. To the extent that information has not been given in
8 answers to Interrogatory No. 32, the information requested in
9 Interrogatory No. 32, for each shipyard owned or operated by YOU.

10 RESPONSE TO INTERROGATORY NO. 52:

11 Not applicable.

12 INTERROGATORY NO. 53:

13 At any time between 1930 and 1985, did you import export, ship,
14 transship or otherwise transport RAW ASBESTOS or ASBESTOS-CONTAINING
15 PRODUCTS into, out of or through any port in the GEOGRAPHIC AREA? If
16 so, for each occasion:

17 A. IDENTIFY and describe the NATURE and amount of RAW
18 ASBESTOS and/or ASBESTOS-CONTAINING PRODUCTS;

19 B. IDENTIFY the ship or ships (including the owners and
20 operators thereof) onto or from which the RAW ASBESTOS and/or
21 ASBESTOS-CONTAINING PRODUCTS were loaded, unloaded or transshipped;

22 C. State the dates, port and pier involved for each
23 occasion;

24 D. Either (1) attach all DOCUMENTS evidencing the
25 information sought in this Interrogatory and its subparts to your
26 answers to these Interrogatories, or (2) attach disks containing such

1 data, or (3) describe such DOCUMENTS with sufficient particularity
2 that they may be made the subject of a request for production of
3 documents.

4 RESPONSE TO INTERROGATORY NO. 53:

5 In the 1970's and early 1980's Capco had a number of sales of A/C
6 underground pipe to several customers in Hawaii, some of which
7 shipments may have gone through ports in the GEOGRAPHIC AREA. A
8 search for the relevant bills of lading will be conducted on request
9 to Porzio, Bromberg & Newman.

10 DATED: JULY 20, 1998

DRYDEN, MARGOLES, SCHIMANECK,
KELLY & WAIT

11
12 By:



Michael C. Osborne
Attorneys for Defendant
Capco Pipe Company, Inc.

(D.)
VERIFICATION

I, Carmen Gonzalez, am the Secretary of CAPCO PIPE COMPANY, INC., and am authorized to make this Verification on its behalf.

I have read the foregoing, CAPCO'S RESPONSES TO PLAINTIFFS' STANDARD INTERROGATORIES TO ALL DEFENDANTS, and know the contents thereof. I am informed and believe that the matters stated therein are true, and on that ground certify or declare, under penalty of perjury under the laws of the State of California, that the same are true and correct.

Executed at New York, New York, this 15th day of July, 1998.

By: Carmen D. Gonzalez
For: CAPCO PIPE COMPANY, INC.

1 PROOF OF SERVICE

2 The undersigned declares: I am over the age of 18 years and not
3 a party to the within action. I am employed in the county where this
4 service occurs. My business address is One California Street, Suite
5 2600, San Francisco, California 94111. On the date shown below I
6 served the following document:

7 DEFENDANT CAPCO PIPE COMPANY'S RESPONSES TO PLAINTIFFS' STANDARD
8 INTERROGATORIES

9 by placing a true copy thereof enclosed in a sealed envelope and
10 served in the manner described below to the interested parties herein
11 and addressed to:

12 Anne M. Braudis
13 Brayton Harely Curtis
14 222 Rush Landing Road
15 Post Office Box 2109
16 Novato, CA 94948

17 MAIL: I caused such envelope(s) to be deposited in the mail
18 at my business address, with postage thereon fully prepaid,
19 addressed to the addressee(s) designated. I am readily
20 familiar with the business' practice of collecting and
21 processing correspondence to be deposited with the United
22 States Postal Service on that same day in the ordinary
23 course of business.

24 X HAND DELIVERY: I caused such envelope(s) to be delivered by
25 hand to the addressee(s) designated.

26 BY OVERNIGHT COURIER SERVICE: I caused such envelope(s) to
be delivered via overnight courier service to the
addressee(s) designated.

(FEDERAL) I declare that I am employed in the office of a
member of the bar of this court at whose direction the
service was made.

(STATE) I declare under penalty of perjury under the laws
of the State of California that the foregoing is true and
correct.

Executed on July 20, 1998, at San Francisco, California.

Noreen Reddin
Noreen Reddin

1 PROOF OF SERVICE

2 The undersigned declares: I am over the age of 18 years and not
3 a party to the within action. I am employed in the county where this
4 service occurs. My business address is One California Street, Suite
2600, San Francisco, California 94111. On the date shown below I
served the following document:

5 DEFENDANT CAPCO PIPE COMPANY'S RESPONSES TO PLAINTIFFS' STANDARD
6 INTERROGATORIES

7 by placing a true copy thereof enclosed in a sealed envelope and
8 served in the manner described below to the interested parties herein
and addressed to:

9 Richard A. Brody
10 Wartnick, Chaber, Harowitz,
Smith & Tigerman
11 101 California Street, 22nd Floor
San Francisco, CA 94111

12 _____ MAIL: I caused such envelope(s) to be deposited in the mail
at my business address, with postage thereon fully prepaid,
13 addressed to the addressee(s) designated. I am readily
familiar with the business' practice of collecting and
14 processing correspondence to be deposited with the United
States Postal Service on that same day in the ordinary
15 course of business.

16 X HAND DELIVERY: I caused such envelope(s) to be delivered by
hand to the addressee(s) designated.

17 _____ BY OVERNIGHT COURIER SERVICE: I caused such envelope(s) to
be delivered via overnight courier service to the
18 addressee(s) designated.

19 _____ (FEDERAL) I declare that I am employed in the office of a
member of the bar of this court at whose direction the
20 service was made.

21 _____ (STATE) I declare under penalty of perjury under the laws
of the State of California that the foregoing is true and
22 correct.

23 Executed on July 20, 1998, at San Francisco, California.

24 
25 Noreen Reddin
26