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April 9, 1990

VIA FEDERAL EXPRESS

Daniel E. Alberti, Esq.
Ropers, Majeski, Kohn, Bentley,
Wagner & Kane
1001 Marshall Street
Redwood City, California 94063

Re: Transite Pipe

Dear Mr. Alberti:

Pursuant to your request regarding general information on transite pipe, I have attached a set of Interrogatories which contain an abundant amount of information regarding transite pipe. Please note the response to Interrogatory No. 1(c) was supplemented to include the exact proportion of asbestos-cement pipe. Some of the facts which are included within this document are as follows:

Manville Corporation or related entities began manufacturing and selling Transite Pipe, referred to as asbestos-cement pipe, in the late 1920s and continued through March 1983. Asbestos-cement pipe is composed of approximately 01 to 21% asbestos (chrysotile and crocidolite), 42 to 53% cement, 34 to 40% silica, 2 to 20% scrap and water.

Transite pipe was used to transport fluids in sewers, water supply mains, industrial processes, fire lines, storm drainage, and irrigation. Additionally, it was useful for industrial vents, electrical conduits, telephone ducts, heating and cooling ducts and gas vents.

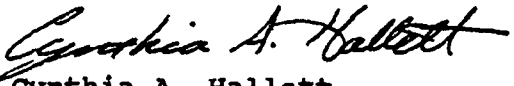


SC-JMM-3700

Mr. Daniel E. Alberti
April 4, 1990
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This is just a portion of the information that is contained within the attached response to Interrogatories. I hope that this information is beneficial to you. If you should have any questions or comments, or if you would like us to send you copies of product literature, please do not hesitate to contact me.

Sincerely,


Cynthia A. Hallett
Paralegal

/cah
Enclosures

1 A0001

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

CATHARINE FONTE, Executrix of
the Estate of Caetano Fonte,
deceased, and CATHERINE FONTE,
Individually,
Plaintiffs,

Civil Action No. 87-1256

v.

THE CELOTEX CORP., et al.,

Defendants.

Pursuant to Rules 33 and 34 of the Federal Rules of Civil Procedure, and by agreement of the parties, Defendant Manville Corporation Asbestos Disease Compensation Fund (hereinafter "Compensation Fund") hereby responds to a Subpoena ad Testificandum and Subpoena Duces Tecum served by the plaintiffs on Manville Corporation.

Defendant specifically recognizes its obligation to supplement these discovery responses pursuant to Rule 26(e), Federal Rules of Civil Procedure, and therefore reserves the right to file supplemental discovery responses to the extent that new or different information becomes available.

Pursuant to agreement between the Compensation Fund and counsel for the plaintiff, the terms "product" or "products," as used in these discovery responses, refer to asbestos cement pipe products manufactured by Manville Corporation, its subsidiaries or predecessors (hereinafter "Manville").

1. For each product be prepared to state the year it was first manufactured, sold or distributed by your company, and if discontinued, the year of such manufacture, sale or distribution by your company ceased. Further, for each product be prepared to state/provide:

- (a) the generic name of the asbestos-containing product;
 - (b) the brand name of the asbestos-containing product;
 - (c) the chemical composition of that product;
 - (d) the intended use of the product;
 - (e) the container in which the product was sold, e.g. bags,
-

drums, boxes;

(f) the description of each asbestos-containing product, including size, color, texture and appearance.

RESPONSE:

Manville asbestos cement pipe products were sold by Manville Corporation beginning in the late 1920s and continuing through March, 1983, when all asbestos cement pipe operations were sold. Since that time, Manville has not engaged in the manufacture, sale or distribution of asbestos cement pipe.

(a) These products were generically referred to as asbestos cement pipe, A-C pipe, or "Transite", and were available in a number of sizes and types, for use in various applications.

(b) Manville asbestos cement pipe products usually bore the trade name "Transite Pipe." However, the Manville trade name "Transite" was often incorrectly used by persons in the industry to refer to all asbestos cement pipes, regardless of the actual manufacturer.

The types of products manufactured and sold by Manville over the years varied, as did the product names. Approximately ninety percent of the Transite pipe products sold by Manville was either sewer or water pipe. In addition, identical types of pipe were sometimes marketed under more than one product name. Specific types of products which were made at various times by Manville include the following:

Super Temp-Tite: An insulated piping system. Super Temp-Tite products contained an interior pipe which could be made of several materials, including metal, plastic or Transite. This inner core was covered with an outer casing made of Transite. Approximate diameter varied from nine to twenty-three inches.

Temp-Tite: An insulated piping system similar to Super Temp-Tite but used in lower temperatures. Approximate diameters varied from eight to forty-eight inches.

Transite Air Duct: Used for distributing air in air heating or heating/cooling systems. Approximate diameters varied from three to thirty-six inches.

Transite Conduit and Electrical Duct: Used to encase electrical or telephone lines. Approximate diameters varied from three to six inches.

Transite Flue: Used to vent plumbing systems. Approximate diameters varied from three to twelve inches.

Transite Gas Vent: Used for venting gas fired appliances. Approximate diameters varied from four to twelve inches.

Transite Irrigation: Used for agricultural irrigation. Approximate diameters varied from six to forty-two inches.

Transite Mine Service: Used for collection of mine tailings and mine service water. Approximate diameters varied from eight to thirty-six inches.

Transite Non-Pressure or Sewer: Used in non-pressure, gravity flow sewer lines. Approximate diameters varied from eight to thirty-six inches.

Transite Building or Small Diameter Sewer: Used for sewer lines from a house or other building to a collection sewer line. Approximate diameters varied from four to six inches.

Transite Perforated Underdrain: Used for draining sub-surface water. Approximate diameters varied from four to twelve inches.

Transite Pressure or Water: Used to transport water in mains, distribution lines, transmission lines, fire lines, industrial processes, sewer force mains and other pressurized applications. Pipe was available in a number of various pressure classes. Approximate diameters varied from three to forty-two inches.

Transite Well Casing: Used in conjunction with sub-surface water screened by filter media for production or injection wells.

(c) Transite pipe contains portland cement, silica and asbestos.

(d) Transite pipe is used to transport fluids in such applications as sewers, water supply mains, industrial processes, fire lines, sub-surface drainage, process lines, storm drainage and irrigation. Other uses include industrial vents, electrical conduits, telephone ducts, heating and cooling ducts and gas vents. See response to Interrogatory Number 1(b).

(e) Transite pipe was not sold in any kind of container or package. Rather, it was loaded at the factory onto railroad cars or truck beds for shipment. Pipes, usually in ten or thirteen foot lengths, were banded together in four or eight foot square units.

(f) Transite pipe is cement colored. Each piece of pipe was stenciled with the Johns-Manville name and the product name. With respect to size, see response to Interrogatory Number 1(b). The texture and appearance of Transite pipe is similar to cement.

2. For each product be prepared to identify and produce any and all promotional and/or advertising material used by you with regard to the sales and/or promotion and distribution of such products.

RESPONSE:

The non-privileged documents in the possession, custody and control of the Compensation Fund which relate to the asbestos are located in two warehouses in Denver. The Trust assumed the management and operation of these warehouses on November 28, 1988, the date on which the Manville bankruptcy plan was consummated.

These warehouses were originally set up and managed by Manville Corporation to house the documents which Manville retrieved and produced in previous asbestos litigation. In 1983, pursuant to an order entered by Judge Ira Brown of the Superior Court in the City and County of San Francisco, Manville was required to produce all non-privileged documents relevant to the coverage litigation which Manville had commenced against its insurance carriers. That litigation was brought to establish Manville's right to defense and indemnification for costs incurred in connection with the asbestos litigation. The insurance litigation was ultimately settled for sums in excess of \$700 million.

In order to comply with Judge Brown's order, Manville Corporation hired numerous paralegals and law clerks, and undertook a massive and comprehensive review of the corporate records of the company which existed at various Manville facilities world-wide. Manville has spent literally millions of dollars to gather and maintain this collection of documents.

Similarly, beginning in 1985, Manville was required to produce the vast majority of these same documents to representatives of the United States Department of Justice, in connection with Manville's actions against the United States. In those cases, Manville was claiming a right to indemnification or contribution for expenses incurred in the defense of asbestos health cases brought by workers employed in government owned or controlled shipyards.

These documents are currently kept at the document warehouses referred to above. The warehouses are now maintained and operated by the Trust.

Manville Trust Document Categories

The Manville PI Trust Warehouses contain 19,317 boxes and 968 microfilm rolls. The larger of the two warehouses contains 15,293 boxes. The smaller warehouse contains 4024 boxes and the microfilm collection. These documents are grouped in nine categories:

- 01: Manville plant collection - 10,383 boxes
- 02: Waukegan plant collection - 4908 boxes
- 03: Lompoc plant collection - 149 boxes
- 04: World Headquarters (WHQ) collection - 3417 boxes
- 05: Microfilm from Manville WHQ - 492 rolls
- 06: Microfilm from Manville WHQ - 361 rolls
- 07: Documents sent by Local Counsel - 385 boxes
- 08: Microfilm with Redacted Documents - 115 rolls
- 09: Documents produced in January, 1989 - 73 boxes

The Manville Plant collection (01) includes documents from the Manville, NJ plant; the Nashua, NH plant; the Billerica, MA plant; the Savannah, GA plant; the Laurinburg, NC plant; and the Fort Worth, TX plant. It also includes documents sent to the plant for storage from Manville General Headquarters prior to the early 1970s, when the Headquarters offices were located in New York. In addition, this collection includes documents from plants in the eastern United States which were closed prior to the 1980s.

The Waukegan Plant collection (02) includes documents from the Waukegan, IL plant and the Oak Brook, IL office.

The World Headquarters (WHQ) collection (04) includes documents which were obtained from a number of locations, including: the Denison, TX plant; the Franklin, PA plant; the Green Cove Springs, FL plant; the Jeffrey Mine in Asbestos, Quebec, Canada; the Long Beach, CA plant; the Lompoc, CA plant; the Marrero, LA plant; the Manville offices in Montreal, Quebec, Canada; the Pompano Beach, FL plant; the Pittsburg, CA plant; the Stockton, CA plant; and the Waukegan, IL plant.

The WHQ collection also includes documents obtained from the files maintained at the World Headquarters, including: the Asbestos Fiber Division; the Audio-Visual Department; Manville Contract Units; the Corporate Information Center; the Corporate Relations Department; the Engineering Department; the Executive offices; the Fiberglass Division; the Filtration and Minerals Division; the Finance Department; the Health, Safety, and Environment offices; the Holophane Division; the Industrial Products Division; the Labor Relations offices; the Legal Department; the Patent and Licensing offices; the Research and Development offices; Sales Offices; and Worker's Compensation records.

Finally, the WHQ collection includes: asbestos health claims filed against Manville; bankruptcy related materials; documents

from the historical records kept at Manville headquarters ("B-Level"); insurance loss runs and policies; local counsel files; legal department files; and miscellaneous asbestos-related documents.

The Microfilm collections (05), (06) also contain documents which were located at World Headquarters. Generally, the same types of documents from the same departments and offices are included. However, at the time of the production in the insurance litigation, these documents were produced on film, usually because the documents were in active files which needed to be maintained for normal operations of the company. Records from the following collections were included in these microfilm collections: patents and licensing department; the Research and Development offices; the Lompoc plant; the Health, Safety, and Environment offices; and the records from the Englewood Cliffs, NJ sales offices; insurance department files; insurance policies; industrial hygiene surveys; administrative bulletins; asbestos medical articles; asbestos health depositions; asbestos health files; Manville Corporation general ledgers from 1919 to 1952; and growth plans from 1971 to 1980. In addition, some document collections produced to insurance companies are also located on film in these collections.

The Local Counsel Boxes (07) collection includes documents from Heller, Ehrman, White and McAuliffe in California; Freeborn and Peters in Illinois; and Budd, Lerner, Kent, Gross, Picillo, and Rosenbaum in New Jersey.

The Microfilm collection with the redacted documents (08) contain documents from many locations previously mentioned. However, privileged portions of the documents have been redacted, and the redacted copy was filmed, so that the documents could to be produced.

The Boxes produced in January, 1989 (09) are documents which had originally been classified as privileged. All privileged documents were reviewed again in 1988 and 1989, and the documents in the 09 collection were determined to be producible.

Box Index

A Box Index of the warehouses is provided to reviewers. The indexing took six paralegals, 3 months to index, just the boxes. The microfilm took an additional 3 months to index. The finished indices were then spot-checked for accuracy by a supervising paralegal with five years experience in the asbestos litigation.

The index consists of 20 subject categories; 12 document types; and 12 time periods ranging from pre-1930 to post 1985, in 5-year increments. Each box and microfilm roll is indexed individually. They may contain more than one type of document, subject area, or time period. A copy of the Container Description

Form ("CDF") used in preparation of the Box Index is marked Attachment A.

The Box index provides reviewers allows reviewers to establish priorities for their searches, and eliminate large numbers of boxes with irrelevant documents. For example, many boxes contain nothing but sales invoices or payroll records. A reviewer interested in documents relating to knowledge of asbestos health hazards would be able to eliminate those boxes from his or her search, on the basis of the Box Index alone.

Reviewers may order a complete set of the CDFs so that they can identify the boxes which they wish to review prior to their arrival at the Warehouses. Alternatively, the Trust will provide reviewers with a printout of all the information contained on the CDFs. Finally, the Trust will conduct a computer search of the data base for reviewers who identify the categories in which they are interested.

Review Procedures

The warehouses are open to all parties to the asbestos litigation. The packet of information which is marked Attachment B is provided to all individuals who express an interest in the document collection. It contains information regarding the hours of operation, rules regarding reviews, and procedures for scheduling a visit to the warehouses. Generally speaking, the Trust has been able to accommodate the schedules of persons wishing to conduct a review, and access is often provided with less than one week notice.

Transite Pipe Promotional Literature

The most complete collection of advertising and promotional literature which is available for review is located in the following collections at the Warehouses:

AS/PF-----Asbestos Product Files-----7 boxes
AS/SF-----Asbestos Subject Files-----22 boxes
CIC-----Corporate Info Center-----83 boxes

The files in these collections are generally arranged in alphabetical order. The Compensation Fund will make available all Transite pipe files which it has located from its own review of these collections at a time and place agreed upon by the parties.

In addition, there may be other relevant literature located throughout the warehouse collection. The particular collections which may be of most relevance include those which were found at various Manville Transite Pipe plants:

Denison Plant-----68 boxes, 1 roll microfilm

Green Cove Springs Plant-----7 boxes, 1 roll microfilm
Long Beach Plant-----51 boxes, 1 roll microfilm
Manville Plant-----1290 boxes
Marrero Plant-----8 boxes
Stockton Plant-----37 boxes, 1 roll microfilm
Waukegan-----4908 boxes

3. For each product be prepared to describe in detail:

(a) the application procedure for such product, including the types of surface to which it was meant to be applied;

(b) the manner of forming, shaping or molding such product to the application surface;

(c) the type of bonding material, adhesive and/or any other material used in the course of applying such product;

(d) any type of coverings, wrappings, or other materials that are applied in connection with such product and describe any logo or identifying marks on such material.

RESPONSE:

(a) - (c) Transite pipe products were usually incorporated in pipe lines which were usually below ground. The products are not applied to a "surface." However, the installation procedure is described fully in Installation Guides for sewer and water pipe which were distributed to those customers and included with every car or truckload shipment. These Guides were revised frequently. To the extent that the Compensation Fund has located copies of the various editions of these Guides, they will be produced at a time and place agreed upon by the parties. Additional copies may be located in the Document Warehouses. See response to Interrogatory Number 2.

(d) Transite pipe products were stenciled with the Johns-Manville name and the name of the particular product. See also response to Interrogatory Number 6 below regarding caution labeling.

4. For each product be prepared to state whether any of your distributors and/or customers were provided with any instruction with regard to the use of defendant's asbestos-containing products. If so, please state:

(a) by whom and when these instructions were made;

(b) whether the instructions were written or oral. If written, please attach a copy. If oral, please state the content thereof.

RESPONSE:

See response to Interrogatory Number 3. In addition, members of the sales force may have provided information regarding the installation and use of Transite pipe products. There were also Field or Installation instructors who provided on site assistance to purchasers of water and sewer pipe.

The American Water Works Association published specifications regarding proper installation procedures for asbestos cement pipe. These were widely distributed and relied upon in the field.

With respect to potential health hazards associated with exposure to asbestos, beginning in approximately 1972, the Installation Guides referred to in Interrogatory Number 3, contained references to the OSHA regulations on asbestos, and also identified work practices which might result in exposures in excess of the threshold limit value (TLV) for asbestos.

In addition, in 1977 and 1978 Manville participated in the preparation and distribution of two booklets which described the recommended work practices and which discussed the health hazards of asbestos exposure. These booklets were published under the auspices of the Asbestos Pipe Producers Association and the American Water Works Association. Copies of these booklets will be made available at a time and place agreed upon by the parties.

5. For each product be prepared to state whether your company carried out follow-up inspections to ascertain whether or not such instructions were adhered to. If so, please state:

- (a) when such inspections were made;
- (b) where they were carried out;
- (c) the result of such inspection(s).

RESPONSE:

Follow up inspections to insure proper installation procedures were not generally performed. Purchasers of Transite have an interest in insuring that the installation is proper, in that there may be a failure in the system if the installation was not performed correctly. In the event that customers submitted warranty claims to Manville, inspections were conducted in some instances to determine whether system problems were due to product failure or improper installation.

With respect to inspections to insure compliance with safe work practices to minimize or prevent asbestos exposure, Manville had no obligation, authority or ability to insure that customers complied with recommended work practices and federal regulations.

6. For each asbestos-containing product be prepared to state whether at any time any caution, warning, caveat, or other statement of explanation about the product was affixed to the product or its package? If so:

(a) when such caution, warning, caveat, statement or explanation first appeared;

(b) the precise wording of the caution, warning, caveat, statement or explanation, and when it first appeared;

(c) whether the wording has been altered since its first appearance. If so, when and how was the wording amended;

(d) state specifically what prompted the defendant to first affix such caution, warning, caveat, statement or explanation and what prompted the amendments, i.e., if medical reports were relied on, identify such reports.

RESPONSE:

(a) There were some atypical users of raw Transite materials who modified those materials in a factory environment. These fabricators were not end users of a finished product, but rather were manufacturers. Transite Pipe which was shipped to these "fabricators" who used it in a manufacturing process was first labeled in 1973.

Transite Pipe sold to installers of the product was labeled beginning in 1980.

(b) The caution label used between 1973 and 1978 for products sold to other product manufacturers was the one required by OSHA:

C A U T I O N:

CONTAINS ASBESTOS FIBERS.

AVOID BREATHING DUST.

BREATHING ASBESTOS DUST MAY
CAUSE SERIOUS BODILY HARM.

In 1978, Manville added an additional sentence to the OSHA mandated label, and the new label read as follows:

C A U T I O N:

CONTAINS ASBESTOS FIBERS.

AVOID BREATHING DUST.

BREATHING ASBESTOS DUST MAY
CAUSE SERIOUS BODILY HARM.

SMOKING GREATLY INCREASES THE
RISK OF SERIOUS BODILY HARM.

For caution labels applied in 1980 to products sold to companies installing pipe, the wording was as follows:

C A U T I O N

DO NOT USE POWER SAWS TO CUT THIS PIPE.
BREATHING DUST CREATED BY IMPROPER WORK
PRACTICES MAY CAUSE SERIOUS BODILY HARM.
WHEN CUTTING, MACHINING OR TAPPING, REFER
TO THE RECOMMENDED WORK PRACTICE GUIDE
FURNISHED TO YOUR EMPLOYER.

This label also included a Spanish language translation.

(c) See response to (b).

(d) With respect to labels on products which were sold to intermediate manufacturers, these products were labeled because Manville became aware that the conditions under which the products were used in the factory environment created the possibility that OSHA regulations regarding asbestos exposure might be applicable.

With respect to Transite pipe products sold to companies installing the products, Manville believed that no caution label was required under OSHA because the fiber was "locked in" in a cement matrix, and its use and installation would not result in exposure to significant quantities of asbestos. Nevertheless, Manville began including a caution label which specifically described work practices which were to be avoided during the installation of the products.

7. Be prepared to state whether or not Johns-Manville or any Manville entity conducted any tests to determine whether or not those persons using asbestos-containing products manufactured described herein, sold and/or distributed by Johns-Manville were being exposed to levels in excess of the threshold limit value while using said products.

RESPONSE:

Manville was a member of the Asbestos Cement Pipe Producers Association. That organization funded a study of the possible asbestos exposures associated with the installation of asbestos cement pipe. The results of that study were contained in two

reports dated March, 1977 and December 15, 1977. A copy of the December 15, 1977 report will be made available at a time and place agreed upon by the parties.

Defendant has not located a copy of the March, 1977 report. A copy may be available in the offices of the Asbestos Cement Pipe Producer's Association, Washington, D.C.

8. Be prepared to state whether during the years 1950 through 1972, with regard to each of the above referenced products, whether any such products were distributed and/or delivered by Johns-Manville or its predecessors(s) to C & T Associates, R.D. #1, Rancocas Road, Mt. Holly, New Jersey. Be prepared to provide with regard to such products:

(a) the identity of those products sold/delivered;

(b) the applicable years of sale;

(c) please provide copies of all invoices, receipts, bills of lading or any writings whatsoever documenting sale or delivery of any above asbestos products to New York Shipbuilding Corporation, Camden, New Jersey and the Philadelphia Navy Yard, Philadelphia, Pennsylvania from 1929 through 1950 and to CT & Associates from 1950 through 1972.

RESPONSE:

If any such sales records exist, they would be contained among the records stored at the Manville Trust warehouses in Denver. For the most part, these invoices cover sales of Manville products since the late 1960s. However, the sales records even for this time period are not complete. Other sales records may have been destroyed pursuant to the ordinary record retention policies of Manville.

Based on a search performed on the Box Index data base described above, there are a total of 5,648 boxes which contain sales invoices relating to sales of Manville products. The documents in these boxes are not organized, and in order to identify sales or particular products or sales to particular customers, it would be necessary to review each sales invoice.

The burden of such a search is no greater for the plaintiff than it would be for the Compensation Fund, and consequently, pursuant to Rule 33(c) of the Federal Rules of Civil Procedure, the defendant elects to produce business records in lieu of response to a written interrogatory. In the event that the plaintiff's counsel elects to search these boxes, a printout of the relevant box numbers can be provided. See also Response to Interrogatory Number 2.

9. Be prepared to state whether Johns-Manville, or its representatives ever conducted any tests or inspections, or made any inquiries at any job sites where such asbestos-containing products were manufactured, sold and/or distributed by this defendant were in use to determine whether or not workers handling these products were at risk of developing disease?

RESPONSE:

See response to Interrogatory Number 7.

10. Be prepared to state whether Johns-Manville, or its representatives, ever conducted any tests or inspections, or made any inquiries at any job sites where such asbestos-containing products manufactured, sold and/or distributed by Johns-Manville were in use to determine whether or not workers handling these products were at risk of developing cancer?

RESPONSE:

See response to Interrogatory Number 7.

11. Be prepared to specify the following:

- (a) the date of such inspection, inquiries or tests;
- (b) how such inspection, inquiries or tests were made or conducted;
- (c) the identity of all persons making said inspections, tests or inquiries;
- (d) the results of all such inspections, tests or inquiries.

RESPONSE:

See response to Interrogatory Number 2.

12. Be prepared to state:

- (a) your correct corporate name;
- (b) the state of incorporation;
- (c) the date of your incorporation;
- (d) the address of your principal place of business;
- (e) addresses of any other places of business;
- (f) whether or not you have ever held a certificate of authority to do business in New Jersey and/or Pennsylvania or

licensed to do business in New Jersey and/or Pennsylvania;

(g) whether or not you have a registered agent for the purpose of accepting service in this state and if so, the name and present address of that agent;

(h) whether or not you have any subsidiaries and/or predecessor corporation, and if so:

- (1) the name of the subsidiary and/or predecessors;
- (2) its dates of incorporation, if applicable;
- (3) the state of incorporation, if applicable;
- (4) its corporate purposes.

RESPONSE:

(a) The Compensation Fund is not a corporation. The complete name of the Compensation Fund is the Manville Personal Injury Settlement Trust. For litigation purposes, the Compensation Fund shall be referred to as the Manville Corporation Asbestos Disease Compensation Fund.

(b) The Compensation Fund is not incorporated. The Compensation Fund is governed by the laws of New York.

(c) Not applicable.

(d) 1825 Eye Street N.W., Suite 300, Washington, D.C. 20006

(e) Not applicable.

(f) Not applicable.

(g) The Compensation Fund does not have a registered agent.

(h)(1) The Compensation Fund has no subsidiaries. Before the Reorganization the following entities were predecessor corporations for the purpose of asbestos personal injury litigation:

Johns-Manville Corporation _

Manville Corporation

Manville International Corporation

Manville Export Corporation

Johns-Manville International Corporation

Manville Sales Corporation (formerly known as: Johns-Manville Sales Corporation, successor by merger to Manville Building Materials Corporation, Manville Products Corporation, and Manville Service Corporation)

Manville International Canada, Inc.

Manville Canada, Inc.

Manville Investment Canada, Inc.

Manville Properties Corporation

Allen-Deane Corporation

Ken-Caryl Ranch Corporation

Johns-Manville Idaho, Inc.

Manville Canada Service, Inc.

Sunbelt Contractors, Inc.

(2) The Compensation Fund was created pursuant to the Reorganization Plan of the Manville Corporation which was confirmed on October 28, 1989 by the United States Bankruptcy Court of the Southern District of New York.

(3) Not applicable.

13. Be prepared to state exactly every name under which Johns-Manville has ever conducted business indicating the relevant time periods when each such name was used.

RESPONSE:

Allen-Deane Corp.

Johns-Manville Amiante Canada, Inc.

Johns-Manville Canada Inc., 1918 to 1983

Johns-Manville Corp., 1926 to 1981

Johns-Manville Europe Co.

Johns-Manville Idaho, Inc.

Johns-Manville International Corp., 1929 to 1986

Johns-Manville Investment Corp.
Johns-Manville Product Corp., 1927 to 1975
Johns-Manville Sales Corp., 1929 to 1985
Ken-Caryl Ranch Corporation
Manville Building Materials Corp., 1981 to 1985
Manville Canada, Inc.
Manville Canada Service, Inc.
Manville Corporation, 1981 to present
Manville Export Corporation
Manville Forest Products Corp., 1980 to present
Manville International Canada, Inc., 1981 to present
Manville International Corp.
Manville Investment Corp.
Manville Products Corp., 1981 to 1985
Manville Properties Corp.
Manville Sales Corp., 1985 to present
Manville Service Corp., 1981 to 1986
Sunbelt Contractors, Inc.

14. Be prepared to state whether Johns-Manville or any of its predecessor corporations, sold, delivered, or distributed asbestos-containing pipe, board and sheeting products including but not limited to asbestos cement, pipe and asbestos cement board, whether or not utilizing the trade name "transite" products in the State of Pennsylvania and/or New Jersey.

RESPONSE:

Johns-Manville Sales Corporation sold, delivered and distributed asbestos cement pipe within the states of Pennsylvania and New Jersey.

15. Be prepared to please state the years such sales began, the year they terminated, and the state each transaction occurred, if ever.

RESPONSE:

Transite Pipe was manufactured and sold from 1929 until 1983.

16. Be prepared to identify and describe completely all books, records, documents and other items consulted, reviewed and/or referred to by Johns-Manville, its employees, representatives or agents in answering these interrogatories. For each item identified, give its location and the name and current address of the person(s) having custody and/or control.

RESPONSE:

These interrogatories are being answered by the Compensation Fund, pursuant to an agreement with counsel. All non-privileged documents referred to in preparation of these responses will be provided to counsel at a time and place agreed upon by the parties. Generally speaking, the documents referred to came from files which were transferred to the Compensation Fund by Manville.

17. Be prepared to identify all present or former employees of Johns-Manville or its predecessors who have provided testimony at trial or by deposition concerning any lawsuit brought by an individual seeking damages allegedly the result of exposure to asbestos-containing products as defined herein.

RESPONSE:

The Compensation Fund has no mechanism which will allow it to systematically identify cases in which exposure to Transite pipe is alleged. Consequently, it cannot identify all depositions taken in such cases. However, in the course of preparing the responses to these interrogatories, the Compensation Fund has located references to two such cases which had been filed against Manville prior to the Chapter 11 petition. They are as follows:

Virginia Flatt v. Johns-Manville Sales Corporation, United States District Court, Eastern District of Texas, Marshall Division, No M-79-39-CA; plaintiff's counsel was Welborn, Houston, Bailey, Perry & Adkison, Rex Houston, Henderson, Texas.

Esmael P. Velasquez v. Fibreboard Paper Products Corporation, In the Superior Court in and for the City and County of San Francisco, No. 681,172; plaintiff's counsel was Halley, Cornell & Lynch, J. Kenneth Lynch, San Francisco, California.

Non-privileged documents from these files will be provided at a time and place agreed upon by the parties.

In addition, all asbestos health related depositions,

including those of current or former Manville employees, which the Compensation Fund has in its possession are located at the Manville Trust Warehouses. The deposition collection is located at the warehouse on microfilm rolls 05-1 to 05-140, and 08-2 to 08-10.

Marshall, Dennehey, Warner, Coleman &
Goggin

BY:

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Philadelphia, PA 19102-3773
(215) 893-3800

AFFIDAVIT

I, David T. Austern, being first duly sworn, depose and state that I am General Counsel of the Manville Personal Injury Settlement Trust, a defendant in this action; that I am authorized to make this affidavit on its behalf; that information contained herein has been compiled at my direction; and that the responses are true and correct to the best of my knowledge, information and belief.

Subscribed and sworn to
before me this ____ day of
May, 1989.

NOTARY PUBLIC

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

CATHARINE FONTE, Executrix of
the Estate of Gaetano Fonte,
deceased, and CATHARINE FONTE,
Individually,

Plaintiffs,

Civil Action No. 87-1256

v.

THE CELOTEX CORP., et al.,

Defendants.

Pursuant to Rule 34 and 36 of the Federal Rules of Civil Procedure, and by agreement of the parties, Defendant Manville Corporation Asbestos Disease Compensation Fund (hereafter "the Fund") hereby files this Supplemental Response to its Response to the Subpoena ad Testificandum and Subpoena Duces Tecum served by the Plaintiff on Manville Corporation.

1. For each product be prepared to state the year it was first manufactured, sold or distributed by your company, and if discontinued, the year of such manufacture, sale or distribution by your company ceased. Further, for each product be prepared to state/provide:

- (a) the generic name of the asbestos-containing product;
- (b) the brand name of the asbestos-containing product;
- (c) the chemical composition of that product;
- (d) the intended use of the product;
- (e) the container in which the product was sold, e.g. bags, drums, boxes;
- (f) the description of each asbestos-containing product, including size, color, texture and appearance.

RESPONSE:

1.(c). Asbestos-cement pipe is composed of approximately 01 to 21% asbestos, 42 to 53% cement, 34 to 40% silica, 2 to 20% scrap and water. The asbestos fiber used in the pipe was a blend of chrysotile and crocidolite. The percentage of chrysotile and

crocidolite fiber used depended upon the type of pipe made. For example, pressure or water pipe had more crocidolite than sewer pipe. Air-duct, Conduit, Corduct, and Building Sewer pipes used only chrysotile fiber. As a general rule, the greater the pressure strength needed in the pipe, the more crocidolite used.

Marshall, Dennehey, Warner, Coleman &
Goggin

BY:

Daniel J. Ryan, Jr., Esq.
1515 Locust Street
Philadelphia, PA 19102-3773
(215) 893-3800

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Subscribed and sworn to
before me this ____ day of
July, 1989.

NOTARY PUBLIC

RESEARCH REQUEST



Initials: MSH Assigned to: CAH
 Date/Time: 3/30; 12:30 am/pm
 Name of Requestor: Bob Eting Phone: () #42
 Representing: Papers, Majeski
 Case Name/State: Don't know - for Dan Alberti

Information Requested:
 All information on Transite pipe. (Generally and specifically).
 Definitely wants to know dates of manufacture, what it
 was called, composition @ all times, if fiber type changed
 etc.
 Date Required: 4/9/90 - Call if it will be later.

Notes:

OH 0018. INT
 * PA 0001. INT
 Transite Pipe → P197 through 199
 Pipe P134 → Nothing
 Manville Plant → "I" Building: Transite Pipe → S891
 PRODPLNT. STD
 Draft letter to Daniel Alberti of Papers, Majeski...
 regarding PA0001 on Transite Pipe.

Date Finished: 4/9/90
 Existing File? ☒ (Y) or ☐ (N) Existing File Name: P197
 New File Name: _____ Number: _____

START COPY

INITIALS

DATE

BOX NO./FILE DRAWER NO.

SEGMENT NO.

SIGNIFICANT

NOTES

~~FILE #380~~ P 205 DRG