

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

IN RE: ASBESTOS

CIVIL ACTION NO. 92-C-8888

BEFORE: HONORABLE A. ANDREW MACQUEEN

**ASARCO, INC.'S RESPONSE
TO ALL PLAINTIFFS' OCTOBER 20, 1993 JOINT
INTERROGATORIES AND REQUEST FOR PRODUCTION
DIRECTED TO ALL DEFENDANTS**

Defendant, ASARCO, Inc., by its attorneys, hereby answers
Interrogatories directed to all Defendants as follows.

QUALIFICATIONS

At the outset ASARCO states that it does not now and never
has mined, milled, manufactured, sold, or distributed any
asbestos-containing products or raw asbestos fiber. Its
subsidiary, Lac d'Amiante du Quebec Ltee. has answered
interrogatories directed to that entity.

1. Other than information contained in the "Defense
Depository" established in this case to serve as a repository of
initial plaintiff product identification information, does
answering defendant know of information indicating the identity of
manufacturers, suppliers or sellers whose asbestos-containing
products were supplied to or used at the job sites set forth on
Exhibit "A" at any time?

ANSWER: No.

2. With reference to Interrogatory No. 1, please describe and detail all such information for each job site set forth on Exhibit "A", and set forth what this information shows as to the identity of manufacturers, sellers or suppliers of asbestos-containing products by job sites. Please also indicate the nature and sources of such information.

ANSWER: Not applicable.

3. Other than information contained in the "Defense Depository" established in this case to serve as a repository of initial plaintiff product identification information, does defendant have any statements, reports, affidavits, memoranda or other evidence concerning the identity of manufacturers, sellers or suppliers of asbestos-containing products used at the job sites set forth on Exhibit "A" at any time?

ANSWER: No.

4. With reference to Interrogatory No. 3, identify all such statements, summaries of oral statements, reports, affidavits, memoranda, and other evidence concerning the identity of manufacturers, sellers or suppliers of asbestos-containing products. As to written material, your identification shall include the name of the author, the date, and the nature of the document.

ANSWER: Not applicable.

5. Are there any witnesses known to answering defendant who possess knowledge concerning any requirements of the State of West Virginia, Ohio or Pennsylvania concerning asbestos or asbestos--

containing products during the years 1940 to 1975? For each known witness, list his or her last known home address, position or job title and phone number.

ANSWER: ASARCO objects to this Interrogatory as overbroad, vague and unclear. Without waiving this objection, ASARCO knows of no such witnesses at this time.

6. Does defendant have any statements (written or oral), reports, affidavits, or memoranda from any witnesses identified in Answer to Interrogatory No. 5?

ANSWER: Not applicable. See answer to Interrogatory No. 5.

7. Did any of defendants' products (whether asbestos containing or not), contain vermiculite?

ANSWER: No.

8. If the Answer to Interrogatory No. 7 is affirmative, what products contained vermiculite, during what years did the product contain vermiculite and what was the percentage of vermiculite in the product.

ANSWER: Not applicable.

9. As to all Vermiculite-containing products manufactured, distributed or sold by answering defendant at any time, does defendant know of any information indicating that the vermiculite used in answering defendant's products did not contain asbestos or tremolite. If the answer is affirmative, please describe the information, what it is based upon and when it was secured.

ANSWER: Not applicable.

10. Who were the suppliers of vermiculite referred to in Answer to Interrogatory No. 7 and 8.

ANSWER: Not applicable.

11. Did answering defendant or anyone known to answering defendant or its agents test any vermiculite used in answering defendant's products to determine the asbestos or tremolite content of said vermiculite. If the answer is affirmative, describe all such tests, when they were performed, by whom performed, and the results thereof.

ANSWER: Not applicable.

12. Did any of defendants' asbestos-containing products also contain silica of any kind or nature?

ANSWER: Not applicable. ASARCO did not manufacture, sell or distribute any asbestos-containing products.

13. If the Answer to Interrogatory No. 12 is affirmative, what products with asbestos also contained silica of any kind or nature, during what years did the product contain silica, and what was the percentage of silica of any kind or nature in the product.

ANSWER: Not applicable.

14. Set forth all suppliers of asbestos used in any asbestos-containing products ever sold by you at any time. For all such suppliers, set forth the quantity of asbestos supplied, the fiber type, the years supplied, and the products (by brand name and type) that each suppliers asbestos was incorporated into.

ANSWER: Not applicable. See answer to Interrogatory No. 12.

REQUEST FOR PRODUCTION AND INSPECTION

Produce for inspection and copying, pursuant to the West Virginia Rules of Court, the following:

1. All written material of any kind which contains information bearing on the Answers to Plaintiffs October 20, 1993 Interrogatories to Defendants.

ANSWER: ASARCO objects to this request as overbroad, vague and unclear. However, while preserving these objections, ASARCO responds that it has no documents responsive to this request.

ASARCO, Inc.

By Counsel



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VERIFICATION

STATE OF NEW YORK)
 : SS.:
COUNTY OF NEW YORK)

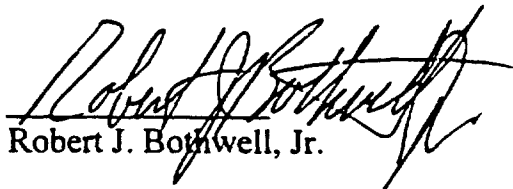
1. I am Robert J. Bothwell, Jr., Vice President, Sales of defendant ASARCO Incorporated.

2. I have read the foregoing "ASARCO Inc.'s Response to All Plaintiffs' October 20, 1993 Joint Interrogatories and Request for Production Directed to All Defendants" in the action titled In Re: Asbestos, Civil Action No. 92-C-8888, in the Circuit Court of Kanawha County, West Virginia.

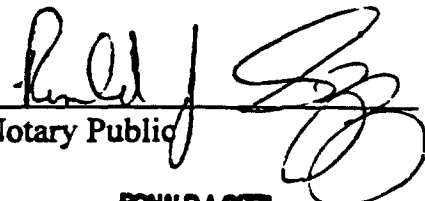
3. The statements therein are true to the best of my own knowledge and belief based upon, inter alia, information supplied to me by the appropriate employees of ASARCO Incorporated.

Dated: New York, New York
November 19, 1993

ASARCO Incorporated

By: 
Robert J. Bothwell, Jr.

Sworn to and subscribed before me
this 19th day of November, 1993.


Notary Public

RONALD J. GIZZI
NOTARY PUBLIC, State of New York
No. 31-498078
Qualified in New York County
Commission Expires June 22, 1994

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

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CIVIL ACTION NO. 92-C-8888

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing ASARCO, INC.'S RESPONSE TO ALL PLAINTIFFS' OCTOBER 20, 1993 JOINT INTERROGATORIES AND REQUEST FOR PRODUCTION DIRECTED TO ALL DEFENDANTS was served on plaintiff's counsel on the 22nd day of November, 1993. Further, the cover letter accompanying this pleading has been served upon all counsel of record in accordance with the amended service list filed with the Clerk of the Circuit Court of Kanawha County on November 10, 1993, by United States First Class Mail, postage prepaid.

A handwritten signature in dark ink, appearing to read 'P. B. Scott', is written over a horizontal line.

Phillip B. Scott