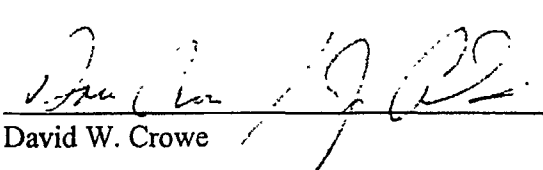




**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the above and foregoing **Defendant Elliott Turbomachinery's Second Supplemental Responses to Plaintiffs' Requests for Disclosure** has been forwarded to counsel of record for Plaintiff by hand delivery and to all other known counsel of record by U.S. Mail, postage prepaid, on this the 28<sup>th</sup> day of March, 2001.

  
\_\_\_\_\_  
David W. Crowe

## Second Supplemental Response

**194.2(a):** the correct names of the parties to the lawsuit.

### Second Supplemental Response:

To Elliott's knowledge, Plaintiffs' most recent live pleading correctly names the parties to this lawsuit.

**194.2(b):** the name, address and telephone number of any potential parties.

### Second Supplemental Response:

To Elliott's knowledge, there are no potential parties to this lawsuit.

**194.2 (c):** the legal theories and, in general, the factual bases of the responding party's claims or defenses (the responding party need not marshal all evidence that may be offered at trial).

### Second Supplemental Response:

Elliott, in general, takes the position that Mr. Murphy's alleged exposure to asbestos-containing components, if any, contained in Elliott's turbomachinery and related products was *de minimis* and was neither a proximate nor producing cause of Mr. Murphy's alleged mesothelioma. This is especially true given the alleged wide variety and significant volume of asbestos-containing products manufactured by others to which Mr. Murphy was exposed during his working career. This is also true, given the configuration and design of the Elliott turbomachinery and related products around which Mr. Murphy allegedly worked. Many such products would not have contained asbestos at all. Others may have contained very small amounts of asbestos in the form of packing, gaskets and sealants. Those components, however, would have been located inside the machinery, encased in metal, and would not have engendered any significant exposure to asbestos, if any at all, on Mr. Murphy's part.

In the alternative, given the time periods during which Mr. Murphy claims exposure to Elliott's products and the state of the art during those time periods, the alleged dangers of asbestos -- specifically its alleged propensity to cause diseases such as mesothelioma -- could not have been known to Elliott such that it had no duty to warn of any such alleged dangers and no duty to except asbestos-containing components, if any, from inclusion in its turbomachinery and related equipment. Moreover, given the state of the art during these time periods, there were no safer alternative designs to the asbestos-containing components, if any, utilized in Elliott's turbomachinery and related equipment such that Elliott cannot be liable for negligent design and/or any strict-liability claim for defective design.

For additional information regarding Elliott's legal theories, claims and defenses, please refer

to Elliott's latest live answer on file in this matter. Also please refer to Elliott's objections and answers to master discovery interrogatories and requests for production, and objections and responses to any outstanding *duces tecum* document requests. Also please refer to the expert report of Dr. Arthur Langer which has previously been provided to Plaintiffs.

**194.2(e):      the name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case.**

**Second Supplemental Response:**

Malcolm Lee Murphy, Jr.  
Annette Murphy  
William Henry Brandon Murphy  
Malcolm Lee Murphy, III  
1317 S.E. Second Street  
Moore, Oklahoma 73160  
(405) 793-1299

Plaintiffs in this matter.

Mr. Ross A. Hackel  
Elliott Company  
901 North Fourth Street  
Jeannette, Pennsylvania 15644-1473  
(724) 527-2811

Elliott's corporate representative identified in answer to Interrogatory No. 39.

Arthur M. Langer PhD  
Professor and Director,  
Environmental Sciences Laboratory  
of the Institute of Applied Sciences,  
Brooklyn College of the City  
University of New York,  
Brooklyn, New York 11210  
Phone: (718) 951-4242.

Elliott's expert witness. Please refer to Elliott's First Supplemental Responses to Requests for Disclosure, as well as its First Supplemental Objections and Responses to Master Interrogatories and Requests for Production, specifically the supplemental answer to Interrogatory No. 60. Elliott's supplemental answer to Interrogatory No. 60 also contains the names and addresses of additional

potential expert witnesses for Elliott in this matter. To the extent necessary, those names and addresses are incorporated herein by reference as if fully set forth verbatim.

Tom Cumming  
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Oklahoma City, Oklahoma

William E. Ware, Jr.  
Rockware International Corporation

Dr. Horton Hughes, Deceased  
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1102 West MacArthur  
Shawnee, Oklahoma

Dr. Eugene Rice, Deceased  
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1102 West MacArthur  
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Dr. Jerold D. Kethly  
1927 North Union  
Shawnee, Oklahoma 74801

Dr. Robert Zumwalt  
198 East Washington  
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Norman, Oklahoma 73071

Plaintiff's Treating Physician and Healthcare Providers  
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825 East Robinson  
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Dr. Tom Johnson, Retired  
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Dr. Michael Blue  
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Dr. Edward Glinski  
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Plaintiff's Treating Physician and Healthcare Providers  
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Norman, Oklahoma 73071

Dr. James Rick McCurdy  
500 East Robinson, Suite 2300  
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Dr. James E. Duncan  
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Norman, Oklahoma 73071

Dr. Marial J. Weber  
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Norman, Oklahoma 73071

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1102 West MacArthur  
Shawnee, Oklahoma

A.C.H. Clinic & Hospital (closed)  
Records c/o Shawnee Medical Center & Hospital  
1102 West MacArthur  
Shawnee, Oklahoma

"Old" Mercy Hospital  
Records c/o Mercy Health Center  
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Oklahoma City, Oklahoma

Norman Regional Hospital  
901 North Porter  
Oklahoma City, Oklahoma 73071

Baxter County Regional Hospital  
624 Hospital Drive  
Mountain Home, Arkansas 72653