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March 3, 1993



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William J. Bradley
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VIA FACSIMILE

Mark Strauss, Esquire
Weitz & Luxenberg
40 Fulton Street
New York, NY 10038

Re: Westinghouse Response to Discovery

Dear Mark:

As we agreed, enclosed are Westinghouse's response to your interrogatories. In addition to this fax transmission, Tom Amon is having the interrogatories hand-delivered to you this afternoon. The affidavit of Westinghouse's corporate secretary, referenced in Interrogatory No. 1, will follow under separate cover letter for inclusion with these responses.

I will be at Amon & Sabatini tomorrow and, pursuant to our agreement, if you would like to arrange a date for your further review of Westinghouse documents, please call. Because of logistical concerns related to our preparation for the upcoming Wilentz trial groups, it is imperative that your document review be conducted shortly.

Thank you for your consideration, and I look forward to talking with you soon.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Bill".

William J. Bradley, III

WJB/mrp
Enclosure

SUPREME COURT: ALL COUNTIES
WITHIN THE CITY OF NEW YORK

-----X
IN RE NEW YORK CITY ASBESTOS LITIGATION
-----X

THIS DOCUMENT RELATES TO:

ALL CASES
-----X

NYAL

I.A.S. PART 30
(FREEDMAN, J.)

INDEX NO.
40,000

**DEPENDANT WESTINGHOUSE ELECTRIC CORPORATION'S
ANSWERS TO WEITZ & LUXENBERG PLAINTIFFS' FIRST SET OF
INTERROGATORIES SPECIFICALLY PROPOUNDED TO WESTINGHOUSE**

TO: Plaintiffs, by and through their counsel of record,
Weitz & Luxenberg, 40 Fulton Street, New York City, New
York 10038.

COMES NOW Westinghouse Electric Corporation

("Westinghouse"), by and through its attorneys of record, and
files this its Answers to Weitz & Luxenberg Plaintiffs' First of
Interrogatories Specifically Propounded to Westinghouse.

Preliminary Statement

Although Westinghouse objects to each of the interrogatories as unduly broad, burdensome and oppressive, and as demanding an investigation into matters which are irrelevant and immaterial to these proceedings and which are not reasonably calculated to lead to the discovery of relevant, material or admissible evidence, Westinghouse has had a history of cooperation with Plaintiffs' counsel and has, therefore, agreed to produce documents which are responsive to the Plaintiffs' interrogatories. Accordingly, and subject to the plaintiffs' limited product identification related to their exposure worksites, Westinghouse has made available approximately 32 boxes of responsive documents concerning the power generation facilities enumerated in the Plaintiffs' interrogatories. These documents are located at the offices of Amon & Sabatini, 437 Madison Avenue, and were first made available to Plaintiffs' counsel on December 11, 1992. In addition, Westinghouse will produce to Plaintiffs certain documents located at the Westinghouse Power Generation Service Department ("PGSD") located in Hillside, New Jersey. Westinghouse and plaintiffs' counsel are coordinating a mutually convenient time for the production of these documents.

P-WEST-7

General Objection

Westinghouse is a broadly diversified corporation that currently employs approximately 122,000 people and manufactures in various countries some 7,500 basic products with approximately 300,000 variations of those products. Although Westinghouse is engaged principally in the manufacture, sale and service of equipment and components for the generation, transmission, utilization and control of electricity, its businesses also include a wide range of products and services that are unrelated to electrical manufacturing.

Many of the products that Westinghouse manufactures and sells are very complex and consist of hundreds or thousands of components. Many of the components, as well as materials, are supplied to Westinghouse by other companies. Westinghouse does not have records to identify the composition of each product from each of its suppliers. Similarly, Westinghouse does not know the ultimate destination of each product sold because Westinghouse's sales frequently are not to the end user.

Westinghouse's portfolio of businesses and products changes almost continually. Changes occur when Westinghouse develops new products, discontinues old products, acquires other companies or their product lines, or divests itself of subsidiaries or product lines. Changes similarly occur when Westinghouse adds suppliers to and deletes suppliers from its product lines. Westinghouse has not and does not maintain its sales and engineering records according to a product's asbestos content. Therefore, it is not possible for Westinghouse to answer many of the interrogatories because of the broad categorical manner in which they are framed.

The Plaintiffs' interrogatories are not limited to products alleged by Plaintiffs to have been sold by Westinghouse and to have given off respirable asbestos fibers that were a substantial factor in producing, or the proximate cause of, the alleged asbestos-related illnesses which are the subject of these lawsuits. Moreover, the Plaintiffs have not specifically identified products that allegedly were sold by Westinghouse and that Plaintiffs claim to have been a substantial causative factor in producing their alleged asbestos-related disorders, nor have they sufficiently described the manner in which the Plaintiffs used or were exposed to respirable asbestos fibers created from such products. It would therefore be unduly burdensome for Westinghouse to attempt to respond to the Plaintiffs' interrogatories regarding products that bear no relation to the limited product descriptions the Plaintiffs have provided.

The Plaintiffs also seek discovery which, if complied with fully, would require Westinghouse to provide responses that are speculative, and to incur unreasonable time and expense searching

for documents related to products that the Plaintiffs are unable or unwilling to identify specifically, or which, if identified, cannot have been a substantial proximate cause of their alleged asbestos-related disorders.

Without waiving the above objections, and subject thereto, Westinghouse further responds to the interrogatories as follows:

INTERROGATORY NO. 1:

State the full name, address, telephone number and position of the corporate officers and employees answering and providing information for the answering of these interrogatories.

ANSWER:

Westinghouse objects to this interrogatory to the extent it calls for information protected by the attorney/client privilege or attorney work product doctrine. All answers are derived from numerous sources, persons and documents over an extended period. The person signing these responses does so to satisfy the requirement for an officer or employee of the corporation answering the interrogatories to affix his signature. Such signing person does not necessarily have direct knowledge regarding the matters included in these responses. No single officer, employee or agent of Westinghouse has direct knowledge of each and every answer requested. Westinghouse objects to this interrogatory on the grounds that it is overly broad, unduly burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Without waiving these objections, please refer to the affidavit appended to these responses. The affiant, Daniel Vickovic, Assistant Secretary, has his office at Six Gateway Center, Pittsburgh, Pennsylvania 15222.

INTERROGATORY NO. 2:

Have you or any of your predecessors or subsidiaries ever distributed, manufactured, assembled, constructed and/or sold: asbestos containing materials; arc boxes; arc chutes; arc shields; condensing equipment; electrical insulator sleeves; ERCO-mats; gas turbines; gaskets; generators; heat transfer products; heating coils; industrial equipment; insulating blankets; motors; motor insulating material; packing (for valves); plug boards; power reclosures; power transformers; protective relays; pumps; sleeving; spacer barriers; avs arresters; thermal demand meters; transformers; turbine generators and/or welding equipment which were shipped to, erected, installed or utilized at:

- (a) Astoria Generating Station or Steam Station
- (b) Arthur Kill Generating Station or Steam Station
- (c) East River Generating Station or Steam Station
- (d) Hellgate Generating Station or Steam Station
- (e) Hudson Avenue Generating Station or Steam Station
- (f) Indian Point Generating Station or Steam Station
- (g) Ravenswood Generating Station or Steam Station
- (h) Waterside Generating Station or Steam Station
- (i) 59th Street Generating Station or Steam Station
- (j) 74th Street Generating Station or Steam Station
- (k) Far Rockaway Generating Station or Steam Station
- (l) Island Park Generating Station or Steam Station
- (m) Glenwood Landing Generating Station or Steam Station
- (n) Northport Generating Station or Steam Station
- (o) Port Jefferson Generating Station
- (p) New York City Transit Authority Properties
- (q) E. 60th Street Steam Station or Steam Station
- (r) Huntley Powerhouse or Steam Station
- (s) Dunkirk Powerhouse or Steam Station
- (t) Todd Shipyards (New York and New Jersey)
- (u) Socony Oil (Mobil) Greenpoint Brooklyn
- (sic)
- (w) New York Telephone Co. (NYC sites including 210 W. 18th St.)
- (x) Brooklyn Union Gas (main location near Socony Oil)
- (y) Bethlehem Steel (Buffalo Area)

ANSWER:

Westinghouse objects to responding to this interrogatory for any products not alleged to have contributed to the plaintiffs' injuries. The grounds for this objection are that this part of the interrogatory is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to the discovery of relevant, material or admissible evidence. Westinghouse further objects to responding to Interrogatory No. 2 (t) through (y) in that the plaintiffs have made no allegations concerning exposure to a Westinghouse product at any of these worksites. See also General Objection.

Without waiving its objections, Westinghouse states that it is principally engaged in the manufacture, sale and service of equipment and components for the generation, transmission, utilization and control of electricity. Westinghouse did manufacture and sell products, the components of which at some time may have contained asbestos.

It is difficult to determine whether any component of a specific product might have contained asbestos. Generally, any asbestos contained in the component parts of electrical products was encapsulated in a hard, molded composition material. Westinghouse does not believe that a plaintiff could have been

exposed to asbestos fibers as a result of work around such products. Further, only certain variations of these electrical products contained asbestos; many other variations contained no asbestos.

Westinghouse has manufactured turbine-generator equipment and/or related electrical and heat transfer equipment located at the power generation facilities enumerated in Interrogatory No. 2 (a) through (j), (l) through (o), and (r). Based upon currently available information, Westinghouse does not believe it manufactured turbine-generator equipment and/or related electrical and heat transfer equipment located at the Far Rockaway Powerhouse listed herein as Interrogatory No. 2(k), the E. 60th Street Steam Station listed herein as Interrogatory No. 2(q), or the Dunkirk Powerhouse listed herein as Interrogatory No. 2(s). Westinghouse further refers the plaintiffs to the documents located at Amon & Sabatini and the Westinghouse PGSD in Hillside, New Jersey.

Westinghouse reserves the right to supplement this answer, based in particular upon a review of purchase orders, invoices, or other documents within the possession of plaintiffs' counsel or other parties to this litigation, but which Westinghouse has not yet been provided or had an opportunity to review.

INTERROGATORY NO. 3:

If you [sic] answer to Interrogatory No. 2 was in the affirmative, then:

- a. identify the dates of the sales, erection, installation and shipment of the materials and equipment.
- b. identify the dates on which representatives of Westinghouse or any contractor hired by Westinghouse performed maintenance work on said equipment.
- c. identify the asbestos containing products that were specified, supplied, sold and or installed by Westinghouse or any predecessor, subsidiary or agent of Westinghouse on the equipment.
- d. identify the contractors, subcontractors and individuals hired to apply, install, or work with the asbestos containing products used to insulate the Westinghouse equipment.
- e. identify the sales personnel involved in the sale of the equipment and state their last known addresses.

ANSWER:

See General Objection. Without waiving its objection, see response to Interrogatory No. 2 and the documents located at Amon & Sabatini and the Westinghouse PGSD in Hillside, New Jersey. With regard to Interrogatory No. 3(e) specifically, see response to Interrogatory No. 8.

INTERROGATORY NO. 4:

Have you or any of your predecessors or subsidiaries ever designed, constructed or erected elevators, condensing equipment, generators, transformers, pumps or other equipment at:

- (a) Astoria Generating Station or Steam Station
- (b) Arthur Kill Generating Station or Steam Station
- (c) East River Generating Station or Steam Station
- (d) Hellgate Generating Station or Steam Station
- (e) Hudson Avenue Generating Station or Steam Station
- (f) Indian Point Generating Station or Steam Station
- (g) Ravenswood Generating Station or Steam Station
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- (r) Huntley Powerhouse or Steam Station
- (s) Dunkirk Powerhouse or Steam Station
- (t) Todd Shipyards (New York and New Jersey)
- (u) Socony Oil (Mobil) Greenpoint Brooklyn
- [sic]
- (w) New York Telephone Co. (NYC sites including 210 W. 18th St.)
- (x) Brooklyn Union Gas (main location near Socony Oil)
- (y) Bethlehem Steel (Buffalo Area)

ANSWER:

Westinghouse objects to responding to this interrogatory for any products not alleged to have contributed to the plaintiffs' injuries. Westinghouse also objects to the term "other equipment" in that it is vague and ambiguous and, therefore, meaningless in this context. See also General Objection. Without waiving its objections, see response to Interrogatory No. 2 and the documents located at Amon & Sabatini and the Westinghouse PGSD in Hillside, New Jersey.

INTERROGATORY NO. 5:

If you [sic] answer to Interrogatory No. 4 was in the affirmative, then:

- a. identify the dates of said work.
- b. identify the dates on which representatives of Westinghouse or any predecessor or subsidiary performed maintenance work on said equipment.
- c. identify the asbestos containing products that were specified, supplied, sold and or installed by Westinghouse or any predecessor, subsidiary or agent of Westinghouse for the equipment.
- d. identify the contractors, subcontractors and individuals hired to apply, install, or work with the asbestos containing products on Westinghouse equipment.
- e. identify the sales personnel responsible for making the sales of these services and include their last known addresses.

ANSWER:

See General Objection. Without waiving its objection, see response to Interrogatory No. 2 and the documents located at Amon & Sabatini and the Westinghouse PGSD in Hillside, New Jersey. With regard to Interrogatory No. 5(e) specifically, see response to Interrogatory No. 8.

INTERROGATORY NO. 6:

State the last known address and phone number of Ned Nichols, the Westinghouse Superintendent at Indian Point Powerhouse.

ANSWER:

Westinghouse objects to this interrogatory in that it seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to the discovery of relevant, material or admissible evidence. Westinghouse further objects to the term "Westinghouse superintendent at Indian Point Power House" in that it is an argumentative categorization, and vague and ambiguous on its face. Moreover, the interrogatory is not limited either by time, job description, or by unit number at the Indian Point facility.

Without waiving its objections, Westinghouse is endeavoring to locate Mr. Nichols. Westinghouse believes that it may have located the gentleman identified by the plaintiffs in this interrogatory, but is awaiting a response from Mr. Nichols to confirm this information. Once Westinghouse has received this confirmation, it will supplement this interrogatory accordingly.

INTERROGATORY NO. 7:

Who is the custodian of records of documents for Westinghouse reflecting sales to the New York powerplants and industrial sites enumerated in these interrogatories of asbestos containing materials?

ANSWER:

See General Objection. Westinghouse further objects that this interrogatory seeks information which is irrelevant and immaterial to these proceedings and which is not reasonably calculated to lead to the discovery of relevant, material or admissible evidence. In addition, Westinghouse objects to the term "documents . . . reflecting sales" in that it is vague and ambiguous on its face, overly broad and unduly burdensome, and seeks information which is irrelevant and immaterial to these proceedings, and which is not reasonably calculated to lead to the discovery of relevant, material or admissible evidence.

Without waiving its objections, Westinghouse states that it maintains a records center in Boyers, Pennsylvania which is the repository for documents from 660 different locations within the corporation. There are approximately 220,000 cartons of documents stored at the Boyers facility, each of which contains approximately 2,500 pages of documents. There are 160,000 rolls of microfilm, several million microfiche and 25 million aperture cards. The manager of the records center located at Boyers, Pennsylvania is William P. McElravy, Jr.

INTERROGATORY NO. 8:

Please state the names, addresses, and phone numbers for all sales and repair personnel for the years of 1950-1975 who worked out of the Power Generation Sales and Power Generation Service Department located at 200 Park Avenue, New York, New York at the jobsites enumerated in these interrogatories.

ANSWER:

Westinghouse objects to this interrogatory in that it is overly broad and unduly burdensome and seeks information which is irrelevant and immaterial to these proceedings and which is not

reasonably calculated to lead to the discovery of relevant, material or admissible evidence.

If the plaintiffs will identify specific individuals, either from their own records (as they have in Interrogatory No. 6), or from their review of the responsive documents Westinghouse has made available, Westinghouse will make every reasonable effort to locate these individuals and supplement its interrogatory response accordingly.

INTERROGATORY NO. 9:

Did Westinghouse Personnel specify the use of asbestos containing materials (including but not limited to cloth, yarn, blankets, paper, block, pipecovering, cement, fireproofing) on:

- a. arc boxes
- b. arc chutes
- c. arc shields
- d. condensing equipment
- e. electrical insulator sleeves
- f. gas turbines
- g. generators
- h. heating transfer products
- i. heating coils
- j. industrial equipment
- k. motors
- l. motor insulating material
- m. plug boards
- n. power reclosures
- o. power transformers
- p. protective relays
- q. pumps
- r. sleeving
- s. spacer barriers
- t. svr arresters
- u. thermal demand meters
- v. transformers
- w. turbine generators

If the answer is yes, please identify all documents reflecting the specification, and specify the time period during which asbestos was specified.

ANSWER:

Westinghouse objects to responding to this interrogatory for any products not alleged to have contributed to the plaintiffs' injuries. The grounds for this objection are that this part of the interrogatory is overly broad and unduly burdensome and seeks information which is not reasonably calculated to lead to the

discovery of relevant, material or admissible evidence. Moreover, this interrogatory is not limited either by time or worksite location; therefore, it seeks information wholly outside the New York Powerhouse litigation. See also General Objection.

Without waiving its objections, Westinghouse refers the plaintiffs to its response to Interrogatory No. 2 and the documents located at Amon & Sabatini and the Westinghouse PGSD in Hillside, New Jersey.

INTERROGATORY NO. 10:

State the following for the first Workmens' Compensation case filed against Westinghouse alleging asbestosis, mesothelioma, cancer or any lung injury allegedly due to the inhalation of asbestos fibers:

- a. Name of claimant
- b. Court and file no. of said claim
- c. Nature of claim
- d. Outcome of claim

ANSWER:

Westinghouse objects to this interrogatory on the grounds that it is overly broad, burdensome, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence and seeks information protected by the attorney/client privilege and attorney work product doctrine. Westinghouse also objects to this request as seeking patently irrelevant information not discoverable under any theory and as being posed for the sole purpose of furthering the plaintiffs' counsels' own national agenda. See also General Objection.

Without waiving its objections, and based upon presently available information, the first workers' compensation case relating to asbestos was not filed against Westinghouse until the 1970s. Westinghouse is currently conducting a review of its workers' compensation files, and will provide a supplemental response to this interrogatory upon its completion.

INTERROGATORY NO. 11:

State the date when Westinghouse first provided warnings to powerplant personnel concerning the dangers of working around asbestos, and include the nature of said warning.

ANSWER:

See General Objection. Westinghouse further objects to this interrogatory in that the terms "power plant personnel" and "dangers of working around asbestos" are vague and ambiguous, and are subject to many interpretations.

Westinghouse also objects to this interrogatory as argumentative to the extent that it implies that Westinghouse was under a duty to notify "power plant personnel" of the health and safety affects of exposure to its asbestos-containing products or that any products sold by Westinghouse would expose workers to harmful dust levels. Moreover, with regard to the vague term, "dangers of working around asbestos," Westinghouse states that it has not learned that mere exposure to asbestos, without more, constitutes a health hazard. Westinghouse generally has learned that inhalation of certain types and quantities of asbestos fibers over certain periods of time is associated with increased risk of health hazard for some people.

Without waiving its objections, Westinghouse refers the plaintiffs to the documents located at Amon & Sabatini and the Westinghouse PGSD in Hillside, New Jersey. Westinghouse is also attempting to locate information relevant to these cases regarding these issues.

Westinghouse further states that it supplied its employees with cautions or instructions regarding the use of asbestos. The cautions or instructions were located on one or more of the following internal documents: Material Cards, Process Specification Forms, or Safe Practice Data Sheets.

A Material Card is an internal document which controls a material or a part which is purchased by brand name, trade name, catalog number or other standard. Process Specification Forms are internal documents which outline the required procedures for given manufacturing processes. Safe Practice Data Sheets were a means of communicating cautions and instructions at the facility level.

The first Safe Practice Data Sheet containing information about asbestos was written in 1953. The earliest date a caution or instruction would have appeared on a Material Card was probably the mid to late 1950s. The earliest date a caution or instruction would have appeared on a Process Specification Form was in approximately 1948.

Westinghouse also believes that it provided some power plant contractors, as it understands that term, with Westinghouse Material Cards and Process Specification Forms containing cautions or instructions regarding the use of asbestos.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANT
WESTINGHOUSE ELECTRIC CORPORATION

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Defendant Westinghouse Electric Corporation's Answers to Waitz & Luxenberg Plaintiff's First Set of Interrogatories Specifically Propounded to Westinghouse was mailed, postage prepaid, to all known counsel of record on this the _____ day of March, 1993.

THOMAS G. AMON

NEW YORK COUNTY CLERK