FILE NAME: AT&T and other Phone Companies (ATT)

DATE: 2012

DOC#: ATT008

DOCUMENT DESCRIPTION: Legal - Excerpts – Answers to Interrogatories

RESPONSE TO INTERROGATORY NUMBER 2:

LUCENT:

February, 1996. Manager as of February, 1996. Assistant Secretary as of February, 1997.

AT&T:

October 1968, to March 1986,attorney. April 1986 to the present, general attorney.

INTERROGATORY NUMBER. 3:

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

A. YOUR correct corporate name;

B. YOUR state of incorporation;

C. The date of YOUR incorporation;

D. The address of YOUR principal place of business;

E. Whether or not YOU have ever held a certificate of authority to do business in the State of California, and if so, the inclusive dates of any certificate;

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

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

RESPONSE TO INTERROGATORY NUMBER 3:

LUCENT:

Yes.

A) Lucent Technologies Inc.

B) Delaware

C) November 29, 1995

D) 600 Mountain Avenue Murray Hill, New Jersey 07974

E) Defendant objects to this interrogatory on the ground that the term "certificate of authority" is vague and ambiguous. Without waiving this objection, it is believed that Lucent Technologies Inc. has been licensed to do business in California.

F) No as to Lucent Technologies Inc. However, Western Electric was wholly owned until January 3, 1984 by, at that time, the American Telephone and Telegraph Company whose principal place of business at that time was New York City.

G) Yes. Lucent's principal place of business in San Francisco is

AT&T:

A) AT&T Corp.

B) New York

C) March 3, 1885

D) 296 North Maple Ave., Basking Ridge, N. J. 07920.

E) Defendant objects to this interrogatory on the ground that the term "certificate of authority" is vague and ambiguous. Without waiving this objection, it is believed that AT&T, and, in the past, Western Electric, have been licensed to do business in California.

F) Inapplicable.

G) AT&T's principal mailing address in California is 795 Folsom Street, San Francisco, CA. 94107.

INTERROGATORY NUMBER. 4:

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

RESPONSE TO INTERROGATORY NUMBER 4:

LUCENT:

No as to Lucent Technologies Inc.

AT&T:

Yes.

INTERROGATORY NUMBER. 5:

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

RESPONSE TO INTERROGATORY NUMBER 5:

AT&T:

The American Telephone and Telegraph Company was renamed AT&T Corp. on May 16, 1994. Furthermore, Western Electric Company Incorporated did business in the state of California under the name Western Electric until it was renamed AT&T Technologies, Inc. on January 3, 1984. AT&T Technologies, Inc. merged into the American Telephone and Telegraph Company on December 31, 1989.

INTERROGATORY NUMBER. 6:

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

RESPONSE TO INTERROGATORY NUMBER 6:

Not applicable.

INTERROGATORY NUMBER 7:

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

RESPONSE TO INTERROGATORY NUMBER 7:

Not applicable.

INTERROGATORY NUMBER 8:

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

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

B. The name, job title and current address of the Custodian for THIS DEFENDANT'S HISTORICAL RECORDS.

As used herein, "HISTORICAL RECORDS" shall include all DOCUMENTS relating to the formation of THIS DEFENDANT, all minutes of partners', general partners', or other owners' meetings, and all DOCUMENTS relating to THIS DEFENDANT's merger with, acquisition of or purchase, or sale of or by any other COMPANY.

RESPONSE TO INTERROGATORY NUMBER 8:

Not applicable.

INTERROGATORY NUMBER 9:

IDENTIFY YOUR custodian of Business Records.

RESPONSE TO INTERROGATORY NUMBER 9:

Defendants object to this interrogatory on the grounds of defendants burden objection in that all documents in possession of corporate entities such as Lucent and AT&T are "business records". These responding defendants have offices and facilities located throughout the United States at which "business records" are maintained, and which have no relevance whatsoever to the only asbestos related case currently pending against those responding defendants. Thus, it would be impossible to define the "custodian" for an undefined volume of documents located throughout various facilities in the United States.

LUCENT:

Subject to and without waiving the foregoing objections, the custodian of Lucent's "business records" maintained at its principal place of business at 600 Mountain Avenue, Murray Hill, New Jersey is:

Name: Pamela Craven

Place of employment: Lucent Technologies Inc.

Present business address: 600 Mountain Avenue Murray Hill, New Jersey 07974

Job title: Vice President, Law

AT&T:

Subject to and without waiving the foregoing objections, the custodian of AT&T's "business records" maintained at its principal place of business in New Jersey is:

Name: Larry M. Joseph

Place of employment: AT&T Corp.

Present business address: 1 Speedwell Ave., Morristown, N.J. 07962

Job title: General Attorney

INTERROGATORY NUMBER 10:

IDENTIFY the person or persons most knowledgeable about:

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

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

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

RESPONSE TO INTERROGATORY NUMBER 10:

A. The person or persons most knowledgeable about Western Electric's "acquisition" of asbestos-containing products, whose identities are known to these responding defendants at this time, are Barbara Diaz (retired Western Electric employee), Leo Hartung (current Lucent employee), and Dan Norman (current AT&T employee). These individuals can be contacted through Dillingham & Murphy.

B. The person most knowledgeable about asbestos-containing products with which Western Electric had some connection is Edward Koehler (current Lucent employee). Mr. Koehler can be contacted through Dillingham & Murphy.

C. The persons most knowledgeable about Western Electric and Bell Labs contracting with others to do work involving use or handling of asbestos-containing products

are Edward Koehler (current Lucent employee) and Chuck Lichtenwalner (current Lucent employee). These individuals can be contacted through Dillingham & Murphy.

INTERROGATORY NUMBER 11:

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

RESPONSE TO INTERROGATORY NUMBER 11:

Western Electric did not "Market" asbestos-containing products. It assisted the Bell Operating Companies in obtaining products, and manufactured certain products that may have incorporated asbestos containing components supplied by others, for its own use, and for the Operating companies only. Notwithstanding, this fact, given the size of AT&T, Western Electric and Bell Labs during the time frame that is the subject of these interrogatories, responding defendants simply cannot name the identity of all "medical directors, and/or industrial hygienists or physicians employed in the area of employee health and safety." However, after a good faith effort to respond to this interrogatory, and subject to burden objection referred to above, these responding defendants provide the following names:

Bill Schreibes - Retired Industrial Hygienist with Bell Labs

Wilma Januck - Industrial Hygienist with Western Electric, currently employed by AT&T

Frank McMonigle - Retired Western Electric Industrial Hygienist

Dr. Dorthea Johnson - Retired Medical Doctor in Health Affairs for AT&T.

Dr. Terry Bidnick - Medical Doctor, currently employed by AT&T

Ralph Collipi - Current AT&T Industrial Hygienist

John Kazazis - Western Electric Industrial Hygienist, current Lucent employee

Chuck Lichtenwalner - Bell Labs Industrial Hygienist. Current Lucent employee.

Edward Koehler - Western Electric Environmental Health and Safety. Current Lucent employee.

Frank X. Worden - Retired Western Electric Industrial Hygienist.

INTERROGATORY NUMBER 12:

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

A. The caption and case number;

B. The court filing including state and county;

C. The date of the deposition or trial testimony;

D. The name and address of plaintiff's counsel of record;

E. The name and address of the court reporter.

RESPONSE TO INTERROGATORY NUMBER 12:

No, not to the current knowledge of these responding defendants.

INTERROGATORY NUMBER 13:

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

A. American Conference of Governmental Industrial Hygienists;

B. American Industrial Hygiene Association;

C. American Petroleum Institute;

D. American Railroad Association;

E. Asbestos Cement Producers Association;

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

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

H. Asbestos Textile Institute (ATI);

I. Industrial Hygiene Foundation and/or Industrial Health Foundation (IHF);

J. Industrial Mineral Insulation Manufacturers Institute;

K. Magnesia Insulation Manufacturers' Association;

L. Magnesia Silica Insulation Manufacturers Association;

M. Mineral Wool Institute;

N. National Insulation Manufacturers Association (NIMA);

O. National Safety Council;

P. New York Academy of Sciences;

Q. Quebec Asbestos Mining Association (QAMA);

R. Refractories Institute;

S. Safe Building Alliance (please answer through date of your answers);

T. Thermal Insulation Manufacturers Association (TIMA);

U. U.S. Maritime Commission;

V. IDENTIFY any other organizations, associations or groups of manufacturers, miners, distributors, importers, labelers, suppliers, and/or sellers of ASBESTOS-CONTAINING PRODUCTS of which THIS DEFENDANT was a member;

W. IDENTIFY any such representative of THIS DEFENDANT.

RESPONSE TO INTERROGATORY NUMBER 13:

This interrogatory is impossible to answer with any degree of accuracy given the vast numbers of individuals employed by AT&T, Western Electric and Bell Labs during the subject time frame. However, subject to these responding defendants burden objection, these responding defendants respond as follows: Either AT&T, Western Electric and/or Bell Labs, on the one hand, or an employee of one of those companies, on the other hand, was a member of the following organizations during the subject time frame: (B) American Industrial Hygiene Association; (I) Industrial Hygiene Foundation and/or Industrial Health Foundation; and (O) National Safety Council - (W) Frank Worden, Edward Golanka, George Ware, Dan Eiser, Charles Frost, David Green, Bill Simon, James McCaltchey, Chuck Lichtenwalner, George Wilkening, Roy Deitchman, and David Rainer, Bill Schreibis, Wilma Januck, Ralph Collipi, and John Cazazis.

INTERROGATORY NUMBER 14:

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

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

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

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

RESPONSE TO INTERROGATORY NUMBER 14:

A. Unknown. The individuals listed in response to interrogatory number 13 were members of the organizations listed in response to that interrogatory for various periods of time, including memberships during the 1960's through 1985.

B. It is believed that the following publications were received by at least some of the individuals listed in response to interrogatory 13 above: The American Industrial Hygiene Association Journal, The American Society of Safety Engineers Journal, Industrial

Hygiene Foundation Newsletters, and a series of different publications published by the National Safety Council.

C. It is believed that Bell Labs employee Charlie Chelton was on the instrumentation committee of the American Industrial Hygiene Association. It is believed that George Wilkening was on the Noise Committee and Ionizing Radiation Committee of the American Industrial Hygiene Association. There may have been other employees of AT&T, Western Electric and/or Bell Labs who were members of committees of one or more of the organizations listed in interrogatory number 13 of which these responding defendants are not currently aware.

INTERROGATORY NUMBER 15:

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

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

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

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

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

RESPONSE TO INTERROGATORY NUMBER 15:

These responding defendants have no knowledge that they ever received documents containing results or conclusions of any such studies and/or tests prior to 1973.

INTERROGATORY NUMBER 16:

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

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

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

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

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

RESPONSE TO INTERROGATORY NUMBER 16:

These responding defendants have no knowledge that they ever received copies or portions of any such studies and/or tests prior to 1973.

INTERROGATORY NUMBER 17:

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

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

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

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

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

RESPONSE TO INTERROGATORY NUMBER 17:

These responding defendants have no knowledge that they ever received documents containing results or conclusions of the Saranac Laboratories Studies or any such studies conducted by any other laboratory prior to 1973.

INTERROGATORY NUMBER 18:

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

A. The date each such library was established;

B. The location of each such library;

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

RESPONSE TO INTERROGATORY NUMBER 18:

Yes.

A. The date the Bell Labs library was established related to the subjects listed in this interrogatory is unknown. The library was, however, in existence at least as of 1970.

B. The library was located at all relevant times at 600 Mountain Ave., Murray Hill, New Jersey.

C. It is unknown whether or not the above-referenced library ever had a "librarian or other person in charge of such library."

INTERROGATORY NUMBER 19:

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

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

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

C. The IDENTITY of the custodian of such DOCUMENTS.

RESPONSE TO INTERROGATORY NUMBER 19:

(A & B)

Subject to the burden objection and stipulation regarding said objection, these responding defendants respond as follows:

C & P Telephone Company - June 30, 1976.

Richard Clinger, Inc. - February 25, 1977.

New York Telephone - December 12, 1977

C&P Telephone Company-June 30, 1978

Radio and Television Special Services, New York Telephone - July 27, 1978

ASTM - August 4, 1978

St. Joe Minerals Corporation - October 6, 1978

EMV Associates - October 10, 1978

New Jersey Bell Telephone Company - October 12, 1978

New England Telephone Company - October 13, 1978

Environmental Protection Agency - March 9, 1979

Wisconsin Telephone Company - May 30, 1979

Chesapeake and Potomac Telephone Company - May 30, 1979

New York Telephone Company - June 1, 1979

New Jersey Bell Telephone Company - June 1, 1979

Chesapeake and Potomac Telephone Company of Virginia - June 4, 1979

New York Telephone - July 6, 1979

New Jersey Bell Telephone - July 9, 1979

New Jersey Bell Telephone Company - July 16, 1979

(C)

Chuck Lichtenwalner - Lucent Technologies Inc. - New Jersey

Dillingham & Murphy 225 Bush Street, 6th Floor San Francisco, CA 94104

INTERROGATORY NUMBER 20:

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

A. The entity before whom such testimony was given;

B. The date(s) and location(s) of such testimony;

C. The IDENTITY of the individual(s) who so testified;

D. Whether any DOCUMENTS were presented to the entity before which testimony was given;

E. Whether copies of DOCUMENTS presented were retained by THIS DEFENDANT and, if so, state the IDENTITY of the custodian of such DOCUMENTS.

RESPONSE TO INTERROGATORY NUMBER 20:

These responding defendants are not aware of any testimony described in this interrogatory.

INTERROGATORY NUMBER 21:

Has THIS DEFENDANT (except for a defendant that is an educational institution) conducted, or caused to be conducted, tests, and/or studies of ambient asbestos dust

created during the manufacture, processing and/or assembling for sale of ASBESTOS-CONTAINING PRODUCTS? If so, state:

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

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

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

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

E. The IDENTITY of the custodian of such DOCUMENTS.

RESPONSE TO INTERROGATORY NUMBER 21:

Yes, as to assembling for distribution within the Bell System. Subject to the burden objection and stipulation regarding said objection, these responding defendants respond as follows:

1) A. Columbus Works, Columbus, Ohio.

B. June through October, 1973.

C. G.L. Bersebach and D.M. Cunningham.

D. Yes.

E. Dillingham & Murphy

2) A. Omaha Works, Building 30, Omaha, Nebraska

B. October through November 1975

C. Unknown.

D. Yes.

E. Dillingham & Murphy

3) A. Omaha Works, Omaha, Nebraska

B. October through November 1975

C. G.J. Cozette

D. Yes.

E. Dillingham & Murphy

4) A. Columbus Works, Columbus, Ohio.

B. November 1977

C. L.M. Welker.

D. Yes.

E. Dillingham & Murphy

5) A. Kansas City Works, Kansas City, Missouri

B. November 1977

C. Gene Widner

D. Yes.

E. Dillingham & Murphy

6) A. Omaha Works, Omaha, Nebraska

B. November 1977

C. G.J. Cozette

D. Yes.

E. Dillingham & Murphy

7) A. Richmond Works, Richmond, Virginia

B. November 1977

C. S.H. Pouliot

D. Yes.

E. Dillingham & Murphy

8) A. Phoenix Works, Phoenix, Arizona

B. November 1977

C. C.B. Cantrell

D. Yes.

E. Dillingham & Murphy

9) A. Hawthorne Works, Chicago

B. November 1977

C. E. Golonka

D. Yes.

E. Dillingham & Murphy

INTERROGATORY NUMBER 22:

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

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

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

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

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

E. The IDENTITY of the custodian of such DOCUMENTS.

RESPONSE TO INTERROGATORY NUMBER 22:

Yes. . Subject to the burden objection and stipulation regarding said objection, these responding defendants respond as follows:

1) A. Columbus Works, Columbus, Ohio

B. J.E. Dennison, R. Menichelli, F.X. Worden, and A. Skirpstunas

C. October 29 through 30, 1973

D. Yes.

E. Dillingham & Murphy

2) A. Unknown

B. Unknown

C. May 27, 1974

D. Partial documents

E. Dillingham & Murphy

3) A. Rolling Meadows, Illinois Facility of Western Electric Company

B. W.J. Schreibeis

C. May 22, 1974

D. Yes.

E. Dillingham & Murphy

4) A. Hawthorne Works, Chicago

B. E.J. Golanka

C. September 9, 1974

D. Yes.

E. Dillingham & Murphy

5) A. Rolling Hills, Illinois

B. W.J. Davie

C. December 1974

D. Yes.

E. Dillingham & Murphy

INTERROGATORY NUMBER 23:

Did THIS DEFENDANT (except for a defendant that is an educational institution) have any laboratory or other similar type of facility anywhere in the United States at which it conducted, or caused to be conducted, any tests and/or studies of ASBESTOS-CONTAINING PRODUCTS or RAW ASBESTOS relating to the health consequences of asbestos or the dust generated by any use of asbestos or ASBESTOS-CONTAINING PRODUCTS. If so, state:

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

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

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

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

E. The IDENTITY of the custodian of such DOCUMENTS.

RESPONSE TO INTERROGATORY NUMBER 23:

Yes, as to determining whether the levels of ambient asbestos were within the acceptable guidelines set forth by OSHA. Subject to the burden objection and stipulation regarding said objection, these responding defendants respond as follows:

1) A. Bell Labs Laboratory 600 Mountain Avenue, Murray Hill, New Jersey.

B. Numerous industrial hygienists, environmental, health and safety personnel and engineers conducted tests at this facility over a period of time. It would be impossible to name each and every individual who conducted a test at this facility.

C. See response to B above.

D. Yes.

E. Dillingham & Murphy

2) A. Western Electric's laboratory at Merrimack Valley in Massachusetts.

B. Ralph Collipi, and perhaps others whose identities are unknown at this time.

C. Tests occurred over a period of time and it is unknown at this time when these tests occurred.

D. These responding defendants have obtained no documents, to date, responsive to this interrogatory.

E. Not applicable.

3) A. LFE Labs, Wright Avenue, Richmond, California.

B. Edward Koehler and perhaps others.

C. Tests were conducted over a period of time at this facility and these responding defendants do not have specific information at this time concerning the dates of said tests.

D. These responding defendants have no documents at this time responsive to this interrogatory.

E. Not applicable.

INTERROGATORY NUMBER 24:

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

A. Whether chest x-rays or pulmonary function tests were part of such program(s);

B. Whether participation in any such program was a mandatory condition of employment or was voluntary;

C. Whether THIS DEFENDANT has DOCUMENTS of such program(s);

D. The IDENTITY of the custodian of such DOCUMENTS

RESPONSE TO INTERROGATORY NUMBER 24:

Yes.

1) A. Yes.

B. Participation in the program by employees was mandatory in that, if Western Electric, Bell Labs and/or AT&T believed that medical examination was appropriate under OSHA and other applicable regulations, as well as those promulgated by any of these companies, the employee would be requested to participate in the examination. If the employee refused to participate, the companies would not physically force the employee to participate; however, such refusal could be grounds for termination.

C. Yes.

D. The current custodians of these records are: Madeleine Tashjian, Lisa Haley, Rosalyn Graves, Mary Novean, Helen Schumacher, Sharon Collins, and Mary Amann. However, the records of individual medical examinations cannot be produced or discussed without the consent of the individual employee.

INTERROGATORY NUMBER 25:

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

A. The date of such claim;

B. The name of the claimant;

C. The case number;

D. The court in which the claim was filed;

E. The IDENTITY of THIS DEFENDANT's custodian of DOCUMENTS evidencing such claims.

RESPONSE TO INTERROGATORY NUMBER 25:

Subject to the burden objection, and the stipulation regarding said objection, these responding defendants respond as follows: As to California employees, these responding defendants are not aware of any workers' compensation claim for an asbestos-related injury against AT&T, Western Electric or Bell Labs prior to 1973. These responding defendants have been unable, to date, to obtain information responsive to this interrogatory for employees outside of California.

INTERROGATORY NUMBER 26:

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

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

B. The number and effective date of each policy;

C. The amount(s) of coverage of each policy;

D. The applicable dates of coverage.

RESPONSE TO INTERROGATORY NUMBER 26:

These responding defendants state that they believe that they are fully insured for all significant risks. On current information and belief, these responding defendants expect that they will be self-insured for the DeSimone claim.

INTERROGATORY NUMBER 27:

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

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

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

C. The nature of the business as it pertains to asbestos.

RESPONSE TO INTERROGATORY NUMBER 27:

No.

INTERROGATORY NUMBER 28:

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

A. Mining;

B. Milling;

C. Supply;

D. Importing;

E. Processing;

F. Distribution;

G. Marketing;

H. Sale;

I. Brokering.

RESPONSE TO INTERROGATORY NUMBER 28:

No.

INTERROGATORY NUMBER 29:

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

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

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

1. On an experimental basis;

2. On a test basis;

3. For sale.

C. The date(s) such RAW ASBESTOS:

1. Ceased to be produced; or

2. Was recalled from the market, if ever.

D. A description of the chemical composition of such RAW ASBESTOS, including the type and/or grade of asbestos;

E. A description of the physical appearance and the nature of such RAW ASBESTOS, including any color coding, distinctive marking and/or logo on the packaging or container;

F. A detailed description of the intended use of such RAW ASBESTOS, including any temperature limits for each such use;

G. Whether such RAW ASBESTOS was on the U.S. Government's "Qualified Products List," and if so, the inclusive dates it was on such list;

H. IDENTIFY to whom such RAW ASBESTOS has, at any time, bee sold. As to each such, state:

I. Whether any of THIS DEFENDANT's RAW ASBESTOS has, at any time, been sold, shipped, or otherwise distributed, used or installed to or at any COMPANY (including power company or utility), governmental agency or entity, shipyard, distributor, refinery, contractor, supplier, PREMISE owner or occupant, ship owner, or other PREMISE or site in the GEOGRAPHIC AREA and whether any of THIS DEFENDANT's RAW ASBESTOS has at any time, been sold to any manufacturer, or manufacturing facility, of ASBESTOS-CONTAINING PRODUCTS. If so, state:

1. The names of each such COMPANY, governmental agency or entity, shipyard, distributor, supplier, manufacturer or refinery;

2. The inclusive dates of each such sale, and the amount (quantity) and the trade brand name of such RAW ASBESTOS sold;

3. The manner of shipment (e.g. boat, rail, etc.)

4. Whether you have any records indicating any such sale or shipment and, if so, the name, address and job classification of each person who currently has possession of such records.

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

RESPONSE TO INTERROGATORY NUMBER 29:

Not applicable.

INTERROGATORY NUMBER 30:

Between 1930 and 1985, did YOU ever engage in any of the activities listed below with regard to ASBESTOS-CONTAINING PRODUCTS? If so, state the inclusive dates of such activity:

A. Supply;

B. Importing;

C. Distribution;

D. Marketing;

E. Sale;

F. Labeling;

G. Manufacturing;

H. Brokering

RESPONSE TO INTERROGATORY NUMBER 30:

Subject to the burden objection and stipulation regarding said objection, these responding defendants respond as follows: Neither AT&T, Bell Labs nor Western Electric ever engaged in the activities listed in paragraphs A through H in this interrogatory. However, Western Electric manufactured, and at times, negotiated national contracts with third-party manufacturers, for certain products containing asbestos that were made available for use by Western Electric, Bell Labs or the Bell Operating Companies ("BOC's") only. The BOC's were the regional Bell Telephone companies that were wholly owned subsidiaries of American Telephone and Telegraph until Divestiture in 1984. Thus, Western Electric's conduct in providing the services it provided for the BOC's does not qualify as any of the conduct set forth above in this interrogatory as those terms are used in the product liability context. These responding defendants list below the following:

A. Products manufactured by Western Electric for use exclusively by Western Electric and/or the Bell Operating Companies that incorporated asbestos containing components supplied by others;

B. Asbestos containing products manufactured by third party manufacturers in accordance with the contracts that were negotiated by Western Electric for the benefit of Western Electric and the BOC's.

These responding defendants will provide information about the above-referenced products in response to interrogatory number 31 below.

INTERROGATORY NUMBER 31:

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

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

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

1. On an experimental basis;

2. On a test basis; or

3. For sale.

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

1. Ceased to be produced; or

2. Was recalled from the market, if ever.

D. A detailed description of the chemical composition of each such ASBESTOS-CONTAINING PRODUCT, including the type and/or grade of asbestos and/or asbestos fiber contained in each such product and the quantitative percentage of asbestos or asbestos fiber in each such product, and all non-asbestos components of the ASBESTOS-CONTAINING PRODUCT, and if the chemical composition changed over time, the inclusive dates of each formulation;

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

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

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

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

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

1. The names of each such COMPANY, governmental agency or entity, shipyard, distributor, supplier, manufacturer, refinery, contractor, PREMISE owner or occupant, ship owner, PREMISE or site;

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

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

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

RESPONSE TO INTERROGATORY NUMBER 31:

I. Products manufactured by Western Electric that incorporated asbestos containing components supplied by others.

1. **Flat resistor**-These responding defendants are informed and believe that Western Electric manufactured these resistors using asbestos paper or phenolized asbestos sheets in the process of the manufacture. On information and belief, Western Electric did not manufacture the asbestos containing component part, but rather, incorporated it into the non-asbestos containing parts of the product.

A. These responding defendants are unaware of any name for this product other than "flat type resistor". Western Electric manufactured many different types of flat resistors.

B. These responding defendants are unaware of when this product was first manufactured by Western Electric for use by the Bell Operating companies, which was the only use for which it was manufactured.

C. Unknown at this time.

D. The flat-type resistor required an insulator and cover which were fabricated from resin impregnated asbestos sheets and paper. Certain types of flat resistors contained 35%-40% chrysotile asbestos.

E. Unknown at this time.

F. The flat-type resistor was used as a component part of telecommunication equipment. These responding defendants are unaware at this time of the temperature limits for use of this product.

G. Unknown at this time.

H. Unknown at this time.

I. The flat-type resistor was used only by the Bell Operating companies, including Pacific Telephone and Telegraph. These responding defendants have been unable to locate any documents responsive to this sub interrogatory.

J. January 28, 1974 Technical Report entitled "Worker Exposure to Airborne Asbestos Dust and Flat-Resistor Manufacturer-Columbus Works"; July 25, 1979 "Airborne Asbestos Dust" report; December 9, 1997 Analysis Report.

2. **Wires**

A. Unknown at this time, other than "wires". Western Electric manufactured many different types of wires over the years.

B. It is unknown at this time when Western Electric first started manufacturing and using these wires and providing them for use by the Bell Operating companies.

C. This product was discontinued at least as early as February 8, 1971.

D & E. All that is known at this time about these wires is that some of them contained "felted asbestos" coverings and that they came in various colors and sizes and a number of strands in each wire. The wires themselves were made of copper. Some were coated with a non-asbestos tinning solution. The majority of the wires manufactured by Western Electric were covered by an insulation material which did not contain asbestos. The wires that had the asbestos containing covering around them were wires that had special applications such as high heat exposure, or high fire potential.

F. These wires were primarily intended for use in all telecommunications systems, and in wiring apparatus and equipment subject to operating voltages up to volts A through E (5,000 volts). The insulation resistance of these wires is set forth in spec documents that are poor quality copies and difficult to read accurately.

G. Unknown.

H. The following manufacturers were listed at some time under one of the versions of the specs for these wires: Lenz Electric Manufacturing Co., Philadelphia

Insulated Wire Co. and Rookbestos Products Co. Other than this information, these responding defendants have no information at this time responsive to this sub interrogatory.

I. These wires were used only by Bell Operating companies, including Pacific Telephone and Telegraph in California. These responding defendants have been unable to locate any documents responsive to this sub interrogatory.

J. A Bell Labs specification sheet dated February 8, 1971; various other specifications materials, dates unknown.

II. Products used by the Bell Operating Companies which were obtained by the Bell Operating companies with the assistance of Western Electric, but were not manufactured by Western Electric.

1. **Washers**

A. These responding defendants are unaware of any trade, brand name and/or generic name for this product other than "washers".

B. These responding defendants are unaware of when these washers were first manufactured and used by Western Electric and the Bell Operating companies.

C. Western Electric called for abandonment of the use of these washers on November 9, 1978, and again on December 6, 1978.

D. These responding defendants lack information responsive to this sub interrogatory at this time. The information they have concerns the physical dimensions of the washers only.

E. The washers were an off white color, made of a fabric material that contained asbestos. The washers did not contain any distinctive marking and/or logo. Western Electric manufacturing specs provide the various different dimensions for these washers.

F. The purpose of these washers was to provide insulation between the resistors and the termination of the resistors (ie., circuit board). It is believed that these

washers were also intended to protect a circuit from voltage leakage which usually occurred from the terminal lug to the centering washer. These responding defendants are unaware at this time of any temperature limits prescribed for these washers.

G. Unknown at this time.

H. Unknown at this time.

I. The washers were used only by Bell Operating companies, including Pacific Telephone and Telegraph in California. These responding defendants have been unable to locate any documents responsive to this sub interrogatory.

J. The documents maintained by these responding defendants containing information used in response to this interrogatory are various manufacturing specs from various years, a "change request" dated December 1, 1978, a "memorandum for record" dated January 8, 1979, and a series of correspondence from Western Electric, all dated November 9, 1978 regarding elimination of washers containing asbestos for use in the Bell system.

2. **Cable bags.**

A. Unknown, other than "cable bags."

B. Unknown.

C. As early as March 18. 1974.

D. Unknown.

E & F. These bags consisted of canvas type sacks which contained material which occasionally contained asbestos. These bags were used in between the cable vault covers for fire insulation protection in Bell Operating Company central offices. The cable vault covers are described below. These responding defendants are informed and believe that most of these bags did not contain asbestos, but rather, contained mineral wool. A limited minority of these bags contained asbestos.

G. Unknown.

H. Unknown.

I. It is believed that these cable bags were used by the Bell Operating companies, including Pacific Telephone and Telegraph, in Central offices for a period time.

J. January 1, 1965 Handbook 30 document; May 24, 1974 memo from J. P. Carpenter.

3. **Cable Vault Covers**

A. Cable vault or cable hole covers.

B. Unknown.

C. Cable vault covers containing asbestos were no longer used as of September 1, 1974.

D., E., and F. Cable hole or cable vault covers were used in the Bell Operating Companies' central offices to act as a barrier for the spread of fire from one floor of the office building to another in an area where the cables ran from sub ground level locations, from floor to floor, to the top floor of the building. They varied in size. One cable vault cover located by these responding defendants measured 27 inches wide by 15 inches high by 1/2 inch thick. Another cover measured 35 inches wide by 20 inches high by 1/4 of an inch thick. They were light gray in color. A test on one such cover indicated that it contained 45% chrysotile.

G. Unknown.

H. Unknown.

I. The cable vault cover was used only by Bell Operating companies, including Pacific Telephone and Telegraph in California. These responding defendants have been unable to locate any documents responsive to this sub interrogatory.

J. Handbook 30, "closing cable holes and slots", dated January 21, 1965; May 24, 1973 letter from J.C. Lake; January 9, 1974 "memorandum for record"; November 9, 1973 "memorandum for record" by A. Skirpstuna; July 9, 1974 Occupational Health Working Group minutes; Handbook 30 "Temporary Instruction Cable Penetration -

Closures and Steel Cover Ordering Information" dated March 14, 1975; September 12, 1974 memo from Occupational Health Working Group minutes; September 20, 1974 memo from H.H. Turner and E.H. Stone; Analytical results dated February 27, 1997 from Clayton Environmental Consultants.

4. **Cement conduit**

A. It is believed that at least some of the cement conduit used by the Bell Operating companies was referred to as "Transite" pipe.

B. Unknown.

C. Unknown. These responding defendants are informed and believe that use of concrete conduit was replaced by plastic conduit sometime in the 1970's.

D. Unknown.

E. The conduit came in multiple sizes, including straight cement conduits, the "B fiber cement conduit", a thin wall conduit designed for use with concrete protection, and the "C fiber cement conduit" a heavy wall conduit designed for use without concrete protection. The net weight for type C was 4.3 pounds per foot. The conduits were cut square and provided with tapered tenons rounded on the interior edge. These responding defendants are not aware of any color coding or distinctive marking and/or logo on the product or packaging, if any.

F. The primary intended use of the cement conduit was to protect telephone communications materials, included cables, placed under ground, from failure and deterioration, including deterioration from moisture and ground water. In testing the conduit, the specifications indicate that 12 inch samples were to be dried in an oven at a temperature of approximately of 220 ° Fahrenheit for 24 hours and the dry weight then determined. After cooling to room temperature, the samples were to be completely immersed in water at 64° Fahrenheit to 74° Fahrenheit for at least 24 hours. Thereafter, the samples were to be taken from the water and weighed, after the surface water had been removed with a damp cloth.

The water absorption of any sample as expressed in percentage increase in weight was not to exceed 30%.

G. Unknown.

H. Unknown. It is believed that Johns-Manville was at least one of the manufacturers of this product used by the Bell Operating companies.

I. These responding defendants were informed and believe that Western Electric negotiated contracts with third-party manufacturers of cement conduit, possibly including Johns-Manville, for the use of the Bell Operating companies, including Pacific Telephone and Telegraph in California. These responding defendants have no information concerning the dates that Pacific Telephone purchased said pipe, nor any records of such purchase.

J. October 18, 1978 fiber cement conduit specification; August 21, 1981 fiber cement conduit specification discontinuation; February 20, 1973 Bell Labs memorandum from R.H. Edgerley.

5. **Asbestos-containing filter**

A. Johns-Manville's Fibra-Flo 7C.

B. Unknown.

C. Exact date unknown, it is believed that this product was no longer used by Western Electric or the Bell Operating companies at least as early as November 22, 1976.

D. These responding defendants are informed and believe that the Fibra-Flo 7C was reported to have contained 10% asbestos fibers. These responding defendants are also informed and believe that tests of filters used by Western Electric, which may or may not have been the Johns-Manville Fibra-Flo 7C, contained varying percentages of asbestos, ranging from 8% to 32%, all of chrysotile form.

E and F. The Fibra-Flo 7C was a filter used by Western Electric during the manufacturing process for acid copper sulfate plating solutions. These

responding defendants have no further information responsive to these sub interrogatories at this time.

G. Unknown.

H. Unknown other than what is stated above.

I. These filters were used only by the Bell Operating companies. These responding defendants are informed and believe that the filters were not used in California. These responding defendants have been unable to locate any documents responsive to this sub interrogatory.

J. Sampling test results dated May 3, June 15, August 2, August 18, October 18, October 19, 1976; November 22, 1976 memorandum for record signed by J.T. Hamby; October 10, October 24, 1977; December 28, 1984 memo from K.D. Tait.

6. **Gloves**

A. Unknown other than "asbestos gloves."

B. Unknown.

C. Western Electric and the Bell Operating Companies stopped using these gloves as early as December 8, 1978.

D. The materials in the possession of these responding defendants from which the information necessary to answer this interrogatory were taken are of poor quality and difficult or, in some cases, impossible to read. In light of this fact, defendants' response is unknown.

E and F. The package or shipping container was marked on the side and/or customarily showed quantity, "KS-8-63 gloves" and the manufacturers' name or trademark. Containers were customarily marked to show gross weight. A pull tab of natural cotton webbing was securely sewn inside the heel of the glove. The gloves were intended for use in small and incipient fires, handling hot embers, handling soldering pots by line splicers, with wax pots used with wires in Central Offices, and possibly other uses unknown at this time.

G. Unknown.

H. Unknown.

I. These gloves were used only by Bell Operating companies, including Pacific Telephone and Telegraph in California. These responding defendants have been unable to locate any documents responsive to this sub interrogatory.

J. June 21, 1979 specification KS-8463; December 8, 1978 AT&T recommendation "introduces the new KS-22240 heat and fire retardent glove".

7. **Impregnated Asbestos Composition Panels (aka "ebony power boards")**

A. This product was referred to as power ebony board, or ebonite board or transite panel.

B. Unknown.

C. January 12, 1978.

D. The panels were asbestos and Portland cement, mixed to a hard, uniform panel and impregnated with an appropriate dielectric, intended for use as a panel for electrical switchboards. The Alkyd content is stated as "a maximum of 45 milligrams of KOH per gram of material". It has been reported by one source that these panels contained 35% to 40% asbestos.

E. These panels came in various sizes and thicknesses. They were customarily a uniform dull black in appearance. The surface was reasonably smooth, but not necessarily specially finished.

F. See above. This product was intended for use as a panel for electrical switchboards.

G. Unknown.

H. Unknown. Documents suggest that, as of 1968, the panels were manufactured by Johns-Manville in New York and Nicolet Industries, Inc. in Florham Park, New Jersey.

I. These panels were used only by Bell Operating companies, including Pacific Telephone and Telegraph in California. These responding defendants have been unable to locate any documents responsive to this sub interrogatory.

J. September 26, 1968 specifications for impregnated for asbestos composition panels; June 7, 1974 memo from W.J. Schreibeis.

8. **Asbestos Paper and Millboard**

A. Asbestos paper and millboard

B. Unknown.

C. November 12, 1982

D. The asbestos paper and millboard was composed principally of asbestos fiber with a small amount of binding material, organic material not over 9%. The alkalinity of the millboard was not over 8%.

E. The millboard was in sheets of 42 inches by 48 inches unless otherwise specified. The thickness was to be measured with a tolerance of equal to 10%. The density was not to be over .042 pounds per cubic inch. The paper density was from .40 to .45 pounds per mil. of thickness per 100 square foot for six and eight pound paper.

F. The intended use for the asbestos paper and millboard was in the manufacture of telephone equipment apparatus such as resistors, and as an insulator or spacer between component parts. These materials were designed to withstand up to 400 ° Fahrenheit for 4 hours without excessive imbrittlement or market change in color.

G. Unknown.

H. Unknown.

I. This paper and millboard was used only by Bell Operating companies, including Pacific Telephone and Telegraph in California. These responding defendants have been unable to locate any documents responsive to this sub interrogatory.

J. November 8, 1940 specification for asbestos paper and millboard; February 3, 1966 for raw material temporary information memorandum.

9. **Phenolic Molding Compounds**

A. Phenolic molding compounds.

B. Unknown.

C. Although the exact date is unknown, it appears that Western Electric and the Bell Operating companies ceased using this material as of approximately September 1977.

D. Unknown.

E and F. Certain types of phenolic molding compounds were furnished in natural color, and certain types were furnished in black and other colors. The standard types were required to be capable of meeting the requirements listed in ASTM designation D700. The special types were required to be capable of meeting the requirements of the related types listed in D700. These phenolic molding compounds were hot molding, thermo setting compounds consisting essentially of a phenol-formaldehyde resin or modification thereof, intimately combined in the uncured or partially cured condition with fillers, pigments, and dyes, as required to obtain the properties desired. The compounds were intended for molding by compression, transfer, and in-line injection molding, and used in the manufacturing of other products such as resistors. Various temperatures limits are set forth in the applicable specifications.

G. Unknown.

H. Unknown.

I. These compounds were used in products used only by Bell Operating companies, including Pacific Telephone and Telegraph in California. These responding defendants have been unable to locate any documents responsive to this sub interrogatory.

J. March 7, 1969 specification for phenolic molding compounds; September 12, 1977 memorandum of record signed by G.J. Cozette.

10. **Phenolized Asbestos Sheet**

A. Phenolized asbestos sheet

B. Unknown

C. 1982

D. Unknown at this time

E and F. The phenolized asbestos sheet material was in a semi-cured state, consisting of asbestos paper impregnated with condensation products of the phenol-formaldehyde type. The semi-cured flexible sheet provides a wrap-around cover for resistor manufacturer which is subsequently fully cured.

G. Unknown.

H. Unknown.

I. These sheets were used only by Bell Operating companies, including Pacific Telephone and Telegraph in California. These responding defendants have been unable to locate any documents responsive to this sub interrogatory.

J. Manufacturing specification 51519 dated June 12, 1958; manufacturing specification 58467 dated August 20, 1963.

11. **Asbestos-Covered Cable**

A. Asbestos-covered cable.

B. Unknown at this time.

C. Unknown at this time.

D. Unknown at this time.

E & F. These cables were used as power cables, not in telecommunication transmission. They were a white, woven material, and served as insulation from heat and fires. They were used only in areas subject to extreme heat or fire potential.

G. Unknown at this time.

H. Unknown at this time.

I. Unknown at this time.

J. June 6, 1983 letter from V.A. Libero.

12. **Asbestos-braided sleeving**

A. Asbestos-braided sleeving.

B. Unknown.

C. These responding defendants are informed and believe that Western Electric and the Bell Operating companies ceased using asbestos-braided sleeving on or about 1982.

D. The material is a closely-braided cylindrical sleeving (tubing) made principally from asbestos fibers, and may contain small percentages of cotton fibers and ammonium sulfate. The chemical properties are set forth in materials as follows: Flammability, length of CHAR, IN.MAX.3; ash content, percent MIN.54; water extract conductivity, MHO per CM.MAX. 1.75 x 10 to the -3; PH of water extract, MIN.6.2, MAX.7.5.

E. The inside diameter was 5/64 of an inch, the outside diameter was 3/16 of an inch, minimum, 7/32 of an inch, MAX. They were customarily marked with a name, form, size and quantity of material, the Western Electric specification number, the Western Electric Purchase order number, and the supplier's name and trademark.

F. This material was intended for use in fuses, and over cable for extra protection from heat and fire. The material was an off-white, gray color. Temperature limits are unknown at this time.

G. Unknown.

H. Unknown.

I. The sleeving was used only by Bell Operating companies, including Pacific Telephone and Telegraph in California. These responding defendants have been unable to locate any documents responsive to this sub interrogatory.

J. Western Electric specification number 57537 dated November 17, 1965.

13. **Asbestos Tape**

A. Asbestos Tape.

B. Unknown

C. Unknown

D. Unknown

E. Unknown

F. At least one of the uses of asbestos tape was in the molding of glassware. When the glassware was heated to its melting point on a lathe, the asbestos tape prevented contact between the glass and the actual lathe.

G. Temperature limits are unknown at this time.

H. Unknown.

I. Unknown.

J. Unknown

K. November 11, 1976 memo from F.G. Forster.

14. **Asbestos Packing Sheet**

A. Asbestos packing sheet

B. Unknown

C. Unknown

D. Unknown

E. These responding defendants are informed the asbestos packing sheet came in sheets in measuring 1/64 of an inch by 60 inches by 60 inches.

F. Unknown at this time.

G. Unknown at this time.

I. Unknown at this time.

J. August 15, 1973 memo entitled "re: exposure to airborne asbestos fibers".

15. **Graphite Asbestos**

A. Graphite Asbestos

B. Unknown at this time.

C. Unknown at this time.

D. Unknown at this time.

E. These responding defendants are informed that the graphite asbestos came in rolls 1/16 inch by 36 inches and 1/8 inch by 36 inches.

F. Unknown at this time

G. Unknown at this time.

H. Unknown at this time.

I. Unknown at this time.

J. August 15, 1973 memo entitled "re: exposure to airborne asbestos fibers".

16. **Soldering Wiping Pads**

A. Soldering wiping pads

B. Unknown at this time.

C. 1977

D. Unknown at this time.

E. Unknown at this time.

F. These pads were used by the Bell Operating company splicer employees in the field when splicing telecommunication wires in installing phone systems. The pads were used to wipe the excess solder off the soldering gun after use. These responding defendants are not aware of the temperature limits, if any, for this product.

G. Unknown at this time.

H. Unknown at this time.

I. Unknown at this time.

J. July 5, 1992 memo re "old soldering wiping pads containing asbestos"; May 5, 1997 letter from Lisa Shubert.

INTERROGATORY NUMBER 32: (PREMISES DEFENDANTS only)

Did YOU install, remove, or handle or contract to have others install, remove, or handle RAW ASBESTOS or ASBESTOS-CONTAINING PRODUCTS at any PREMISES in the GEOGRAPHIC AREA which PREMISES is at issue as to YOU in San Francisco Superior Court asbestos litigation as of the date of your answers to these interrogatories? If so:

A. IDENTIFY the PREMISES.

B. For each of the PREMISES:

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

2. State the inclusive date of that interest;

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

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

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

1. IDENTIFY the parties to the contract;

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

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

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

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

disturbing or handling of RAW ASBESTOS or ASBESTOS-CONTAINING PRODUCTS? If so, for each such instance:

1. State the inclusive dates of the work;

2. Provide a general description and specific location of the work;

3. State whether the work was done by YOU and/or YOUR employees;

4. IDENTIFY and describe the NATURE of the RAW ASBESTOS or ASBESTOS-CONTAINING PRODUCTS installed, removed, handled or disturbed;

5. IDENTIFY from whom the RAW ASBESTOS or ASBESTOS-CONTAINING PRODUCTS were acquired.

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

1. IDENTIFY who did the work;

2. State the inclusive dates thereof;

3. State whether samples were taken, and, if the samples still exist, IDENTIFY the custodian of the samples;

4. State whether any material was tested, and, if so, what were the results of each test;

5. IDENTIFY each test result with sufficient particularity for the purpose of a request for production of documents, or, in the alternative, attach a copy to YOUR answers to these interrogatories.

F. Except for insurance coverage litigation, have you filed suit against, or otherwise sought to recover from, any person or entity for some or all of the cost of asbestos abatement or for the property damage allegedly caused by the presence of RAW ASBESTOS or ASBESTOS-CONTAINING PRODUCTS on the PREMISES identified in response to subpart (A) above? If so:

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

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

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

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

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

RESPONSE TO INTERROGATORY NUMBER 32:

Not applicable.

INTERROGATORY NUMBER 33: (CONTRACTOR DEFENDANTS only)

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

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

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

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

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

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

4. State your job or contract number.

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

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

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

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

4. State your job or contract number.

RESPONSE TO INTERROGATORY NUMBER 33:

Not applicable.

INTERROGATORY NUMBER 34:

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

RESPONSE TO INTERROGATORY NUMBER 34:

Not applicable.

INTERROGATORY NUMBER 35:

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

RESPONSE TO INTERROGATORY NUMBER 35:

Not applicable.

INTERROGATORY NUMBER 36:

If THIS DEFENDANT entered into any agreements for the rebranding of ASBESTOS-CONTAINING PRODUCTS manufactured, sold, supplied or distributed by another person or entity for resale or distribution by YOU, describe each of the agreements and the parties to said agreement, the terms, the duration, and the names of each product(s) and/or material(s) covered by each such agreement.

RESPONSE TO INTERROGATORY NUMBER 36:

Not applicable.

INTERROGATORY NUMBER 37:

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

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

B. State whether you have any photographs thereof;

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

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

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

RESPONSE TO INTERROGATORY NUMBER 37:

Yes, in response to regulations adopted by the U.S. Occupational Safety & Health Administration (See 37 Fed Reg. 11318, June 7, 1972), the Bell System began issuing

various notices and warnings concerning the potential hazards of exposure to asbestos beyond those levels set forth in the OSHA regulations. These warning or notices generally took the form of letters or memoranda within the Bell System. The notices/warnings that these responding defendants can locate at this time are dated as follows: August 15, 1973; September 24, 1973; September 20, 1974; March 14, 1975; February 5, 1976; April 7, 1976; April 16, 1976; September 16, 1976; November 22, 1976; July 7, 1977; July 11, 1977; July 29, 1977; November 17, 1977; November 17, 1977; November 18, 1977; July 31, 1978; August 7, 1978; January 8, 1979; May 30, 1979; October 12, 1981; December 11, 1981; July 16, 1984.

B. Photocopies of the memos/letters listed above exist within these responding defendants' possession, custody or control.

C. See the dates referred to in section A above.

D. These responding defendants are not aware of any changes made to the letter/notes providing warnings of the possible hazards of asbestos.

E. It is impossible to designate one or even several persons most knowledgeable about these responding defendants' warnings and warning policy. The above noted letter/memos outlining the potential hazard of asbestos-containing products came from many different individuals within Western Electric and Bell Labs, certainly too many individuals to name in the context of these interrogatory answers.

INTERROGATORY NUMBER 38:

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.

RESPONSE TO INTERROGATORY NUMBER 38:

Western Electric's name appeared on the flat resistors described above, along with a numerical code designating the model number and other numeric information, the code for which is currently unknown.

INTERROGATORY NUMBER 39:

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:

A. Date of purchase or acquisition;

B. Terms of purchase or acquisition agreement;

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

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

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

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

RESPONSE TO INTERROGATORY NUMBER 39:

No.

INTERROGATORY NUMBER 40:

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

A. Date of sale;

B. Terms of sales agreement;

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

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

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

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

RESPONSE TO INTERROGATORY NUMBER 40:

No.

INTERROGATORY NUMBER 41:

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

A. A description of the document;

B. The year it was printed;

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

D. The purpose of such document;

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

F. If said documents or copies of said documents presently exist, where they are located; and

G. The IDENTITY of the custodian of such documents.

RESPONSE TO INTERROGATORY NUMBER 41:

See response to interrogatory No. 30. These responding defendants are unaware of any such documents relating to the products described in response to interrogatory Nos. 30 & 31.

INTERROGATORY NUMBER 42:

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

RESPONSE TO INTERROGATORY NUMBER 42:

No.

INTERROGATORY NUMBER 43:

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

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

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

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

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

RESPONSE TO INTERROGATORY NUMBER 43:

Not applicable.

INTERROGATORY NUMBER 44:

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

RESPONSE TO INTERROGATORY NUMBER 44:

As of, or very shortly after the Occupational Safety and Health Administration (OSHA) regulations regarding asbestos were implemented on June 14, 1972 (Federal Register, Volume Number 37, number 110), Western Electric, Bell Labs and AT&T became generally aware from media, industry and governmental publications of allegations that continuous inhalation of high levels of asbestos fibers could have potential health consequences. After a good faith inquiry by these responding defendants, subject to their burden objection, these responding defendants are aware of no living witnesses, nor do they possess any documents which would indicate a date responsive to this interrogatory any earlier than on or shortly after June 14, 1972.

INTERROGATORY NUMBER 45:

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

RESPONSE TO INTERROGATORY NUMBER 45:

See response to interrogatory number 44.

INTERROGATORY NUMBER 46:

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

RESPONSE TO INTERROGATORY NUMBER 46:

The earliest document identified by these responding defendants responsive to interrogatories 44 and 45 is a July 12, 1972 memo from Western Electric's assistant, general medical director - medical and environmental programs to all medical directors

within the company regarding medical surveillance program for personnel exposed to asbestos.

INTERROGATORY NUMBER 47:

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

A. Whether the first such warning was written in oral;

B. Whether copies of DOCUMENTS containing such warning exist;

C. The IDENTITY of the custodian of such DOCUMENTS;

D. The content of the warning.

RESPONSE TO INTERROGATORY NUMBER 47:

After engaging in a good faith effort to respond to this interrogatory, and subject to these responding defendants' burden objection, these responding defendants have been unable to determine exactly when AT&T, Western Electric and/or Bell Labs "first" warned their employees that exposure to asbestos could be hazardous to human health.

A. It is unknown whether the first "warning" to employees that exposure to asbestos could be hazardous to human health was written or oral. The first document responsive to this interrogatory which has been identified by these responding defendants is in an August 15, 1973 memorandum, (company, department and author unknown), addressing, "exposure to airborne asbestos fibers".

B. Yes.

C. Dillingham & Murphy

D. The memo requests the recipients to advise the department from which the memo was drafted prior to fabrication or use of certain identified products that contained asbestos so that appropriate environmental monitoring could be performed.

INTERROGATORY NUMBER 48:

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

A. Provide the date;

B. Describe the circumstances; and

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

RESPONSE TO INTERROGATORY NUMBER 48:

These responding defendants have no knowledge that either AT&T, Western Electric or Bell Labs ever issued such a policy.

INTERROGATORY NUMBER 49:

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

RESPONSE TO INTERROGATORY NUMBER 49:

Bell Labs promulgated procedures for work requiring handling or disruption of asbestos containing materials in 1984. It is believed that these procedures were communicated to independent contractors or subcontractors engaged in removal of asbestos from buildings owned and/or occupied by AT&T, Western Electric and/or Bell Labs. It is unknown at this time whether or not these procedures were provided to independent contractors or subcontractors within the "GEOGRAPHIC AREA".

INTERROGATORY NUMBER 50:

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

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

B. The date(s) thereof;

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

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

E. What was the ultimate resolution.

RESPONSE TO INTERROGATORY NUMBER 50:

These responding defendants have no knowledge that AT&T, Western Electric or Bell Labs were ever cited for or otherwise charged by a public agency with a violation in the GEOGRAPHIC AREA of any statute, ordinance, safety order, regulation or law pertaining to asbestos exposure during the time frame relevant to this interrogatory.

INTERROGATORY NUMBER 51:

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

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

B. The geographic area of operation of such railroad;

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

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

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

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

G. The IDENTITY of the Custodian of such DOCUMENTS;

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

RESPONSE TO INTERROGATORY NUMBER 51:

Not applicable.

INTERROGATORY NUMBER 52:

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

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

B. The name(s) of such shipyard prior to YOUR

RESPONSE TO INTERROGATORY NUMBER 52:

Not applicable.

INTERROGATORY NUMBER 53:

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

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

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

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

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

RESPONSE TO INTERROGATORY NUMBER 53:

Not to these responding defendants' knowledge.

Dated: December 19, 1997

Mitchell B. Greenberg
Counsel for AT&T Corp. and Lucent Technologies Inc.

VERIFICATIONS TO FOLLOW

LAW OFFICES OF
DILLINGHAM & MURPHY, LLP
SIXTH FLOOR
225 BUSH STREET
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TELEPHONE (415) 397-2700
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December 5, 1997

In Re Complex Asbestos Litigation
Lucent Technologies Inc.
AT&T Corp.

Harry Wartnick, Esq.
Wartnick, Chaber, Harowitz
Smith & Tigerman
101 California Street, 26th Floor
San Francisco, CA 94111

Dear Mr. Wartnick:

This letter shall confirm our agreement concerning the burden objections raised by my clients, Lucent Technologies, Inc. ("Lucent") and AT&T Corp. ("AT&T") in response to the new General Order 129 interrogatories to defendants. After good faith meet and confer efforts between my office and representatives of your office and the Brayton office, we have reached agreement that my clients will engage in the following investigation in preparation for responding to the General Order 129 interrogatories:

1. Provide all information responsive to the interrogatories that has been gained over the years by the environmental and asbestos litigation personnel of AT&T and Lucent and that is otherwise not privileged;

2. Obtain all information from in-house counsel from both AT&T and Lucent who handle the environmental and asbestos litigation, including facts of which they are currently aware, as well as documents, the existence and location of which are currently known. These efforts will include a good faith effort to speak with current and former AT&T, Lucent, Western Electric Company Incorporated ("Western") and Bell Lab employees who are likely to have information helpful in answering these interrogatories. Furthermore, current in-house counsel will provide me with whatever information is responsive to the

Exh. A

interrogatories and not otherwise privileged, including any relevant and responsive information that may be maintained with outside counsel throughout the country;

3. Make a good faith effort to contact current and former AT&T, Lucent, Western Electric and Bell Labs employees (whether identified by in-house counsel or otherwise) who are likely to have information helpful in responding to these interrogatories, and review documents, the existence and location of which are currently known, to which I am referred by these employees;

4. Make a good faith effort to contact any other current or former employees who are referred to me by the employees with whom I speak who are referred to in paragraphs 2 and 3 above, and review any documents, the existence and location of which are currently known by these employees;

5. If any former employees of AT&T, Lucent, Western Electric and/or Bell Labs need to be identified in response to any interrogatory, they will be identified by name only and you will be directed to contact them in care of Dillingham & Murphy. Under those circumstances, my firm will be representing them in connection with their status as a witness in a specific case; and

6. It is further agreed that neither AT&T nor Lucent will engage in any search of documents that may contain information responsive to the interrogatories beyond that set forth above in light of the burden of reviewing voluminous documents throughout the United States that are currently in the possession, custody or control of AT&T and Lucent, as outlined in my clients' burden objection.

Please execute this letter below to signify your agreement to the terms set forth above.

Very truly yours,

Mitchell B. Greenberg
Attorney for AT&T Corp.
and Lucent Technologies, Inc.

We consent to the terms set forth above.

Date:_____

_____
Harry Wartnick, Esq.
Wartnick, Chaber, Harowitz,
Smith & Tigerman

Date:_____

_____
Anne Braudis, Esq.
Brayton Harley Curtis

PROOF OF SERVICE BY MAIL [C.C.P. 1013a, 2015.5]
In re: Complex Asbestos Litgation
Case Number 828684

I, the undersigned, declare:

That I am employed in the City of San Francisco, County of San Francisco, State of California; that I am over the age of eighteen years and not a party to the within cause; that my business address is 225 Bush Street, Sixth Floor, San Francisco, California 94104-4207.

That on **December 19, 1997** I served the attached:

DEFENDANTS AT&T CORP. AND LUCENT TECHNOLOGIES INC.'S RESPONSES TO PLAINTIFF'S STANDARD INTERROGATORIES TO DEFENDANTS

on the parties in said cause, by placing a true copy of each document in a separate envelope for each addressee named below, with the name and address of the person served shown on the envelope as follows:

WARTNICK, CHABER, HAROWITZ,
SMITH & TIGERMAN
101 California Street, 22th Fl.
San Francisco, California 94111

and placing them for collection and mailing with postage fully prepaid in accordance with ordinary business practices.

I declare under penalty of perjury, under the laws of the State of California and the United States of America that the foregoing is true and correct.

Dated: December 19, 1997

ELIZABETH A. HEIDER

LAW OFFICES OF
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RECEIVED
APR 07 1998
WARTNICK LAW FIRM

April 6, 1998

In Re Complex Asbestos Litigation
Lucent Technologies Inc.
AT&T Corp.

Anne Braudis, Esq.
Brayton, Harley & Curtis
999 Grant Avenue
P.O. Box 2019
Novato, CA 94948

Dear Anne:

I have enclosed with this letter the original verification for **Lucent Technologies'** responses to the GO 129 interrogatories that I served on your office in December, 1997. I should have the verification on behalf of AT&T shortly, and will forward that document to you at that time. In the meantime, please feel free to contact me with any questions you may have.

Very truly yours,

Mitchell B. Greenberg

cc: Harry Wartnick, Esq.

DILLINGHAM & MURPHY, LLP
JOHN N. DAHLBERG (SBN 85122)
MITCHELL B. GREENBERG (SBN 114878)
225 Bush Street, 6th Floor
San Francisco, CA 94105
Telephone: (415) 397-2700

Attorneys for Defendants
AT&T Corp. and Lucent Technologies, Inc.

In the Superior Court for the State of California, in and for the

County of San Francisco

IN RE: COMPLEX ASBESTOS LITIGATION	No. 828684
	VERIFICATION

I, Janet O'Rourke, declare:

I am the Assistant Secretary for Lucent Technologies Inc., and make this verification on behalf of Lucent Technologies Inc. I have read the foregoing AT&T Corp. and Lucent Technologies Inc.'s Answers to Plaintiff's Standard Interrogatories to Defendants. The information contained in the Answers, as it pertains to responses on behalf of Lucent Technologies Inc., is not within my personal knowledge, but was obtained at my direction, and under my supervision, by counsel for Lucent Technologies Inc. Based upon information and belief, and on behalf of Lucent Technologies Inc., I believe the information contained in these Answers is true.

I declare under penalty of perjury, under the laws of the States of California and New Jersey, that the foregoing is true and correct. Executed this 2 day of April, 1998 at Murray Hill, New Jersey.

Janet O'Rourke

Janet O'Rourke
Assistant Secretary

STEPHEN M. TIGERMAN (State Bar No. 112127)
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Attorneys for Plaintiffs

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN FRANCISCO – UNLIMITED JURISDICTION

GERALDINE BIERNER LEPORE, Individually and as Successor-in-Interest to GENE LEPORE, Decedent; KRISTIN MARIE REINHOLZ; MICHAEL JAMES LEPORE; and DOES ONE through TEN, inclusive,

Plaintiffs,

vs.

AC AND S, INC., et al.,

Defendants.

Case No.: CGC-09-275411

DECLARATION OF RUDY LIMPERT, PH.D.

I, RUDY LIMPERT, Ph.D., DECLARE AS FOLLOWS:

1. I am a mechanical engineer. I obtained my Ph.D. in Mechanical Engineering from the University of Michigan in 1972; Master of Science degree in Mechanical Engineering from Brigham Young University in 1968; Bachelor of Engineering Science, Mechanical

Engineering, from Brigham Young University in 1967. I also hold a B.S. degree in Mechanical Engineering in Design and Manufacturing, which I obtained in Germany in 1958.

2. I have worked as a Design Engineer, a Production Engineer, a Brake Engineer, and as a Safety Standards Engineer for the federal government. From 1973 through 1981, I was a professor at the Department of Mechanical and Industrial Engineering at the University of Utah. A true and correct copy of my curriculum vitae is attached hereto as **Exhibit A.**

3. In connection with this matter, I have reviewed a number of materials, including but not limited to the following:

- October 2, 1975 interoffice memo, Ford Marketing Corporation, Jullien to Weed, attached hereto as **Exhibit B.**
- Ford Technical Service Bulletin No. 99, October 24, 1975, attached hereto as **Exhibit C.**
- January 12, 1976 correspondence from S. F. Svoboda at Ford Marketing to R. G. Rosslip at Liberty Mutual, attached hereto as **Exhibit D.**
- May 10, 1977 memo to file by D. P. Cratti, Ford, attached hereto as **Exhibit E.**
- February 23, 1979 interoffice memo from Hague to Anderson and others, attached hereto as **Exhibit F**
- July 14, 1980 EPA/CPSC Workshop on Substitutes for Asbestos by Jacko et al., attached hereto as **Exhibit G.**
- September 20, 1983 memo from H. B. Lick, Industrial Hygiene Associate (Ford) to Keoleian, Roslinski et al., attached hereto as **Exhibit H.**
- March 15, 1985 letter from Ford to the U. S. Environmental Protection Agency, attached hereto as **Exhibit I.**
- July 23, 1987 letter from Jerome Amber, Principal Staff Engineer at Ford, to K. D. Drachand, Chief Mobile Source, Division California Air Resources Board, attached hereto as **Exhibit J.**

- A document from Ford's archives, Bates stamped FAFD0012807-809, entitled "Ford Brakes for 1989," attached hereto as **Exhibit K.**
- October 8, 1992 letter from General Motors Corporation to John W. Maloney of the Environmental Protection Agency, attached hereto as **Exhibit L.**
- November 20, 1992 memo from R. J. Kinzler (Ford) to K. R. Landis et al. re Action Plan for Removal of Asbestos from Service Parts, attached hereto as **Exhibit M.**
- An undated report by John Kourik, formerly an engineer for Wagner Electric, attached hereto as **Exhibit N.**
- Deposition testimony of Roger Newsock, dated September 11, 2008, who was an engineer for General Motors during the years 1961 to 1990, attached hereto as **Exhibit O.**

4. Based on my review of said materials and on my education, background, training, and experience, it is my opinion that virtually all American cars built prior to 1980 came with rear drum brakes. Non-asbestos lined brake shoes were not generally commercially available at such time. Such vehicles, including Ford's, specified and required that asbestos lined brake shoes (asbestos component parts) be used.[1]

5. It is also my opinion that, until at least approximately 1990, Ford vehicles which were built and sold with rear drum brakes, were designed to contain asbestos lined brake shoes in the first instance, and were required by Ford thereafter to use asbestos-containing replacement materials.

6. The February 23, 1979 memo from Hague to Anderson regarding the non-asbestos development status for brakes to be used in Ford vehicles discusses that, among other things, there were no suitable alternatives for asbestos lined brake shoes for use in drum braking systems. This document, attached hereto as **Exhibit F**, reviews the status of development of

[1] By using the cutoff date of 1980, I do not mean to imply that all vehicles after that date had drum brake systems that did not contain asbestos linings. In fact, well into the mid-1980s, the vast majority of American cars built with drum brake systems, including Ford's, continued to specify and require asbestos-containing pads.

non-asbestos friction materials for use in drum brake systems and concludes that there is "no known direct substitute for any critical application, hence new formulations must be developed or suitable blends of fibers must be found." This document also contains a chart prepared by A. E. Anderson, an engineer at Ford, which shows the availability and suitability of non-asbestos brakes for use in passenger cars, light trucks, heavy trucks, tractors. That survey of major friction material suppliers found that the only suitable non-asbestos linings were for use in clutch facings on tractors. No non-asbestos materials were suitable and/or available for drum brakes, disc brakes, and clutch facings for passenger cars, light trucks, and heavy trucks.

7. The EPA/CPSC Workshop on Substitutes for Asbestos, dated July 14, 1980, attached hereto as **Exhibit G**, shows that non-asbestos substitutes were not generally available for drum brake linings as of that date. That paper contains a discussion of the progress which was then being made in finding non-asbestos substitutes and discusses the problems the industry said it was facing in attempting to use alternate fibers for drum brake shoes. The report concludes that "direct substitution for alternate fiber in existing formulations has been unsuccessful." The report also predicts that the 1982/1983 time frame would be the very first approximate date when first generation asbestos-free materials might even become commercially available. The same report goes on to discuss challenges in the aftermarket posed by the use of asbestos shoes in drum brake systems and discusses the possible safety issues in trying to substitute asbestos-free materials directly in vehicles which were designed for asbestos brakes.

8. In March of 1985, Ford Motor Company wrote to the U. S. Environmental Protection Agency to comment on potential rulemaking regarding asbestos brakes. In that letter, Ford addressed the issue of whether it remained necessary to continue to use and sell asbestos-containing parts, and in particular linings for drum brakes, for vehicles currently in production or no longer in production which originally were designed to employ asbestos-containing parts. (See **Exhibit I**, attached hereto.) Ford said it was important that vehicles already on the road continue to have asbestos parts available for the remainder of those products' useful life and urged that the regulatory measures contemplated by the EPA not interfere with that need. Ford wrote that because car and truck brakes are "sophisticated systems," the shoes of car and truck

braking systems that use asbestos materials have very different properties from the shoes of those that do not contain asbestos. Ford admitted that one "cannot simply use a non-asbestos substitute brake shoe in conjunction with a brake drum that was designed for asbestos-containing friction material." Ford based this on a host of "performance, noise, durability and other problems may occur if a friction material is introduced into a system which was not designed to employ it."

9. Again, in July of 1987, Ford issued comment with respect to potential rulemaking—this time in connection with proposed rulemaking by the California Air Resources Board concerning asbestos use in automotive friction materials. Attached hereto as **Exhibit J** is a copy of the July 23, 1987 letter written by Jerome Amber, Principal Staff Engineer at Ford, to the California Air Resources Board. That letter again urged the rulemakers to exercise caution in restricting the use of asbestos-containing materials for brakes. Ford described that, as of that date, Ford's light and heavy truck brakes are "well on the way" towards being asbestos free. Ford also describes that a "parallel effort" in passenger cars was taking place and that the following three years would show "dramatic progress toward completely asbestos free passenger cars." Ford describes that its internal initiatives set forth goals to eliminate asbestos-containing materials from all systems by the early 1990s. Ford concluded that models on the road, as well as those still being manufactured with asbestos-containing brakes, "require for replacement those asbestos parts which they were designed to use." (emphasis added). Again, Ford based this on the fact that asbestos lined shoes have different performance characteristics from those that do not contain asbestos. "For that reason, one cannot simply use a non-asbestos substitute brake lining in conjunction with a drum that was designed for asbestos-containing friction materials."

10. Attached hereto as **Exhibit K** is a 1989 chart from Ford's internal documents regarding Ford brakes by vehicle line shows that, as of 1989, out of thirty-one (31) models of cars and light trucks, the rear brakes of only twelve (12) were being sold with non-asbestos lined shoes. This means that almost two-thirds (2/3) of the 1989 vehicles made by Ford still had asbestos lined shoes at the time of design and sale. Of those that were being sold with non-asbestos linings, nine required brake systems redesign and development for use with non-

asbestos friction materials. Only three (or less than 1/10) were vehicles where an acceptable replacement for asbestos lined shoes were found and adapted to the existing braking systems.

11. The October 8, 1992 letter from General Motors Corporation to John W. Maloney of the Environmental Protection Agency, attached hereto as **Exhibit L**, demonstrates that the situation described above was not unique to Ford, but rather reflected the status of asbestos replacement for the American car market in general. This letter reflects that, as of 1992, it continued to be General Motors' position that cars and light trucks sold with asbestos-containing OEM lined shoes should be serviced with asbestos lined shoes. According to GM, the conversion to non-asbestos brake linings required a "redesign of other brake components in an effort to optimize overall braking system performance." Like Ford, GM stated that using "non-asbestos brake linings as replacement parts in vehicles that were originally designed with asbestos-containing linings will result in brake system performance compromises that range from modest customer dissatisfaction…to significant stopping distance penalties."

12. My opinion in this case does not attempt to address instances of experimental use of non-asbestos brakes on cars and vehicles that were not generally commercially available.

13. Therefore, it is my opinion that at least up until 1980 all American-made vehicles with drum brakes contained asbestos lined brake shoes; that the systems which contained such brakes were designed with the performance characteristics and wear characteristics of asbestos shoes in mind; and that there were no generally commercially available non-asbestos brake shoes which were suitable for use on Ford vehicles with drum brake systems.

14. It is further my opinion that even when non-asbestos lined brake shoes started to become commercially available for general use in drum brake systems in approximately the mid-1980s, their incorporation into Ford's product line was slow at best. Even by the late 1980s, the vast majority of Ford's vehicles which used drum brakes still contained asbestos pads. Vehicles sold with asbestos drum brakes were designed with asbestos-containing pads in mind. Ford has admitted that systems designed with asbestos drum brakes in mind continued to require asbestos-containing replacements lest there be significant potential compromise in performance, wear, and

safety. Ford specified and required that asbestos brake linings be used in its cars and trucks which were originally sold with asbestos-containing drum brakes.

15. Drum brake systems work by having the shoes press against a spinning circular surface, which is called a drum. The abrasion of the pads on the shoes, against the interior of the drum, causes friction which results in wear of the material. It is the wear of the material which makes it necessary to regularly inspect the linings for wear and periodically replace such linings. The dust and debris from brake pad wear typically accumulates on the interior of the drum. When drum brakes are inspected, it is frequently necessary for mechanics to remove dust from the drum to visualize the thickness of the remaining material on the brake shoe pads. Also, when brake shoes are replaced in a drum brake system, it is necessary to clean the drum of all dust and debris. Thus, mechanics and those inspecting and replacing automobile and truck drum brakes are necessarily exposed, during routine maintenance, to dust which is created by the normal functioning of the brake system.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this Declaration was executed on this 11th day of June, 2012, at Park City, Utah.

DR. RUDY LIMPERT