

IN RE: ASBESTOS-RELATED
PERSONAL INJURY OR
DEATH CASES FILED OR TO
BE FILED IN DALLAS
COUNTY, TEXAS

§ IN THE DISTRICT COURTS OF
§
§ DALLAS COUNTY, TEXAS
§
§ 68TH DISTRICT COURT

**ZURN INDUSTRIES, INC.'S FIRST SUPPLEMENTAL
OBJECTIONS AND RESPONSES TO PLAINTIFFS' MASTER SET OF
INTERROGATORIES AND REQUESTS FOR PRODUCTION**

ZURN INDUSTRIES, INC. (Hereinafter referred to as "Zurn"), Defendant in this above-entitled cause of action, serves its First Supplemental Objections and Responses to Plaintiffs' Master Set of Interrogatories and Requests for Production of Documents, as follows:

Respectfully submitted,

**FORMAN, PERRY, WATKINS, KRUTZ, &
TARDY, P.L.L.C.**

400 Woodview Tower
1349 Empire Central
Dallas, Texas 75247
(214) 905-2924
(214) 210-2500 FAX

PLAINTIFF'S EXHIBIT

ZUR-56

By: Kyle Steele

KYLE C. STEELE
SBN: 00791722

RONALD D. COLLINS
Of Counsel

**FORMAN, PERRY, WATKINS, KRUTZ, &
TARDY, P.L.L.C.**

188 E. Capitol Street
12th Floor
P.O. Box 22608
Jackson, MS 39225-2608
601-960-8600
601-960-8613

GENERAL OBJECTIONS

1. Zurn objects to these discovery Requests on the grounds that they are overly broad and beyond the scope of product identification in this litigation.
2. Zurn also objects to the form, as well as the vague, ambiguous and compound nature of many of the discovery Requests, in addition to the false predicates contained herein.
3. Many of the questions call for expert opinion and narrative answers not proper for these discovery Requests. Zurn asserts that the expert opinions and the bases thereof are known to Plaintiffs' attorneys from disclosure of such opinions in this case and others. These discovery Requests are therefore calculated to be duplicative and harassing.
4. Zurn objects on the grounds these discovery Requests are unduly burdensome.
5. Zurn objects to any discovery Request that implies or assumes that Plaintiffs actually have an asbestos-related injury. The burden of proof is on the Plaintiffs to prove that they have asbestos-related disease, and Zurn has a constitutional right to deny the same.
6. Zurn objects to any discovery Request which requests information that is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence.
7. Zurn objects to the "Definitions" preceding these discovery Requests to the extent they attempt to redefine the meaning of the terms listed as found in the Rules of Civil Procedure or commonly accepted English usage. Zurn has responded to this discovery on the assumption that the terms used therein are to be given their usual and customary meaning and objects to any attempt to force the use of some other standard.
8. Zurn objects to Plaintiffs' discovery Requests for the reason that they, and their subparts, exceed the maximum number allowable under the Rules of Civil Procedure. Notwithstanding these objections and in the spirit of cooperation, Zurn will provide answers to these interrogatories subject to and without waiving said objection.
9. Zurn objects to Plaintiffs' discovery Requests to the extent they seek information from its present or former attorneys that is privileged or work product. Defendant further objects to the extent these discovery seek disclosure of any information or material that is subject to the attorney/client privilege, work-product privilege, investigative privilege, consulting expert privilege, party communications privilege, joint defense privilege, and/or any other applicable privilege or immunity.
10. Zurn objects to the extent Plaintiffs' discovery Requests seek information or material pertaining to alleged injuries or damages other than of the character allegedly suffered by

Plaintiffs in this specific case on the ground that such information is not relevant to any issue in these cases and is not reasonably calculated to lead to the discovery of admissible evidence.

11. Zurn objects to the extent these discovery Requests seek information prior or subsequent to the date of Plaintiffs' alleged exposure to Defendant's product(s), as such information is not relevant to any issue in this case and is not reasonably calculated to lead to the discovery of admissible evidence.
12. Zurn objects to the extent that these discovery Requests seek information that includes proprietary information and trade secrets. Information that identifies trade secrets will be redacted from any documents produced.
13. Zurn objects to the extent that these discovery Requests seek information or documents which, due to the passage of time or other reasons, are not in the possession, custody or control of Zurn. Such requests call for documents or information outside the scope of permissible discovery.
14. Zurn objects to the extent that these discovery Requests require Zurn to provide information that is equally available to Plaintiffs as it is to Zurn or seeks information in the public domain or in published medical or scientific literature.
15. Zurn objects to any definition within these requests that purports to require response on behalf of any entity other than the corporation on which process in this action was served or to require the provision of information and documents regarding predecessors and divisions that are not relevant to this litigation. Zurn's answers are limited to those divisions and predecessors that manufactured or supplied the boiler products believed to be at issue herein which may have contained component parts that had some asbestos content.
16. Zurn objects to these requests insofar as the information sought is not limited in time or to activities that transpired in a geographical area to which the Plaintiffs asserting claims against Zurn would have had contact. Zurn objects to those Requests that request information and documents regarding the ultimate sale or distribution of products other than to job sites where Plaintiffs worked and which may not lead to the discovery of relevant, admissible evidence regarding product shipments that may have been utilized at job sites where Plaintiffs are claiming exposure. Information sought regarding other sales or distribution of this Defendant's products are irrelevant and immaterial. Moreover, there is no allegation that the alleged exposure of Plaintiffs is to any specifically identified asbestos-containing product of Zurn. Thus, the discovery sought is irrelevant to the subject matter of the pending litigation, is burdensome, oppressive and not reasonably calculated to lead to the discovery of relevant, admissible evidence. Plaintiffs' discovery should be limited to specifically identified products to which asbestos exposure is

claimed at a specific job site during a relevant time frame.

17. In light of the breadth of Plaintiffs' inquiries and the fact that information is sought for a virtually unlimited time period, it is essentially impossible for this Defendant to conduct a complete search for the information sought. Even a limited search will be prejudicially time consuming and costly. Therefore, this Defendant objects to these Requests on such grounds. In searching for information and documents responsive to these Requests, this Defendant has undertaken searches of its files that appear reasonably calculated to contain documents, if documents exist, relevant to the facts of this action.

All of these objections are incorporated by reference and adopted as to each and every discovery Request contained herein, and are specifically alleged as set forth in the responses to Plaintiffs' Interrogatories and/or Requests for Production.

PRELIMINARY STATEMENT

Plaintiffs' Interrogatories and Requests for Production, hereinafter referred to as "discovery Requests", concern events which occurred years ago. Because much of the information relates to events of many years ago, it is difficult, if not impossible, for this Defendant to retrieve or reconstruct much of the requested information. Many of the individuals who might have had personal knowledge of the matters to which Plaintiffs' discovery relate are deceased or otherwise unavailable to Defendant, and investigations to date indicate that at least some information and documents that might relate to matters inquired into by Plaintiffs' discovery may have been destroyed pursuant to normal document retention policy or are otherwise unable to be found. Defendant is engaged in a continuing investigation in an attempt to locate or confirm the absence of such information or documents and is in a continuing investigation with respect to the matters inquired into by Plaintiffs' discovery. The responses are believed to be accurate as of the date of filing, but Zurn's investigation of the underlying facts is continuing. If further discovery of additional facts adds meaning to the known facts or establishes new factual conclusions or legal contentions, these responses will be supplemented if required by applicable law. Thus, the following responses are made without prejudice to Zurn's right to produce evidence of any subsequently discovered fact or facts Zurn may later recall. Zurn accordingly reserves the right to amend or supplement any and all responses herein, if permitted or required by applicable law, as additional facts are ascertained, or as the contentions of the plaintiffs herein may be discovered or amended. Furthermore, these Responses are given without prejudice to this Defendant's right to rely at trial on subsequently discovered information or on information inadvertently omitted from these Responses as a result of mistake, error or oversight. To the extent information contained herein differs in any material respect from any prior responses to this or other discovery, these responses shall be deemed to update and supersede such prior responses to the extent they may be inconsistent.

Zurn was a manufacturer of industrial steam generating equipment that was primarily sold to knowledgeable and sophisticated commercial customers. Zurn does not concede that its boilers

were "asbestos-containing products."

Neither Zurn, nor any company it controlled, purchased or acquired, ever mined, milled or sold raw asbestos. Neither Zurn, nor any company it controlled, purchased or acquired, ever made or manufactured asbestos-containing thermal insulation products. Certain Zurn boiler products may have had components that contained asbestos-containing products manufactured by others. Upon information and belief, Plaintiffs claim exposure to asbestos-containing components of boiler products formerly manufactured and sold by Zurn or its predecessor entities. As such, Zurn's Responses apply only within that scope and context. Zurn's responses are limited to those divisions and predecessors that manufactured or supplied the boiler products believed to be at issue herein which may have contained component parts that had some asbestos content.

Plaintiffs' discovery Requests are addressed to a corporation which has no independent knowledge of much of the information supplied in these responses. Zurn Industries, Inc. refers to and is limited to the officers and directors of Zurn Industries, Inc. and those Zurn Industries, Inc. employees or agents who the Company believes are responsible for and who are in possession of corporate documents or information that is responsive to Plaintiffs' discovery Requests. The information supplied in these responses is based on the knowledge of Zurn's employees and authorized agents regarding the products believed to be at issue in this litigation and the individual attesting to the responses may not have personal knowledge of the matters stated herein.

The responses contained herein are made in a good faith effort to supply as much factual information and as much specification of legal contentions as is currently available, but in no way should prejudice Zurn in relation to further discovery, research, or analysis.

Zurn incorporates by reference this preliminary statement into each answer to each Interrogatory and Request for Production replied to herein.

ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 1:

State the name, address, job title, length of time employed by Defendant, and a year-by-year list of all other positions, titles, or jobs held when working for Defendant of each person who has supplied any information used in answering these interrogatories.

RESPONSE TO INTERROGATORY NO. 1:

Defendant objects to this Interrogatory on the grounds that it requests information protected by the attorney/client privilege and/or the attorney work product doctrine. Moreover, the Defendant states that it compiled the information in these responses from various sources over a period of years in relation to litigation in other jurisdictions, so this Defendant is unable to identify all persons providing information herein. Without waiving said objection and without prejudice to this Defendant, the individuals who have been primarily responsible for providing the information in these discovery responses are Theodore C. Fuhrman, Chief Engineer, Aalborg Industries, Inc., 5300 Knowledge Parkway, Suite 200, Erie, PA 16510, Theodore Morad, Jr., Assistant Manager, Customer Service, Aalborg Industries, Inc., 5300 Knowledge Parkway, Suite 200, Erie, PA 16510 and Robert Seibel, Consultant, RMR Technical Services, Inc., 5650 Gardner Drive, Erie, PA. Moreover, Zurn reserves the right to amend these answers on the basis of any further information obtained through any sources during discovery in this way or any other civil action pending against this Defendant.

INTERROGATORY NO. 2:

State whether or not you are a corporation. If so, state your correct corporate name, the state of your incorporation, the address of your principal place of business, the name and address of the person or entity authorized to accept service of process on your behalf, and whether or not you have held a Certificate of Authority to do business in the State of Texas.

RESPONSE TO INTERROGATORY NO. 2:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. Subject to and without waiving such objections, yes Defendant is a corporation. Defendant's present corporate name is Zurn Industries, Inc. Its principle place of business is 14801 Quorum Drive, Dallas, Texas 75240. Zurn was incorporated in Pennsylvania on January 28, 1932. Zurn is authorized to do business in the state of Texas. On present information and belief, Zurn Industries, Inc., registered to do business in Texas on March 26, 1963. Zurn's agent for service in the State of Texas is located at 14801 Quorum Drive, Dallas,

Texas 75240.

INTERROGATORY NO. 3:

Has Defendant or any of its predecessor subsidiary companies at any time engaged in the mining and subsequent sale of material containing asbestos fibers? If so, identify the location of the mine(s), the years of its operation, the type of asbestos mined and whether you sold any asbestos to any Defendants in the Dallas County asbestos litigation.

RESPONSE TO INTERROGATORY NO. 3:

Defendant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome and requests information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. It is not limited to a relevant product, time frame and job site, if any, involved in this litigation. Defendant objects to providing information concerning products to which Plaintiffs do not claim exposure at job sites and times at issue in this litigation. Subject to and without waiving such objections, Defendant responds that it has not, at any time, engaged in the mining and subsequent sale of material containing asbestos fibers.

INTERROGATORY NO. 4:

Identify by name each product containing asbestos fibers that Defendant or any of its predecessor or subsidiary companies at any time manufactured or sold.

RESPONSE TO INTERROGATORY NO. 4:

Zurn objects on the grounds that this Interrogatory is vague, overly broad, unduly burdensome and requests information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. It is not limited to a relevant product, time frame and job site.

Subject to and without waiving such objections, Zurn responds that it did not enter the boiler business until it purchased Erie City Iron Works in 1966. Erie/Zurn was a manufacturer of industrial steam generating equipment that was primarily sold to knowledgeable and sophisticated commercial customers. Certain Erie/Zurn boilers, during certain time frames, may have incorporated asbestos-containing thermal insulation and sealing components. Erie/Zurn manufactured and sold various types of industrial steam generating boilers, which were typically customized to the purchaser's specifications. As such, it is difficult, if not impossible, for Zurn to respond to this Interrogatory in the abstract, absent Plaintiffs providing it with the boiler number of any boiler to which they claim exposure or, at a minimum, without identification of the work site where the boiler was allegedly installed or erected and the date

of installation/erection. As such, Zurn is presently able to state generally only that it, or its predecessor, Erie City Iron Works, manufactured various industrial boilers, which were primarily designed for process steam generation. Erie/Zurn did not manufacture boilers for use in ship propulsion or for other marine use. Erie/Zurn did not manufacture large utility/power generation boilers. Erie/Zurn boilers may have been sold under the trade names Erie City Iron Works, Erie City Energy Division, Zurn Energy Division, Keystone or Waste Heat.

Erie/Zurn manufactured shop assembled fire tube boilers from the late 1800s until 1978. Erie/Zurn fire tube boiler models included the Economic, built until 1966, the HRT Economic and the FT steel package boiler, built until 1966. Erie/Zurn manufactured water tube boilers from approximately 1900 until the Energy Division of Zurn was sold in 1997. Depending on the model and expected use, Erie/Zurn water tube boilers were packaged, field-erected or sold knocked down. The vast majority of the water tube boilers manufactured and sold were packaged, which included the Keystone package boiler and the VL boiler. Erie/Zurn package boilers were of a size that could be shipped on a rail car. Field-erected boilers included the VC boiler, the C boiler, 2 drum boilers and 4 drum boilers. Depending on the models and time frames, the boilers may have been solid fuel, oil or gas fired. Some Erie/Zurn boilers may have also utilized waste heat for fuel.

All Erie/Zurn boilers were manufactured in Erie, Pennsylvania.

Depending on the model and time frame, some Erie/Zurn boilers may have contained block, blanket or millboard insulation and/or cast refractory materials, manufactured by others and utilized by Erie/Zurn "as is," some of which components contained asbestos. On information and belief, all of such components were generally located underneath metal lagging. On information and belief, by the mid-1950s, Erie/Zurn package boilers were insulated with mineral wool or fiberglass. On information and belief, any insulation materials supplied for field-erected boilers from the Erie/Zurn shop from the mid-1950s forward would likewise have been mineral wool or fiberglass. On information and belief, Zurn discontinued the use of any asbestos-containing insulation or cast refractory in the early 1970s. Some Erie/Zurn boilers may also have incorporated asbestos-containing gaskets and rope materials, manufactured by others and utilized by Erie/Zurn "as is," without material change. On information and belief, such sealing materials were likewise located under the metal lagging and/or otherwise encapsulated. Zurn discontinued the use of such materials as suitable alternatives became available from their manufacturers.

Erie City began manufacturing and selling steam generating systems as early as 1840, but it is unknown exactly when asbestos components were first incorporated. It is believed that utilization of asbestos-containing components began in the early 1900s. Zurn first manufactured and sold steam generating systems, some of which may have contained asbestos-containing thermal insulation, refractory or sealing components, in 1966. On information and belief, by at least the mid 50's, Erie's package boilers were insulated with mineral wool or

fiberglass insulation. On information and belief, by the mid-1950s forward, any insulation materials supplied from Erie's shop for use on its filed erected boilers were mineral wool or fiberglass. On information and belief, asbestos was removed from insulation and refractory products, by their manufacturers, in the early 1970s. On information and belief, Zurn discontinued the use of asbestos-containing sealing materials, such as composition gaskets, as suitable replacements became available.

INTERROGATORY NO. 5:

Identify by name each product containing asbestos fibers that Defendant or any of its predecessor or subsidiary companies at any time marketed or sold.

RESPONSE TO INTERROGATORY NO. 5:

Defendant objects to this Interrogatory on the grounds that it is duplicative. See objections and response to Interrogatory No. 4.

INTERROGATORY NO. 6:

If the answer to one or more of the last three interrogatories is in the affirmative or lists any products, state as to each named product the following:

- (a) As to each product, state whether such product was mined, manufactured, marketed, and/or sold.
- (b) The names of the companies mining, manufacturing, marketing, and/or selling each product mined, manufactured, marketed, and/or sold.
- (c) The trade or brand name of each of those products mined, manufactured, marketed and/or sold.
- (d) The date each of the named products was placed on the market.
- (e) A description of the physical (chemical) composition of each of the named products, including the type of asbestos contained in the product and the percentage of asbestos put in each product.
- (f) The date each of the products was removed from the market and no longer sold or distributed and the reason or reasons therefor.
- (g) The date asbestos was removed from such products, if ever, and the reasons therefor.
- (h) A description of the physical appearance of each of the named products.

- (i) A detailed description of the intended uses of the named products
- (j) Identify the last year that you sold each asbestos-containing product.

RESPONSE TO INTERROGATORY NO. 6:

Defendant objects to this Interrogatory on the grounds that it is vague, overly broad, unduly burdensome and requests information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. It is not limited to a relevant product, time frame and job site, if any, involved in this litigation. Subject to and without waiving its objections, Zurn responds as follows:

See Objection and Response to Interrogatory No. 4. As noted, Zurn Industries, Inc. entered into the boiler business with the purchase of Erie City Iron Works in October 1966. Defendant is not certain as to the date Erie City first began to utilize asbestos-containing components in some of its boiler products, but believes Erie City first began utilizing asbestos-containing components in some of its steam generating products in the early 1900s. On information and belief, by at least the mid 1950s, Erie's package boilers were insulated with mineral wool or fiberglass insulation. On information and belief, from the mid-1950s forward, if insulation was furnished from Erie's shop for its field-erected boilers, it would likewise have been mineral wool or fiberglass.

Neither Zurn nor Erie City manufactured the asbestos containing components which may have been incorporated into some of their products, during certain time frames. Therefore, Zurn has little, if any, knowledge as to the composition or asbestos content, percentage or type of asbestos which may have been present in the insulation, refractory or sealing materials which were incorporated into some of its products. On information and belief, many if not all of such materials contained chrysotile asbestos. Zurn and Erie City steam generating systems were generally designed to the customer's specifications. Therefore, the type and amount of insulation and sealing products used varied depending on the size and temperature requirements.

Absent identification of the specific boiler product, if any, to which Plaintiffs claim exposure, Zurn is unable to determine, what, if any, asbestos-containing components may have been utilized in any such boiler and, if so, from whom such products may have been purchased. At present, Zurn is able only to state that, at various times, it utilized gasket products manufactured by Durabla, Garlock, Flexitallic and, perhaps, Anchor Packing, some of which may have contained asbestos, some of which may not. It purchased some of such sealing products from Sealing Devices, Inc. and Sullivan Supply Company in Erie, PA, as well as from others presently unknown to Zurn. Likewise, at various times, it purchased refractory products manufactured by various companies, including A.P. Green, Harbison Walker, CE Refractories, J,H, France, Johns Manville, Plibrico and Quigley. On information and belief,

the majority of such refractory products used did not contain asbestos. Furthermore, insulation products may have also been purchased on occasion from other companies, possibly including Keene, Owens Corning Fiberglas, M. H. Detrick, Armstrong, Forty-Eight Insulations and AcandS. Zurn lacks sufficient knowledge or information to determine whether any such products may have contained asbestos.

INTERROGATORY NO. 7:

Do any documents, including but not limited to written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the design, preparation, or introduction into the market of the products listed in Interrogatory No. 6 still exist? If so, state:

- (a) A description of each such document.
- (b) The name, address, and job title of each person who currently has possession of each document, and where the documents are currently located.

RESPONSE TO INTERROGATORY NO. 7:

Defendant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome and requests information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. It is not limited to a relevant product, time frame or job site, if any, involved in this litigation. Defendant objects to providing information concerning products to which Plaintiffs do not claim exposure at job sites and times at issue in this litigation.

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to a relevant product, time frame or job site, if any, involved in this litigation. Subject to and without waiving such objections, Defendant has access to limited documents and literature for some boiler products during limited time frames. If Plaintiffs' will identify with specificity, the specific boiler type and model to which exposure is claimed during an identified time frame, Defendant will determine if it has responsive documents in its possession, custody or control.

INTERROGATORY NO. 8:

Before distributing, selling, or placing the products listed in your responses to Interrogatory Nos. 3-6 into the streams of commerce, were any tests conducted to determine potential health hazards involved in the use of, or exposure to, the materials such as asbestos, contained in those products? If the answer is affirmative, state:

- (a) The names of the products tested and the date of each test.
- (b) The name, address, and job title of each person conducting the tests or involved with conducting the tests.
- (c) The results of the tests.

RESPONSE TO INTERROGATORY NO. 8:

Defendant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, argumentative, assumes facts not in evidence and is not reasonably calculated to lead to the discovery of relevant, admissible evidence. Subject to and without waiving such objections, Zurn states that it presently lacks documents or other information that would enable it to answer this question, but based upon information known or reasonably available to Zurn, there was no reason to conduct any such tests because Zurn did not manufacture the asbestos-containing components that were utilized "as is," without material change in certain of its boiler products during certain time frames and had no information to indicate that any asbestos health hazards were posed by its boiler products. Most of such products were located under a boiler jacket, inside metal flanges and/or otherwise encapsulated.

INTERROGATORY NO. 9:

Do any documents, including but not limited to written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the testing of the products referred to in Interrogatory No. 6 now exist? If so, state:

- (a) A description of each such document.
- (b) The name, address, and job title of each person who currently has possession of each document, and where it is presently located.

RESPONSE TO INTERROGATORY NO. 9:

Defendant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome and requests information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. It is not limited to a relevant product, time frame or job site, if any, involved in this litigation. Defendant objects to providing information concerning products to which Plaintiffs do not claim exposure at job sites and times at issue in this litigation. Subject to and without waiving such objections, Zurn states that it presently lacks documents or other information that would enable it to answer this question. See objections and response to Interrogatory No. 8.

INTERROGATORY NO. 10:

Did Defendant or any of its predecessor or subsidiary companies make any design changes or modifications as a result of those tests described in responses to Interrogatory No. 8? If the answer is affirmative, state:

- (a) The trade names of the products changed.
- (b) The nature of the changes made and the date of such changes or modifications.
- (c) The name, address, and job title of each person responsible for having caused a change to be made, or having made a change or modification.

RESPONSE TO INTERROGATORY NO. 10:

Defendant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, argumentative, assumes facts not in evidence and is not reasonably calculated to lead to the discovery of relevant, admissible evidence. Subject to and without waiving such objections, see objections and response to Interrogatory No. 8.

INTERROGATORY NO. 11:

After releasing the products listed in Interrogatory No. 6 to the public, were any tests conducted on them to determine potential health hazards resulting from the use of or exposure to the materials, such as asbestos, contained in those products? If the answer is affirmative, state:

- (a) The names of the products tested and the dates of such tests.
- (b) The name, address, and job title of each person who conducted those tests.
- (c) The results of those tests.
- (d) Whether, as a result of the tests, any products were removed from the market.
- (e) The names of all products removed from the market as a result of these tests.

RESPONSE TO INTERROGATORY NO. 11:

Defendant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, argumentative, assumes facts not in evidence and is not reasonably calculated to lead to the discovery of relevant, admissible evidence. Subject to and without waiving such objections, Zurn states that it presently lacks documents or other information that would enable it to answer this question, but based upon information known

or reasonably available to Zurn, there was no reason to conduct any such tests because Zurn did not manufacture the asbestos-containing components that were utilized "as is," without material change in certain of its boiler products during certain time frames and had no information to indicate that any asbestos health hazards were posed by its boiler products. Most of such products were located under a boiler jacket, inside metal flanges and/or otherwise encapsulated.

INTERROGATORY NO. 12:

Do any documents, including written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the potential health hazards of the products listed in interrogatory No. 6 now exist? If so, state:

- (a) The name of each product.
- (b) A description of each document and how it relates to each product.
- (c) The name, address, and job title of each person who currently has possession of each document, and where it is presently located.

RESPONSE TO INTERROGATORY NO. 12:

Defendant objects to this Interrogatory on the grounds that it is overly broad, vague, ambiguous, argumentative, assumes facts not in evidence and is not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to a relevant time frame, job site or product, if any, involved in this litigation. It requests information protected by the attorney/client privilege and/or work product doctrine. Subject to and without waiving such objections, information and belief, Defendant has no documents responsive to this interrogatory.

INTERROGATORY NO. 13:

Did Defendant or any of its subsidiary companies make any design changes as a result of the tests discussed in your responses to Interrogatory No. 8 or 11? If the answer is affirmative, state:

- (a) The names of the products changed or modified.
- (b) The name, address, and job title of each person responsible for having made a change or modification.
- (c) The nature of the hazard or defect which resulted in such change or modification.

RESPONSE TO INTERROGATORY NO. 13:

Defendant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome, argumentative, assumes facts not in evidence and is not reasonably calculated to lead to the discovery of relevant, admissible evidence. Subject to and without waiving such objections, see objections and response to Interrogatories No. 8 and 11.

INTERROGATORY NO. 14:

Has Defendant or any of its predecessor or subsidiary companies at any time published or distributed any printed material, including brochures, pamphlets, catalogs, packaging or other written material or any kind of character containing any warnings concerning the possibility of injury resulting from the use of the asbestos-containing products listed in Interrogatory No. 6? If so, state:

- (a) The names of each relevant product.
- (b) The exact wording of each warning statement on each printed material.
- (c) A description of the printed material other than the warning statement.
- (d) The method used to distribute the warning to persons likely to use the product.
- (e) The date each warning was first issued, distributed, or placed on packaging.
- (f) The name, address, and job title of each person responsible for having drafted or issued the warning.
- (g) The current location of any such printed material and the custodian thereof.
- (h) The form in which such literature or printed material can be accessed, i.e., the manner in which such literature is indexed or stored.

RESPONSE TO INTERROGATORY NO. 14:

Defendant objects to this Interrogatory on the grounds that it is overly broad, vague, ambiguous, unduly burdensome, argumentative, assumes facts not in evidence and is not reasonably calculated to lead to the discovery of relevant, admissible evidence. Subject to and without waiving such objections, Defendant responds that it manufactured industrial steam generating systems and components. Some of such boiler products, during certain time frames may have incorporated insulation, refractory or sealing materials, some of which components may have contained asbestos during some periods of time. Such products were manufactured by others and utilized "as is," without material change. Most of such materials were located underneath the boiler jacket, inside metal flanges or otherwise encapsulated. Because Defendant did not manufacture the asbestos-containing components utilized in some of its

boiler products during certain time frames, because such products were purchased from others and utilized "as is" without material change, because most of such purchased components were located underneath a boiler jacket, inside metal flanges or otherwise encapsulated and because Defendant had no knowledge that any health hazard was posed by its products, no warnings were believed necessary.

INTERROGATORY NO. 15:

Before 1970, had you received notice that any individual or individuals, other than those Plaintiffs who have filed personal injury actions in Texas State Courts is or are claiming or has or have claimed an injury as a result of using asbestos products manufactured and/or sold by your company or any of its predecessors or subsidiaries before 1970? If so, state:

- (a) The name and address of each claimant.
- (b) The Date of notice of each claim.
- (c) A description of the claim.
- (d) The type of injuries allegedly sustained.
- (e) The name and address of each attorney who represents each individual making a claim.
- (f) The style and court number of each claim.
- (g) The disposition of each claim that has been settled or taken to judgment.

RESPONSE TO INTERROGATORY NO. 15:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. Subject to and without waiving such objections, Defendant is unaware of any such claims prior to 1970.

INTERROGATORY NO. 16:

Were your asbestos products distributed, marketed, packaged, labeled and/or sold by companies other than your own? If the answer is affirmative, list the names and addresses of each of those companies, and the products in question.

RESPONSE TO INTERROGATORY NO. 16:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to a relevant product, time frame or job site, if any, involved in this litigation. Subject to and without waiving such objections, no.

INTERROGATORY NO. 17:

Did you or any of your predecessors, successors, or subsidiaries have any distributors or sales representatives of asbestos products in the State of Alabama, Florida, Mississippi, Oregon, Washington, Georgia, Tennessee, Arkansas, Texas and Virginia? If so, state:

- (a) The name and address of each such distributor or sales representatives.
- (b) The years in which such company or person distributed, marketed, or sold your products.
- (c) What products were distributed, marketed, or sold and in what years.

RESPONSE TO INTERROGATORY NO. 17:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of relevant, admissible evidence. Information regarding any conduct of business by Defendant in states other than Texas is not relevant to this litigation. Moreover, it is not limited to a relevant product, time frame or job site, if any, involved in this litigation. Subject to and without waiving its objections, Defendant did not sell through distributors, but rather sold directly to customers.

INTERROGATORY NO. 18:

List each employee (including only physicians and/or hygienists) who has acted in a medical advisory capacity to your company at any time during the past 40 years, including, but not limited to, physicians and industrial hygienists; and the current address, telephone number and job title of each of those individuals and who has, had or may have had any knowledge regarding the hazards of asbestos.

RESPONSE TO INTERROGATORY NO. 18:

Defendant objects to this Interrogatory on the grounds that it is vague, overly broad, unduly burdensome and requests information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Moreover, conditions in Defendants

plants unrelated to any finished end products are irrelevant to Plaintiff's claims. Subject to and without waiving such objections, Defendant responds that neither Zurn nor its predecessor had a Medical Department or employed a corporate medical officer. To present knowledge, pre-employment physicals may have been conducted from time to time and a medical doctor was available on-call to the Energy Division, but not for purposes inquired about in this Interrogatory. Furthermore, neither Zurn nor its predecessor employed an industrial hygienist or had an industrial hygiene department or safety person relating to asbestos.

INTERROGATORY NO. 19:

Does Defendant have in its possession any books, pamphlets, memoranda, or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings? If so, state:

- (a) The name of each such publication.
- (b) The date of publication and the names of the author and publisher (if any).
- (c) The date received by Defendant, if known.
- (d) The name, job title, and address of each person who currently has possession of each publication and its present location.

RESPONSE TO INTERROGATORY NO. 19:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It requests information protected by the attorney/client privilege and/or the attorney work product doctrine. Subject to and without waiving such objections, on present information and belief, Defendant has no documents responsive to this request.

INTERROGATORY NO. 20:

Has Defendant or any of its subsidiary or predecessor companies at any time been a member of any trade organization or association that published or disseminated any documents or information relating to the hazards of asbestos comprised of other manufacturers, miners, marketers, and/or sellers of asbestos products? If so, state:

- (a) The name and address of each such association or organization.
- (b) The dates during which Defendant or any of its subsidiaries or predecessors were

members.

- (c) The names and dates of any publications, minutes, or reports published, written, or disseminated by any of the named associations or organizations.
- (d) Whether any of those publications are still in your possession, and if so:
 - (i) A description of the publications, including the date.
 - (ii) The current location of such publications.
 - (iii) The custodian of such publications.
 - (iv) The method or manner in which such publications are maintained.

RESPONSE TO INTERROGATORY NO. 20:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to a relevant time frame.

Subject to and without waiving such objections, Defendant is a large, decentralized company and it and its predecessor, Erie City, employed numerous persons over the course of many decades. Defendant's employees may have held memberships in various organizations from time to time, but Defendant has no central repository for information of this type. As such, it is impossible for it to identify all organizations to which its employees may have belonged in the past, whether any of its employees attended meetings or received publications from organizations and whether any publications that may have been received by individual employees still exist today. At present, Defendant is able to state only that from time to time, Defendant has held memberships in the American Society of Mechanical Engineers (ASME) since 1886, American Boiler Manufacturers Association (ABMA) since 1889 and the Air Pollution Control Association.

INTERROGATORY NO. 21:

Identify by name and location each plant or manufacturing facility in which the products listed in your answers to Interrogatory Nos. 3-6 were manufactured, assembled, or prepared for sale or marketing specifying which plants produced each item, the dates each plant is or was in operation, and the time span during which each named item was produced or manufactured.

RESPONSE TO INTERROGATORY NO. 21:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to a relevant time frame. Subject to and without waiving these objections, Defendant's boilers were manufactured in Erie, Pennsylvania.

INTERROGATORY NO. 22:

Have printed sales materials been prepared by Defendant or any of its subsidiary or predecessor companies or their agents for purposes of marketing or advertising products containing asbestos? If so, state:

- (a) The name, address, and job title of each person or entity who prepared such materials.
- (b) The name, address, and job title of each person who currently has possession of such materials and their present location.
- (c) The date the materials were prepared.
- (d) The media used to disseminate the sales materials.

RESPONSE TO INTERROGATORY NO. 22:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to a relevant product, time frame or job site, if any, involved in this litigation. Subject to and without waiving such objections, Defendant has limited literature for some boiler products during limited time frames. If Plaintiffs' will identify with specificity, the specific boiler type and model to which exposure is claimed during an identified time frame, Defendant will determine if it has responsive documents in its possession, custody or control.

INTERROGATORY NO. 23:

Have any written or printed materials or instructions of any kind or character been prepared by Defendant or any of its subsidiary or predecessor companies or their agents indicating how asbestos products should be used and maintained. If so, state:

- (a) The name, address, and job title of each person who prepared such materials or instructions or assisted in their preparation.
- (b) The name, address, and job title of each person who currently has possession of such materials or instructions and their present location.
- (c) The dates of distribution or use and the manner in which such materials or instructions were distributed to purchasers of Defendant's products or those of its subsidiaries or predecessors.

- (d) The year each such written material or instruction was prepared and disclosed to potential consumers.

RESPONSE TO INTERROGATORY NO. 23:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to a relevant product, time frame or job site, if any, involved in this litigation. Subject to and without waiving such objections, Defendant is presently unaware of any such materials.

INTERROGATORY NO. 24:

Does Defendant have insurance policies that might cover the claims made by Plaintiffs in these cases. If so. List name of each insurance carrier, the amount of initial coverage, amount of coverage remaining at the present time, and the effective dates of each policy, (If properly answered, this Interrogatory need not be supplemented as to the remaining amount of coverage).

RESPONSE TO INTERROGATORY NO. 24:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and requests information that is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving such objections, the Defendant claims to have liability insurance coverage, depending on the years of alleged exposure in question, for varying amounts, from varying insurers. Insurance available to pay asbestos claims is aggregate and dependent upon the time and circumstances underlying each claim and the payments made under each policy. For some claims, no insurance may exist, depending on the date of alleged exposure. Zurn is continuing to analyze the claims made against it and will supplement this response if it is able to accurately assess insurance coverage for those claims. Zurn states that the following insurance carriers may have coverage for the claims in issue: Liberty Mutual and Travelers.

INTERROGATORY NO. 25:

As to the disease asbestosis, state:

- (a) The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.
- (b) How Defendant became aware of the existence of the disease.
- (c) Who within the company first discovered, recognized or understood the adverse

consequences or effect of the disease and/or asbestos exposure.

- (d) What information was disseminated within Defendant's company or its subsidiary or predecessor in any written form.
- (e) Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form.
- (f) Who is the custodian of such information.
- (g) The date on which you first received knowledge or information that asbestosis was caused by inhalation of asbestos fibers.

RESPONSE TO INTERROGATORY NO. 25:

Defendant objects to this Interrogatory on the grounds that it is argumentative, assumes facts not in evidence, lacks foundation, is overly broad, and seeks information which is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence. It is not limited to a relevant time frame and product. Moreover, it seeks expert medical opinion, which this Defendant is not qualified to render. Defendant defers to the judgment and opinion of its medical expert witnesses on such questions of human diseases, their causes and diagnoses. Further, the Interrogatory does not specify what level or type of exposure is claimed to be at issue. The Interrogatory fails to distinguish between different fiber types and ignores important factors such as differences in the friability of asbestos fibers in different products, different uses of asbestos-containing products, different exposures of individuals at different work sites, engaged in different crafts and the frequency, proximity, regularity and duration of particular exposures.

Subject to and without waiving these objections, Defendant did not manufacture the asbestos-containing components that were utilized "as is" and without material change in certain of Defendant's boiler products during certain time frames. Most of such components were located underneath the boiler jacket, inside metal flanges or otherwise encapsulated. On information and belief, Defendant's boilers did not release harmful levels of respirable asbestos fibers.

Defendant is a corporation, which has employed numerous persons throughout the course of its business, any one of whom may have obtained varying degrees of knowledge regarding asbestos and asbestos-related diseases at varying points in time. When Zurn, as a corporation, obtained any particular knowledge cannot be determined. Defendant is generally aware that, depending on the frequency, regularity, proximity and duration of particular exposures to certain levels of certain types of friable asbestos fibers, and assuming an appropriate latency period exists and other causes have been excluded, there may be a possible connection between asbestos exposure and certain health effects. When Defendant first

obtained such awareness as a corporate entity cannot be presently determined. At present, it is believed that Defendant became generally aware that certain asbestos exposures might be harmful in the same time frame as did the general public, in the early 1970s.

INTERROGATORY NO. 26:

As to the disease lung cancer, state:

- (a) The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.
- (b) How Defendant or its subsidiary or predecessor became aware of the disease and its relationship to asbestos exposure.
- (c) Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- (d) What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- (e) Whether any such information is still maintained by Defendants or its subsidiaries or predecessors in a written form.
- (f) Who is the custodian of such information.
- (g) The date on which you first received knowledge or information that lung cancer was caused by inhalation of asbestos dust and fibers.

RESPONSE TO INTERROGATORY NO. 26:

See objections and response to Interrogatory No. 25.

INTERROGATORY NO. 27:

As to pleural disease, pleural thickening or pleural plaques, state:

- (a) the date on which Defendant or its subsidiary or predecessor learned such disease was caused by inhalation of asbestos fibers by humans.
- (b) How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos.

- (c) Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- (d) What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- (e) Whether any such information is still maintained by Defendant or its subsidiary or predecessor in a written form.
- (f) Who is the custodian of such information.

RESPONSE TO INTERROGATORY NO. 27:

See objections and response to Interrogatory No. 25.

INTERROGATORY NO. 28:

As to the disease mesothelioma, state:

- (a) The date on which Defendant or its subsidiary or predecessor first learned such disease was caused by inhalation of asbestos fibers by humans.
- (b) The date on which Defendant first suspected that mesothelioma was caused by inhalation of asbestos dust and fibers.
- (c) How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos.
- (d) Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- (e) What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- (f) Whether any such information is still maintained by Defendants or its subsidiary or predecessor in a written form.
- (g) Who is the custodian of such information.
- (h) Whether Defendant agrees that there is no known medical cure for mesothelioma.

RESPONSE TO INTERROGATORY NO. 28:

See objections and response to Interrogatory No. 25.

INTERROGATORY NO. 29:

As to gastro-intestinal cancer, pharyngeal cancer or lymphatic cancer, state:

- (a) The type of cancer and the date on which Defendant or its subsidiary or predecessor first learned that such diseases were caused by inhalation of asbestos fibers by humans.
- (b) What cancers has the Defendant or its subsidiary or predecessor become aware can be caused by exposure to asbestos fibers?
- (c) The date on which Defendant first suspected other cancers were caused by asbestos inhalation.
- (d) Who within the company or its subsidiary or predecessor first discovered the adverse consequences or effects of asbestos exposure.
- (e) What information was disseminated with Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- (f) Whether any such information is still maintained by Defendant or its subsidiary or predecessor in a written form.
- (g) Who is the custodian of such information.

RESPONSE TO INTERROGATORY NO. 29:

See objections and response to Interrogatory No. 25. On information and belief, medical science has not conclusively established a link between all of such cancers and asbestos exposure.

INTERROGATORY NO. 30:

Does Defendant contend that asbestos products can be manufactured or designed so as to eliminate all potential health hazards to persons working with or exposed to them? If the answer is affirmative, explain in detail, and attach any studies or surveys on which this answer is based.

RESPONSE TO INTERROGATORY NO. 30:

Defendant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad and seeks information that is irrelevant and is not reasonably calculated to lead

to the discovery of admissible evidence. It is not limited to a relevant time frame, job site or product, if any, involved in this litigation. Moreover, it seeks expert medical opinion, which this Defendant is not qualified to render. Subject to and without waiving such objections, Defendant states that it defers to the judgment and opinion of its expert witnesses on matters relating to questions of asbestos fiber release, potential risks, health hazards relating to asbestos and the circumstances of exposure. However, on information and belief, Defendant's boiler products did not release harmful levels of respirable asbestos fibers. Most, if not all, of the asbestos-containing components utilized "as is," without change in certain of its boiler products during certain time frames, were located underneath metal lagging, inside metal flanges and/or otherwise encapsulated.

INTERROGATORY NO. 31:

Describe in detail the types of packages or packaging which Defendant or any of its subsidiary or predecessor companies used for asbestos material or products, listing the dates each type of package was used, a physical description of each type of package, and providing a description of any printed material or trademarks that appeared thereon.

RESPONSE TO INTERROGATORY NO. 31:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to a relevant product, time frame and job site, if any, involved in this litigation. Subject to and without waiving such objections, Defendant states that it manufactured steam generating systems. They were not sold in packages, as such term is presumably used in this Interrogatory. The size of such equipment precluded packaging it as that term is used and implied in this Interrogatory. Defendant's boilers would have borne and ASME stamp and the Erie City, Zurn, Keystone and/or Waste Heat name plate. Use of the Erie City name was phased out in the early 1970s. The Zurn name was not used on boilers prior to the purchase of Erie City by Zurn.

INTERROGATORY NO. 32:

Has Defendant or any of its subsidiary or predecessor companies at any time entered into a "rebranding" agreement with any other company, either as a buyer or seller, concerning asbestos materials or asbestos products? If so, state, as to each such agreement:

- (a) The name of the company manufacturing the asbestos products.
- (b) The trade name affixed to those products.
- (c) The periods of time covered by each such agreement.

(d) The volume, in dollar amount, or each transaction.

(e) The initial purchaser of the products.

RESPONSE TO INTERROGATORY NO. 32:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to a relevant product, time frame or job site, if any, involved in this litigation. Subject to and without waiving such objections, Defendant has not at any time entered into a "rebranding" agreement with any other company concerning asbestos-containing products.

INTERROGATORY NO. 33:

List the name and address of each company form which Defendant or its subsidiary or predecessor purchased materials or asbestos products which Defendant sold or distributed in any form, stating the form of the materials, the dates of such purchases, and the ultimate disposal of such materials.

RESPONSE TO INTERROGATORY NO. 33:

Defendant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome and requests information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. It is not limited to a relevant product, time frame or job site, if any, involved in this litigation. Defendant objects to providing information concerning products to which Plaintiffs do not claim exposure at job sites and times at issue in this litigation.

Subject to and without waiving such objections, Defendant responds as follows:

Defendant no longer possesses purchase records regarding the asbestos-containing components that may have been utilized "as is" without material change, at some points in time in some of its boilers. The asbestos-containing components purchased for use in some of its boiler products, during certain time frames, were purchased from various manufacturers and suppliers. At present, Zurn is able only to state that, at various times, it utilized gasket products manufactured by Durabla, Garlock, Flexitallic and, perhaps, Anchor Packing, some of which may have contained asbestos, some of which may not. It purchased some of such sealing products from Sealing Devices, Inc. and Sullivan Supply Company in Erie, PA, as well as from others presently unknown to Zurn. Likewise, at various times, it purchased refractory products manufactured by various companies, including A.P. Green, Harbison Walker, CE Refractories, J,H, France, Johns Manville, Plibrico and Quigley. On information and belief, the majority of such refractory products used did not contain asbestos. Furthermore,

insulation products may have also been purchased on occasion from other companies, possibly including Keene, Owens Corning Fiberglas, M. H. Detrick, Armstrong, Forty-Eight Insulations and AcandS. Zurn lacks sufficient knowledge or information to determine whether any such products may have contained asbestos.

INTERROGATORY NO. 34:

Does Defendant or any of its subsidiaries or predecessors currently have possession of any writing or contract on those rebranding agreements set forth in the answer to Interrogatory No. 32? If the answer is affirmative, state:

- (a) The name, address, and job title of each person having custody of each of those documents and their current location.
- (b) A brief description of each such document, including the dates and the parties signatory.

RESPONSE TO INTERROGATORY NO. 34:

See objections and response to Interrogatory No. 32. Not applicable.

INTERROGATORY NO. 35:

Prior to 1968, did any person file a claim against a Worker's Compensation carrier covering Defendant or any of its subsidiaries or predecessors alleging that he/she contracted a disease from inhaling asbestos fibers? If so, provide:

- (a) A list of the claims, including each claimants name, address and the date each claim was filed, and including the caption and jurisdiction of the claim.
- (b) The disease alleged in each such claim.
- (c) A brief summary of the disposition of each such claim.
- (d) The name, address and title of the person having custody of the records pertaining to each such claim.

RESPONSE TO INTERROGATORY NO. 35:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It also seeks to invade employee privacy rights. Moreover, conditions in Defendant's plants, unrelated to its finished end boiler products, are irrelevant. Subject to and without

waiving such objections, Defendant is unaware of any workers compensation claims filed against it, involving asbestos, prior to 1968.

INTERROGATORY NO. 36:

Did Defendant or any of its subsidiaries or predecessors maintain written minutes of corporate meetings, either board of directors, departmental, or otherwise, which reflect discussions pertaining to any subject matter related to asbestos, asbestos health hazards or asbestos products? If so, for each such set of minutes, state:

- (a) The dates of each such meeting.
- (b) The general subject matter discussed at each meeting.
- (c) Who was in attendance of each meeting.
- (d) Where and by whom the written minutes are presently maintained.
- (e) By whom the minutes were taken and put into final format.
- (f) Whether the minutes were abstracted and reports disseminated to other individuals, and if so, the names and job titles of those individuals.

RESPONSE TO INTERROGATORY NO. 36:

Defendant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad and seeks information which is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence. It is not limited to a relevant time frame or product, if any, involved in this litigation. Subject to and without waiving such objections, Defendant states that it is presently unaware of any such documents.

INTERROGATORY NO. 37:

Do you or any of your subsidiaries, including foreign business entities, currently manufacture any products containing asbestos? If so, state:

- (a) As to each product, whether such product is mined, manufactured, and/or marketed or sold.
- (b) The name and addresses of the companies mining, manufacturing, marketing, and/or selling each of those products.
- (c) The trade or brand name of each of those products mined, manufactured, marketed, and/or sold.

- (d) The date each of the named products was placed on the market.
- (e) A description of the physical (chemical) composition of each of the named products, including the type of asbestos contained in the product.
- (f) A description of the physical appearance of each product and its packaging.
- (g) A detained description of the intended uses of each of the named products.
- (h) Whether there are any warning labels on said products or containers regarding potential asbestos-related health hazards.

RESPONSE TO INTERROGATORY NO. 37:

Defendant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad and seeks information which is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence. It is not limited to a relevant time frame or product, if any, involved in this litigation. Subject to and without waiving such objections, no.

INTERROGATORY NO. 38:

State whether you or any of your predecessors and/or subsidiaries maintain, from 1940 through the present or for any portion thereof, copies of invoices, shipping documents, bills of lading, purchase orders, or other documents of a similar nature relating to the mining, manufacture, marketing, sale or distribution of asbestos products. If so, state:

- (a) The location of such documents.
- (b) The name and address of the custodian of the documents.
- (c) The format in which the documents are kept, i.e., hard copy, microfilm, microfiche, etc.
- (d) In what form the documents can be accessed, i.e., by state, by product, etc., and if by product, whether kept according to asbestos or non-asbestos.

RESPONSE TO INTERROGATORY NO. 38:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to a relevant product, time frame or job site, if any, involved in this litigation. Subject to and without waiving such objections, Defendant has access to limited

documents and literature for some boiler products during limited time frames. If Plaintiffs' will identify with specificity, the specific boiler type and model to which exposure is claimed during an identified time frame, Defendant will determine if it has responsive documents in its possession, custody or control.

INTERROGATORY NO. 39:

May you call company representatives as witnesses at the trial of any of these cases? If so, list:

- (a) The name, address, and job title of each company representative who may be called.
- (b) A summary of the testimony expected to be given by each such witness.
- (c) List any and all previous times that the named witnesses have either given deposition or trial testimony in an asbestos-related case, including the jurisdiction, style of the case, case number, date of testimony, and the name of the attorney taking the deposition of the Plaintiffs in that case.

RESPONSE TO INTERROGATORY NO. 39:

Defendant objects to this Interrogatory as beyond the scope of permissible discovery under the Rules. Subject to and without waiving such objections, discovery is continuing and Defendant has not yet determined the identity and expected testimony of any witnesses it may call at the trial of this matter. At present, Defendant can only state that it may produce testimony from the persons listed on Exhibit "A" hereto. This Response will be supplemented in accordance with the Rules of Civil Procedure and any Scheduling Order entered by the Court.

INTERROGATORY NO. 40:

Have Defendant or its subsidiaries or predecessors ever acquired through purchase, reorganization, or merger another corporation, company, or business which manufactured, sold, processed, distributed, or contracted or supplied products containing asbestos? If so, for each such entity state:

- (a) Full and correct name;
- (b) Principal place of business;
- (c) State of incorporation;
- (d) Date of acquisition by Defendant;

- (e) Whether or not the business entity was ever authorized to transact business in the State of Texas;

RESPONSE TO INTERROGATORY NO. 40:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to a relevant product and time frame. Subject to and without waiving such objections, Zurn Industries, Inc. entered into the boiler business with the stock purchase of a Pennsylvania corporation, Erie City Iron Works, in October 1966. On July 1, 1997, Zurn Industries, Inc.'s Energy Division, which included the former Erie City Iron Works boiler business, was sold to Aalborg Keystone, Inc.

Zurn was incorporated in Pennsylvania on January 28, 1932. Its principal place of business is 14801 Quorum Drive, Dallas, Texas 75240. Both it and its predecessor, Erie City, have been authorized to and have conducted business in Texas.

INTERROGATORY NO. 41:

Was each of your asbestos products generally expected to reach, or packaged to reach, the consumer of user, without substantial change in the condition in which it was sold? If not, with respect to any such product, explain in what way the Defendant claims its products were altered or substantially changed after sale of distribution and before reaching the user.

RESPONSE TO INTERROGATORY NO. 41:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and seeks information which is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its objections, Zurn responds that it sold steam generating equipment of three types, package boilers, field erected boilers and knock down boilers. The insulation and sealing components in the package boilers were generally expected to reach the customer without substantial change. However, field erected boilers, as that term indicates, were constructed at the customer's jobsite to their specifications. Knock down boilers were fully shop assembled and then disassembled into large parts and shipped to the job site for erection on site.

INTERROGATORY NO. 42:

For each asbestos-containing product identified in response to Interrogatory No. 6, identify all foreseeable users such as insulators, helpers, pipefitters, welders, machinists, plasterers, drywall finishers, carpenters, boilermakers, shipwrights and riggers, etc. of any of Defendant's asbestos-containing products.

RESPONSE TO INTERROGATORY NO. 42:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and seeks information which is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence. It is not limited to a relevant time frame, jobsite, or craft, if any, involved in this litigation. The trades listed are vague and ambiguous without further job descriptions since the duties of each trade vary tremendously from jobsite to jobsite and by time frame. Moreover, foreseeable contact with steam generating systems manufactured by Defendant may vary by jobsite and type and size of such systems.

INTERROGATORY NO. 43:

Based upon the material contents of your asbestos-containing products, the method of manufacturing, and the method of application, can such products be generally applied without liberating asbestos fibers into the air?

- (a) If there is a different answer concerning different products manufactured, sold, distributed, or used by your company, then specify the different products by precise manufacturer's name and popular name.
- (b) If there is a difference in your answer depending on the year or years in which a particular product was used, then specify in detail what year or years you are referring to and the specific products you are referring to and year involved.

RESPONSE TO INTERROGATORY NO. 43:

Defendant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to a relevant product or time frame. Defendant manufactured steam generating systems. Thus, this interrogatory regarding how "such products be generally applied" is incomprehensible as it relates to steam generating systems. Further, Defendant did not manufacture asbestos containing products.

INTERROGATORY NO. 44:

Was it a foreseeable use of your asbestos-containing products that they may have been removed, stripped, or replaced at some time after installation?

RESPONSE TO INTERROGATORY NO. 44:

Defendant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome and requests information which is irrelevant and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited

to a relevant product, time frame or job site, if any, involved in this litigation. Subject to and without waiving such objections, Defendant responds that Zurn Industries, Inc. and its predecessor, Erie City Iron Works, Inc., manufactured steam generating systems and components. Some of such boiler products, during certain time frames, may have incorporated insulation, refractory or sealing materials, some of which may have contained asbestos during some periods of time. Most of the asbestos-containing components utilized by Erie/Zurn were located underneath the boiler jacket, inside metal flanges and/or otherwise encapsulated. The steam generating equipment was designed and manufactured for many years of use. Therefore, whether one of the Defendant's boilers required replacement depended on many factors, including type and size of equipment and the customer and its needs.

INTERROGATORY NO. 45:

Before 1970, did you or your subsidiaries or predecessor(s) ever arrange for any labor inspectors, insurance company inspectors or anyone from your company to go to job sites where your products were being used or installed to make or take dust level counts? If so, state when this procedure started, the purpose of such procedures, and all results of such procedures.

RESPONSE TO INTERROGATORY NO. 45:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome, vague, ambiguous and not reasonably calculated to lead to the discovery of relevant, admissible evidence. Subject to and without waiving such objections, Zurn did not manufacture any of the asbestos-containing components utilized "as is," without material change in certain of its boiler products at certain times and, on information and belief, it had no information to indicate that its boiler products posed any asbestos hazards. Most of the asbestos-containing components utilized by Erie/Zurn were located underneath the boiler jacket, inside metal flanges and/or otherwise encapsulated. Further, Defendant did not always know the ultimate location of its boiler products or have access to the premises where such boilers were located. Defendant is presently unaware of any such procedures.

INTERROGATORY NO. 46:

If Defendant performed or had performed any dust level counts, what action, based on the results, did your company take?

RESPONSE TO INTERROGATORY NO. 46:

See Objections and Response to Interrogatory No. 45. Not applicable.

INTERROGATORY NO. 47:

Has your company or its subsidiaries or predecessor(s) ever conducted or caused to be conducted any studies designed to assist in minimizing or eliminating the inhalation of asbestos dust and fibers by those exposed to the use of your company's products? If so, give the following:

- (a) Name of the person or firm conducting such studies;
- (b) The date the studies began and the date they were completed;
- (c) Any publication or other written dissemination of the results of the studies;
- (d) The nature of any action to eliminate or minimize the inhalation of asbestos dust fibers;

RESPONSE TO INTERROGATORY NO. 47:

Defendant objects to this Interrogatory on the grounds that it is overly broad, vague, ambiguous, unduly burdensome, argumentative, assumes facts not in evidence and is not reasonably calculated to lead to the discovery of relevant, admissible evidence. Subject to and without waiving such objections, Defendant has not conducted any such studies nor has it caused such studies to be conducted. See also response and objections to Interrogatory No. 46.

INTERROGATORY NO. 48:

Does your company have, has it ever had, or your predecessor(s) or subsidiaries ever had, a Research Department? If so, give the year such Research Department was established, and whether or not such Research Department has operated continuously since being established. State also:

- (a) The amount of time and money expended each year on research concerning asbestos or asbestos-containing products?
- (b) What percentage of gross sales did your company or its predecessor(s) spend on research concerning the health effect of asbestos?
- (c) State in detail the purposes, duties, and responsibilities of such Research Department.

RESPONSE TO INTERROGATORY NO. 48:

Defendant objects to this Interrogatory on the grounds that it is vague, overly broad, unduly burdensome and requests information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. It is not limited in time or to a

relevant product, if any, involved in this litigation. Subject to and without waiving such objections, neither Zurn nor its predecessor had a Research Department.

INTERROGATORY NO. 49:

Does your company have, or has it ever had, or have your predecessor(s) or subsidiaries ever had, a Medical Department? If so, state:

- (a) The year such Medical Department was established;
- (b) Whether or not such Medical Department has operated continuously since being established;
- (c) The name of each director, chief, or head of your Medical Department year by year, beginning with the first year you had a Medical Director of Medical Department, and the last known address and phone number of each;
- (d) State the duties and responsibilities of such Medical Department.

RESPONSE TO INTERROGATORY NO. 49:

Defendant objects to this Interrogatory on the grounds that it is vague, overly broad, unduly burdensome and requests information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Conditions in Defendant's plants are irrelevant to Plaintiffs' claims. Subject to and without waiving such objections, Defendant responds that neither Zurn nor its predecessor had a Medical Department or employed a corporate medical officer. To present knowledge, pre-employment physicals may have been conducted from time to time and a medical doctor was available on-call to the Energy Division, but not for the purposes inquired about in this Interrogatory.

INTERROGATORY NO. 50:

Did your company or its predecessor(s) or subsidiaries ever place any warning directly on any of its asbestos-containing product or on their packaging. If so, identify the product(s) and year said warning was first applied.

RESPONSE TO INTERROGATORY NO. 50:

Defendant objects to this Interrogatory on the grounds that it is overly broad, vague, ambiguous, unduly burdensome, argumentative, assumes facts not in evidence and is not reasonably calculated to lead to the discovery of relevant, admissible evidence. Subject to and without waiving such objections, Defendant responds that it manufactured industrial steam

generating systems and components. Some of such boiler products, during certain time frames may have incorporated insulation, refractory or sealing materials, some of which components may have contained asbestos during some periods of time. Such products were manufactured by others and utilized "as is," without material change. Most of such materials were located underneath the boiler jacket, inside metal flanges or otherwise encapsulated. Because Defendant did not manufacture the asbestos-containing components utilized in some of its boiler products during certain time frames, because such products were purchased from others and utilized "as is" without material change, because most of such purchased components were located underneath a boiler jacket, inside metal flanges or otherwise encapsulated and because Defendant had no knowledge that any health hazard was posed by its products, no warnings were believed necessary.

INTERROGATORY NO. 51:

Did your company or its predecessor(s) or subsidiaries ever stamp or place the name of the company, its initials, or identifying logo on any of its asbestos-containing products? If so, please state the name brand names of such products, a description of such stamp or logo and the dates such were placed on the referred products.

RESPONSE TO INTERROGATORY NO. 51:

Defendant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant admissible evidence. It is not limited to a relevant product or time frame. Subject to and without waiving such objections, Zurn states that the nameplates attached to its steam generating equipment would have borne an ASME stamp and the Erie City, Zurn, Keystone and/or Waste Heat name plate. Use of the Erie City name was phased out in the early 1970s. The Zurn name was not used on boilers prior to the purchase of Erie City by Zurn.

INTERROGATORY NO. 52:

Has your company, or your predecessor(s) or subsidiaries, ever devised a research plan to develop, or actually developed or had developed, a product which did not contain asbestos and which could be substituted for one or more of your asbestos-containing products? If so, state the date that such research plan was begun and when such asbestos-free product was first placed on the market?

RESPONSE TO INTERROGATORY NO. 52:

Defendant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to a relevant product or time frame, if any, involved in this litigation. Subject to and without waiving such objections, Zurn states that it presently lacks documents that would enable it to answer this question, but based upon

information known or reasonably available to Zurn, there was no reason to conduct such research because Zurn did not manufacture the asbestos-containing components that were utilized "as is," without material change in certain of its boiler products during certain time frames and had no information to indicate that any asbestos health hazards were posed by its boiler products. Most of such purchased components were located underneath a boiler jacket, inside metal flanges or otherwise encapsulated. On information and belief, asbestos was removed from insulation and refractory products, by their manufacturers, in the early 1970s. Zurn stopped utilizing asbestos-containing sealing materials, such as composition gaskets, thereafter, when suitable substitutes became available from their manufacturers.

INTERROGATORY NO. 53:

Did your company or its predecessor(s) or subsidiaries ever recall any products containing asbestos from the market or stream of commerce? If so, state:

- (a) All details of such recall;
- (b) The name of the product recalled, including the reason for the recall and the names and current addresses of those individuals who determined that it should take place;
- (c) The date of recall;
- (d) The purpose for the recall.

RESPONSE TO INTERROGATORY NO. 53:

Defendant objects to this Interrogatory on the grounds that it is overly broad, vague, ambiguous, unduly burdensome, argumentative, assumes facts not in evidence and is not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to a relevant product, time frame and job site, if any, involved in this litigation. Subject to and without waiving such objections, Defendant states that there have been no boiler recalls because of the asbestos content of any component parts.

INTERROGATORY NO. 54:

Before 1970, did you ever manufacture or sell products which did not contain asbestos and which could be substituted for your asbestos-containing products? If so, state the date such asbestos-free products were first placed on the market.

RESPONSE TO INTERROGATORY NO. 54:

Defendant objects to this Interrogatory on the grounds that it is vague, ambiguous,

overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to a relevant product or time frame, if any, involved in this litigation. Subject to and without waiving such objections, on information and belief, by at least the mid 50's, Erie's package boilers were insulated with mineral wool or fiberglass insulation. On information and belief, from the mid 50's forward, if insulation was furnished from Erie's shop for its field erected boilers, it would likewise have been mineral wool or fiberglass. With respect to many field erected boilers, Defendant did not provide insulation or other materials, and therefore in many cases, Defendant has no knowledge as to what the composition of some of the components of such boilers would have been.

INTERROGATORY NO. 55:

Have any products you identified in your response to Interrogatory Nos. 52 and 54 not performed as intended? Please list all such products that have not performed as intended.

RESPONSE TO INTERROGATORY NO. 55:

Defendant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to a relevant product or time frame, if any, involved in this litigation. Subject to and without waiving such objections, to the extent this interrogatory seeks information as to whether the use of non-asbestos containing components caused poor performance of its products, Defendant has no personal knowledge with respect thereto.

INTERROGATORY NO. 56:

Did your company or its predecessor(s) or subsidiaries ever make, order, or arrange for any industrial hygiene surveys regarding asbestos or asbestos-containing dust? If so, give the date of such surveys and state who, or what entity, was responsible for completion of such surveys.

RESPONSE TO INTERROGATORY NO. 56:

Defendant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome and requests information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. It is not limited in time or to any relevant product, if any, involved in this litigation. Subject to and without waiving such objections, Defendant has not conducted nor arranged for such surveys.

INTERROGATORY NO. 57:

As to either the threshold limit values or maximum allowable concentrations of both asbestos dust and total dust provided by the American Conference of Governmental Industrial Hygienists,

state:

- (a) The year in which Defendant or any predecessor(s) or subsidiaries were first advised of such limits or concentration;
- (b) The name of the employee or official of the company receiving such advise;
- (c) How Defendant received notice of such limits or concentrations.

RESPONSE TO INTERROGATORY NO. 57:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to a relevant product or time frame, if any, at issue in this litigation. Subject to and without waiving such objections, Zurn did not manufacture the asbestos-containing components that were utilized "as is," without material change, in certain of its boiler products during certain time frames. On information and belief, no boiler products manufactured or sold by Defendant would release harmful levels of respirable asbestos fibers, as most of the asbestos-containing components, if any, utilized therein were located under metal lagging, inside metal flanges and/or otherwise encapsulated. Defendant is a corporation, which has employed numerous persons throughout the course of its business, any one of whom may have obtained varying degrees of knowledge regarding asbestos and asbestos-related diseases at varying points in time. When Zurn, as a corporation, obtained any particular knowledge cannot be determined. Defendant presently has no information to indicate whether or when it received any communications concerning TLVs or MACs for asbestos.

INTERROGATORY NO. 58:

Were the threshold limit values or maximum allowable concentrations inquired about in Interrogatory No. 57 for total dust, and not asbestos dust alone?

RESPONSE TO INTERROGATORY NO. 58:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to a relevant product or time frame, if any, at issue in this litigation. Further, it is confusing in its reference to Interrogatory No. 63. Subject to and without waiving such objections, see objections and response to Interrogatory No. 57.

INTERROGATORY NO. 59:

State in detail what tests, if any, Defendant ever made with regard to the quantity, quality, or threshold limit values of asbestos dust or particles to which workers were exposed while using,

working with or around, or installing your asbestos-containing products.

RESPONSE TO INTERROGATORY NO. 59:

Defendant objects to this Interrogatory on the grounds that it is overly broad, vague, ambiguous, unduly burdensome, argumentative, assumes facts not in evidence and is not reasonably calculated to lead to the discovery of relevant, admissible evidence. Subject to and without waiving such objections, Defendant responds that it manufactured industrial steam generating systems and components. Some of such boiler products, during certain time frames may have incorporated insulation, refractory or sealing materials, some of which components may have contained asbestos during some periods of time. Such products were manufactured by others and utilized "as is," without material change. Most of such materials were located underneath the boiler jacket, inside metal flanges or otherwise encapsulated. Because Defendant did not manufacture the asbestos-containing components utilized in some of its boiler products during certain time frames, because such products were purchased from others and utilized "as is" without material change, because most of such purchased components were located underneath a boiler jacket, inside metal flanges or otherwise encapsulated and because Defendant had no knowledge that any health hazard was posed by its products, no tests were believed necessary.

INTERROGATORY NO. 60:

Please state the following with respect to each expert witness that you may recall during trial of these cases. Please designate with specificity the expert witnesses that you may call, including:

- (a) The name, address, and job classification of each such expert witness;
- (b) The subject matter on which the expert is expected to testify;
- (c) The substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion;
- (d) Whether any person identified in subparagraph (a) above has provided a report or other documentation to you, and if so, identify and produce each such document or report;
- (e) Identify all documents that you have provided to each person identified in response to subparagraph (a) above;
- (f) Describe in detail the education and work history of, and identify any books, treatises, articles, published and unpublished reports, studies or other scholarly works authored by an individual identified in response to subparagraph (a) above. Alternatively, in lieu of said response, attach a copy of a resume or curriculum vitae and a list of

publications to your answers.

RESPONSE TO INTERROGATORY NO. 60:

Defendant objects to this Interrogatory as beyond the scope of permissible discovery under the Rules. Subject to and without waiving such objections, discovery is continuing and Defendant has not yet determined the identity and expected testimony of any expert witnesses it may call at the trial of this matter. This Response will be supplemented in accordance with the Rules of Civil Procedure and any Scheduling Order entered by the Court. At present, Defendant can only state that it may produce testimony from the following: See experts listed on Exhibit "A".

INTERROGATORY NO. 61:

Please state the name, present address and present telephone number, along with the experience and qualifications, if applicable, of each and every person, known to Defendant or to Defendant's agents, having knowledge of facts relevant to these cases involving, but not limited to:

- (a) Identification of asbestos-containing products to which each and every individual Plaintiff, separate and distinct from all other Plaintiffs within the group, allegedly was exposed or facts disputing the identification of asbestos-containing products in this case.
- (b) Each and every individual Plaintiff's, separate and distinct from all other Plaintiffs within the group, alleged damages, injuries and/or facts disputing each and every Plaintiff's alleged damages and/or injuries;
- (c) The negligence of any person or entity other than Defendant which Defendant contends was a cause of each and every individual Plaintiff's, separate and distinct from all other Plaintiffs within the group, alleged injuries and/or damages;
- (d) Each of Defendant's defenses enumerated in Defendant's last filed Answer in each of these cases.

RESPONSE TO INTERROGATORY NO. 61:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. Subject to and without waiving such objections, please see Exhibit "A". Defendant reserves the right to update this response as discovery is ongoing.

INTERROGATORY NO. 62:

Please identify documents which will be used at time of trial, (Exhibit List, Deposition List), which are relevant to each of Defendant's enumerated defenses in Defendant's last filed Answer.

RESPONSE TO INTERROGATORY NO. 62:

Defendant objects to this Interrogatory on the grounds that it is vague, ambiguous, overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. Subject to and without waiving such objections, discovery is continuing and Defendant has not made a decision at this time as to what documents may be used at the trial of this matter. Defendant will supplement this response to identify its trial exhibits in accordance with the Rules of Civil Procedure and any other Scheduling Order entered by the Court.

See attached Exhibit "B" for a list of exhibits that Defendant presently anticipates may be used at trial.

INTERROGATORY NO. 63:

When, if ever, did Defendant or any of its predecessors-in-interest first receive a copy of the article entitled "A Health Survey of Pipe Covering Operations in Constructing Naval Vessels", published in January, 1946 in the Journal of Industrial Hygiene & Toxicology, and authored by W. Fleischer and P. Drinker, et al ("the Fleischer-Drinker Report")?

- (a) Identify the name and position of the employee or officer who received same;
- (b) Please produce all documents generated by Defendant which discuss or in any way reference the "Fleischer-Drinker" study prior to 1968;
- (c) Please produce all documents upon which your responses above are based;
- (d) Please identify the name(s) and address(es) of any person(s) who can verify your above response.
- (e) Did Defendant ever rely on the Fleischer-Drinker Report in whole or in part as a basis that Defendant's asbestos products could be used in the workplace without risk of asbestos-related health impacts to the consumer and/or bystander;
- (f) If so, please produce every document which evidence in any way that Defendant relied on the Fleischer-Drinker Report in whole or in part for the proposition stated in Interrogatory no. 63(a) above;
- (g) If your answer to 63(a) is yes, when was the first date Defendant relied on the Fleischer-Drinker report in whole or in part for the proposition stated in 63(a) above?

RESPONSE TO INTERROGATORY NO. 63:

Defendant objects to this Interrogatory on the grounds that it is vague, ambiguous and overly broad. It is not limited to a relevant product, time frame or job site, if any, involved in this litigation. Subject to and without waiving such objections, Zurn has no present information to indicate that it ever received a copy of said study or article.

INTERROGATORY NO. 64:

When, if ever, did Defendant or any of its predecessors-in-interest first receive a copy of the article entitled "A Study of Asbestos in the Asbestos Textile Industry", published in 1938 in Public Health Bill, No. 241, U.S. Public Health Service and authored by W. Dreessen ("the Dreessen Report")?

- (a) Identify the name and position of the employee or officer who received same;
- (b) Please produce all documents generated by Defendant which discuss or in any way reference the "Dreessen" study prior to 1968;
- (c) Please produce all documents upon which your responses above are based;
- (d) Please identify the name(s) and address(es) of any person(s) who can verify your above response;
- (e) Did Defendant ever rely on the Dreessen Report in whole or in part as a basis that Defendant's asbestos products could be used in the workplace without risk of asbestos-related health impacts to the consumer and/or bystander;
- (f) If so, please produce every document which evidence in any way that Defendant relied on the Dreessen Report in whole or in part for the proposition stated in Interrogatory no. 63(a) above;
- (g) If your answer to 63(a) is yes, when was the first date Defendant relied on the Dreessen report in whole or in part for the proposition stated in 63(a) above?

RESPONSE TO INTERROGATORY NO. 64:

Defendant objects to this Interrogatory on the grounds that it is vague, ambiguous and overly broad. It is not limited to a relevant product, time frame or job site, if any, involved in this litigation. Subject to and without waiving such objections, Zurn has no present information to indicate that it ever received a copy of said study or article.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Please produce a true and correct copy of each photograph of each asbestos-containing product identified in answer to Interrogatory No. 4.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

Defendant objects to this Request for Production on the grounds that it is vague, ambiguous, overly broad, unduly burdensome and requests information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. It is not limited to a relevant product, time frame or job site, if any, involved in this litigation. Defendant objects to providing information concerning products to which Plaintiffs do not claim exposure at job sites and times at issue in this litigation.

Defendant objects to this Request for Production on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. It is not limited to a relevant product, time frame or job site, if any, involved in this litigation. Subject to and without waiving such objections, Defendant has limited literature for some boiler products during limited time frames. If Plaintiffs' will identify with specificity, the specific boiler type and model to which exposure is claimed during an identified time frame, Defendant will determine if it has responsive documents in its possession, custody or control.

REQUEST FOR PRODUCTION NO. 2:

Please produce any diagrams or schematics indicating, stating or detailing the existence of any of your subsidiaries, predecessors, or divisions as defined on Page 1 of these Interrogatories and Request for Production.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant, admissible evidence. Subject to and without waiving such objections, Defendant states that it is unaware of any such diagram or schematic in its possession, custody or control.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on Plaintiffs' counsel, pursuant to the Texas Rules of Civil Procedure, on July 20, 2001 as follows:

Mr. Russell Budd
BARON & BUDD
3102 Oak Lawn Avenue, Suite 1100
Dallas, TX 75219

Certified Mail 7000 1670 0010 9558 0810
Return Receipt Requested
AND by **HAND DELIVERY**

Foster & Sear
Attorneys At Law
360 Place Office Park
1201 N. Watson Rd, Suite 145
Arlington, TX 76006

Certified Mail 7000 1670 0010 9558 0841
Return Receipt Requested

Mike Kaeske
KAESKE * REEVES
6301 Gaston Avenue
Suite 735
Dallas, TX 75214

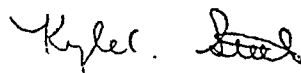
Certified Mail 7000 1670 0010 9558 0834
Return Receipt Requested
AND by **HAND DELIVERY**

Robins, Cloud, Greenwood & Lubel, L.L.P.
910 Travis, Suite 2020
Houston, TX 77002

Certified Mail 7000 1670 0010 9558 0827
Return Receipt Requested

SILBER * PEARLMAN, P.C.
2711 N. Haskell Avenue
Cityplace-5th Floor, LB 32
Dallas, TX 75204

Certified Mail 7000 1670 0010 9558 4078
Return Receipt Requested



Kyle C. Steele

FORMAN
PERRY
WATKINS
KRUTZ &
TARDY, PLLC
ATTORNEYS AT LAW

2001 JUL 20 PM 4: 43

SUITE 400 Woodview Office Tower
1349 EMPIRE CENTRAL DRIVE
DALLAS, TEXAS 75247
TELEPHONE: 214.905.2924
FAX: 214.905.3976

July 20, 2001

Mr. Jim Hamlin, District Clerk
DALLAS COUNTY DISTRICT CLERK
George L. Allen, Sr. Courts Bldg.
600 Commerce Street
Dallas, Texas 75202

Re: In Re: Asbestos Litigation, Master File

Dear Clerk:

Enclosed please find the originals and one copy of the following:

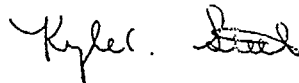
***Zurn Industries, Inc.'s Supplemental Objections and Responses to Plaintiffs' Master Interrogatories and Requests for Production Propounded to Defendants**

to be filed with the Court in the above-referenced matter.

Please place your file stamp on the document copies and return to my attention via the enclosed postage-paid envelope.

Please contact me with any questions or comments. Thank you for your assistance.

Sincerely,



Kyle C. Steele

:drw
Enclosures

cc: Mr. Russell Budd
BARON & BUDD
✓ 3102 Oak Lawn Avenue, Suite 1100
Dallas, TX 75219

Certified Mail 7000 1670 0010 9558 0810
Return Receipt Requested
AND by **HAND DELIVERY**

cc: Foster & Sear
Attorneys At Law
360 Place Office Park
1201 N. Watson Rd. Suite 145
Arlington, TX 76006

Certified Mail 7000 1670 0010 9558 0841
Return Receipt Requested

DALLAS COUNTY DISTRICT CLERK
July 20, 2001

Page 2

cc: Mike Kaeske
KAESKE * REEVES
6301 Gaston Avenue
Suite 735
Dallas, TX 75214

Certified Mail 7000 1670 0010 9558 0834
Return Receipt Requested
AND by **HAND DELIVERY**

cc: Robins, Cloud, Greenwood & Lubel, L.L.P. Certified Mail 7000 1670 0010 9558 0827
910 Travis, Suite 2020
Houston, TX 77002
Return Receipt Requested

cc: SILBER * PEARLMAN, P.C.
2711 N. Haskell Avenue
Cityplace-5th Floor, LB 32
Dallas, TX 75204

Certified Mail 7000 1670 0010 9558 4078
Return Receipt Requested