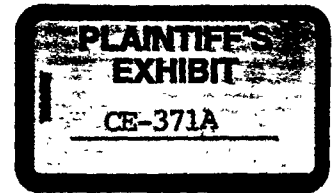


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA



IN RE: Ralph C. Manguno
Pre-Trial Discovery and
Related Proceedings

CIVIL ACTION

NO. 82-1570

SECTION "A"

-and-

ALL MANGUNO
CONSOLIDATED CASES

RESPONSE OF THE DEFENDANT, COMBUSTION ENGINEERING, INC.,
TO PLAINTIFFS' FIRST REQUEST FOR ADMISSION OF FACTS
PROPOUNDED BY THE PLAINTIFFS

NOW INTO COURT, through undersigned counsel, comes the defendant, Combustion Engineering, Inc., who, for answer to the Plaintiffs' First Request for Admission of Facts, responds as follows:

REQUEST FOR ADMISSION OF FACTS NO. 1:

Combustion Engineering, Inc. first engaged in the manufacture and sale of asbestos-containing insulation products on June 5, 1963.

RESPONSE TO REQUEST FOR ADMISSION OF FACTS NO. 1:

Admitted.

REQUEST FOR ADMISSION OF FACTS NO. 2:

Combustion Engineering, Inc. manufactured and sold the asbestos-containing products listed in Exhibit "A" attached for the periods thereon indicated.

RESPONSE TO REQUEST FOR ADMISSION OF FACTS NO. 2:

This Request for Admission is admitted in part and denied in part. The defendant admits that it manufactured and sold those asbestos-containing products listed on Exhibit "A" which are preceded by a small "m" in parenthesis. With respect to the balance of the products listed on Exhibit "A" attached to these Requests for Admission and which are preceded by a small "d" in

parenthesis, the defendant admits that it distributed those products except for the products at the end of Exhibit "A" marked "miscellaneous products distributed by C-E." The products listed under the category "miscellaneous products distributed by C-E" were supplied in connection with certain Combustion Engineering jobs where the customer specified these particular products. These products were not purchased for resale generally. It should be noted that these products have been deleted from this defendant's most recent product list, in order to avoid confusion and misunderstanding, such as is included in this particular request of the plaintiffs.

REQUEST FOR ADMISSION OF FACTS NO. 3:

On June 5, 1963, a wholly-owned subsidiary of Combustion Engineering, Inc. acquired all of the assets of a company previously known as Refractory & Insulation Corporation, including its refractories and insulation manufacturing plant at Port Kennedy, Pennsylvania.

RESPONSE TO REQUEST FOR ADMISSION OF FACTS NO. 3:

Admitted.

REQUEST FOR ADMISSION OF FACTS NO. 4:

On April 3, 1964, a wholly-owned subsidiary of Combustion Engineering, Inc. acquired the Insulation Division of the M.H. Detrick Co., at Aurora, Illinois, including its land, building, machinery and equipment, existing inventories and pending sales orders.

RESPONSE TO REQUEST FOR ADMISSION OF FACTS NO. 4:

Admitted.

REQUEST FOR ADMISSION OF FACTS NO. 5:

On March 27, 1969, Combustion Engineering, Inc. acquired Walsh Refractories Corporation, at St. Louis, Missouri, by way of merger.

RESPONSE TO REQUEST FOR ADMISSION OF FACTS NO. 5:

Admitted.

REQUEST FOR ADMISSION OF FACTS NO. 6:

During the time that Combustion Engineering, Inc. manufactured and sold asbestos-containing insulation products, it purchased raw asbestos from the following

companies: Johns-Manville Corporation, Carey Canada Mines, Ltd., Empire Ace Co., Chicago Firebrick Co., George A. Rowley & Co., Asbestos Corp. and Asbestos Spray Corp.

RESPONSE TO REQUEST FOR ADMISSION OF FACTS NO. 6:

Admitted.

REQUEST FOR ADMISSION OF FACTS NO. 7:

Combustion Engineering, Inc. distributed certain asbestos-containing products manufactured by Owens-Corning and Johns-Manville between the years 1963 and 1969.

RESPONSE TO REQUEST FOR ADMISSION OF FACTS NO. 7:

Denied. See Response to No. 2, above.

REQUEST FOR ADMISSION OF FACTS NO. 8:

Combustion Engineering, Inc. first placed warning labels on the packaging of all its asbestos-containing products in 1969.

RESPONSE TO REQUEST FOR ADMISSION OF FACTS NO. 8:

Admitted

REQUEST FOR ADMISSION OF FACTS NO. 9:

The warning label utilized by Combustion Engineering, Inc. on the packaging of all of its asbestos-containing products contained the following message:

Caution: This product contains asbestos fibers. Excessive inhalation of asbestos may be harmful. If adequate ventilation is not possible, wear respirators approved by U.S. Bureau of Mines.

RESPONSE TO REQUEST FOR ADMISSION OF FACTS NO. 9:

Admitted.

REQUEST FOR ADMISSION OF FACTS NO. 10:

Combustion Engineering, Inc. never conducted any tests on any of their asbestos-containing products to determine potential or likely asbestos exposure levels during conditions of intended use of the products.

RESPONSE TO REQUEST FOR ADMISSION OF FACTS NO. 10:

Admitted.

REQUEST FOR ADMISSION OF FACTS NO. 11:

Combustion Engineering, Inc. never went out in the field and actually measured, or caused someone else to measure the asbestos exposure levels encountered by workers using, handling, installing or applying any of their asbestos-containing products.

RESPONSE TO REQUEST FOR ADMISSION OF FACTS NO. 11:

Admitted.

REQUEST FOR ADMISSION OF FACTS NO. 12:

Combustion Engineering, Inc. never measured or caused someone else to measure asbestos exposure levels encountered by workers in any of its plants or facilities that manufactured or distributed any asbestos-containing products.

RESPONSE TO REQUEST FOR ADMISSION OF FACTS NO. 12:

Admitted.

REQUEST FOR ADMISSION OF FACTS NO. 13:

Combustion Engineering, Inc. never measured or tested, or caused someone else to measure or test the asbestos exposure levels produced when its asbestos-containing products were removed or torn out from a prior installation.

RESPONSE TO REQUEST FOR ADMISSION OF FACTS NO. 13:

Admitted.

REQUEST FOR ADMISSION OF FACTS NO. 14:

Combustion Engineering, Inc. never contacted any insulation contractor or product user and requested the opportunity to measure the asbestos exposure levels created by the contractor or product user's use of its asbestos-containing products.

RESPONSE TO REQUEST FOR ADMISSION OF FACTS NO. 14:

Admitted.

REQUEST FOR ADMISSION OF FACTS NO. 15:

Combustion Engineering, Inc. never conducted or financially supported, wholly or in part, an epidemiologic, toxicologic, animal, medical, scientific tests, reviews, investigations, analyses or studies of any kind to determine if the inhalation of asbestos fibers could be harmful to health.

RESPONSE TO REQUEST FOR ADMISSION OF FACTS NO. 15:

Admitted.

REQUEST FOR ADMISSION OF FACTS NO. 16:

Combustion Engineering, Inc. never conducted, participated in, financed, or had someone else conduct, any tests, inquiries, research, investigation, or analysis of any kind to determine possible health effects on workers exposed to its asbestos-containing products.

RESPONSE TO REQUEST FOR ADMISSION OF FACTS NO. 16:

Admitted.

REQUEST FOR ADMISSION OF FACTS NO. 17:

Combustion Engineering, Inc. never conducted or financed any tests or studies to determine what type of respirator and/or protective mask would either eliminate or afford maximum protection against the inhalation of asbestos fibers.

RESPONSE TO REQUEST FOR ADMISSION OF FACTS NO. 17:

Admitted.

REQUEST FOR ADMISSION OF FACTS NO. 18:

Combustion Engineering, Inc. never placed any form of package insert or informative brochure in a container of its asbestos-containing products explaining the potential health hazards of asbestos.

RESPONSE TO REQUEST FOR ADMISSION OF FACTS NO. 18:

Admitted, except for the warning labels placed on all packaging beginning in 1969. See response to No. 8, above.

REQUEST FOR ADMISSION OF FACTS NO. 19:

Combustion Engineering, Inc. never provided any of its distributors and/or customers with any instructions, warnings, hazards statements or explanations concerning the possibility of injury resulting from use of its asbestos-containing products, other than the warning label on the package quoted in request No. 9.

RESPONSE TO REQUEST FOR ADMISSION OF FACTS NO. 19:

Admitted.

REQUEST FOR ADMISSION OF FACTS NO. 20:

Combustion Engineering, Inc. never belonged to any trade or industry associations, organizations, foundation, institute or other business group of any nature which dealt with asbestos or asbestos products.

RESPONSE TO REQUEST FOR ADMISSION OF FACTS NO. 20:

Admitted.

REQUEST FOR ADMISSION OF FACTS NO. 21:

Combustion Engineering, Inc. never sponsored or attended any meeting, seminar, conference, convention or legislative hearing where the potential health hazards of asbestos were discussed.

RESPONSE TO REQUEST FOR ADMISSION OF FACTS NO. 21:

Admitted.

REQUEST FOR ADMISSION OF FACTS NO. 22:

During the years that Combustion Engineering, Inc., manufactured asbestos-containing insulation products, it carried insurance with The Travelers Insurance Company, Hartford, Connecticut, of primary liability, \$500,000.00 and an umbrella policy of \$5,000,000.00 plus various layers of excess insurance, all subject to varying deductibles and to the terms and conditions of the policies.

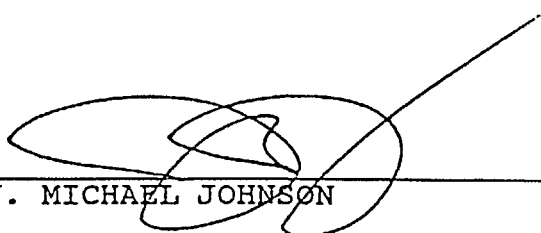
RESPONSE TO REQUEST FOR ADMISSION OF FACTS NO. 22:

Admitted.


J. MICHAEL JOHNSON, TRIAL ATTORNEY
LINDA S. HARANG
McGLINCHEY, STAFFORD, MINTZ,
CELLINI & LANG, P.C.
643 Magazine Street
New Orleans, Louisiana 70130
(504) 586-1200
Attorneys for Defendant,
Combustion Engineering, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon opposing counsel by placing a copy of same in the United States mail, postage prepaid, this 30th day of June, 1987.


J. MICHAEL JOHNSON

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

IN RE: Ralph C. Manguno
Pre-Trial Discovery and
Related Proceedings

CIVIL ACTION

NO. 82-1570

SECTION "A"

-and-

ALL MANGUNO :
CONSOLIDATED CASES

RESPONSE OF THE DEFENDANT, COMBUSTION ENGINEERING, INC.,
TO PLAINTIFFS' INTERROGATORIES

NOW INTO COURT, through undersigned counsel, comes the defendant, Combustion Engineering, Inc., who, for response to the Interrogatories propounded by the plaintiffs, responds as follows:

INTERROGATORY NO. 1:

State whether any of the asbestos-containing products listed in Exhibit "A" attached were ever sold or supplied to any location within Louisiana, and if so, please state the following as to each such sale or occasion on which each product was provided:

- (a) date of sale or supply;
- (b) amount supplied;
- (c) purchaser or organization supplied, including location of shipment.

RESPONSE TO INTERROGATORY NO. 1:

Defendant objects to this Interrogatory on the grounds that it is so overly broad that it would be unduly burdensome to

the defendant for the defendant to respond to the Interrogatory in its present form. If the plaintiffs will provide the defendant with a list of their employers and work sites, the defendant will review its records to determine whether any products manufactured by the defendant were sold to any of those employers and/or to those work sites.

INTERROGATORY NO. 2:

Please identify each distributor or wholesaler of your asbestos-containing or thermal insulation products since 1963 in Louisiana. For each distributor or wholesaler, please state:

- (a) Their last known address;
- (b) The years of the relationship;
- (c) Whether there was a written distributorship agreement;
- (d) Whether the distributorship was exclusive;
- (e) Identify all documents pertaining to the distributor or wholesaler relationship.

RESPONSE TO INTERROGATORY NO. 2:

- (a) Way Refractories Company; Baton Rouge, Louisiana;
- (b) 1971-1972;
- (c) No;
- (d) No;
- (e) None.

INTERROGATORY NO. 3:

Please state whether Combustion Engineering, Inc. utilized or utilizes asbestos-containing products in the

manufacture of Combustion Engineering boilers sold to Louisiana customers whether for insulating purposes or otherwise. If so, please state:

- (a) the brand name of the product so utilized;
- (b) the manufacturer of the product so utilized;
- (c) the purpose for which the product was utilized;
- (d) the customers to whom the boilers were sold, including location of shipment.

RESPONSE TO INTERROGATORY NO. 3:

The defendant objects to this Interrogatory on the grounds that it is so overly broad that it would be unduly burdensome to the defendant for the defendant to respond to the Interrogatory in its present form. If the plaintiffs will provide the defendant with a list of their employers and work sites, the defendant will review its records to determine whether any boilers manufactured by the defendant were sold to those employers and/or to those work sites.

INTERROGATORY NO. 4:

State whether Combustion Engineering, Inc., or any of its subsidiaries, has ever engaged in the manufacture and sale of any insulating products containing ceramic fiber. If so, please state:

- (a) the brand or trade names of the ceramic fiber products;
- (b) the years during which the products were manufactured and sold;
- (c) the intended use of the product;
- (d) its chemical composition;

- (e) the form in which the product was shipped (e.g. - burlap bags, cardboard boxes), including the size of the container;
- (f) the names, addresses, and company position of the individuals who participated in the design, preparation and approval of the manufacturing and/or marketing specifications for the product.

RESPONSE TO INTERROGATORY NO. 4:

The defendant objects to this Interrogatory on the grounds that it is vague and ambiguous, and the defendant is unable to respond to the Interrogatory in its present form. The term "ceramic fiber product" was not defined by the plaintiffs, and the defendant is unclear of its meaning. The defendant further objects on the grounds that the Interrogatory seeks information that is irrelevant to the issues in these cases, and the Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, since the Interrogatory does not seek information regarding asbestos, asbestos dust, asbestos fiber, and/or asbestos-containing products.

INTERROGATORY NO. 5:

For each ceramic fiber product listed in answer to the preceding interrogatory, please state whether it was ever sold or supplied to any location in Louisiana, and if so, please state:

- (a) the date of sale or supply;
- (b) the amount supplied;
- (c) the purchaser or organization supplied, including location of shipment;
- (d) the name and address of the person responsible for sales in Louisiana.

RESPONSE TO INTERROGATORY NO. 5:

The defendant objects to this Interrogatory on the grounds that it is vague and ambiguous, and the defendant is unable to respond to the Interrogatory in its present form. The term "ceramic fiber product" was not defined by the plaintiffs, and the defendant is unclear of its meaning. The defendant further objects on the grounds that the Interrogatory seeks information that is irrelevant to the issues in these cases, and the Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, since the Interrogatory does not seek information regarding asbestos, asbestos dust, asbestos fiber, and/or asbestos-containing products.

INTERROGATORY NO. 6:

State whether Combustion Engineering, Inc., its subsidiaries or anyone on its behalf, has ever conducted or financially supported, wholly or in part, any epidemiologic, toxicologic, animal, medical, scientific tests, reviews, investigations, analyses or studies of any kind to determine if exposure to ceramic fibers may be harmful to health. If so, please state as to each such investigation or study:

- (a) The person who directed or authorized that the study be done;
- (b) The person or organization that conducted the study;
- (c) The dates and over what time period the study was done;
- (d) Describe the study design protocol;
- (e) The complete results of the study, including any conclusions or recommendations contained therein;

- (f) The name of the highest company official who received notice of the existence of the study and/or its results;
- (g) Identify all documents relating to the study;
- (h) Whether the study was ever published, and if so state the study title and citation, and if not state why not.

RESPONSE TO INTERROGATORY NO. 6:

The defendant objects to this Interrogatory on the grounds that it is vague and ambiguous, and the defendant is unable to respond to the Interrogatory in its present form. The term "ceramic fiber product" was not defined by the plaintiffs, and the defendant is unclear of its meaning. The defendant further objects on the grounds that the Interrogatory seeks information that is irrelevant to the issues in these cases, and the Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, since the Interrogatory does not seek information regarding asbestos, asbestos dust, asbestos fiber, and/or asbestos-containing products.

INTERROGATORY NO. 7:

State whether any of Combustion Engineering, Inc.'s distributors and/or customers has ever been provided with any instructions, warnings, material safety data sheets or other documents regarding potential health hazards associated with exposure to ceramic fibers. If so, please:

- (a) identify all such documents;
- (b) state by whom and when such information was provided;
- (c) state the content of any warnings provided.

RESPONSE TO INTERROGATORY NO. 7:

The defendant objects to this Interrogatory on the grounds that it is vague and ambiguous, and the defendant is unable to respond to the Interrogatory in its present form. The term "ceramic fiber product" was not defined by the plaintiffs, and the defendant is unclear of its meaning. The defendant further objects on the grounds that the Interrogatory seeks information that is irrelevant to the issues in these cases, and the Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, since the Interrogatory does not seek information regarding asbestos, asbestos dust, asbestos fiber, and/or asbestos-containing products.

INTERROGATORY NO. 8:

State whether any employee of Combustion Engineering, Inc. or any of its subsidiaries, ever made a claim for injury or occupational disease caused by exposure to ceramic fiber pursuant to the Occupational Disease or Worker's Compensation statutes of any state. If so, please state:

- (a) the date the claims were filed;
- (b) the outcome of the claims.

RESPONSE TO INTERROGATORY NO. 8:

The defendant objects to this Interrogatory on the grounds that it is vague and ambiguous, and the defendant is unable to respond to the Interrogatory in its present form. The term "ceramic fiber product" was not defined by the plaintiffs,

and the defendant is unclear of its meaning. The defendant further objects on the grounds that the Interrogatory seeks information that is irrelevant to the issues in these cases, and the Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, since the Interrogatory does not seek information regarding asbestos, asbestos dust, asbestos fiber, and/or asbestos-containing products.

Without waiving any of the above objections, the defendant responds that to the best of this defendant's knowledge, no.

INTERROGATORY NO. 9:

Please state whether Combustion Engineering, Inc. utilized or utilizes ceramic fiber products for reducing heat transmission on any of its boilers sold to Louisiana customers. If so, please state:

- (a) the brand name of the products so utilized;
- (b) the manufacturer of the product so utilized;
- (c) the purpose for which the product was utilized;
- (d) the customers to whom the boilers were sold, including location of shipment.

RESPONSE TO INTERROGATORY NO. 9:

The defendant objects to this Interrogatory on the grounds that it is vague and ambiguous, and the defendant is unable to respond to the Interrogatory in its present form. The term "ceramic fiber product" was not defined by the plaintiffs, and the defendant is unclear of its meaning. The defendant further objects on the grounds that the Interrogatory seeks

information that is irrelevant to the issues in these cases, and the Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, since the Interrogatory does not seek information regarding asbestos, asbestos dust, asbestos fiber, and/or asbestos-containing products.

INTERROGATORY NO. 10:

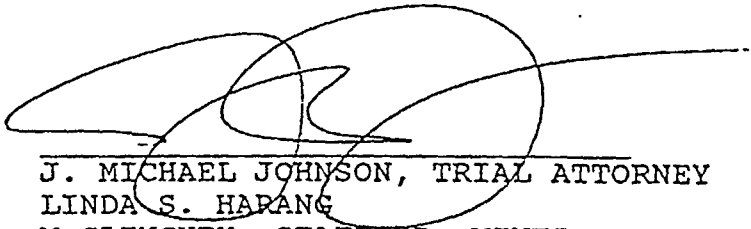
State whether Combustion Engineering, Inc. or any of its subsidiaries even supplied any form of respirator or face mask to any of its employees to protect against the potential hazards of ceramic fiber, or ever recommended the use of respirators to anyone using its ceramic fiber products. If so, please state:

- (a) Specifically what employees were provided respirators or masks (e.g., manufacturing employees, applicators, etc.);
- (b) When were the respirators or masks first provided and during which years;
- (c) Describe the type of respirator or mask provided (e.g., disposable paper mask, disposable cloth filter type, half face piece cartridge respirator, full face piece cartridge respirator, airline supplied respirator, etc.) as well as identify its manufacturer and model;
- (d) Under what specific working conditions were employees recommended or required to use the mask or respirator;
- (e) Whether mask or respirator usage was mandatory, or optional;
- (f) List the manufacturing, contracting and other plants or facilities at which respirators or face masks were provided;
- (g) Identify all persons involved in the decisions to provide respirators or face masks, and in particular identify the prime decision maker;

- (h) Identify all documents relating to the decision to provide for the use by your employees or respirators or face masks.

RESPONSE TO INTERROGATORY NO. 10:

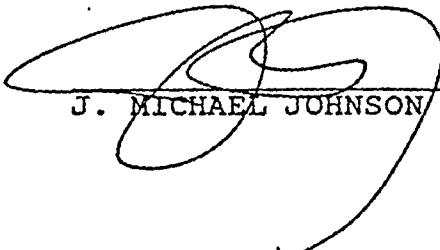
The defendant objects to this Interrogatory on the grounds that it is vague and ambiguous, and the defendant is unable to respond to the Interrogatory in its present form. The term "ceramic fiber product" was not defined by the plaintiffs, and the defendant is unclear of its meaning. The defendant further objects on the grounds that the Interrogatory seeks information that is irrelevant to the issues in these cases, and the Interrogatory is not reasonably calculated to lead to the discovery of admissible evidence, since the Interrogatory does not seek information regarding asbestos, asbestos dust, asbestos fiber, and/or asbestos-containing products.



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Attorneys for Defendant,
Combustion Engineering, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon opposing counsel by placing a copy of same in the United States mail, postage prepaid, this 30th day of Jan 1987.



J. MICHAEL JOHNSON