

FILE NAME: Owens-Corning (OC)

DATE: 1990

DOC#: OC297

DOCUMENT DESCRIPTION: Legal - Amended Answers of Owens-Corning to Interrogatories with Product Chart

**RE: Asbestos Litigation**

Defendant Owens-Corning Fiberglas, amends any and all previously filed answers to Interrogatories in asbestos litigation in the District of South Carolina as follows:

OCF does not have records to provide a complete response to this interrogatory, because Worker's Compensation claims historically have been processed by OCF's insurance carriers, and OCF's corporate headquarters would not always have received contemporaneous notification of individual claims.

OCF has had in its possession certain claims materials from these kinds of Worker's Compensation actions. These materials were located, for the most part, in the Law Department of the company's Santa Clara, California manufacturing plant. However, all of these files originally located at Santa Clara have not been located in company files during a recent review of documents. A diligent search continues.

The following table sets forth the factual information which is presently known about these claims. Based on a preliminary review of these materials conducted in 1980, it appears that the injuries claimed were asbestosis, and in some instances, lung cancer.

| <u>Name</u>                           | <u>Approx date<br/>of claim<br/>filed against<br/>OCF</u> | <u>Location</u> |
|---------------------------------------|-----------------------------------------------------------|-----------------|
| 1. Harold Bronson                     | 1964                                                      | Los Angeles, CA |
| 2. Leonard Brookenshire               | 1968                                                      | Los Angeles, CA |
| 3. Allan Everitt                      | 1963                                                      |                 |
| 4. Minnie Louise &<br>Bruce Frederick | 1967                                                      | Fresno, CA      |
| 5. Steve Gillovich                    |                                                           |                 |
| 6. Robert O. Goans                    | 1963                                                      | Oakland, CA     |
| 7. Robert E. Goodwin                  | 1969                                                      | California      |
| 8. Paul Gratishire                    | 1962                                                      | Oakland, CA     |
| 9. Allen Hamberg                      |                                                           | Seattle, WA     |

|                          |           |                   |
|--------------------------|-----------|-------------------|
| 10. Roy B. Harris        | 1973      | Phoenix, AZ       |
| 11. Gerald Herrick       | 1970      | Anchorage, AK     |
| 12. Harold Hilstrom      | 1973      | Washington        |
| 13. Burton Kramer        | 1960      | Washington        |
| 14. Marvin Lindholm      | 1973      | Seattle, WA       |
| 15. William Lee Mabry    | 1967      | Oregon            |
| 16. W.L. Menzies         | 1968      | Los Angeles, CA   |
| 17. Fred Moffett         | 1966      | Oregon            |
| 18. Willis E. Moore      |           | Seattle, WA       |
| 19. Edward Meyers        | 1962      | San Francisco, CA |
| 20. George Nelson        | 1968      | Phoenix, AZ       |
| 21. Henry Puetz          | 1966-1967 |                   |
| 22. John Stanley         | 1969      | Los Angeles, CA   |
| 23. M.E. Sutton          |           |                   |
| 24. David Swindell       | 1975      | Sacramento, CA    |
| 25. William E. Tudor     | 1967      | Seattle, WA       |
| 26. Charles Vincent      | 1970      | Anchorage, AK     |
| 27. James Whitcomb Riley | 1959      |                   |
| 28. Leroy C. Winters     | 1959      | Albuquerque, NM   |
| 29. John Wyss            | 1962      |                   |

In addition, a review of the OCF Toledo Medical Department files indicates the following information relating to these kinds of Workmen's Compensation claims.

| <u>Name</u>                           | <u>Approx<br/>date<br/>claim<br/>pending<br/>against OCF</u> | <u>Alleged<br/>Injury</u>               | <u>Location</u>           |
|---------------------------------------|--------------------------------------------------------------|-----------------------------------------|---------------------------|
| 1. Wayne E. Boyer                     | 1969-70                                                      | Asbestosis                              | Los Angeles,<br>CA        |
| 2. Lawrence F.<br>Brimmer             | 1969                                                         | Unknown                                 | Flint/Grand<br>Rapids, MI |
| 3. Maurine Clark                      | 1969-70                                                      | Unknown                                 | Los Angeles,<br>CA        |
| 4. James E. Clark                     | 1969-70                                                      | Unknown                                 | San Francisco<br>CA       |
| 5. James Clark                        | 1970                                                         | Asbestosis                              | Seattle, WA               |
| 6. Bruce Frederick<br>(Minnie Louise) | 1967-70                                                      | Asbestosis                              | Fresno, CA                |
| 7. Charles F.<br>Funkhouser           | 1970                                                         | Asbestosis                              | Los Angeles,<br>CA        |
| 8. Robert E.<br>Goodwin               | 1969-70                                                      | Pneumoconiosis:<br>Asbestos<br>exposure | Los Angeles,<br>CA        |
| 9. Gerald D.<br>Herrick               | 1970                                                         | Asbestosis                              | Anchorage, AK             |
| 10. Robert J.<br>Horsman              | 1969-70                                                      | Asbestosis                              | Los Angeles,<br>CA        |
| 11. Roy B. Merrill                    | 1969-70                                                      | Pneumoconiosis:<br>Asbestos<br>exposure | Los Angeles,<br>CA        |
| 12. Fred Moffet                       | 1967-68                                                      | Disability:<br>Exposure to<br>asbestos  |                           |
| 13. Willis W. Moore                   | 1969-70                                                      | Asbestosis                              | Seattle, WA               |
| 14. Frances E.<br>Owens               | 1969-70                                                      | Unknown                                 | Los Angeles,<br>CA        |
| 15. Edward L.<br>Pfleghar             | 1968-70                                                      | Asbestosis                              | San Francisco<br>CA       |

|                           |         |            |                     |
|---------------------------|---------|------------|---------------------|
| 16. Henry C. Puetz        | 1966-70 | Asbestosis | San Francisco<br>CA |
| 17. John Stanley          | 1968-70 | Asbestosis | Los Angeles,<br>CA  |
| 18. Vernon F.<br>Tucker   | 1969-70 | Asbestosis | Los Angeles,<br>CA  |
| 19. William E.<br>Tudor   | 1967-70 | Asbestosis | Seattle, WA         |
| 20. Charles L.<br>Vincent | 1969-70 | Asbestosis | Anchorage, AK       |

Additional information relating to that which is discussed herein would be located in OCF's document library.

OCF states that it has collected numerous records and documents relating to asbestos generally. These documents are stored in OCF's document library located in Richmond, Virginia.

The document library contains existing documents generated and/or received at the OCF corporate headquarters in Toledo, Ohio; its technical center in Granville, Ohio; and from manufacturing facilities in Berlin, New Jersey; Bloomington, Illinois; Newark, Ohio; and Santa Clara, California. The library also contains certain files obtained from Fiberglas Engineering and Supply Company in San Francisco and Seattle, Washington. Other documents relating to Fiberglas Engineering and Supply Co. of San Francisco are maintained by the law firm of Popelka, Allard, McCowan & Jones in San Jose, California pursuant to an

agreement contained in Defendant's response to plaintiffs' request for production in Heley, et al. v. Fibreboard, et al., June 10, 1989.

The library contains responsive, non-privileged materials generated before and during the time that OCF manufactured asbestos-containing Kaylo insulation.

At a mutually convenient time, OCF will make available for inspection by plaintiffs' counsel the non-privileged documents stored in its document library. Counsel for OCF will provide an index, which sets forth the file titles of those files contained in each box, and personnel to assist plaintiffs' counsel in locating documents responsive to the discovery requests in this matter. OCF will also make arrangements for copying documents which plaintiffs' counsel may select. Copying and shipping costs will be borne by plaintiff(s), unless otherwise ordered by the Court.

OCF's library includes documents that contain information which is considered to be proprietary and trade secret. Therefore, they will be produced after the entry of an appropriate protective order.

OCF has removed from the library any existing materials which it contends are protected from discovery as privileged attorney-client communications, attorney work product materials, materials within the physician/patient privilege or those otherwise beyond the scope of permissible discovery. Each document removed as privileged has been

substituted with an easily identifiable marker which describes the privileged document by document type, (e.g., memo, letter, note), date, author, recipient, subject matter, and basis for objection. These markers may be designated for copying in the same manner as non-privileged documents.

Visits to the library may be scheduled through OCF's local counsel.

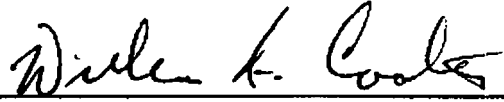
Certain other Worker's Compensation claims files may have been furnished to OCF by plaintiffs counsel in the course of litigation. It is believed that these files were originally obtained from co-defendants or from public records. Copies of these files were not found among OCF's historical documents, but some of these files relate to the same claimants whose names appear in the tables above. These files number in excess of 2,300 pages and will be made available upon request for inspection and copying at a reasonable cost.

2. Attached is Exhibit A to these Answers to Interrogatories is a product chart regarding Owens-Corning Fiberglas products. This Defendant would state that this product chart includes products which contains less than 1% asbestos and also which contain asbestine, which is not an asbestiform mineral.

Respectfully submitted.

LOVE, THORNTON, ARNOLD & THOMASON

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