

CAUSE NO. 141-187315-01

ANTHONY NICHOLAS GATTO  
and KATHRYN L. GATTO,*Plaintiffs,*

vs.

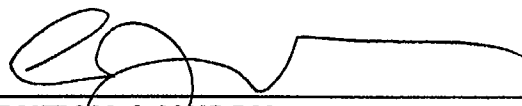
U.S. GYPSUM COMPANY, *et al.*,*Defendants.*§  
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IN THE DISTRICT COURT

TARRANT COUNTY, TEXAS

141<sup>st</sup> JUDICIAL DISTRICT**DEFENDANT CRANE CO.'S OBJECTIONS AND  
ANSWERS TO PLAINTIFFS' INTERROGATORIES**TO: PLAINTIFFS, by and through their attorneys of record, William K. Tapscott, Jr. of  
Baron & Budd, P.C., The Centrum, Suite 1100, 3102 Oak Lawn Avenue, Dallas,  
Texas 75219Defendant Crane Co. hereby serves its Objections and Answers to Plaintiffs'  
Master Interrogatories.

Respectfully submitted,

**RODNEY H. LAWSON**

State Bar No. 12059700

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**ATTORNEYS FOR DEFENDANT  
CRANE CO.**

**Certificate of Service**

The undersigned certifies that a copy of the foregoing instrument was served upon the attorneys of record of all parties to the above cause in accordance with Rule 21a, Texas Rules of Civil Procedure, on this 11<sup>th</sup> day of January, 2001.

  
\_\_\_\_\_  
Charles Josef Blanchard

**Preliminary Statement/ Objections/ Reservation of Rights**

A. The following responses are based upon the information that is presently known and reasonably available to Crane Co. Crane Co. believes that these responses are accurate as of the date made. However, many of the matters inquired about in these Interrogatories ("Discovery Requests") took place decades ago. Due to the passage of time, information may be incomplete or no longer available. Nevertheless, Crane Co. has endeavored to investigate all relevant facts and circumstances. The following answers are based upon that investigation. Crane Co. cannot, however, exclude the possibility that its continued investigation may reveal more complete information. Crane Co.'s investigation of the matters inquired into by these Discovery Requests continues. The investigation is dependent upon locating knowledgeable individuals and relevant documents and information on an ongoing basis. No finite completion date can be placed upon these efforts. Crane Co. has made a reasonable effort to answer these Discovery Requests to the best of its present knowledge, information, and belief.

B. Crane Co. objects to these Discovery Requests to the extent they are unduly burdensome and overbroad, or seek information that is neither relevant to these actions nor reasonably calculated to lead to the discovery of admissible evidence. Information requested in these Discovery Requests may be located in documents Crane Co. is willing to make available to plaintiffs' counsel under the parameters set forth herein. The burden of obtaining responsive information from those documents is the same for plaintiffs as it is for Crane Co.

C. Crane Co. does not concede that any of its answers to these Discovery Requests are, or will be, admissible evidence at a trial of these actions. Crane Co. does not waive any objection, on any ground, whether or not asserted herein, to the use of any such answers at trial.

D. Crane Co. objects to these Discovery Requests to the extent they are unduly burdensome and overbroad, in that they are not in any way limited to the alleged exposure of Plaintiff.

E. Crane Co.'s responses to these Discovery Requests are based upon the documents and information that are known and reasonably available to it and its counsel. Crane Co. cannot exclude the possibility that other documents exist that may provide additional or more complete information. Crane Co. maintains documents in document repositories that may contain relevant information. Crane Co. has not reviewed all documents located in the repositories, because the expense involved with such an effort would be prohibitive and unduly burdensome. Consequently, Crane Co. cannot certify that the documents contained in the repositories do not contain information responsive to these Discovery Requests. The documents located at the repositories are not organized, and Crane Co. is not able to ascertain whether any of those documents contain information responsive to these Discovery Requests. The repositories contain numerous documents that contain information neither responsive to these Discovery Requests nor relevant to these actions. The repositories may also contain documents reflecting information that is protected by the attorney-client privilege, the work product doctrine, and/or other applicable privileges or protections. Should plaintiffs wish to review the documents located at any of the repositories, Crane

Co. will make certain documents available to plaintiffs, if plaintiffs agree in writing that (i) Crane Co. has not waived any objections it may have with respect to the discoverability of those documents on any ground and (ii) Crane Co. may conduct a post-designation review to remove privileged and irrelevant documents from any collection of documents that may be copied for production to plaintiffs, even if plaintiffs had specifically designated the privileged or irrelevant document for copying. All objections to the discovery of said documents and/or information are expressly reserved.

### **Answers to Interrogatories**

#### **INTERROGATORY NO. 1:**

As to the person answering Plaintiffs' interrogatories, state:

- (a) Name;
- (b) Title or position with Defendant;
- (c) Business address;
- (d) Length of time employed by Defendant.

**ANSWER: Augustus I. duPont, Esquire, Vice President, General Counsel and Corporate Secretary, Crane Co., 100 First Stamford Place, Stamford, Connecticut 06902.**

#### **INTERROGATORY NO. 2:**

State the following concerning this Defendant:

- (a) Full and correct name;
- (b) Principal place of business;
- (c) State of incorporation;
- (d) Date of incorporation and name of corporation;
- (e) Is this Defendant authorized to transact business in the State of Texas? If so, state the date such authority was first issued and last renewed;

- (f) Does this Defendant have an agent, representative, or place of business in Texas? If so, state the name and address of such agent, representative, or place of business.
- (g) Does this Defendant have an agent for service in the State of Texas? If so, state the name and address of the registered agent.

**ANSWER:** Crane Co. is a corporation that was originally incorporated in Illinois in or about 1865. In 1985, Crane Co. was reincorporated in Delaware. Its headquarters are located at 100 First Stamford Place, Stamford, Connecticut 06902.

*Crane Co. has been authorized to do business in Texas since June 18, 1985. Its agent for service is CT Corporation, 350 North St. Paul Street, Dallas, Texas 75201.*

INTERROGATORY NO. 3:

Has this Defendant been sued under its correct name? If not, state the correct legal name of the Defendant and provide the information requested in No. 2 above concerning the Defendant as correctly named.

**ANSWER:** Yes, presuming plaintiffs intended upon suing Crane Co.

INTERROGATORY NO. 4:

Has this Defendant ever acquired through purchase, reorganization, or merger another corporation, company, or business which manufactured, sold, processed, distributed or contracted to apply insulation products containing asbestos?

**ANSWER:** In addition to the objections stated thus far, Crane Co. objects to this Interrogatory because it is overly broad, unduly burdensome and seeks information neither relevant to this action, nor reasonably calculated to lead to the discovery of admissible evidence. Crane Co. further objects to this Interrogatory, because it is vague in its use of the term "insulation products." Crane Co.'s response to this Interrogatory, which relates to all asbestos-

containing products with which, to the best of its present knowledge, it was involved, shall not be construed as an admission that Crane Co. was involved in any activity with respect to asbestos-containing products that are relevant in any way to this lawsuit.

Subject to the foregoing, Crane Co. was not a manufacturer of any asbestos-containing product, as that term is defined and as it is commonly used in asbestos litigation. Crane Co. is and has been a manufacturer of certain types of industrial equipment. Crane Co.'s principal line of industrial equipment throughout the time period requested in this interrogatory was industrial valves. Industrial valves manufactured by Crane Co. were made of steel, bronze, and other metals; the valves themselves were not composed of asbestos. Many of those valves bore the name "Crane," marked directly on the valve. Certain of the valves had enclosed within their metal structure asbestos-containing gaskets, packing, or discs. Crane Co. did not manufacture the asbestos-containing components that may have been encapsulated within the valves, but purchased them from other companies. Any components that may have been enclosed within the metal structure of Crane Co. valves did not emit friable or respirable asbestos fibers while enclosed within that structure. Any asbestos-containing components were completely encapsulated within the metal structure of the valves and/or valve fittings. Furthermore, any asbestos contained in the components, themselves, was chemically and physically bound within the component, itself, by a rubber-like compound.

**Crane Co. acquired around and subsequent to 1961 the assets of several industrial pump companies that became divisions of Crane Co. Subsequent to those acquisitions, Crane Co. manufactured industrial pumps that may have incorporated within their metal structure an encapsulated asbestos-containing gasket and/or asbestos-containing packing. Crane Co. did not, however, manufacture the asbestos-containing components, such as gaskets or packing, contained in the industrial pumps. It purchased those components from other companies. Any components that may have contained asbestos were enclosed within the metal structure of Crane Co. industrial pumps and did not emit friable or respirable asbestos fibers while enclosed within that structure. Furthermore, any asbestos contained in the components, themselves, was chemically and physically bound within the component itself by a rubber-like compound.**

**Crane Co. manufactured boilers in the late 1800s, a practice which it appears to have discontinued prior to 1900. Crane Co. resumed manufacturing boilers in or about 1931, suspended those operations during World War II, and discontinued that practice in the 1950s. At least some of the boilers Crane Co. manufactured through, at least, the early 1940s, contained asbestos insulation. For a brief period of time after it ceased manufacturing boilers, Crane Co. sold boilers that were manufactured, at least in part, by another company. In the 1960s, Crane Co. purchased the assets of two boiler companies, which it resold a few years later. To the best of Crane Co.'s knowledge, however, the boilers, water heaters, and furnaces that Crane Co. manufactured with those acquired assets contained fiberglass, not asbestos, insulation. After it sold those assets,**

Crane Co. may have sold boilers, water heaters, and furnaces that it purchased from other entities. It is believed, however, that those items contained fiberglass, not asbestos, insulation.

For a period of time believed to be less than two years during the early 1960's, Crane Co., through its division Crane-Midwest Piping, was involved with the erection of piping systems in limited geographic areas. In connection with that erection business, Crane Co. is presently aware of one project to which Crane Co. sent flat gaskets that, most likely, contained some asbestos as part of their chemical and physical composition.

Crane Co., through a division, sold industrial water treatment systems, including deaerators, water conditioners, multi-port steam relief valves, drainers, sample coolers, and condensate boosters. Those products were composed primarily of metal; they were not composed of asbestos. Depending on the application for which it was to be used, some of this equipment incorporated internal components, primarily cloth gaskets, manufactured by others, that may have contained some asbestos as part of their chemical composition. Those components were enclosed within the equipment and were not exposed during installation or normal use of the product. Prior to the mid 1980's, Crane Co. may have sold replacement gaskets for use in the industrial water treatment systems. To the best of Crane Co.'s knowledge, Crane Co. did not manufacture any of the internal components, but purchased them from other companies.

Crane Co. also offered for sale certain products manufactured by other companies. A small quantity of those products may have contained asbestos.

Crane Co. offered for sale gaskets, packing, and discs manufactured by other companies that may have contained asbestos. Material called Cranite was manufactured exclusively for resale by Crane Co., during the relevant time period through what appears to be the early-to-mid 1970's, but perhaps extending to the early 1980's. The finished "Cranite" products had the name "Cranite" stamped directly upon them, and the sheet gasket material contained some chrysotile asbestos. Any asbestos contained in Cranite, however, was chemically and physically bound within a rubber-like compound that prevented the release of any friable asbestos fibers.

Crane Co.'s investigation of its activities regarding asbestos-containing products continues. That investigation is dependent upon locating knowledgeable individuals and/or information on an ongoing basis. No finite completion date can be placed upon those ongoing efforts. Crane Co. has made a reasonable effort to answer these Discovery Requests. See Preliminary Statement, Section E.

**INTERROGATORY NO. 5:**

If the answer to Interrogatory No. 4 is "Yes," then state the following concerning such predecessor:

- (a) Full and correct name;
- (b) The principal place of business;
- (c) State of incorporation;
- (d) Date of acquisition by Defendant;
- (e) Was this business authorized to transact business in the State of Texas?
- (f) Attach copies of all papers pertaining to the acquisition.

**ANSWER:    See Answer to Interrogatory No. 4.**

INTERROGATORY NO. 6:

As to any product containing asbestos in any form, has this Defendant or any predecessor(s):

- (a) Ever designed such a product?
- (b) Manufactured such a product?
- (c) Processed such a product?
- (d) Sold such a product?
- (e) Distributed such a product?
- (f) Patented such a product?
- (g) Relabeled such a product which was manufactured, sold, or distributed by another company?

**ANSWER:** See Answer to Interrogatory No. 4.

INTERROGATORY NO. 7:

If your answer to No. 6(b), 6(d), and 6(e) is "Yes," then give the trade name of the product, the year the Defendant or predecessor first manufactured, sold, or distributed such product, and the year the Defendant last manufactured, sold, or distributed such product.

**ANSWER:** See Answer to Interrogatory No. 4.

INTERROGATORY NO. 8:

Have any of the products listed above in Interrogatory No. 6 been altered in chemical composition since first being marketed?

**ANSWER:** In addition to the objections stated thus far, Crane Co. objects to this Interrogatory because it is overly broad in that it seeks information neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Crane Co. did not manufacture any of the asbestos-containing components of its products, and therefore was not responsible for their chemical composition. To the extent this Interrogatory is seeking information as to when the asbestos-

containing components described in Interrogatory No. 4 were removed, in the late 1970's and early 1980's, as a result of changes in customer preferences, Crane Co. began to explore the prospect of replacing the asbestos-containing components in its industrial products. At that time, Crane Co. encountered difficulty locating suitable substitute components. Nevertheless, Crane Co. modified its engineering specifications in 1985 to phase out asbestos-containing components from all valves manufactured in the United States other than one specific valve designed for petroleum industry applications.

**INTERROGATORY NO. 9:**

If so, please state:

- (a) The trade name of each such product.
- (b) The date each such product was altered.
- (c) The nature of the alteration.
- (d) The reason for the alteration.

**ANSWER:** See Answer to Interrogatory No. 8.

**INTERROGATORY NO. 10:**

In what year did the Defendant first begin selling or distributing asbestos-containing products?

**ANSWER:** In addition to the objections stated thus far, Crane Co. objects to this question because it is overly broad in that it seeks information neither relevant to this action, nor reasonably calculated to lead to the discovery of admissible evidence. Crane Co. further objects to this Interrogatory to the extent it implies that Crane Co. was a manufacturer of asbestos-containing products. Subject to and without waiving the foregoing objections, Crane Co. placed on the market industrial valves that may have contained asbestos-containing

**components within their metal structure as early as 1855. Crane Co. sold Cranite sheet packing from approximately 1920 until, to the best of its belief, 1972.**

**INTERROGATORY NO. 11:**

**In what year did the Defendant last sell asbestos-containing products?**

**ANSWER:    See Answer to Interrogatory No. 10.**

**INTERROGATORY NO. 12:**

**As to the named Defendant or any predecessor(s) or acquired business, state the various types of products, such as blocks, pipe covering, cements, tape, spray-on insulation, mastics and cloth, and in connection with each type of such product, state how the same was packaged (i.e., bags, boxes, sacks, etc.) for sale.**

**ANSWER:    See Answer to Interrogatory No. 4.**

**INTERROGATORY NO. 13:**

**Were each of your asbestos-containing products generally expected to reach, or were packaged to reach, the consumer or user without substantial change in the condition in which it was sold?**

**ANSWER:    In addition to the objections stated thus far, Crane Co. objects to this Interrogatory to the extent it implies that Crane Co. manufactured asbestos-containing products, which is denied. Subject to and without waiving the foregoing objections, Crane Co. generally expected the products referenced in its response to Interrogatory No. 4 to reach the purchaser in the same condition in which they were delivered.**

**INTERROGATORY NO. 14:**

**If your answer to Interrogatory No. 13 is "No," with respect to any product, explain in what way the Defendant claims its products were altered or substantially changed after sale or distribution and before reaching the insulation helper or mechanic.**

**ANSWER:** In addition to the objections stated thus far, Crane Co. objects to this Interrogatory, because the prior Interrogatory mentions nothing about insulation helpers or mechanics. Crane Co. is not aware of the experience of the particular insulation helper or mechanic to whom this Interrogatory may relate.

**See Answer to Interrogatory No. 13.**

**INTERROGATORY NO. 15:**

Based upon the material contents of your asbestos-containing products, the method of manufacturing, and the method of use, can these products be applied without liberating asbestos fibers?

- (a) If there is a different answer concerning different products manufactured, sold, distributed, or used by your company, then specify the different products by exact manufacturer's name and popular name.
- (b) If there is a different 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 the year involved.

**ANSWER:** In addition to the objections stated thus far, Crane Co. objects to this Interrogatory to the extent it implies that Crane Co. manufactured any asbestos-containing products, which is denied. Subject to and without waiving the foregoing objections, it does not appear that this Interrogatory relates to the products identified in Crane Co.'s response to Interrogatory No. 4. To the extent relevant, Crane Co. does not believe that any of its products were harmful when used as intended.

**INTERROGATORY NO. 16:**

Was it a foreseeable use of your asbestos-containing products that they may have to be removed, stripped, or replaced at any time after installation? If your company contends the Plaintiffs misused any of your product, then state how and under what circumstances your product was misused.

**ANSWER:** In addition to the objections stated thus far, Crane Co. objects to this Interrogatory to the extent it implies that Crane Co. manufactured asbestos-containing products, which is denied. Subject to and without waiving the foregoing objections, gaskets, packing and discs contained in Crane Co. industrial equipment may have needed to be replaced from time to time. By way of further response, to the best of Crane Co.'s present knowledge, it is unaware of any evidence that Plaintiff ever used a Crane Co. product, therefore Crane Co. has no information on whether Plaintiff misused a Crane Co. product.

**INTERROGATORY NO. 17:**

Prior to releasing the products listed in Interrogatory No. 6 to the public for sale, were any tests (including dust level counts) conducted on same to determine potential health hazards involved in the use of materials contained therein?

**ANSWER:** In addition to the objections stated thus far, Crane Co. objects to this Interrogatory because it seeks information that is not relevant to this action and is not reasonably calculated to lend to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, to the best of Crane's knowledge, Interrogatory No. 6 did not require it to identify any products. By way of further answer, Crane Co. did not believe, nor does it believe today, that its products were hazardous.

**INTERROGATORY NO. 18:**

If so, please state:

- (a) The name, address, and job classification of each individual who conducted such tests.
- (b) The results of such said tests.
- (c) Date of such studies.

**ANSWER:** See Answer to Interrogatory No. 17.

INTERROGATORY NO. 19:

Did Defendant or any of its subsidiary companies make any design changes as a result of such tests?

**ANSWER:** See Answer to Interrogatory No. 17.

INTERROGATORY NO. 20:

If so, please state:

- (a) The nature of the change made.
- (b) The name, address, and job classification of each person in charge of making a change.

**ANSWER:** See Answer to Interrogatory No. 17.

INTERROGATORY NO. 21:

After releasing said products to the public, were any tests (including dust level counts) conducted thereon to determine potential health hazards involved in the use of materials contained therein?

**ANSWER:** In addition to the objections stated thus far, Crane Co. objects to this Interrogatory because it seeks information that is not relevant to this action and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, to the best of Crane Co.'s present knowledge, it did not test any Crane Co. products after those products were sold. By way of further answer, Crane Co. did not believe, nor does it believe today, that its products were hazardous.

INTERROGATORY NO. 22:

If so, please state:

- (a) The name, address, and job classification of each person conducting said tests.
- (b) The results of said tests.

**ANSWER:** See Answer to Interrogatory No. 21.

**INTERROGATORY NO. 23:**

Has Defendant or its predecessor(s) ever conducted any studies concerning the effects of the inhalation of asbestos dust or fibers on one using or being exposed to any of your asbestos materials manufactured, sold, or distributed by you or your predecessor(s)? In answer to this question, give the date and nature of such studies, if any; the name or names of the persons conducting such studies and their addresses; what the purpose of the studies were; and attach a copy of any reports based upon such studies, showing to whom such reports were given, and the date.

**ANSWER:** In addition to the objections stated thus far, Crane Co. objects to this Interrogatory to the extent it implies that Crane Co. was a manufacturer of asbestos-containing products. Subject to and without waiving the foregoing objections, to the best of Crane Co.'s present knowledge, it did not conduct any studies of that type.

**INTERROGATORY NO. 24:**

Does Defendant have, have you ever had, or has your predecessor(s) 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.

- (a) How much was expended each on research, etc.;
- (b) What percentage of gross sales did your company or its predecessor(s) spend on research concerning the health effects of asbestos.

**ANSWER:** In addition to the objections stated thus far, Crane Co. objects to this Interrogatory as being overly broad in that it seeks information neither relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, to the best of Crane Co.'s present knowledge, it did not have a department that conducted research relating to asbestos exposure. See Preliminary Statement, Section E.

**INTERROGATORY NO. 25:**

State in detail the purpose, duties, and responsibilities of such Research Department.

**ANSWER:** See Answer to Interrogatory No. 24.

**INTERROGATORY NO. 26:**

Does Defendant have, or has it ever had, or has your predecessor ever had, a Medical Department? If so, give the year such Medical Department was established and whether or not such Medical Department has operated continuously since being established.

- (a) Name each director, chief, or head of your Medical Department, year by year, with the first year you had a medical director or Medical Department. Give the last known address of each.

**ANSWER:** In addition to the objections stated thus far, Crane Co. objects to this Interrogatory because it is overly broad in that it seeks information neither relevant to this action, nor reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, to the best of Crane Co.'s present knowledge, it did not have a Medical Department that devoted itself to asbestos-related conditions. See Preliminary Statement, Section E.

**INTERROGATORY NO. 27:**

State in detail the duties and responsibilities of such Medical Department.

**ANSWER:** See Answer to Interrogatory No. 26.

**INTERROGATORY NO. 28:**

Prior to 1965, did you or any predecessor(s), ever at any time give persons who would be using or removing your asbestos-containing products instructions concerning safety precautions? If so, describe such instructions, to whom they were given, the dates they were given, and the manner of giving such instructions.

**ANSWER:** In addition to the objections stated thus far, Crane Co. objects to this Interrogatory because it is overly broad in that it seeks information that is not relevant to this action and is not reasonably calculated to lead to the discovery of admissible evidence. Crane Co. further objects to this Interrogatory to the extent it implies that Crane Co. manufactured asbestos-containing products, which is denied. Subject to and without waiving the foregoing objections, to the best of Crane Co.'s present knowledge, no. See Preliminary Statement, Section E.

**INTERROGATORY NO. 29:**

If Defendant ever gave any warnings regarding its asbestos-containing products, please state:

- (a) On what date did your company or your predecessor(s), issue an order directing a warning be placed on your asbestos-containing products, or containers and/or in sales literature;
- (b) On what date was such warning actually first placed on your asbestos-containing products, containers, or sales literature;
- (c) On what date did your asbestos-containing products, accompanied by such warning, first reach the insulation contractor?
- (d) State the exact wording of the first warning.
- (e) State the exact size of the warning printed on your asbestos insulation products, containers, and/or in sales literature.
- (f) Did your company or its predecessor(s) dictate the exact size of the printed warning?
- (g) Why did your company or its predecessor(s) place such warning on your asbestos-containing products, containers, and/or sales literature?
- (h) Did your company or its predecessor(s) place such warning on your asbestos-containing products, containers, and/or sales literature because you received a directive, command, suggestion, legal opinion, or any type of communication (written or otherwise) from any person, firm, corporation, governmental agency, committee, association, attorney, or institute? If so, from whom and on what date did you receive such directive, command, suggestion, legal opinion, or other type of communication.
- (i) If the wording of the warning has ever been changed or altered, state when it was changed, and the exact change in the wording.

**ANSWER:** In addition to the objections stated thus far, Crane Co. objects to this Interrogatory to the extent that it implies that a possibility of injury resulted from the intended use of any Crane Co. products. Crane Co. further objects to this Interrogatory as being unduly broad and overly burdensome. Crane Co. objects to this Interrogatory to the extent it implies that Crane Co. manufactured asbestos-containing products, which is denied. Subject to and without waiving the foregoing objections, to the best of Crane Co.'s present knowledge, the only "warning" associated with any Crane Co. product regarding asbestos was a notification, which first appeared in the mid-1980's, attached to certain industrial valves that informed the user that asbestos-containing materials were contained within the valve. That warning read as follows: "CAUTION – Contains Asbestos Packing or Gasket." See Preliminary Statement, Section E.

INTERROGATORY NO. 30:

Did Defendant ever stamp the name of the company, its initials, or any identifying logo on any of its asbestos-containing products?

**ANSWER:** See Answer to Interrogatory No. 4.

INTERROGATORY NO. 31:

Has Defendant or your predecessor(s) ever devised an asbestos-free substitute product or formulation for your asbestos-containing products? If so, state the date that such product was first placed on the market.

**ANSWER:** In addition to the objections stated thus far, Crane Co. objects to this Interrogatory to the extent it implies that Crane Co. manufactured asbestos-containing products, which is denied. Crane Co., further objects to this Interrogatory to the extent it implies that there was a product that could be

**“substituted” for asbestos-containing components that were associated with any Crane Co. product. Subject to and without waiving the foregoing objections, in the late 1970s and early 1980s, as a result of changes to customer preferences, Crane Co. began to explore the prospect of replacing the asbestos-containing components in its industrial products. At that time, Crane Co. encountered difficulty locating suitable substitute materials. Crane Co., nevertheless, modified its engineering specifications in 1985 to phase out asbestos-containing components from all valves other than one specific valve designed for petroleum industry applications. See Preliminary Statement, Section E.**

**INTERROGATORY NO. 32:**

**Did Defendant or your predecessor ever recall any products containing asbestos from the common market?**

- (a) State all details of such recall, giving the name of the product, the time of recall, and any further action taken in connection with the recall.**

**ANSWER: In addition to the objections stated thus far, to the best of Crane Co.’s knowledge, no.**

**INTERROGATORY NO. 33:**

**Has Defendant ever advised any contractor or distributor to whom you sell or sold your products containing asbestos of threshold limit values for exposure to asbestos dust recommended by the American Conference of Governmental Industrial Hygienists? If so, state the date or dates that you so advised such contractors, the manner in which you advised such contractor, and the name of each contractor.**

**ANSWER: In addition to the objections stated thus far, Crane Co. objects to this Interrogatory because it seeks information that is not relevant to this action and is not reasonably calculated to lead to the discovery of admissible evidence. Crane Co. further objects to this Interrogatory to the extent it implies**

that Crane Co. was a manufacturer of asbestos-containing products. Subject to and without waiving the foregoing objections, to the best of Crane Co.'s present knowledge, no. See Preliminary Statement, Section E.

INTERROGATORY NO. 34:

Did Defendant or any predecessor(s) ever have a division or subsidiary company engaged in the contracting business of applying insulation products? If so, give the name of such division or subsidiary company, the full address of the home office of such division or subsidiary company, and the dates such division or subsidiary company was engaged in the contracting business.

**ANSWER:** In addition to the objections stated thus far, Crane Co. objects to this Interrogatory as being ambiguous in its use of the terms "contracting business" and "insulation products." Subject to and without waiving the foregoing objections, see response to Interrogatory No. 4, supra.

INTERROGATORY NO. 35:

Did any division of Defendant engaged in the contract business of using asbestos products or your workmen's compensation insurance carrier ever have any claims for lung diseases or death from lung diseases, whether directly or indirectly attributed to asbestosis, mesothelioma, lung cancer, or any exposure to asbestos product prior to 1972? If the answer is "Yes," give the name of such employees and attach copies of such claims and copies of all documents relating to the disposition and handling of such claims.

**ANSWER:** In addition to the objections stated this far, Crane Co. objects to this Interrogatory because it seeks information that is neither relevant to this action, nor reasonably calculated to lead to the discovery of admissible evidence, because to the best of Crane Co.'s present knowledge, the Plaintiff in this action did not work at or has not alleged that he was exposed to asbestos-containing products at a Crane Co. facility. Subject to and without waiving the foregoing objections, to the best of Crane Co.'s knowledge, no.

INTERROGATORY NO. 36:

Give the location of the state industrial accident board handling each such claim, the disposition of such claims, and the amounts paid in workmen's compensation benefits to each such employee, and the name of the compensation carrier.

**ANSWER:** See Answer to Interrogatory No. 35.

INTERROGATORY NO. 37:

Did you or your predecessor(s) ever make any industrial hygiene surveys? If so, give the date of such surveys and attach copies of such surveys.

**ANSWER:** In addition to the objections stated thus far, Crane Co. objects to this Interrogatory as being overly broad because it seeks information that is not relevant to this action nor reasonably calculated to lead to the discovery of admissible evidence. Crane Co. further objects to this Interrogatory as being ambiguous in its use of the term "industrial hygiene survey." Subject to and without waiving the foregoing objections, see response to Interrogatory No. 21, supra.

INTERROGATORY NO. 38:

State the year that this Defendant or any predecessor(s) was first advised of either threshold limit values or maximum allowable concentrations of both asbestos dust and total dust by the American Conference of Governmental Industrial Hygienists, and state the name of the employee-official of the company receiving such advice and attach copies of the instrument communicating such advice.

**ANSWER:** In addition to the objections stated this far, Crane Co. objects to this Interrogatory because it is overly broad and unduly burdensome in that it seeks information that is not relevant to this action and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, Crane Co. is not at this time aware of

the information responsive to this interrogatory. See Preliminary Statement, Section E.

INTERROGATORY NO. 39:

When did any official with Defendant first have knowledge, information, or understanding that asbestos would or could or might produce the diseases of:

- (a) Asbestosis;
- (b) Mesothelioma;
- (c) Lung cancer;
- (d) Any other diseases;
- (e) With reference to your company, give the name of such official who first had such knowledge, information, or understanding;
- (f) If there are any documents, records, or memorandums of any kind concerning such knowledge, list them and attach copies.

**ANSWER:** In addition to the objections stated this far, Crane Co. objects to this Interrogatory because it assumes facts not in evidence. Crane Co. does not consider itself competent to offer opinions as to causal relationships, if any, between various substances and alleged disease processes. Crane Co. must defer to the reasoned judgment and opinions of expert witnesses on all questions of human disease, its cause, and its diagnosis. Subject to and without waiving the foregoing objections, Crane Co. first became aware of the alleged association between asbestos and illness in human beings sometime in the 1970's. Crane Co. does not believe, however, that exposure to any of its products was harmful. See Preliminary Statement, Section E.

INTERROGATORY NO. 40:

As to every product of yours which you have identified in previous interrogatories, state the specific type or types of asbestos, (i.e., crocidolite, chrysotile, amosite, or any others) which your products contained. If you have any percentage figures available, then give the percentage as to each product.

**ANSWER:** See responses to Interrogatory Nos. 4 and 8.

INTERROGATORY NO. 41:

Set forth a list of photographs, plats, sketches, or other documents in your possession that will potentially be used as an exhibit at the trial of this case by you.

**ANSWER:** In addition to the objections stated this far, Crane Co. objects to this Interrogatory as being premature. Crane Co. is unaware of any firm product identification by Plaintiff and therefore has not determined its trial strategy. Crane Co. will provide this information pursuant to the Rules of Civil Procedure or Court Order.

INTERROGATORY NO. 42:

As of January 1, 1965, identify the quantity of each of your asbestos-containing products (**sic**) were stored in your warehousing facility or facilities awaiting sale to contractors or other concerns.

**ANSWER:** In addition to the objections stated this far, Crane Co. objects to this Interrogatory as being overly broad and unduly burdensome because it seeks information that is not relevant to this action and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, to the best of Crane Co.'s present knowledge it is not able to provide the information requested in this Interrogatory. See Preliminary Statement, Section E.

INTERROGATORY NO. 43:

Identify each and every witness you expect to call at the trial hereof and as to each expert witness provide all information required by the Texas Rules of Civil Procedure and this Court's orders and rules.

**ANSWER:** In addition to the objections stated this far, Crane Co. objects to this Interrogatory as being premature and expanding Crane Co. obligations under this Court's orders. Crane Co. is unaware of any firm product identification

by Plaintiff and therefore has not determined its trial strategy. Subject to and without waiving the foregoing objections, Crane Co. designates the following witnesses and experts who may be called at trial:

- (1) William N. McClean, a consultant presently employed by Crane Co., who previously served as Crane Co.'s Director of Engineering. Mr. McClean can be contacted through Crane Co.'s counsel.
- (2) Donna M. Ringo, CIH  
DMR & Associates  
P.O. Box 24467  
Louisville, KY 40224  
Phone: (502) 245-5289  
Fax: (502) 245-1276

Crane Co. expects that Ms. Ringo will testify concerning the fiber release associated with the use, handling, and removal of asbestos-containing gasket and packing products, as well as OSHA standards and requirements relating to asbestos exposure. Ms. Ringo is expected to testify that the fiber release associated with the use, handling, and removal of asbestos-containing gasket and packing products, both generally and as it pertains to Plaintiff's alleged use, handling, and removal of such products, does not present a hazard to users in the workplace or bystanders. Ms. Ringo is expected to testify that the de minimus, if any, fiber release associated with the use, handling, installation and removal of these products, both generally and as it pertains to Plaintiff's alleged use, is significantly below current OSHA regulatory exposure levels. It is also expected that Ms. Ringo will testify that at the low levels of fiber release associated with such products, there is not, nor has there ever been, an OSHA requirement that warnings and precaution labels be placed on the products or their packaging. Further, Ms. Ringo is expected to testify that the exposure levels

from asbestos containing gaskets and packings are essentially similar to and are within the same order of magnitude as the ambient air asbestos concentration levels. Ms. Ringo is expected to testify that from an industrial hygiene perspective, these levels have not been associated with an increased risk of disease to workers or bystanders.

Ms. Ringo's opinions and testimony will be based upon her experience, training, and research as a Certified Industrial Hygienist, her review of information relating to Crane Co.'s and similar products, and her review of Plaintiff's deposition testimony, as well as the testimony and reports of any other witnesses previously deposed, to be deposed, or to testify at trial.

Crane Co. does not anticipate offering either a report of Ms. Ringo or exhibits in support of her testimony at trial. Though Crane Co. does not anticipate offering exhibits in support of Ms. Ringo's testimony, Defendant reserves the right to use demonstrative aids to aid in the presentation of Ms. Ringo's testimony.

(3) Crane Co. hereby incorporates herein for all purposes and reserves the right to call all witnesses identified by any other party in this case. Crane Co. also cross-designates and incorporates herein fully and for all purposes the experts disclosed by its co-defendants in this case. Crane Co. reserves the right to supplement this response and further reserves the right at the time of trial to call additional witnesses in rebuttal or for impeachment purposes.

**INTERROGATORY NO. 44:**

Has Defendant ever received a copy of Fleischer, W. Drinker, P., et al., "Health Survey of Pipecovering Operations in Constructing Naval Vessels," J. Ind. Hyg. & Tox. 28: 9 (1946) or any document summarizing same? If so, please state:

- (a) When such copy was first received by Defendant;
- (b) What evidence exists as to the date of its first receipt;
- (c) The identify of the custodian of the document first received;
- (d) The identity of all persons in Defendant's employ who reviewed, or were made aware of the contents of the above-referenced document;
- (e) Any evidence presently in existence which supports your answers to this Interrogatory or its subparts.

**ANSWER:** In addition to the objections stated this far, Crane Co. objects to this Interrogatory because it seeks information that is not relevant to this action and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving the foregoing objections, to the best of Crane Co.'s present knowledge, it has not received a copy of that report outside of the asbestos litigation. See Preliminary Statement, Section E.

**INTERROGATORY NO. 45:**

Has Defendant ever warned or instructed any person or entity that exposure to asbestos dust should be limited to or below a specific level of exposure? If so, please state:

- (a) Whether the warning or instruction was oral or in writing;
- (b) If such warning or instruction was in writing, the custodian of that document, as well as the date of the instruction or warning;
- (c) The specific contents of any such instruction or warning;
- (d) The identity of the person or entity to whom such instruction or warning was given, as well as the dates such instruction or warning was given;
- (e) Any evidence presently in existence supporting your answers to the above-referenced questions and subparts of this Interrogatory.

**ANSWER:** See Answer to Interrogatory No. 29.

INTERROGATORY NO. 46:

Has Defendant ever warned, in any fashion, any person or entity that exposure to asbestos dust can cause cancer in humans? If so, please state:

- (a) Whether such warning was oral or written, and the date of each such warning;
- (b) The person or entity to whom such warning was given, and the date such warning was given;
- (c) The custodian of any documents evidencing such warnings;
- (d) Any evidence which supports Defendant's answers to this Interrogatory or the preceding subparts.

**ANSWER:** In addition to the objections stated this far, Crane Co. objects to this Interrogatory because it assumes facts not in evidence. Crane Co. does not consider itself competent to offer opinions as to causal relationships, if any, between various substances and alleged disease processes. Crane Co. must defer to the reasoned judgment and opinions of expert witnesses on all questions of human disease, its causes, and its diagnosis. Subject to and without waiving any of the foregoing objections, see response to Interrogatory No. 46

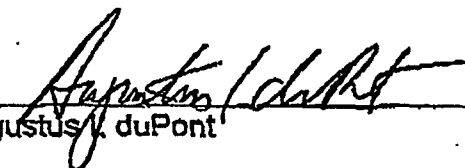
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STATE OF CONNECTICUT

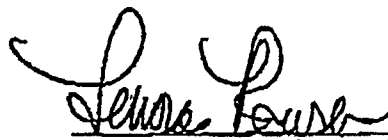
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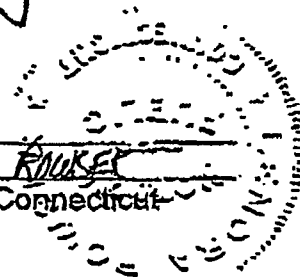
COUNTY OF FAIRFIELD

BEFORE ME, the undersigned authority, on this date personally appeared Augustus L. DuPont, a duly authorized representative of Crane Co., who being by me first duly sworn on oath says that he has read the foregoing Answers to Interrogatories and that each and every statement of fact contained therein is true and correct to the best of his knowledge, information and belief.

  
Augustus L. duPont

SWORN AND SUBSCRIBED before me this 10<sup>th</sup> day of January, 2007, to certify which witness my hand and seal of office.

  
Printed Name: LENORA ROWSER  
Notary Public, State of Connecticut



My commission expires:

LENORA ROWSER  
NOTARY PUBLIC

MY COMMISSION EXPIRES DEC. 31, 2004