

STATE OF NEW YORK
SUPREME COURT: COUNTY OF ONONDAGA

In re: NEW YORK COUNTY
ASBESTOS LITIGATION

ROGER D. OLIN, AND CAROL A. OLIN

Plaintiffs,

v.

Index No. 2001-5992

A.P. GREEN INDUSTRIES, INC., KAISER GYPSUM
COMPANY, INC., et al.

HON. JAMES

MCCARTHY

Defendants.

**DEFENDANT KAISER GYPSUM'S RESPONSE TO
PLAINTIFFS' FIRST SET OF STANDARD SET
OF LIABILITY INTERROGATORIES AND REQUEST
FOR PRODUCTION OF DOCUMENTS**

All Early & Strauss, L.L.C. plaintiffs, pursuant to the CPLR, propound of the following interrogatories to each and every defendant, to be answered under oath within thirty (30) Days of service, and request that each defendant produce in accordance with the CPLR such documents within thirty (30) days of service of same.

Specifically, all Defendants are required to answer each and every Interrogatory. Defendants who manufactured, distributed or sold boilers, turbines, hot or cold water exchange systems, including pumps (hot or cold water), steam pressure vessels, condensers, vapor pressure units, high pressure vessels, or any other heat exchange

system, including any adjacent and/or peripheral equipment necessary for the function of a vapor pressure unit, such as pipes, water tubes, air tanks and cooling towers, are entities described below, or any of the defendant's agents, representatives, consultants or attorneys (excluding privileged materials) or of which said defendant and entities have knowledge, including without limitation correspondence, contracts, memoranda, tapes, stenographic or hand-written notes, studies, publications, books, pamphlets, pictures, photographs, films, voice recordings, maps, reports, surveys, charts, minutes, calendars, diaries, invoices, purchase orders, bills, bills of lading, and all electronically stored data; every draft of every document; every copy of each such document for which the original is not in the possession, custody or control of defendants; and every copy of every document where such copy is not an identical copy of any original or where such copy contains any commentary or notation whatsoever which does not appear on the original.

2. When asked to "describe" or "identify" a document, state the title, subject matter, author, date, addressee, file designation and other identifying designation and the present location and custodian of the document. Please attach the document as an exhibit or indicate whether you will produce the document as an exhibit or indicate whether you will produce the document without a formal request.

3. "Regarding" shall mean relating to, reflecting, referring, concerning, describing, evidencing or constituting.

4. The word "representative" shall be liberally construed and shall include all agents, employees, officials, officers, executives, directors, consultants and any others who directly or indirectly represent in any manner the defendants.

5. "Asbestos products" or "asbestos-containing products" are used

interchangeably and include any supplies, equipment calling for the use or installation of asbestos or asbestos-containing products, other products, materials, or equipment containing or including asbestos in whole or in mixture with other products or materials.

6. The terms "defendant," "you" or "your" shall be interpreted to mean and include the defendants and the defendant's predecessor or successor entities, each of its/their agents or employees, and each person acting or purporting to act on defendant's behalf.

INSTRUCTIONS

1. Pursuant to Article 31 of the CPLR, these interrogatories shall be deemed continuing and defendant is required to supplement its responses as new or additional information is acquired.

2. You are requested to furnish all information in your possession and all information available to you, not merely such information as you know of your own personal knowledge, but also all knowledge that is available to you, your employees, officers and agents, by reason of inquiry including inquiry of representatives or agents.

3. If you are unable to answer any of the following interrogatories completely, answer to the greatest extent possible, and specifically state the reason for any incomplete answer.

4. The responses to all interrogatories relating to oral communications shall set forth whether or not the oral communication was by telephone or in person, and also provide the names, present addresses, business positions, and occupations of the parties involved in said communication, and the names and addresses of any other persons present during said communications.

5. The singular shall be considered plural and the plural shall be considered singular when necessary to broaden the scope of any request.

6. The conjunctive and disjunctive shall be deemed interchangeable when to do so would broaden the scope of any request.

7. As used herein, the terms "you," yourself," or our refer to defendant, defendant's predecessor or successor entities, each of its/their agents or employees, and each person acting or purporting to act on defendant's behalf.

PRELIMINARY STATEMENT & GENERAL OBJECTIONS

Kaiser Gypsum Company, Inc. (hereinafter "Kaiser Gypsum") responds to Plaintiffs' First Set of Standard Set of Standard Set Liability Interrogatories and Request for Production of Documents, as follows:

Kaiser Gypsum was formed in 1952 and ceased all manufacturing operations in 1978. Thus, all Kaiser Gypsum product sales occurred between 1952 and 1978. Therefore, Kaiser Gypsum's responses to these interrogatories are based on its on-going review of documents presently available. In responding to these interrogatories, Kaiser Gypsum has been furnished with such information as is presently available and these responses are based upon facts known or believed to be true by Kaiser Gypsum at the time. The information sought by plaintiff in these interrogatories involves events that occurred many years prior and is, therefore, difficult or impossible to secure or reconstruct.

Kaiser Gypsum has not yet completed investigating the facts relating to this case, has not completed discovery in this action, and has not completed preparation for trial. All responses contained herein are based only upon such information and documents

which are presently available to and specifically known to Kaiser Gypsum. It is anticipated that further discovery, independent investigation, legal research, and analysis will supply additional facts, add meaning to the known facts, as well as establish entirely new factual conclusions and legal contentions, all of which may lead to additions to, changes in, and variations from the responses herein set forth.

Plaintiff herein alleges injuries resulting from exposure to asbestos-containing products over an extended period of time. Therefore, Kaiser Gypsum's answers are limited by time and place. First, these answers are limited to the time periods in which Kaiser Gypsum produced products that contained chrysotile asbestos as a component ingredient and are in no way meant to encompass those portions of the employment history of the plaintiff during which time Kaiser Gypsum did not produce products that contained chrysotile asbestos as a component ingredient. Second, these answers are limited to those products that contained chrysotile asbestos as a component ingredient manufactured by Kaiser Gypsum that plaintiff alleges exposure to and are in no way meant to encompass all products manufactured by Kaiser Gypsum that contained chrysotile asbestos as a component ingredient.

Kaiser Gypsum objects to the entire set of interrogatories to the extent they seek to impose obligations greater than those required under New York law. This response is in accordance only with the express requirements of New York law.

Kaiser Gypsum reserves the right to introduce at trial evidence which is presently unknown and/or is discovered subsequent to the date of these responses and reserves the right to amend or supplement these responses without motion at any time. All responses below are subject to the general objections set out above, without waiving same, and are

given without prejudice to Kaiser Gypsum's right to produce evidence of any subsequently discovered facts. These general objections are incorporated by reference into Plaintiff's First Set of Standard Set of Liability Interrogatories and Requests For Production of Documents.

ANSWERS TO INTERROGATORIES

1. (A) State whether any asbestos-containing product that was manufactured, rebranded, sold, shipped, installed, or distributed by you was present at any job sites listed on the attached Chart "A" during the specified time periods.

(B) For each site listed in the attached Chart "A" where an asbestos-containing product was present during the specified time period that was manufactured, rebranded, sold, shipped, installed, or distributed by you, specify with particularity: the type of product(s), the products' manufacturer(s); the trade name of such product(s); the amount/volume of the product(s); the job site at which such products(s) were present; the products' intended and actual use; and the time frame during which such product(s) were present.

ANSWER: Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. Kaiser Gypsum objects to the use of vague, ambiguous and undefined terms such as but not limited to "manufactured," "rebranded," "installed," "distributed" and "asbestos-containing products." This interrogatory seeks information regarding times and locations not at issue in this litigation. This interrogatory seeks information well beyond the subject of plaintiffs' claim. Further, this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence at trial. Without waiving these objections, Kaiser Gypsum states that based upon information and belief, no.

2. Identify all documents including but not limited to invoices, purchase orders, contracts, billing statements, bills of lading, packing slips, and inventory (including information stored in electronic form such as word processing files and computer databases), photographs, books, contracts, agreements, drawings, approvals, delivery tickets, studies, memoranda, (including your company's internal communications), statements, pleadings, stipulation, promotional material, product

brochures, reports, telegrams and any and all other written, printed, graphic or audio materials of any kind or description, including all non-identical copies thereof, in your possession, custody or control, or in the possession, custody or control of your agents or representatives, including your attorneys, that indicate the use or presence of raw asbestos, asbestos-containing products and/or equipment/machinery which were manufactured, sold, delivered, shipped, rebranded, contracted for, distributed, installed or retailed by you, your successor or predecessor entities, subdivisions or affiliates at any of the job sites specified in Question 1.

ANSWER: Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. Kaiser Gypsum objects to the use of vague, ambiguous and undefined terms such as but not limited to "manufactured," "rebranded," "installed," "distributed" and "asbestos-containing products." This interrogatory seeks information regarding times and locations not at issue in this litigation. This interrogatory seeks information well beyond the subject of plaintiffs' claim. Further, this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence at trial. Without waiving these objections, Kaiser Gypsum states N/A.

3. Identify all documents including but not limited to invoices, purchase orders, contracts, billing statements, bills of lading, packing slips, and inventory lists (including information stored in electronic form such as word processing files and computer databases), photographs, books, contracts, agreements, drawings, approvals, delivery tickets, studies, memoranda, statements, pleadings, stipulations, promotional material, reports, telegrams and any and all other written, printed, graphic or audio materials of any kind or description, including all non-identical copies thereof, in your possession, custody or control, or in the possession, custody or control of your agents or representatives, including your attorneys, that indicate the names and addresses of general contractors, installation contractors and subcontractors used to install or apply any

asbestos-containing products at the job sites listed on the annexed Chart "A".

ANSWER: Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. Kaiser Gypsum objects to the use of vague, ambiguous and undefined terms such as but not limited to "asbestos-containing products." This interrogatory seeks information regarding times and locations not at issue in this litigation. This interrogatory seeks information well beyond the subject of plaintiffs' claim. Further, this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence at trial. Without waiving these objections, Kaiser Gypsum states N/A.

4. Identify any and all individuals who have given sworn testimony in which any asbestos-containing product(s) sold, shipped, distributed, rebranded, installed and/or manufactured by you were identified at any of the job sites identified in the attached Chart "A" during the specified time period by providing the following information: name of deponent, date of deposition, venue of action and job site identified, product type and product name.

ANSWER: Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. Kaiser Gypsum objects to the use of vague, ambiguous and undefined terms such as but not limited to "manufactured," "rebranded," "installed," "distributed" and "asbestos-containing products." This interrogatory seeks information regarding times and locations not at issue in this litigation. This interrogatory seeks information well beyond the subject of plaintiffs' claim. Further, this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence at trial. Without waiving these objections, Kaiser Gypsum states none.

5. Identify all individuals with knowledge of any of the allegations in Plaintiffs' Complaint.

ANSWER: Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. Without waiving these objections, Kaiser Gypsum states that it is unaware of any factual witnesses to this matter who have not been previously identified by all parties to this litigation through the discovery conducted to date.

6. Identify all individuals with knowledge about any product manufactured, sold delivered, shipped, rebranded, contracted for, distributed, installed or retailed by you, your successor or predecessor entities, subdivisions or affiliates at any of the job sites during the time periods listed in the annexed Chart "A".

ANSWER: Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. Kaiser Gypsum objects to the use of vague, ambiguous and undefined terms such as but not limited to "manufactured," "rebranded," "installed" and "distributed." This interrogatory seeks information regarding times and locations not at issue in this litigation. This interrogatory seeks information well beyond the subject of plaintiffs' claim. Further, this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence at trial. Without waiving these objections, Kaiser Gypsum states none.

7. Supply any and all information concerning or regarding any legal proceedings brought against you by persons claiming injury resulting from exposure to asbestos-containing products present at any of the job sites listed in the attached Chart "A" during the specified time periods.

ANSWER: Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. Kaiser Gypsum objects to the use of vague, ambiguous and undefined terms such as but not limited to "asbestos-containing products." This interrogatory seeks information regarding times and locations not at issue in this litigation. This interrogatory seeks information well beyond the subject of plaintiffs' claim. Further, this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence at trial. Without waiving these objections, Kaiser Gypsum states none.

8. Supply any and all information concerning or regarding any state or federal administrative proceedings related to your manufacture, selling, installation, rebranding, shipping, rebranding or distribution of asbestos-containing products at the sites listed in the attached Chart "A" during the specified time periods.

ANSWER: Kaiser Gypsum objects to this interrogatory as overbroad, unduly

burdensome, vague and ambiguous. Kaiser Gypsum objects to the use of vague, ambiguous and undefined terms such as "manufacture," "rebranding," "installation," "distribution" and "asbestos-containing products." This interrogatory seeks information regarding times and locations not at issue in this litigation. This interrogatory seeks information well beyond the subject of plaintiffs' claim. Further, this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence at trial. Without waiving these objections, Kaiser Gypsum states none.

9. Supply any and all information concerning or regarding any legal proceedings brought against you by persons claiming damage to property interests related to your manufacture, selling, shipping, rebranding, installation, use or distribution of asbestos-containing products at the sites listed in the attached Chart "A" during the specified time periods.

ANSWER: Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. Kaiser Gypsum objects to the use of vague, ambiguous and undefined terms such as but not limited to "any" "manufacture," "rebranding," "installation," "distribution" and "asbestos-containing products." This interrogatory seeks information regarding times and locations not at issue in this litigation. This interrogatory seeks information well beyond the subject of plaintiffs' claim. Further, this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence at trial. Without waiving these objections, Kaiser Gypsum states none.

10. Supply any and all information concerning or regarding any state or federal administrative proceedings where any persons or entities claimed damage to property interests related to your manufacture, selling, shipping, rebranding, installation, use or distribution of asbestos-containing products at the sites listed in the attached Chart "A" during the specified time periods.

ANSWER: Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. Kaiser Gypsum objects to the use of vague, ambiguous and undefined terms such as but not limited to "manufacture," "rebranding," "installation," "distribution" and "asbestos-containing products." This interrogatory seeks information regarding times and locations not at issue in this litigation. This

interrogatory seeks information well beyond the subject of plaintiffs' claim. Further, this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence at trial. Without waiving these objections, Kaiser Gypsum states none.

11. Supply any and all information concerning or regarding any asbestos abatement programs, in which you were involved as a party or otherwise, relating to your manufacture, selling, shipping, rebranding, installation, use or distribution of asbestos-containing products as the sites listed in the attached Chart A" during the specified time periods.

ANSWER: Kaiser Gypsum objects to this interrogatory as overbroad, unduly burdensome, vague and ambiguous. Kaiser Gypsum objects to the use of vague, ambiguous and undefined terms such as but not limited to "manufacture," "rebranding," "installation," "distribution" and "asbestos-containing products." This interrogatory seeks information regarding times and locations not at issue in this litigation. This interrogatory seeks information well beyond the subject of plaintiffs' claim. Further, this interrogatory is not reasonably calculated to lead to the discovery of admissible evidence at trial. Without waiving these objections, Kaiser Gypsum states none.

**DEFENDANT KAISER GYPSUM'S RESPONSES TO
PLAINTIFFS' FIRST DEMAND FOR THE PRODUCTION OF DOCUMENTS**

Pursuant to CPLR 3120, Plaintiffs, by and through their attorneys, Early & Strauss, L.L.C. request that defendant produce the following documents and things, in their best available form, at the law offices of Early & Strauss, L.L.C., 360 Lexington Avenue, 20th fl, New York, NY 10017, tel. 212-986-2233, within twenty days after service of this notice. Consistent with the CPLR, these demands are of a continuing nature, requiring that modified or supplemental responses be provided if defendant obtains additional responsive information.

DEFINITIONS

1. The term "document" is to be considered synonymous is meaning and equal in scope to the usage of this term in CPLR 3120. That is, the term document should be read in its broadest possible sense consistent with the CPLR. The term document includes, but is not limited to, every writing or record of type and description that is or has been in the possession, control or custody of the defendant, or any of the other persons or entities acting as defendant's agents or employees, or those purporting to act on defendant's behalf, including any of defendant's entities' agents, representatives, consultants or attorneys (excluding privileged materials), or of which said defendant and entities have knowledge, including without limitation correspondence, contracts, memoranda, tapes, stenographic or hand-written notes, studies, publications, books, pamphlets, pictures, photographs, films, voice recordings, maps, reports, charts, minutes, calendars, diaries, invoices, purchase orders, bills, bills of lading, board minutes, all electronically stored data; each and every document; every copy of each such document

for the original is not in the possession, custody or control of the defendant; and every copy of every document where such copy is not an identical copy of any original or where such copy contains any commentary or notation whatsoever that does not appear on the original.

2. As used herein, the terms "you," yourself," or our refer to defendant, defendant's predecessor or successor entities, each of its/their agents or employees, and each person acting or purporting to act on defendant's behalf.

3. Regarding or concerning shall mean relating to, reflecting, referring, describing, evidencing and/or constituting.

4. The singular shall be considered plural and the plural shall be considered singular when necessary to broaden the scope of any request.

5. The conjunctive and disjunctive shall be deemed interchangeable when to do so would broaden the scope of any request.

INSTRUCTIONS

1. If any documents are no longer in your possession, custody or control because of destruction, loss or any other reason, please provide a description of the document that contains the following information:

- a. The type of document;
- b. The date of the document;
- c. The identity of the persons who sent, received, or were copied on the original and any copy of the document;
- d. Describe in as much detail as possible the contents and subject matter of the document; and

e. State the manner and date of disposition of the document

2. If you contend that you are entitled to withhold from production any documents requested herein on the basis of privilege, then provide the following information with respect to each document:

a. Describe the type of document (e.g., letter or memorandum);

b. State the date of the document;

c. State the identity of the persons who sent,
received, or were copied on the original and
any copy of the document;

d. Describe in as much detail as
possible the contents and subject matter of the document;

e. State the basis upon which you
contend you are entitled to withhold the document from
production;

and

f. State all other information required by CPLR

§3122(b).

RESPONSE TO FIRST SET OF REQUESTS

1. All documents identified in your answers to plaintiffs' First Set of Interrogatories served concurrently herewith.

RESPONSE: Kaiser Gypsum objects to this request as overbroad, unduly burdensome, vague and ambiguous. Kaiser Gypsum objects to the use of vague, ambiguous and undefined terms such as "manufactured," "rebranded," "installed," "distributed" and "asbestos-containing products" in plaintiffs' First Set of Interrogatories." The interrogatories and this request seek information regarding times and locations not at issue in this litigation. They seek information well beyond the subject of plaintiffs' claim. Further, this request is not reasonably calculated to lead to the discovery of admissible evidence at trial. Without waiving these objections, Kaiser Gypsum states none.

2. All documents evidencing any communications within your company concerning or regarding the allegations in Plaintiffs' complaint.

RESPONSE: Kaiser Gypsum objects to this request as overbroad, unduly burdensome, vague and ambiguous. This request is not reasonably calculated to lead to the discovery of admissible evidence at trial. This request seeks information that is protected pursuant to the attorney-client or work product privilege. Without waiving these objections, Kaiser Gypsum states none.

3. All documents evidencing any communications between you and any third parties concerning or regarding the allegations in Plaintiffs' complaint.

RESPONSE: Kaiser Gypsum objects to this request as overbroad, unduly burdensome, vague and ambiguous. Kaiser Gypsum objects to the use of the undefined phrase "third parties." This request seeks information protected by the attorney-client or work product privileges. This request is not reasonably calculated to lead to the discovery of admissible evidence at trial. Without waiving these objections, Kaiser Gypsum states none.

4. All documents evidencing your manufacture, installation, rebranding, selling, shipping, use, or distribution of any asbestos-containing products that were

present at any of the job sites listed in the attached Chart "A" during the specified time periods.

RESPONSE: Kaiser Gypsum objects to this request as overbroad, unduly burdensome, vague and ambiguous. Kaiser Gypsum objects to the use of vague, ambiguous and undefined terms such as but not limited to "manufacture," "rebranding," "installation," "distribution" and "asbestos-containing products." This request seeks information regarding times and locations not at issue in this litigation. This request seeks information well beyond the subject of plaintiffs' claim. Further, this request is not reasonably calculated to lead to the discovery of admissible evidence at trial. Without waiving these objections, Kaiser Gypsum states none.

5. All documents generated by you before 1980 concerning, regarding, or discussing any of the health risks associated with asbestos exposure.

RESPONSE: Kaiser Gypsum objects to this request as overbroad, unduly burdensome, vague and ambiguous. Kaiser Gypsum objects to the use of vague, ambiguous and undefined terms such as but not limited to "health risks" and "asbestos exposure." This request seeks information regarding times and locations not at issue in this litigation. This request seeks information well beyond the subject of plaintiffs' claim. Further, this request is not reasonably calculated to lead to the discovery of admissible evidence at trial.

6. All documents concerning or regarding any workman's compensation claims brought by any individuals who alleged injury from exposure to asbestos containing products manufactured, installed, rebranded, sold, used, shipped, or distributed by you that were present at any of the job sites listed in the attached Chart "A" during the specified time periods.

RESPONSE: Kaiser Gypsum objects to this request as overbroad, unduly burdensome, vague and ambiguous. Kaiser Gypsum objects to the use of vague, ambiguous and undefined terms such as but not limited to "asbestos containing products." Kaiser Gypsum objects to this request to the extent it implies that Kaiser Gypsum's employees worked at the job sites listed in Chart "A." This request seeks information regarding times and locations not at issue in this litigation. This request seeks information well beyond the subject of plaintiffs' claim. Further, this request is not reasonably calculated to lead to the discovery of admissible evidence at trial. Without waiving these objections,

Kaiser Gypsum states none.

7. All documents evidencing any distribution agreements, contracts, bills, bills of lading, or any other agreements between you and any third party concerning or regarding asbestos-containing products that were present at any of the job sites listed in the attached Chart "A" during the specified time periods.

RESPONSE: Kaiser Gypsum objects to this request as overbroad, unduly burdensome, vague and ambiguous. Kaiser Gypsum objects to the use of vague, ambiguous and undefined terms such as but not limited to "distribution agreements," "contracts," "bills," "bills of lading" and "asbestos-containing products." This request seeks information regarding times and locations not at issue in this litigation. This request seeks information well beyond the subject of plaintiffs' claim. This request seeks information protected by the attorney-client and work product privileges. Further, this request is not reasonably calculated to lead to the discovery of admissible evidence at trial. Without waiving these objections, Kaiser Gypsum states none.

8. All documents evidencing the asbestos content of any asbestos-containing products manufactured, sold, shipped, rebranded or distributed by you.

RESPONSE: Kaiser Gypsum objects to this request as overbroad, unduly burdensome, vague and ambiguous. Kaiser Gypsum objects to the use of vague, ambiguous and undefined terms such as but not limited to "manufactured," "rebranded," "distributed" and "asbestos-containing products." This request seeks information regarding times and locations not at issue in this litigation. This request seeks information well beyond the subject of plaintiffs' claim. Further, this request is not reasonably calculated to lead to the discovery of admissible evidence at trial.

9. All documents concerning or regarding any legal proceedings brought against you by persons claiming injury resulting from exposure to asbestos-containing products present at any of the job sites listed in the attached Chart "A" during the specified time periods.

RESPONSE: Kaiser Gypsum objects to this request as overbroad, unduly burdensome, vague and ambiguous. Kaiser Gypsum objects to the use of vague, ambiguous and

undefined terms such as but not limited to "asbestos-containing products." This request seeks information regarding times and locations not at issue in this litigation. This request seeks information well beyond the subject of plaintiffs' claim. Further, this request is not reasonably calculated to lead to the discovery of admissible evidence at trial. Without waiving these objections, Kaiser Gypsum states none.

10. All documents concerning or regarding any state or federal administrative proceedings related to your manufacture, selling, installation, use, shipping, rebranding or distribution of asbestos-containing products at the sites listed in the attached Chart "A" during the specified time periods.

RESPONSE: Kaiser Gypsum objects to this request as overbroad, unduly burdensome, vague and ambiguous. Kaiser Gypsum objects to the use of vague, ambiguous and undefined terms such as but not limited to "manufacturing," "rebranding," "installation," "distribution" and "asbestos-containing products." This request seeks information regarding times and locations not at issue in this litigation. This request seeks information well beyond the subject of plaintiffs' claim. Further, this request is not reasonably calculated to lead to the discovery of admissible evidence at trial. Without waiving these objections, Kaiser Gypsum states none.

11. All documents concerning or regarding any legal proceedings brought against you by persons claiming damage to property interests related to your manufacture, selling, installation, shipping, rebranding, use or distribution of asbestos-containing products at the sites listed in the attached Chart "A" during the specified time periods.

RESPONSE: Kaiser Gypsum objects to this request as overbroad, unduly burdensome, vague and ambiguous. Kaiser Gypsum objects to the use of vague, ambiguous and undefined terms such as but not limited to "manufacture," "rebranding," "installation," "distribution" and "asbestos-containing products." This request seeks information regarding times and locations not at issue in this litigation. This request seeks information well beyond the subject of plaintiffs' claim. Further, this request is not reasonably calculated to lead to the discovery of admissible evidence at trial. Without waiving these objections, Kaiser Gypsum states none.

12. All documents concerning or regarding any state or federal administrative proceedings where any persons or entities claimed damage to property interests related to your manufacture, selling, shipping, installation, rebranding, use or distribution of asbestos-containing products at the sites listed in the attached Chart "A" during the specified time periods.

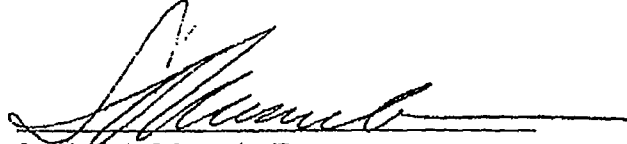
RESPONSE: Kaiser Gypsum objects to this request as overbroad, unduly burdensome, vague and ambiguous. Kaiser Gypsum objects to the use of vague, ambiguous and undefined terms such as but not limited to "manufacture," "rebranding," "installation," "distribution" and "asbestos-containing products." This request seeks information regarding times and locations not at issue in this litigation. This request seeks information well beyond the subject of plaintiffs' claim. Further, this request is not reasonably calculated to lead to the discovery of admissible evidence at trial. Without waiving these objections, Kaiser Gypsum states none.

13. All documents concerning or regarding any asbestos abatement programs, in which you were involved as a party or otherwise, relating to your manufacture, selling, shipping, rebranding, installation, use or distribution of asbestos-containing products at the sites listed in the attached Chart "A" during the specified time periods.

RESPONSE: Kaiser Gypsum objects to this request as overbroad, unduly burdensome, vague and ambiguous. Kaiser Gypsum objects to the use of vague, ambiguous and undefined terms such as but not limited to "manufacture," "rebranding," "installation," "distribution" and "asbestos-containing products." This request seeks information regarding times and locations not at issue in this litigation. This request seeks information well beyond the subject of plaintiffs' claim. Further, this request is not reasonably calculated to lead to the discovery of admissible evidence at trial. Without waiving these objections, Kaiser Gypsum states none.

DATED: April 28, 2002
Buffalo, New York

FELDMAN, KIEFFER & HERMAN, LLP

A handwritten signature in dark ink, appearing to read 'Stephen A. Manuele', is written over a horizontal line.

Stephen A. Manuele, Esq.
Feldman, Kieffer & Herman, LLP
Attorneys for Kaiser Gypsum Company, Inc.
110 Pearl Street, Suite 400
Buffalo, New York 14202
(716) 852-5875

To: Mark G. Strauss, Esq.
Early & Strauss, LLC
360 Lexington Avenue, 20th Floor
New York, NY 100178

cc: ALL DEFENSE COUNSEL OF RECORD