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November 4, 1987

Fredric F. Tilton, Esq.
22 West Ninth Street
Cincinnati, Ohio 45202

Re: Vossler, et al. v. The Celotex Corporation, et al.

Dear Mr. Tilton:

I have enclosed information concerning H.K. Porter Company, Inc. which indicates that it has been incorporated in the past under the names Southern Asbestos Company and Southern Textile Corporation, but never as Southern Mills. Mr. Vossler testified at deposition that he used A-Cloth manufactured by Southern Mills from 1951 to 1952 and asbestos rope or wicking manufactured by Southern Mills from 1956-57. The enclosed information from H.K. Porter indicates that the company did not make asbestos products prior to 1958. Additionally, I confirmed this information with corporate counsel, Mr. Steven Wright.

Based on this information, we filed our Motion for Summary Judgment for H.K. Porter, Inc. Please let us know if this information is not as convincing to you and I will attempt to supply additional data.

Very truly yours,

BLOOM & GREENE CO., L.P.A.

Ann C. Hindman
Ann C. Hindman

ACH:wls
ENCLOSURE

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
and
SOUTHERN DISTRICT OF NEW YORK

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In re: JOINT EASTERN DISTRICT and	:	NYAL
SOUTHERN DISTRICT ASBESTOS	:	DEFENDANT H.K. PORTER
LITIGATION	:	COMPANY, INC.'S
	:	RESPONSE TO PLAIN-
	:	TIFFS' FIRST STANDARD
	:	SET OF LIABILITY
	:	INTERROGATORIES AND
This Document Applies To All Cases	:	REQUEST FOR
	:	PRODUCTION OF
	:	DOCUMENTS

PREAMBLE

H. K. Porter Company, Inc. was from 1958 to 1974, engaged in the manufacture and sale of certain asbestos containing textile products. In 1974, Porter turned over the manufacture and sale of asbestos containing textile products to Southern Asbestos Company, a wholly-owned subsidiary of Porter. Effective January 1, 1979, Southern Asbestos Company's name was changed to Southern Textile Corporation. Therefore, all discovery responses on behalf of these defendants relate to H. K. Porter Company, Inc. for dates prior to 1974, and to Southern Asbestos Company, now known as Southern Textile Corporation, as they relate to the year 1974 up to February 18, 1983, at which time Southern Textile Corporation ceased the manufacture and sale of asbestos containing textile products.

INITIAL OBJECTIONS BY H. K. PORTER COMPANY, INC.

H. K. Porter Company, Inc. has over the years manufactured and sold a variety of products having absolutely no relation to asbestos containing textile products. H. K. Porter Company, Inc. objects to providing answers for any aspect of its business which is not related to the manufacture and sale of asbestos containing textile products on the grounds that such additional information, such as it exists, is irrelevant, immaterial, not calculated to lead to the discovery of admissible evidence, beyond the scope of allegations set forth and supported by discovery to date and furthermore, would be burdensome and harassing to compile. Answering defendant objects generally to plaintiff's use throughout these interrogatories of the terms "Predecessor" inasmuch as the term is subject to a variety of meanings, and the plaintiff has not assigned the definition which it intends to the term.

On the basis of the foregoing objections, the answers to these Interrogatories shall relate only to H. K. Porter Company, Inc. manufacture and sale of asbestos containing textile products.

I. General Liability Interrogatories

1. State the full name, address, telephone number and position of the corporate officer answering these interrogatories.

ANSWER: Answers to these interrogatories were prepared based upon a search of presently existing corporate files and records regularly maintained in the ordinary course of business of H. K. Porter Company, Inc. and Southern Textile Corporation. No single officer, employee or agent of the company has the direct knowledge or the proper documents necessary to supply each and every answer required. All answers are derived from a number of sources, persons and documents. The person signing the answers to these interrogatories does so solely to satisfy whatever requirement may exist under the applicable rule of civil procedure. The person signing the answers does not, however, have direct knowledge regarding any specific answer but is informed that the files, documents and interviews referred to above do support the responses based upon information available as of the date of signature.

If information is later obtained which changes, modifies or enlarges any of the answers here presented, such information will be conveyed to the parties submitting these interrogatories. These interrogatories are signed by Michael T. Clancey, Assistant General Counsel, H. K. Porter Company, Inc., 1500 Porter Building, 601 Grant Street, Pittsburgh, Pennsylvania 15219. The telephone number of the corporation is 412-391-1800.

2. Have any documents and records of the defendant been used or referred to, in connection with the preparation of or answers to these interrogatories? If so, for each documents referred to, state the following:

- a. The number of the question and its subpart;
- b. the identity and title of the document;
- c. the name and location of the file in which the document was found;
- d. the name and location of the file in which the document is presently located;
- e. the originator of the document.

ANSWER: Answering defendants object to this interrogatory on the basis that the information requested is unduly burdensome and overly broad in scope. Without waiving the above sated objection, see response interrogatory #1.

3. State the names of each person who was spoken to or who provided information to assist in answering these interrogatories and for each person state the following:

- a. The number of each question and its subpart for which such personnel provided information;
- b. for each question identified in a., state the name, title and position description of the personnel supplying information;
- c. the present location and address of the personnel supplying information;
- d. the contents of the information provided.

ANSWER: Answering defendants object to this interrogatory on the basis that the information requested is

unduly burdensome and overly broad in scope. Without waiving the above stated objection, see response to interrogatory #1.

4. Please state in which state or states of the United States or what foreign countries your business is incorporated and where its principal place of business is located.

ANSWER: H. K. Porter Company, Inc. is a Delaware corporation, principal place of business is 601 Grant Street, Pittsburgh, PA 15219.

Southern Textile Corporation is a Delaware corporation, principal place of business is 601 Grant Street, Pittsburgh, PA 15219.

5. Please state whether:

- a. Your company is authorized to do business in:
 - (1) New York
 - (2) New Jersey
 - (3) Connecticut
- b. your company does business in:
 - (1) New York
 - (2) New Jersey
 - (3) Connecticut

ANSWER: (a) (1) Porter - yes. Southern Textile - no.
(2) Porter - yes. Southern Textile - no.
(3) Porter - yes. Southern Textile - no.

(b) Answering defendants object to this interrogatory subpart on the basis that it seeks to elicit a legal opinion which these defendants are not qualified nor required to render.

6. State the full and complete legal name under which your company or any predecessor is now doing business and has done business at all times from the date when it began mining, processing, manufacturing and/or selling asbestos products or thermal insulation products and materials up until the present time.

ANSWER: H. K. Porter Company, Inc.

Southern Asbestos Company from May 1, 1974 until January 1, 1979, when its name was changed to Southern Textile Corporation.

7. Have you ever acquired, by way of a consolidation, merger, purchase of assets, or otherwise, any company which manufactured or sold any asbestos-containing products? If so, as to each such acquisition:

a. State the name and state of incorporation of the company which was acquired;

b. State the reasons for the acquisition;

c. State the date of the acquisition;

d. State the terms of the acquisition, including but not limited to the consideration paid (e.g., amount of stock, cash, etc.) if any;

e. Identify all of the company's assets which were acquired (e.g., plants, machinery, stock in trade, trademarks, patents, goodwill, etc.);

f. Identify all of the company's liabilities which were assumed by you in the acquisition;

g. Identify each of the company's asbestos-containing product lines;

h. Identify each asbestos-containing product line of the acquired company which you continued to manufacture after the acquisition;

i. State the number of employees of the acquired company which were retained by you after the acquisition;

j. State the names of the directors, officers, and major stockholders of your company and the acquired company at the time of the acquisition and the names of the directors, officers, and major stockholders of your company and, if it continued to exist, of the acquired company, after the acquisition;

k. State the total number of shares of the acquired company which you held before and after the acquisition;

l. Identify and produce a copy of the agreement between you and the acquired company, the pertinent minutes of your Board of Directors and all other related documents.

ANSWER: Answering defendants object to this interrogatory on the basis that the information requested is overly broad, vague, and unduly burdensome in time and scope. Subject to, and based on, the above stated objection, Porter and Southern Textile submit the following brief history:

In 1958 Porter, by means of a merger, acquired Thermoid Company, a Delaware corporation. (Charlotte)

On October 14, 1963, Porter acquired substantially all the outstanding capital shares of Carolina Asbestos Company, a North Carolina corporation. On November 30, 1963, Carolina Asbestos was liquidated. (Davidson Works - cloth, tape & yarn)

On December 30, 1964, Porter acquired the common stock of the Russell Manufacturing Company of Middletown, Ct., a Ct. corporation. On January 31, 1965 Russell Manufacturing was liquidated. (Bennettsville Work - cloth, tape and yarn).

In late 1968 and early 1969 Porter acquired a majority of the common stock of Pacific Asbestos Corporation, a Nevada corporation, which mined raw asbestos in Copperopolis, California. Pacific Asbestos ceased operations in April 1974 and was declared bankrupt on August 27, 1974.

On February 17, 1969, Porter acquired all of the common stock of Tallman-McClusky Fabrics Company of St. Louis, a Missouri corporation. On February 28, 1969, Tallman was liquidated. (St. Louis Works - cloth, tape, yarn and rope)

In 1974 Porter formed a wholly-owned subsidiary, Southern Asbestos Company, a Delaware corporation. On January 1, 1979, the name was changed to Southern Textile Corporation. On February 18, 1983, Southern Textile Corporation's assets were sold.

In 1954 Porter acquired control of Laclede-Christy Corporation, St. Louis, a Missouri corporation. Laclede-Christy was subsequently liquidated in 1958. (St. Louis & Fulton Works - mortars).

All documents, such as they exist, are located at 601 Grant Street, Pittsburgh, PA 15219.

8. State the names and positions of all corporate officers or officials having the responsibility for creating,

directing or setting the policy of your firm with regard to the mining, manufacturing, processing, sale and/or packaging of asbestos products since 1930.

ANSWER: Answering defendants object to this interrogatory on the basis that the information requested is vague, overly broad, unduly burdensome and not reasonably calculated to lead to admissible evidence. Answering defendants object to this interrogatory on the basis it is a corporation made up of a large number of individuals, virtually all of whom had some responsibility for the areas identified in this interrogatory. No particular person or persons had responsibility in these areas and answering this interrogatory would require naming every person in management over an unspecified period of time. Without waiving the above stated objections, defendants states that the known Works Managers of the Charlotte, NC plant were as follows:

J. Mitchell - 1954/1964

G. Griswold - dates unknown

P. Gouveia - dates unknown

J. Gallagher - sometime between 1965 and 1968

H. Jones - 1968/1969

E. C. Bratt - 1969/1970

L. Moody - 1970/1971

E. C. Bratt - 1971/June 1981

A. Smith - July 1981 to 2/18/83

The known Works Manager of the Bennettsville, South Carolina plant were as follows:

Wray Russell - 1966/1970
G. Zaha - 1971/1974
H. Hanak 1975
C. Edwards - 1975 to closing

The only Works Manager of the Davidson, North Carolina plant known to defendants was J. Fortner, from 1967-1970.

The Works Managers of the St. Louis, Missouri plant known to defendants were:

J. Mitchell - 1968/1969
G. Zaha - 1969/1970

The only known Asbestos Group - Thermoid Division General Managers were:

L. E. Moody - dates unknown
K. W. Sulser - 1/1/70-9/15/70
E. C. Bratt - 1970-5/74

The known Sales Managers were:

Porter

J. T. Griffis - Prior to 1968 (deceased)
Alexander Smith - 1968/1974

Southern Textile

Alexander Smith - 1974/August 1980
F. S. Williams - September 1980 to 1983

Those known to be responsible for Quality Control
were:

Porter

C. Fox, J.D. McCluer, P. Coan, A. O'Kay, D. Childers -
1958/1974

Southern Textile

D. Childers - 1974/March 1981

J. DeVine - April 1981 to 2/18/83

Those known to be responsible for research and
development were:

Porter

J. D. McCluer - 1958-1969

J. W. Echerd - 1969-1974

Southern Textile

J. W. Echerd - 1974 - 1973

9. Have you or any of your predecessors or subsidiaries ever mined, processed, refined, sold or distributed asbestos or asbestos containing products. If so, for each such product, complete an "Asbestos Product Information Sheet, Attachment #1.

ANSWER: See Attachment #1.

10. If your company ever manufactured or sold any of the following types of asbestos products, please identify each product and describe how it is cut, shaped, mixed and applied on the job:

a. Asbestos cement mixes;

- b. asbestos pipe covering;
- c. asbestos bricks or blocks;
- d. asbestos sheeting, boards or maritime;
- e. asbestos insulation used to protect against extremes of heat as well as cold;
- f. asbestos insulation in loose form which may be blown into homes or buildings;
- g. asbestos applied in spray form;
- h. asbestos tape, cloth, yarn, thread or tape;
- i. asbestos felt or blanket;
- j. asbestos paper;
- k. asbestos gaskets;

giving particular reference as to whether or not the materials have to be sawed or cut on the job, blown into confined areas, or mixed with water into a cement or paste.

ANSWER: Answering defendants object to this interrogatory on the basis that it seeks information that is vague, ambiguous, general and non-specific. Without waiving the above stated objection, a list of asbestos containing textile products manufactured by these defendants has been asked for and responded to in interrogatory #9. These defendants basically sold to distributors who in turn sold to end users and were not involved in the application of its products. Answering defendants believe the end users would be the best source for this information

11. Please state if there is any way known to you that the products listed in questions 9 and 10 can be used,

applied or installed without the worker involved inhaling any asbestos dust or fibers.

ANSWER: Answering defendants object to this interrogatory on the basis that it seeks information that is vague, ambiguous and overly broad in time, scope and area and irrelevant. Without waiving the above stated objection, these defendants believe the asbestos containing products manufactured by them, if properly handled, can be generally applied or installed without liberating asbestos fibers. Defendants produced encapsulated products, which lock in dust emissions.

12. Is it possible to distinguish the asbestos products listed by you in Answers 9 and 10 from those manufactured or distributed by a competitor?

a. If so, please describe how you contend your product can be distinguished and identify each of your products by trade and generic name.

b. If there are products which, in your opinion, cannot be distinguished from products of a similar kind manufactured by a competitor, please state the name of each such similar product, who manufactured it, as well as the trade name of the product manufactured by your competitor.

ANSWER: Answering defendants object to this interrogatory on the basis that it seeks information that is vague and ambiguous in that the term "competitors" is subject to speculation. Without waiving the above stated objection, defendants state:

(a) Name of defendants on containers

(b) Not applicable.

13. For each asbestos product listed by you in Answer 9 and 10, state whether the product could be used interchangeably with products of other manufacturers, distributors, or sellers, and if so, please identify such product and manufacturer.

ANSWER: Answering defendants object to this interrogatory on the basis that it seeks information that is vague, ambiguous and overly broad in time, scope and area. Without waiving the above stated objection, defendants respond that they do not know end uses of all asbestos textile products manufactured.

14. For each asbestos product listed by you in Answer 9 and 10, state the names and addresses of each New York customer who purchased the product and each New York job site to which the products were delivered by year, and complete a Worksite/Purchase Sales Information Sheet (Attachment II) for each purchaser or worksite.

ANSWER: These defendants object to this interrogatory as unduly burdensome and overly broad in time, scope and area in that it seeks an unrestricted answer not limited to the exposure of a particular plaintiff.

15. For each asbestos product you manufactured or sold, state the total dollar, linear feet and/or number of pounds of the product:

- a. Sold in New York State;
- b. Sold in the United States.

ANSWER: (a) (b) These defendants object to this interrogatory on the basis that it seeks information that is overly broad in time, scope and area, irrelevant, immaterial to any issue in this litigation and is not reasonably calculated to lead to the discovery of admissible evidence.

16. Identify for the period from 1935 to 1980, each distributor, dealer, wholesaler and contractor who sold, distributed or used your asbestos-containing products in New York City and within a 75 mile radius of New York City. For each such distributor, dealer, wholesaler and contractor, state:

a. The name, last known address and person who you did business with;

b. The years of your relationship with the distributor, dealer, wholesaler and contractor;

c. Whether there was a written agreement. If so, identify it (or them) by date, title, signatories and present location;

d. Whether the relationship was exclusive, i.e., whether the distributor was not allowed to carry competing brands of some or all of the relevant products. If exclusive as to any particular product, identify that product;

e. The annual volume in pounds and linear feet and dollar amount of each type of asbestos product sold;

f. The names and ultimate recipients of the asbestos products sold to or through each dealer, distributor, wholesaler, sales agent and contractor.

ANSWER: These defendants object to this interrogatory on the basis that the phrase "within a 75 mile radius of New

York City" is vague. Without waiving the above stated objection, answering defendants state:

- (a) (b) Attached as Exhibit 1 is a list of distributors in the New York City area. No representation is made as to what sales, if any, were made during the relevant period of time.
- (c) There were no written agreements.
- (d) There were no exclusive distributors to the best to these defendants' knowledge.
- (e) These defendants object to this interrogatory sub-part on the basis that it seeks information that is overly broad and burdensome.
- (f) These defendants have no knowledge as to whom distributors sold to.

17. Identify each of your sales personnel responsible from 1935 to 1980 for sales of asbestos products in New York City and within a 75 mile radius of New York City. If each such person, state the years of such employment, his job title, the last known addresses and whether he is still your employee?

ANSWER: These defendants object to this interrogatory on the basis that the information requested is burdensome, overly broad and vague. Without waiving the above stated objection, answering defendants state that the following are names of known sales representatives whose territory included New York City:

	<u>From</u>	<u>To</u>
Oscar Ferens	1958	11/30/59
F.S. Williams	12/1/59	4/15/73
D. E. Moore	6/18/73	5/31/80
P. B. Moring	7/1/80	12/31/80

The above named individuals are no longer employees of these defendants.

18. Did you at any time manufacture asbestos-containing products which were sold to another manufacturer for resale by that company under its own name? If so:

a. Identify each manufacturer to whom such sales were made and the date of such sales;

b. Identify the product or products involved in each such agreement;

c. If such sales were made pursuant to an agreement, identify the dates that each such agreement was in effect and produce a copy of the agreement.

ANSWER: These defendants object to this interrogatory on the basis that it seeks information that is overly broad in time, scope and area. These defendants object to this interrogatory on the basis that it seeks information that is irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence. Without waiving the above stated objections, between 1958 and 1974 Porter sold the following asbestos containing textile products to other manufacturers of asbestos containing textile products: (1) Johns-Manville-tape; (2) Amatex-cloth, tape, yarn; (3)

Garlock-cloth, yarn, tubing. Between 1974 and 2/18/83 Southern Textile sold the following asbestos containing textile products to other manufacturers of asbestos containing textile products:
(1) Garlock-cloth, yarn, tubing.

19. Did you ever purchase any asbestos or any asbestos-containing products of any other manufacturer for distribution or sale under your name or trademark? If so:

- a. Identify each manufacturer from whom products were purchased;
- b. Identify the name of each product purchased;
- c. Identify the dates of each such purchase and distribution.
- d. Produce a copy of each purchase agreement.

ANSWER: These defendants object to this interrogatory on the basis that it seeks information that is overly broad in time, scope and area. These defendants object to this interrogatory on the basis that it seeks information that is irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence. Without waiving the above stated objections, between 1958 and 1974 Porter purchased the following asbestos containing textile products from other manufacturers of asbestos containing textile products: (1) Raybestos-yarn; (2) Atlas Asbestos-tape; (3) North American Asbestos-yarn. Porter has no records as to purchases for the period 1958-1974. Between 1974 and 2/18/83 Southern Textile

purchased some yarn for Garlock. Southern Textile records of purchases only go back to 1975. Also see attachment #1.

20. Did you ever enter into distribution or licensing agreements with any manufacturer of asbestos-containing products? If so:

- a. Identify each manufacturers with whom such agreement was entered into;
- b. State the dates, products and geographical areas involved;
- c. Produce a copy of each such agreement;

ANSWER: These defendants object to this interrogatory on the basis that it seeks information that is overly broad in time, scope and area. These defendants object to this interrogatory on the basis that it seeks information that is irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence. Without waiving the above stated objections, the following is a list of licenses with other manufacturers of asbestos containing textile products:

License under U.S. Patent No. 3,769,072 dated October 30, 1973 for "Pipe Lagging Material and Process for Making Same",

Alpha Associated, Inc. - 9/30/76 to expiration of patent
2 Amboy Avenue
Woodbridge, NY 07095

Burlington Industries, Inc. - dated 6/14/76 to expiration of patent
1345 Ave. of the Americas
New York, NY 10019

J. P. Stevens & Co., Inc. - dated 1/1/76 to expiration of patent
1185 Ave. of the Americas
New York, NY 10036

21. For the period 1928 to the present, state the address of each miner, manufacturer or processor of asbestos or asbestos fibers used in your products and for each such miner, manufacturer or processor state:

a. The date, amounts and delivery point for each shipment of asbestos you received;

b. The products in which the asbestos was used.

ANSWER: These defendants purchased raw asbestos from the following suppliers:

	<u>Type of Asbestos Supplied</u>
Bell Asbestos Mines, Ltd. Thetford Mines Quebec, Canada	Chrysotile
Cassiar Resources Division of Brinco Mining Limited 2000 Business Tower 1055 W. Hasting Street Vancouver, British Columbia Canada V6E3V3	Chrysotile
Asbestos Corporation 1155 Metcalfe Street Montreal, P.Q., Canada	Chrysotile
Lac d'Amiante du Quebec Ltee 120 Broadway New York, New York	Chrysotile
Johns-Manville Sales Corporation	Chrysotile (Purchased 1970/1971 only)
Greenwood Plaza Denver, Colorado	

Shabanie & Mashaba Mines Ltd.
75 Main Street
Bulawayo, Rhodesia

Chrysotile

North American Asbestos Corporation
200 South Michigan Avenue
Chicago, Illinois

Amosite (Stopped
purchasing approximately
1969/1970)

U.S.A.

Amosite (Stopped
purchasing approximately
1969/1970)

22. With respect to each asbestos product (including loose asbestos fiber) you manufactured, refined, processed, sold or delivered, state whether you claim any caution, warning, caveat or other statement about health involved in using the product and/or dust generated by the product was ever given to purchasers of the product or directed to the users of the product. If so, state separately for each product:

a. The precise wording of each caution or set of instructions;

b. For each asbestos product, the exact date you claim each caution was first used on that product;

c. The inclusive dates you contend any alleged warning was affixed to each of your asbestos-containing products;

d. Whether the wording of the alleged warning has been altered since its first appearance, and if so, when and how amended;

e. Specifically what prompted you to first affix such caution, warning, caveat, statement or explanation, and what prompted the amendments, (i.e., if medical reports were relied upon, if so, identify such reports).

f. The name, title and present address of the author of each such warning and/or instructions;

g. Whether the warning and instructions were physically attached to the product itself when sold and/or delivered by you, and if so, the method of attachment;

h. Whether you have a copy of the warning and/or instructions in your possession at the present time, and if so, where it is located;

i. Whether any studies, evaluations or analyses of any potential hazards of your asbestos product were conducted by you prior to your use of each warning and/or instructions. If so, identify the study by date, author, title and file number and state its present location.

ANSWER: Prior to October 18, 1972, there was no requirement of law to affix warnings to either packages or products. On October 18, 1972, the U.S. Department of Labor's Occupational Safety and Health Administration announced a series of Occupational Safety and Health standards. Among them was the first legal standard for asbestos containing products. The standards included provisions for caution labels to be affixed to all products containing asbestos fibers on their containers. However, the standard specifically excluded labeling where asbestos fibers were encapsulated. Those products manufactured having the letters "g-a-r-d" as part of the name are those which have been treated with the "Cleangard" process. The "Cleangard" process is the application of an acrylic or other chemical coating to the product which seals and locks in the asbestos fibers, so that during any reasonably foreseeable use no airborne concentration of asbestos fibers are released. The "Cleangard" process was being utilized by Porter as to some of its products prior to the establishment of the OSHA standards. Since the products listed had been treated and, therefore, did not release asbestos fibers in excess of the limits prescribed by the standard, they were not so labelled until November, 1978, when Southern included a warning

on all products. The OSHA standards in this regard have not been changed since October 18, 1972. As to the remaining products, in accordance with OSHA regulations, warnings were placed on packages containing non-encapsulated asbestos containing textile products starting in 1972 as follows:

- a. Porter between 1972 and 1974 and Southern Textile between 1974 and November 1978 attached the following warnings to the packages containing non-encapsulated asbestos containing textile products in accordance with OSHA regulations:

CAUTION
Contains asbestos fibres
Avoid creating dust
Breathing asbestos dust
may cause
serious bodily harm.

- b. Between November 1978 and July 1979 Southern Textile included the above warning on all product packages.
- c. Commencing July 16, 1979, Southern Textile changed the warning to read as follows and included it on all asbestos containing textile product packages:

CAUTION -
Contains asbestos fibres
Avoiding creating dust
Breathing Asbestos
may cause
serious bodily harm
or fatal diseases.

- d. Commencing July 25, 1979, Southern Textile added the following warning to its textile lagging cloth:

WARNING
CAUTION - CONTAINS ASBESTOS
FIBERS - AVOID CREATING DUST
- BREATHING ASBESTOS MAY
CAUSE SERIOUS BODILY HARM OR
FATAL DISEASES.

INSTALLERS SHOULD TAKE
PROPER PRECAUTION. SHOULD IT
BE NECESSARY TO REMOVE THE
MATERIAL IT SHOULD BE DONE
UNDER CAREFULLY CONTROLLED
APPROVED PROCEDURES.

Copies of warning labels are located at 601 Grant
Street, Pittsburgh, P.A.

23. State whether any of your distributors, dealers, contractors and/or customers were provided with any warnings, cautions, caveats or instructions regarding the use of your asbestos-containing products. If so, please state:

a. By whom and when these instructions were first made;

b. Whether the instructions were written or oral; if written, attach a copy; if oral, state the contents thereof;

c. Whether your company carried out follow-up inspections to ascertain whether such instructions were adhered to and if so, please state when, where and by whom such inspections were made and the results of each such inspection.

ANSWER: See response to interrogatory #22.

24. State the first time any officers of your Company discussed putting a warning or caution on any asbestos containing product, and as to that first discussion, state:

a. the names of the persons who were involved in the discussions and the date and place of the discussions;

b. the identity and location of all documents memorializing the discussion;

- c. the alleged substance of the discussion;
- d. what action if any, the Company took as a result of the discussion.

ANSWER: Porter affixed warning labels to its products starting in 1972 in compliance with OSHA regulations. Porter has no knowledge or information regarding discussions concerning warning labels prior to that date. Southern Textile had affixed warning labels on its asbestos containing textiles products since its incorporation in 1974.

25. Do you know of any facts or documents to support a claim that you provided any warnings, instructions or information as to the dangers of asbestos inhalation to any insulator, construction worker, building trades worker or other user of your asbestos products in the New York area prior to 1972? If so, for each such alleged warning:

- a. Describe in detail each such warning, instruction or information given;
- b. State the exact date of each such warning;
- c. State whether such warning, instruction or information was oral or written;
- d. If oral, identify the substance of the warning instruction or information given and the date and name of the person to whom given;
- e. If written, or printed attach a copy of each warning, instruction and information, identify it by date given, title and reference number and state the manner and location whereby it was transmitted to users of the product.

ANSWER: Not applicable. See response to interrogatory #22.

26. Do you claim that you ever recommended to purchasers or users of the asbestos-containing products you

manufactured, processed, mined, distributed, or sold, that respirators, protective masks and/or protective safe-guards be worn while working with, installing or removing your asbestos-containing product? If so, state separately for each product:

- a. The date or dates when each such recommendation was made;
- b. Who made the recommendation;
- c. When and precisely to whom the recommendations were made;
- d. If oral, the manner and substance of the recommendation;
- e. If written, identify the document by title, date, file designation and author of each such recommendation and the location and present custodian of each such recommendation.

ANSWER: Answering defendants have no information currently in their possession as to whether or not it ever recommended to purchasers or users of its products that respirators, protective masks and/or protective clothing be worn when using such products. However, answering defendants are aware that procedures covering the work place required asbestos containing products be handled so as to reduce and/or eliminate emission of dust. Answering defendants cannot respond as to whether such procedures were adhered to.

27. Did you at any time recommend that your own employees use respirators, protective masks or other precautionary safeguards when working with asbestos-containing materials? If so, state:

- a. When and precisely to whom such recommendations were made;

b. Whether you ever supplied respirators, face masks to your employees, and if so, the date when first supplied and whether you are supplying them now;

c. From what specific source you have obtained such respirators and face masks (state address of company and dates obtained).

ANSWER: Answering defendants object to this interrogatory as irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence in that it seeks information regarding employees involved in the manufacturing process of asbestos containing textile products which is irrelevant to a case where plaintiff allegedly worked with finished products manufactured by defendants. There is no allegation that plaintiff ever participated in the manufacture of the finished products of these parties.

28. Have you stopped producing, distributing and/or selling or has asbestos been eliminated from any of the asbestos products listed in Answer 9 or 10? If so, state for each product:

a. The reason and date you stopped producing the product, or eliminated asbestos;

b. The names and titles of each person who recommended and who authorized or directed the action;

c. Whether any studies were conducted before you directed that production and sale of the product be stopped, or asbestos eliminated from the product, and if so, identify each study by date, author, title and subject matter and attach a copy.

ANSWER: (a) H. K. Porter Company, Inc. ceased the manufacture and sale of asbestos containing textile products

when it formed the wholly-owned subsidiary, Southern Asbestos Company (now known as Southern Textile Corporation.) Southern Textile Corporation ceased the manufacture and sale of asbestos containing textile products on February 18, 1983, when its assets were sold.

(b) (c) These defendants object to these interrogatory sub-parts on the basis that the information requested is irrelevant, immaterial to any issue in this litigation and is not calculated to lead to the discovery of admissible evidence. Without waiving, and subject to, the above stated objection, the decision was an economic corporation decision.

29. Have any officers or employees of defendant ever discussed or evaluated whether sales of your asbestos products would be damaged if the public learned of the health hazards associated with asbestos exposure? If so, state the dates and names of participants of each such meeting and identify all documents relating to such meetings.

ANSWER: Answering defendants object to this interrogatory on the basis that it seeks information that is irrelevant, immaterial and not calculated to lead to the discovery of admissible evidence. Without waiving the above stated objection, answering defendants have no knowledge of any such discussions.

30. At the time of the development of, and sale of each of your asbestos product did you attempt to determine whether the product complied with any allegedly applicable safety standards, orders or rules, regulations or design

requirements promulgated by any professional society, association, or government body?

a. If you did not, please state the reasons for not conducting such an analysis and identify the name of the person deciding not to conduct the analysis;

b. If you did, identify the safety standards, safety orders, rules, regulations, which you claim you considered by naming the title, number, page and date of the regulation, and identifying the place where a copy of said regulation can be obtained.

ANSWER: These defendants object to this interrogatory in that it seeks information that is unduly burdensome and overly broad, vague, ambiguous and subject to speculation. Without waiving the above stated objection, it was these defendants' policy to comply with all applicable standards, orders, rules, regulations in effect from time to time.

31. For each asbestos-containing product, identify and produce all promotional and/or advertising material used by you with regard to the sale and/or promotion and distribution of such products.

ANSWER: Advertising records go back to September 1965 and consists of direct mailing pieces to potential customers and advertisements in trade journals. Copies of the advertising material are available for inspection and copying at a mutually convenient time at the offices of Garland Way Advertising, now known as GWA Communications, Inc., 601 Grant Street, Pittsburgh, PA.

32. Identify and produce pictures and descriptions of each product.

ANSWER: See response to interrogatory #31 above.

33. Were any brochures, writings, or other materials made available to distributors, dealers, contractors, ultimate users, or the general public concerning the design, manufacture, use, quality and/or properties of the asbestos products referred to in Answer 9 and 10? If so, for each such brochure or other material:

a. State the purpose of each brochure and given the name, present address, telephone number of the person responsible for the preparation and acceptance of the material for distribution on behalf of the company;

b. Identify the brochure or material by author, date and present location and custodian, and attach copies of each.

ANSWER: See response to interrogatory #31 above.

34. Have you at any time since 1930 bought from, sold to, delivered or supplied any asbestos products to any other defendant in this action or to any other manufacturer listed in Attachment 3? If so:

a. Identify the products involved by name and description;

b. List the dates, quantity and price of each sale and the names of the persons who placed or accepted the order;

c. Were any warnings regarding the health hazards of the product given or received and if so identify the warning by description, date, to whom it was given and by who received, and if oral state the substance and if written identify the document and state its present location.

ANSWER: Answering defendants object to this interrogatory on the basis that it seeks information that is

unduly burdensome, overly broad in time, scope and area.

Answering defendants object to this interrogatory on the basis that it seeks information that is irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the above stated objection, answering defendants respond as follows:

Between 1958 and 1974 Porter sold the following asbestos containing textile products to other manufacturers of asbestos textile products: (1) Johns-Manville-tape; (2) Amatex-cloth, tape, yarn; (3) Garlock-cloth, yarn, tubing.

Between 1974 and 2/18/83 Southern Textile sold the following asbestos containing textile products to other manufacturers of asbestos textile products: (1) Garlock-cloth, yarn, tubing.

See response to interrogatory #19.

35. With respect to any product manufactured by you which does not contain asbestos, have you ever included a warning with the product indicating that it may in some way be harmful to human beings? If so, for each such non-asbestos containing product state:

a. The name of the product, its intended use or purpose, and the chemical composition or ingredients of the product;

b. The manner in which it is thought that the product may cause harm to human beings;

c. The size, color and contents of each warning;

d. The date warning was first given to the public;

e. The names, addresses and titles of the people responsible for or participating in the decision to provide the warning; and

f. Identify every document which relates to the making of the decision to provide a warning.

ANSWER: Answering defendants object to this interrogatory on the basis that it seeks information that is unduly burdensome, overly broad in time, scope and area and irrelevant. Answering defendants object to this interrogatory insofar as it seeks information concerning products other than asbestos containing textile products which are the subject of this action.

36. Were any of the asbestos-containing products sold by you to private persons or companies (i.e., non-military or non-government sales) the same products you sold to the government pursuant to military or federal specifications? If so please state:

- a. Your name or designation for the product;
- b. The military or federal specification you claim is applicable;
- c. The person or company to whom sold and the date and amount sold.

ANSWER: Answering defendants object to this interrogatory on the basis that it seeks information that is unduly burdensome, overly broad in time, scope and area. Answering defendants object to this interrogatory in that it seeks information that is vague, ambiguous and subject to speculation. Without waiving the above stated objections, answering defendants respond that products sold to the government were necessarily subject to different, detailed and

very specific government specifications. As a result of these very detailed specifications, the process for producing products for government orders was different from producing products for other customers from start to finish because the government specifications required that certain specific inspections and certifications take place at various steps in the manufacturing process.

37. Do you claim that you did anything prior to 1972 to notify users of asbestos-containing products of the possible dangers of inhalation of asbestos dust and fibers? If so, explain in detail what you did, to whom and give the dates.

ANSWER: See response to interrogatory #22.

38. Had you at any time prior to 1973 performed, participated in, or financed any tests, studies, investigations or analyses to determine the asbestos level produced when your asbestos products were used, installed or removed from a prior installation?

ANSWER: In 1970 Porter made a dust count test at the Norfolk Navy Yard, Virginia. The purpose of the test was to demonstrate to the Navy the reduced dust emissions from encapsulated textile products compared to untreated products.

39. Had you at any time prior to 1973 performed, participated or financed any tests, studies, investigations or analyses to determine the effects of your product on workers using or working with any of your asbestos products?

ANSWER: These defendants have not undertaken or financed any such tests or studies.

40. Had you, at any time prior to 1973 performed, participated in or financed any tests, studies, investigations or analyses which had the purpose to prevent, minimize, or eliminate inhalation of asbestos dust or fibers by those using or exposed to your asbestos products?

ANSWER: No. However, these defendants developed various methods of treating asbestos containing textile products which had the effect of reducing dust emissions, not through any "formal" studies or tests, but through on-going research and development. See response to interrogatories #22 and #38.

41. Had you at any time prior to 1973 performed, funded or participated in any investigation, study, test or analysis concerning asbestos-related diseases, asbestosis, pulmonary diseases or cancer.

ANSWER: These defendants have not undertaken or financed any such tests or studies.

42. Had you, at any time prior to 1973 performed, participated in or financed any tests, studies, investigations or analyses to determine the effects of inhalation of asbestos dust or fibers on any one using or being exposed to asbestos products manufactured by your company?

ANSWER: These defendants have not undertaken or financed any such tests or studies.

43. Have you ever performed, participated in or financed any studies to determine whether any type of respirator and/or protective mask would either eliminate or reduce asbestos inhalation to safe levels?

ANSWER: These defendants have not undertaken or financed any such tests or studies.

44. Have you ever undertaken or financed any tests or studies to determine whether any type of ventilator or ventilating system would eliminate or decrease the number of airborne asbestos fibers in confined spaces?

ANSWER: These defendants have not undertaken or financed any such tests or studies as to end users.

45. For each study identified in response to Questions 38-44, state:

- a. The subject matter, title, date and names of the persons who conducted and/or authored the study;
- b. The reason for the study;
- c. The date the study was completed;
- d. If the results were disseminated, where and to whom and if published the name and identity of the publication;
- e. The results of each study, and the data and assumptions relied on;
- f. If in writing, identify it by date, title, identification number, present location and custodian and attach a copy.

ANSWER: Copy of the test referred to in interrogatory #38 is attached as Exhibit 2.

46. State whether you took any action as a result of any of the studies listed in answer to interrogatories 38, 39, 40, 41, 42, 43 and 44. If so:

- a. Describe the date and action taken;
- b. Identify who authorized or directed the action;

c. Why was the action taken;

d. Identify all documents discussing the study, the action considered and the action taken by date, title, subject, author and present custodian and location and produce the documents;

e. If you have not taken any action state in detail, why not;

f. If you have not given any consideration to taking such actions, state in detail the reasons why.

ANSWER: Not applicable

47. From the year 1920 to date, have you supported by gift, grant, direct cash or property payment any kind of medical research concerning asbestos? If so, state:

a. The date or dates of such support;

b. The dollar amount paid or contributed;

c. The identity of the persons and/or organizations carrying out the research study;

d. The title, name or other identification of each such study;

e. Identify and produce all documents relating to each such study.

ANSWER: Answering defendants have no records of supporting in the manner set forth in this interrogatory such medical research. However, they have become aware through the course of certain asbestos-related personal injury litigation of information which might be construed to indicate that employees of corporations which have some connection with their corporate history might have been aware that such tests were contemplated. Defendants have no information concerning them

and no way of determining whether those documents are authentic, whether the signatures are authentic or whether the information contained in those documents is accurate. See response to interrogatory #72.

48. Have you, at any time prior to 1975, conducted, financed, or had conducted for you any asbestos inspection or made any dust count in any facility where your asbestos products were used? If so, state the date, place and people involved in each such inspection or test and identify all records.

ANSWER: See response to interrogatory #38.

49. Had you, at any time prior to 1975, conducted, financed, or had conducted for you any asbestos inspection or made any dust count in any of your own plants which are or were engaged in the manufacture of asbestos products. If so, state the date, place and people involved in each such inspection or test, the results of the tests and identify all records.

ANSWER: Answering defendants object to this interrogatory on the basis that the information requested is irrelevant, immaterial to any issue in this litigation and is not reasonably calculated to lead to the discovery of admissible evidence.

50. Does your company recognize that workers in the following trades were foreseeable users of your asbestos products? If so, when did you come to such a recognition?

- a. Pipe Ladders;
- b. Pipe Fitters;

- c. Welders;
- d. Burners;
- e. Sheetmetal Workers;
- f. Tapers;
- g. Chippers;
- h. Plasterers;
- i. Riggers;
- j. Grinders;
- k. Inspectors;
- l. Shipwrights;
- m. Painters;
- n. Boilermakers;
- o. Insulators;
- p. Custodians;
- q. Planners;
- r. Testers;
- s. Teachers;

ANSWER: Answering defendants object to this interrogatory on the basis that it seeks to elicit a legal opinion which answering defendants are not required to render and is irrelevant and overly broad.

51. Does your company recognize that the types of workers listed in Question 50 would be exposed to asbestos in the course of working on jobs where other trades would be using asbestos products?

ANSWER: Answering defendants object to this interrogatory on the basis that it seeks to elicit a legal opinion which answering defendants are not required to render and is irrelevant and overly broad.

52. Does your company recognize that it was foreseeable that people working in the same area where your asbestos products were being used or installed would inhale and/or ingest asbestos fibers emitted from your products?

ANSWER: Answering defendants object to this interrogatory on the basis that it seeks to elicit a legal opinion which answering defendants are not required to render and is irrelevant and overly broad.

53. Does your company recognize that it was foreseeable that trademen listed in Question 50 would inhale and/or ingest asbestos fibers released from your asbestos products?

ANSWER: Answering defendants object to this interrogatory on the basis that it seeks to elicit a legal opinion which answering defendants are not required to render and is irrelevant and overly broad.

54. Do you contend that any respirators or other breathing devices would prevent inhalation of the asbestos dust and fibers released from your product? If so, state:

- a. When the respirator was sold;
- b. Give the detailed description of such respirator or other breathing device;

- c. The first date you reached the conclusion;
- d. The basis of your claim that use of the respirator will prevent the inhalation of such dust and fibers;
- e. Identify any relevant tests performed by date, title, author and number.

ANSWER: Answering defendants have not studied this subject and have to defer to the manufacturers of respirators.

55. From the year 1930 to the present, identify:

- a. The name of each physician in your employ and/or the employ of your subdivision or contract unit;
- b. The current and/or last known address for each such individual;
- c. The dates of employment of each such individual;
- d. The job duties and/or responsibilities for each such individual identified;
- e. The duration of each such individual's employment, the office address or duty assignment location held by each such individual, and the dates associated with each such assignment.

ANSWER: Answering defendants never had a physician as an employee, either on a full time or part time basis. However, Dr. H. Seay, Huntersville, NC, performed pre-employment physical examinations and annual chest x-ray readings required for all asbestos workers in the state of North Carolina. Dr. Seay performed such duties from the 1950's until 2/18/83.

56. Have you, at any time since 1930, maintained any office or department dealing with medical research? If so, state:

a. The name and location of such department;
and

b. The name, address and title of each person who has been in charge of the department.

ANSWER: Answering defendants have never maintained any office or department dealing with medical research.

57. From the year 1930 to the present, state:

a. The address of each medical library maintained by you or your subdivisions and/or contract units;

b. When each such library came into existence;

c. The custodian of each such library facility records, such as individual's dates of employment and last known address or current address.

ANSWER: Answering defendants have never maintained a library.

58. For each facility identified in response to the two preceding Interrogatories, state the name or title of each medical journal or periodical subscribed to and the inclusive dates of each such subscription.

ANSWER: Not applicable.

59. Other than the medical library facilities referenced in the answers to the immediately preceding three Interrogatories, state the identity of each medical library, from 1930 to date, in which you held a membership, or funded by way of contribution, gift, grant, or any other direct cash or property payments.

ANSWER: None.

60. State the names and addresses of all professional, trade, industrial, safety, hygiene, or health

associations and research foundations or organization you have been a member of since 1930 indicating for each association:

- a. The inclusive dates of your membership;
- b. The names of your employees who attended meetings and the dates and designations of such meetings;
- c. The positions held by any of your employees;
- d. The location of all minutes, digests, reports and documents received or concerning such association.

ANSWER: H. K. Porter Company, Inc. belonged to the following trade organizations composed of manufacturers of asbestos products:

Asbestos Information Association 1660 L. Street, N.W. Washington, D.C.	1971-1974
Asbestos Textile Institute 131 North York Road Willow Grove, PA	1958-1974
National Insulation Contractors Association 1120 19th Street, N.W., Suite 405 Washington, DC 20036	1969-1974

The following represents the committees of each organization to which Porter employees belonged, their names and the dates of membership.

A.T.I.: E.C. Bratt, Board of Governors, 1972-1974; D. Childers, Fiber Testing Committee, 1960-1974; J. W. Echerd, Technical Committee, 1969-1974; L. E. Moody, Environmental Committee and Board of Governors, dates unknown; P. Gouveia, Air Hygiene & Manufacturers Committee, dates unknown; J.D. McCluer, Technical Committee, to 1969 (starting date unknown);

J. Griffis, Sales Promotion Committee, dates unknown; G. Harris, Sales Promotion Committee, dates unknown; G. Griswold, Air Hygiene Committee, dates unknown; J. Mitchell, Air Hygiene Committee, dates unknown.

A.I.A.: E. C. Bratt, Board of Governors, 1972-1974.

Although Porter has no information of its own which would indicate Porter's association with the IHE, an annual report was discovered on which Porter's name appears for the year 1966 wherein a division of Porter, unrelated to asbestos containing textile products, was listed as a member.

Southern Textile Corporation belonged to the following trade organizations composed of manufacturers or asbestos products:

Asbestos Information Association 1660 L. Street, N.W. Washington, D.C.	1974-1975
Asbestos Textile Institute 131 North York Road Willow Grove, PA	1974-1979
National Insulation Contractors Association 1120 19th Street, N.W., Suite 405 Washington, DC 20036	1974-1983

The following represents committees of each organization to which Southern Textile employees belonged, their names and the dates of membership.

A.T.I.: E. C. Bratt, Board of Directors, 1974-1979 and Environmental Committee, 1974-1977; D. Childers, Fiber

Testing Committee, 1974-1979; J.W. Echerd, Technical Committee, 1974-1979; L. Eargle, Environmental Committee, 1977-1979; L. Moody and E. C. Bratt, Air Hygiene Committee, 1974 (May to December). Air Hygiene Committee changed Environmental Committee in 1975.

A.I.A.: E. C. Bratt, Board of Governors, 1974-1975.

In addition to the above, F. S. Williams and A. Smith have attended conventions of NICA. Exact dates are unknown.

Porter and Southern Textile received some, but not necessarily all, of the various minutes of ATI and AIA and some correspondence from NICA. Such material is available for inspection and copying at defendants corporate offices, 601 Grant Street, Pittsburgh, PA 15219.

61. When did you first learn that there were health hazards associated with the use and/or fabrication of asbestos containing products? State the date, source, nature and extent of such information.

ANSWER: Answering defendants are aware there are medical opinions concerning the reported causal connection between exposure to asbestos or asbestos products and health hazards. However, as a corporation composed of many individuals it is impossible to accurately answer questions regarding exact dates by which it acquired knowledge of any alleged fact. Answering defendant objects to this interrogatory as calling for an expert opinion, overly broad and burdensome.

62. Have you knowledge of any deaths or cases of lung disease or lung impairment prior to 1975 among your employees engaged in the manufacture or use of asbestos products which are attributable to, or were alleged to be caused by, the inhalation of asbestos dust or fibers? If so, please give the name and address of each such employee, identify all medical records possessed in relation to the employee, and state whether reports of occupational disease were furnished to any bureau, branch or governmental body of the relevant state; attach copies of the latter.

ANSWER: Answering defendants object to this interrogatory as irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence in that it seeks information regarding employees involved in the manufacturing process of asbestos containing textile products which is irrelevant to a case where plaintiff allegedly worked with finished products manufactured by defendant. There is no allegation that plaintiff ever participated in the manufacture of the finished product of these parties.

63. If any of your employees or officers have testified at trial or by deposition in any litigation or before any Congressional Committee or administrative agency concerning asbestos exposure, pulmonary or asbestos-related diseases or industrial hygiene relating to asbestos use, state:

- a. The name, address and title of each person who testified;
- b. The date, location and forum of such testimony;
- c. Whether the defendant has a copy of such testimony;
- d. Whether the defendant will voluntarily produce a copy of such testimony.

ANSWER: Answering defendants object to this interrogatory in that it seeks information that is vague, ambiguous and subject to speculation. Without waiving the above stated objection, see attached Exhibit 3. Also, E. C. Bratt, former president of Southern Textile Corporation, did appear and testify at the U.S. Labor Department hearings March 14-17, 1972, regarding the establishment of threshold limit value.

64. Have you or any employee or agent of yours ever communicated with an agency or department of the United States concerning specifications and/or standard for any asbestos product or thermal insulation product? If so state separately for each product or set of specifications:

a. Identify each such product and its military or federal specification or standard;

b. The intended purpose or use for the product so specified;

c. The date, time and place of each communication including:

(1) The name of each of your agents or employees who participated in each communication;

(2) The names, titles, and agencies of each individual with whom such communication was had;

(3) The subject of the communication;

(4) Whether any notes, minutes or memoranda in any form were recorded of such communication or of any meetings between you and the agency;

(5) Whether any documents were submitted to the agency;

(6) If (4) or (5) is answered in the affirmative state the name, and location of the custodian of such records.

ANSWER: Answering defendants object to this interrogatory in that it seeks information that is vague, ambiguous and subject to speculation. Answering defendants object to this interrogatory as burdensome and overly broad in time, scope and area. Without waiving, and subject to, the above stated objections, any records which may be responsive to this interrogatory are located at defendant's headquarters, 601 Grant Street, Pittsburgh, PA, which may be inspected upon reasonable notice during reasonable business hours.

65. Does your company recognize that:

- a. Asbestos causes asbestosis;
- b. Asbestos exposure leads to an individual contracting asbestosis;
- c. There is a correlation between exposure to asbestos and the occurrence of asbestosis;
- d. Asbestos causes lung cancer;
- e. There is a correlation between asbestos exposure and the occurrence of lung cancer;
- f. Asbestos contributes to the development of gastro-intestinal cancer;
- g. That a portion of inhaled asbestos fibers remain in the lungs after being inhaled into the human body and are not destroyed?
- h. The symptoms of asbestosis and other asbestos-induced lung diseases or cancers may not manifest themselves until many years after the asbestos was inhaled into the body?
- i. Prolonged use of the asbestos material can cause or contribute to various occupational diseases, including asbestosis, mesothelioma, cancer and other lung and respiratory diseases?

j. The use of asbestos insulating products listed in Answer (10) are dangerous and harmful to human health?

k. There is a connection between the inhalation of asbestos dust and fibers and the disease mesothelioma?

If your answer to any part of this question is Yes", explain when you came to this knowledge and what, if anything, you have done about it to notify the public or users of your products. If your answer is that your products are not harmful then explain what facts and tests were made upon which you base such conclusion.

ANSWER: (a)-(k) Answering defendants object to this interrogatory on the basis that it seeks to elicit an expert medical opinion and/or conclusion which these defendants are not qualified to render.

66. Have any workman's compensation claims based on asbestosis, mesothelioma, lung cancer, other cancers, asbestos-induced diseases, or lung diseases been filed against you? If so, for each claim state:

a. The date, place filed, reference numbers and outcome of each claim;

b. Whether you advised your workers' compensation carrier of the claims;

c. The location and custodian of all records of claims and correspondence with your compensation carrier.

ANSWER: Answering defendants object to this interrogatory on the basis that it seeks information regarding employees involved in the manufacturing process of asbestos containing products which is irrelevant as to a case where plaintiff allegedly worked with finished products manufactured by defendants. There is no allegation that plaintiff was ever

employed by defendants or that plaintiff ever participated in the manufacture of the finished products of defendants.

67. Have you as part of your business ever employed any steam plant operators, boiler repair workers, insulator or had a division or unit which installed insulation materials on a contract by contract basis (e.g., a "contract unit")? If so, state:

a. The location where such persons or unit was based;

b. The names of the operators or managers of the contract units;

c. Whether there existed rules, regulations and/or work practices which were to be followed by such employees:

d. Were such employees ever required to wear respirators. If so, please state:

(1) Whether the requirement was by written regulation or oral direction;

(2) The names of the people in your firm originating such a requirement and/or in charge of enforcing it;

(3) The date the requirement was imposed for the first time.

e. Have such former employees ever filed workmen's compensation claims due to lung or coronary illness. If so, for each such claim, state the date, jurisdiction and docket number and outcome of the claims.

ANSWER: No.

68. State the total number of employees of yours or your contract unit receiving benefits under any Occupational Disease or Workers Compensation statute for asbestosis, mesothelioma, bronchogenic carcinoma and/or cancer of the stomach, colon or rectum for each year, from the date that you first manufactured, distributed or sold any asbestos-containing products until the present time.

ANSWER: Not applicable.

69. State by year the total dollar amount paid out by you, your contract unit and/or your insurance carrier as a result of claims under any Occupational Disease or Workers' Compensation statute for asbestosis, mesothelioma, bronchogenic carcinoma and/or cancer of the stomach, colon or rectum.

ANSWER: Answering defendants object to this interrogatory as irrelevant, immaterial to any issue in this litigation and is not reasonably calculated to lead to the discovery of admissible evidence.

70. Identify any action, other than workers' compensation claims, brought against you by claimants injured as a result of exposure to asbestos and asbestos-containing products prior to 1970, stating the court in which the action was brought, the date of filing, case style, and case number.

ANSWER: Answering defendants object to this interrogatory as irrelevant, immaterial to any issue in this litigation and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the above stated objection, these defendants have no knowledge of such claims prior to 1970.

71. State separately for each calendar year for the period 1928 to the present:

a. The total amount of asbestos mined by your company;

b. The total pound volume of asbestos fibre purchased by your company;

c. The total pound volume of asbestos used by your company in its manufacturing processes;

d. The total pound volume of asbestos sold by your company;

e. The total pound volume of asbestos acquired by your company in any manner other than mining or purchase, and identify the manner of acquisition for each year;

f. The total dollar value of asbestos mined by your company;

g. The total dollar value of asbestos purchased by your company;

h. The total dollar value of asbestos used by your company in its manufacturing process;

i. The total dollar value of asbestos sold by your company;

j. The total dollar value of all asbestos-containing products sold by you;

k. The total number of pounds or linear feet of each asbestos product sold by you and the dollar value of such sales;

l. The percentage of sales by dollar value and by linear foot and weight of your asbestos as compared to all asbestos sold in the United States;

m. The percentage of sales by dollar value and by linear foot and weight of your asbestos-containing material as compared to all asbestos-containing materials sold in the United States.

ANSWER: Answering defendants object to this interrogatory as unduly burdensome and overly broad in time, scope and area. Answering defendants object to this interrogatory as irrelevant, immaterial to any issue in this litigation and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the above stated objection, these defendants never mined asbestos.

72. Did you in any way finance, assist or participate in:

a. The Metropolitan Life Insurance Company studies of asbestos conducted from 1929-1950;

b. The Trudeau Foundation Saranac Lake studies from 1929-1960;

c. The Quebec Asbestos Mining Association Study of Asbestos and Health between 1940 and 1970.

If so, state what role or action you took and identify all documents relevant to such activities by name, date, title, file number and present location.

ANSWER: Through the course of certain asbestos-related personal injury litigation answering defendants have seen some documents which indicate a company related to their corporate history was mentioned in some of the Saranac Lake documents. Answering defendants have no way of determining whether those documents are authentic or whether the information contained in those documents is accurate.

73. Has your firm ever been cited or admonished by any government agency (federal, state or local) for dust levels in excess of any threshold limit value (TLV) or other predetermined number? If so, please state:

a. The date the government agency and the dust and TLV or number involved;

b. The means of identifying any document related to such an occurrence;

c. Any action taken by the agency involved.

ANSWER: Answering defendants object to this interrogatory as irrelevant, immaterial to any issue in this

litigation and is not reasonably calculated to lead to the discovery of admissible evidence.

74. State whether from 1930 to date you promulgated any rules, written or oral for the handling of asbestos or asbestos products by your own employees? If so, state:

- a. When such rules were promulgated;
- b. The substance of the rules, if oral, and the name, address and title of the person who disseminated them;
- c. If in writing, either attach a copy of the rules or identify the written rules by date, title, identification number, present location and the name and address of the custodian thereof;
- d. Whether any such material was provided to any users of your asbestos products and, if so, when and to whom.

ANSWER: Answering defendants object to this interrogatory on the basis that it seeks information regarding the work procedures followed in the manufacturing process of asbestos containing products which is irrelevant as to a case where plaintiff allegedly worked with finished products manufactured by defendants. There is no allegation that plaintiff was ever employed by defendants or that plaintiff ever participated in the manufacture of the finished products of defendants.

75. Have any of your employees been reassigned to other duties because of pulmonary or coronary health problems? If so, please state for each such reassignment:

- a. The date and reason for reassignment;
- b. The jobs prior to and after reassignment;
- c. The age and health problem of the person reassigned.

ANSWER: Answering defendants object to this interrogatory on the basis that it seeks information regarding employees involved in the manufacturing process of asbestos containing products which is irrelevant as to a case where plaintiff allegedly worked with finished products manufactured by defendants. There is no allegation that plaintiff was ever employed by defendants or that plaintiff ever participated in the manufacture of the finished products of defendants.

76. Prior to 1972, have your employees ever been subject to periodic medical examinations? If so, please state:

a. Whether the examinations were performed by your firm, its agents or employees or by outside personnel either private or governmental;

b. Whether the examinations were performed as a result of an internal corporate decision or to comply with some governmental rule;

c. Whether any person was rejected for employment as a result of such examination. If so, state the date and reason for such rejection;

d. Whether any employee was reassigned, terminated or pensioned as the result of such examination and the date and reason for each such occurrence.

ANSWER: Answering defendants object to this interrogatory on the basis that it seeks information regarding employees involved in the manufacturing process of asbestos

containing products which is irrelevant as to a case where plaintiff allegedly worked with finished products manufactured by defendants. There is no allegation that plaintiff was ever employed by defendants or that plaintiff ever participated in the manufacture of the finished products of defendants.

77. Have you ever removed or had removed any asbestos insulation or other asbestos containing material from any building, plant or facility which you owned, operated, leased or maintained? If so, identify the building or facility, state the date the asbestos material was removed and who removed the asbestos, and identify all documents relating to or referring to the removal.

ANSWER: Answering defendants object to this interrogatory in that it seeks information that is irrelevant, immaterial to any issue in this litigation and is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving the above stated objection, answering defendants have not removed any asbestos insulation or other asbestos containing material from any building, plant or facility which they owned, operated, leased or maintained.

78. Was the monitoring of dust levels required by any Government regulation or rule of any government, agency, or insurance company? If so, state the substance of the rule, the source imposing it and the date it was first imposed.

ANSWER: Answering defendants object to this interrogatory in that it seeks information that is burdensome and overly broad in time, scope and area. Without waiving the above stated objection, answering defendants respond that prior

to 1960, exactly when answering defendants are not sure, there was a government standard for asbestos fiber exposure. It was expressed as 5 million particles per cubic foot of air. The 5 million particles were counted by the midget imprinter method. About 1970, under the Occupational Safety and Health Act, the standard was changed to 12 fibers per cc of air and the method of sampling was changed to the membrane filter method. In December, 1971, the 12 fiber level was reduced to 5 in an emergency standard issued December 7, 1971. A permanent standard was adopted in April 1972 which made 5 fibers the standard for 4 years until July 1976 at which time it was lowered to 2 fibers.

79. Do you agree that the possibility of exposure to asbestos dust and fibers extends not only to workers actually handling the asbestos products but also to:

- a. Other workers in the area where the asbestos products are being used;
- b. Members of the families of workers.

ANSWER: Answering defendants object to this interrogatory on the basis that it seeks to elicit a medical opinion and/or conclusion which these defendants are not qualified to render.

80. Does your company have a record or document "retention" policy, plan or program? If so, please describe such plan. If the plan is different for separate categories of records, please describe the plan for each category. Please include in the descriptions the following:

- a. The name and title of the custodian of the records;
- b. The length of time for which records are retained;
- c. The titles and names of the personnel responsible for determining the policy or plan from 1935 to the present;
- d. The titles and names of the personnel responsible for the removal and destruction of any records, pursuant to any such plans from 1935 to the present.

ANSWER: No, but see copy of June 25, 1969 memo, attached as Exhibit 4.

81. Have you destroyed any documents, records or writings pertaining to:

- a. Health hazards of asbestos;
- b. Workmen's Compensation claims arising out of asbestos, lung cancer, mesothelioma, cor pulmonale, pneumoconiosis, or pulmonary fibrosis;
- c. Placing warning labels on your products;
- d. Hazardous conditions in your plants or factories;
- e. Funding of studies about health hazards of asbestos;
- f. Lawsuits arising out of injuries alleged to having been caused by asbestos.

If so, list every such document destroyed by author, date and subject matter.

ANSWER: Answering defendants have not destroyed any such documents, records or writings to the best of their knowledge.

82. Have you ever had a division or subsidiary engaged in the business of abating, removing or encapsulating asbestos materials? If so, state:

- a. The name of the unit of all personnel involved;
- b. The location where such persons or units were based;
- c. The dates such person or units functioned;
- d. The sites where such abatement, repair, encapsulation or removal occurred.

ANSWER: No.

83. Identify and produce all Minutes of each meeting of the Board of Directors or of any committee of the Board at which meeting the hazards of asbestos exposure, and/or the possible application of warning labels on asbestos-containing products were discussed.

ANSWER: None.

84. If there is any person whom the defendant expects to call as an expert witness at trial, please provide a copy of the witness' curriculum vitae, or summary of the witness' qualifications if there is no vitae, and please state for each such expert witness:

- a. The person's identity, giving name, profession or occupation and address;
- b. The subject matter on which each such expert is to testify;
- c. The substance of all facts and opinions regarding which each such expert is to testify;
- d. A summary of the grounds for each opinion of each such expert;
- e. Whether the facts and opinions listed in (c) above are contained in a written report, memorandum or transcript and if they are, produce the same pursuant to the Rule 34 Notice of Production of Documents attached hereto;

f. If the opinion of any expert listed above is based in whole or in part on any code or regulation, governmental or otherwise, identify said code or regulation and specifically set forth the section relied upon;

g. Whether each such expert intends to base his or her testimony on any book, treatise, article, study, or any other document, and, if so, identify all such documents; and

h. Whether the witness has testified at trial or by deposition in other asbestos-related personal injury or wrongful death cases, and if so, state for each such case:

- (1) the name and docket number;
- (2) the court in which each such case was pending; and
- (3) the party for whom the witness testified.

ANSWER: Answering defendant objects to this interrogatory as calling for information not yet required to be supplied at this point in discovery.

85. Identify the name and address of each nonexpert witness whom you intend to call at trial, and specifically set forth the nature and substance of the matters to which each such person will testify and summarize the facts to which such person will testify.

ANSWER: Answering defendant objects to this interrogatory as calling for information not yet required to be supplied at this point in discovery.

86. Identify and produce each exhibit that you intend to rely upon at trial.

ANSWER: Answering defendant objects to this interrogatory as calling for information not yet required to be supplied at this point in discovery.

87. Identify all persons, other than your attorneys, who provided you with any information used in answering these interrogatories, and state the particular information each person supplied.

ANSWER: See response to interrogatory #1.

88. At any time prior to 1972, did you learn of any recommended levels of asbestos proposed by The American Conference of Governmental and Industrial Hygienists (ACGIH)? If so, state:

- a. The exact date you first learned of any ACGIH recommended levels;
- b. How you first learned of it;
- c. Which of your employees or agents first learned of it;
- d. The steps or action you took to advise your sales personnel of the recommendation;
- e. The steps or action you took to advise your customers, dealers, distributors and contractors of the ACGIH recommendation;
- f. Any comment you filed or submitted to ACGIH;
- g. Identify all documents related to ACGIH.

ANSWER: Answering defendants object to this interrogatory in that as a corporation composed of many individuals it is impossible to accurately answer questions regarding exact dates by which it acquired knowledge of any alleged fact. Without waiving the above stated objection,

answering defendants have no information in currently existing files to enable them to respond as to the year they were first advised, if ever, of either threshold limit values or maximum allowable concentrations of both asbestos dust and total dust by the American Conference of Governmental Industrial Hygienists.

89. Do you contend that there is a minimum safe threshold level of exposure to asbestos below which there is no risk in developing mesothelioma or lung cancer? If so, specify the minimum safe threshold level of exposure for each disease, the date you claim the threshold was arrived at, and the precise basis for your contention.

ANSWER: These defendants object to this interrogatory on the basis that it seeks to elicit a medical opinion and/or conclusion which these defendants are not qualified to render.

90. Do you contend that there is any difference between chrysotile fiber, amosite fiber, crocidolite fiber, and/or tremolite fiber in the development of (a) mesothelioma; and (b) lung cancer? If so, explain in detail your contention as to the distinction between or among fiber types in the development of each disease and the medical authority you rely on.

ANSWER: These defendants object to this interrogatory on the basis that it seeks to elicit a medical opinion and/or conclusion which these defendants are not qualified to render.

Dated: New York, New York
March 4, 1988

ANDERSON RUSSELL KILL & OLICK, P.C.

By Frederick V. Kill

A Member of the Firm
Attorneys for Defendant
H. K. Porter Company, Inc.
666 Third Avenue
New York, New York 10017
(212) 850-0700

ATTACHMENT I

ASBESTOS PRODUCT INFORMATION SHEET:

- (a) A description of the product: See attached.
_____.
- (b) Generic Name: See attached.
_____.
- (c) Brand Name: See attached.
_____.
- (d) Trademark Name, Number, Registration date, and period of
Trademark Use: See attached.
_____.
- (e) Asbestos Content: See attached.
_____.
- (f) Mineralogical and/or constituent composition by weight
of each constituent:
- (i) See attached.
_____.
- (ii) _____.
- (iii) _____.
- (iv) _____.
- (g) Inclusive Dates of Manufacture: See attached.
_____.
- (h) Inclusive Dates of Sale: See attached.
_____.
- (i) Name of Manufacturer and place of manufacture: _____
See attached.
- (j) Did you "rebrand" or sell the product to others for re-
sale by them under some other name? If so, for who and
when: See attached.
_____.
- (k) Did you purchase the product from another manufacturer?
And if from whom, when and under what other name was it
sold: N/A
_____.
- (l) The physical description of the product: _____
See attached.

_____.

- (m) The container in which it was sold (e.g., Drum, Carton, Bag): See attached.
- (n) The Intended purpose of the product: See attached.
- (o) If product had to be cut, shaped, sawed or worked before or during application, what action had to be taken? Defendant basically sold to distributors who in turn sold to end users. End users would be the best source for this information.
- (p) The names and addresses of the people responsible for the development of the product: Many people were involved in the development the names of which are not all known.
- (q) The identity and location of all records relating to the development of the product: Records, such as they exist, are located at 601 Grant St., Pgh., PA 15219.
- (r) The identity and location of all records relating to the listing of the product: Do not understand the term "listing".

Between December 1958 and May 1974 Porter manufactured the following asbestos containing textile products:

- (1) THERM-A-GARD, 1967 - 1974
The safety code for this product was silver and it was used for safety clothing, shielding, curtains, blankets, or ironing board covers and pads.
- (2) FLAMEGARD, 1958 - 1974
The color code for this product was first yellow and then green (neoprene) and it was used for safety apparel and protective shielding.
- (3) PORTERSITE, 1964 - 1971
PORTERSITE G, 1965 - 1974
These two products did not have a particular color code. Product was used for insulating high-temperature machinery and equipment such as steam turbines, boilers, boiler feed pumps and steam lines.
- (4) PORTERLAG, 1967 - 1974
The color code for this product was beige and it was used as a lagging cloth for applications to pipes, elbows, T-joints and valves.
- (5) All of the trademark products except Portersite and Portersite G were cloth products. Portersite used amosite asbestos while Portersite G was a glass product.
- (6) The following were generic products produced by Porter:
 - (a) Cloth - broad woven fabric - had various uses, as a lagging or pipe wrap, as a material for safety clothing, as a shield against sparks and heat, as a plastic laminate, as a gasket material.
 - (b) Tape - narrow woven fabric - used as an insulation wrapped on electrical cables, steam lines, etc. and as a friction material for brakes.
 - (c) Yarn/Cord - used in a variety of industries for further manufacture in clutch facings, packings, dryer felts, parachute flare cords and friction materials.
 - (d) Felt - a mat made of slivers and bound together with yarn by a weaving or knitting process.
 - (e) Roving - an untwisted reinforced soft material similar in appearance to a knitting yarn.
 - (f) Lapp (discontinued in 1972) - a compressed sheet used in the electrical insulation business.
- (7) All products contained chrysotile asbestos in varying amounts

from 65% to 95% - except Portersite which contained amosite asbestos and Portersite G which contained fibrous glass. Carrier fiber was usually rayon but may have contained small percentages of cotton, polyester and acrylic, which were used in certain products. The basic composition of the asbestos products was not changed. Chemical treatments varied from time to time either to replace compounds in short supply, to effect cost savings or to improve the end product.

- (8) Between 1958 and 1974 Porter produced two liquid mortars which contained 1.32% 7-M asbestos. The tradenames were Bonding Mortar #20 and Laco. These products were shipped in steel drums. During the same period Porter produced a dry mortar called Duoflex which contained 3% asbestos and was shipped in bags. These mortars were used in connection with installing fireclay in furnaces. It is believed that between 1958 and 1960 Porter, through a rebranding agreement, resold 48 Insulation cement and block as an adjunct to selling fire clay brick.

Between May, 1974 and February 18, 1983, Southern Textile Corporation manufactured the following asbestos containing textile products:

- (1) THERM-A-GARD, 1974 - 2/18/83
THERMAGARD, 1974 - 2/18/83
The color code for this product was silver and it was used for safety clothing, shielding, curtains, blankets, or ironing board covers and pads.
- (2) FLAMEGARD, 1974 - 2/18/83
The color code for this product was blue. Flamegard was used for fabricating smoker-bibs, aprons, draperies, mattress covers and other fire-safe items for hospital and institutional use with the elderly, the handicapped or bedfast patients.
- (3) COVERGARD, 1974 - 2/18/83
The color code for this product was white. It was used as a lagging cloth for applications to pipes, elbows, T-joints and valves.
- (4) HEATGARD, 1974 - 2/18/83
Heatgard was an asbestos conveyor belting product designed for durability and high temperature resistance. Heatgard was produced in either white, black or brown colors; black and brown denoting belting which had been treated for greater durability and higher temperature resistance.
- (5) SPLASHGARD, 1974 - 2/18/83
The color code for this product was green (yellow, black and white at different times) and it was used for safety apparel and protective shields.

(6) WELDGARD, 1974 - 2/18/83

The color code for this product was orange and was used for hi-visibility welding curtains and safety clothing.

(7) INSLGARD, 1976 - 2/18/83

There was no color code for this product. Inslgard was a glass fiber product which was used for insulating high-temperature machinery and equipment such as steam turbines, boilers, boiler feed pumps and steam lines.

(8) SOUNDGARD, 1976 - 1980

The color code for this product was black and was used as noise suppression hoods for turbines, generators and engines, wrapping for pipes and ducts to muffle fluid motion noise, curtains and portable barriers to isolate noise or nuclear radiation. There was a Soundgard calking compound which was used for sealing sound leaks.

(9) SOUNDGARD II, 1980 - 2/18/83

The color code for this product was gray and was used as noise suppression hoods for turbines, generators and engines, wrapping for pipes and ducts to muffle fluid motion noise, curtains and portable barriers to isolate noise or nuclear radiation. There was a Soundgard calking compound which was used for sealing sound leaks. This was a non-asbestos product and was a silicone rubber glass based material.

All of the trademark products except for Inslgard and Heatgard were cloth products. Inslgard was a felt product and Heatgard was a conveyor belting product.

(10) The following were generic products produced by Southern Textile:

(a) Cloth - broad woven fabric - had various uses, as a lagging or pipe wrap, as a material for safety clothing, as a shield against sparks and heat, as a plastic laminate, as a gasket material.

(b) Tape - narrow woven fabric - used as an insulation wrapped on electrical cables, steam lines, etc. and as a friction material for brakes.

(c) Yarn/Cord - used in a variety of industries for further manufacture in clutch facings, packings, dryer felts, parachute flare cords and friction materials.

(d) Felt - a mat made of slivers and bound together with yarn by a weaving or knitting process.

(e) Roving - an untwisted reinforced soft material similar in appearance to a knitting yarn.

(11) Between 1974 and 1979 all products contained chrysotile

asbestos in varying amounts from 65% to 95% - except Inslgard which contained fibrous glass. Carrier fiber was usually rayon but may have contained small percentages of cotton, polyester and acrylic, which were used in certain products. The basic composition of the asbestos products was not changed. Chemical treatments varied from time to time either to replace compounds in short supply, to effect cost savings or to improve the end product. Between 1979 and 2/18/83 Southern Textile also produced the same line of products using fibrous glass rather than asbestos.

The types of containers used by Porter and Southern Textile are set forth below:

- (a) Cloth - usually wrapped in polyethylene sheet with the ends secured with wire ties. Before availability of polyethylene, heavy Kraft paper sheets were used and secured with gummed tape. Packages stencilled or hand printed in black ink with lettlers approximately 1" high showing roll number, yards, style, grade, gross, tare and net weight. If treated, the treatment name shown.
- (b) Tape - most shipments were in paperboard cartons sealed with tape. Some heavy items were wrapped in burlap or polyproplene and shipped individually. Cartons and bales stencilled or handprinted in black ink approximately 1/2" high letters showing size, number of rolls, roll length, grade, gross, tare and net weight and factory order number, If treated, the treatment name shown.
- (c) Rope - yarn and roving were shipped in paperboard cartons and secured with metal or synthetic strapping. Cartons were stencilled or hand printed in black ink with letters approximately 1/2" high showing size, style, grade, gross, tare and net weight. Also showed either spools or packages and factory order number.
- (d) Felt Mats - were wrapped in heavy polyethylene sheets with seams taped and ends secured with wire ties. Stencilled or hand printed in black ink with letters approximately 1" high showing size, style, roll number, gross, tare and net weight.
- (e) Yarn/Roving - wound on paper tubes and packed into paperboard cartons according to size of wound packages. Most common tube a gray color. Cartons stencilled or hand printed in black ink with letters approximately 1/2" high, showing yarn number or cut, grade, reinforcement (if any), style, wind of packages and factory order number.

The asbestos containing textile products were manufactured at the following locations:

	<u>H. K. Porter</u>	<u>Southern Textile</u>
Charlotte, North Carolina All Products	1958 - 1974	1974 - 2/18/83
Bennettville, South Carolina Cloth, Tape, Yarn	12/30/64 - 1974	1974 - 1976
Davidson, North Carolina Cloth, Tape, Yarn	1963 - 1970	
St. Louis, Missouri Cloth, Tape, Yarn, Rope	1969 - 1970	
<u>Other Asbestos Insulation Products</u>		
St. Louis, Missouri	1958 - 1970	
Fulton, Missouri	1970 - 1974	

Arcy Manufacturing
149 Franklin Street
New York 10013

Bailey Distributors
74 Sullivan Street
Brooklyn 11231

Black & Geddes
114 Liberty Street
New York 10006

Robert Keasbey
139 W. 19th St.
New York 10011

Mercury Supply & Mfg.
1490 Outbook Avenue
Bronx 10465

Sheerco Industries
36 W. 22nd
New York 10010

Standard Insulation
30 Vandam Street
New York 10013

William Swan & Sons
65 N. Moore Street
New York 10013





H. K. PORTER COMPANY, INC.
THERMOID DIVISION

DATE May 1, 1970
TO K. W. Sulser LOCATION Pittsburgh
FROM F. S. Williams AT Lewisberry, Pa.
SUBJECT DUST COUNT TESTS CONDUCTED AT NORFOLK NAVAL SHIPYARD, PORTSMOUTH, VA.
DURING WEEK OF APRIL 27th.

IN ATTENDANCE:

Industrial Hygiene, Code 730, Naval Shipyard

S. Levinson - Department Head
W. R. Barnhart - Industrial Hygienist

H. K. Porter Company, Inc., Thermoid Division, Asbestos Works

F. S. Williams - Coordinator
J. L. Mitchell - Product Manager
D. E. Childers - Quality Control Manager
J. W. Echerd - Director Research & Development

SUBJECT: Dust count tests conducted at the Norfolk Naval Shipyard at Portsmouth, Va., in conjunction with the Industrial Hygiene Department, Code 730, headed by Mr. S. Levinson and working directly with Mr. William Barnhart.

PURPOSE: To compare Lint Controlled Asbestos Cloth and Amosite Felt, as manufactured by H. K. Porter Company Thermoid Division, Charlotte, North Carolina, with the standard asbestos cloth and amosite felt purchased by the Navy.

MATERIALS TESTED:

Sample A - H. K. Porter's Asbestos Lint Controlled Cloth, conforming to Federal Specification SS-C-166E.

Sample B - Non-treated asbestos cloth conforming to Federal Specification SS-C-166E.

Sample C - H. K. Porter's lint controlled knitted Amosite Felt conforming to Mil-I-15091C, Type A.

Sample D - Woven Amosite Felt conforming to Mil-I-15091C, Type A.



- 2 -

METHOD OF TESTING:

Tests were conducted in Shop #56 at the shipyard. Standard conditions were observed in Shop #56 during the tests, with one exception. During the cutting operation of the cloth the material was not cut damp as Navy procedure demands. The amosite felt was cut damp. We make mention of this because the lint controlled Amosite Felt as manufactured by H. K. Porter Company, Inc. had been stored outside and had picked up enough water that the entire roll was damp. We therefore wet the untreated Amosite Felt so our test conditions would be equal. Each of the samples mentioned above were tested for two (2) thirty minute time periods. Our comparison will be an average of the two tests. The Midget Impinger Method was used in collecting the airborne dust created by the cutting action and the movement of the materials. Three 50 yard rolls each of treated and untreated cloth were cut during the testing. Each roll was cut into 15 ft. pieces, these were folded seven times then rolled into a tight package and stored away for future use. The Amosite Felt required only (2) two rolls each of the treated and untreated. These rolls were cut into 8" and 12" strips rolled up and placed in plastic bags for future use.

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TEST RESULTS:

1. H. K. Porter's Lint Controlled Asbestos Cloth Conforming to Federal Specification SS-C-466E:

SAMPLE A	TEST 1 -	0.130	MPPCF
	TEST 2 -	<u>0.155</u>	MPPCF
	AVERAGE	0.143	MPPCF

2. Untreated Asbestos Cloth Conforming to Federal Specification SS-C-466E:

SAMPLE B	TEST 1 -	0.332	MPPCF
	TEST 2 -	<u>0.334</u>	MPPCF
	AVERAGE	0.333	MPPCF

COMPARISON: H. K. Porter's Lint Controlled Asbestos Cloth reduced dust by fifty eight (58) percent.

3. H. K. Porter's Lint Controlled Knitted Amosite Felt Conforming to MIL-I-15091C, Type A:

SAMPLE C	TEST 1 -	0.225	MPPCF
	TEST 2 -	<u>0.133</u>	MPPCF
	AVERAGE	0.179	MPPCF

4. Woven Amosite Felt Conforming to MIL-I-15091C, Type A:

SAMPLE D	TEST 1 -	2.02	MPPCF
	TEST 2 -	<u>1.01</u>	MPPCF
	AVERAGE	1.51	MPPCF

COMPARISON: H. K. Porter's Lint Controlled Knitted Amosite Felt reduced dust by eighty eight (88) percent.

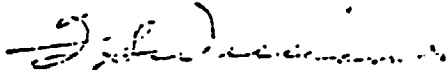
NOTE: Mr. W. R. Barnhart, Industrial Hygienist for the Naval Shipyard, conducted comparative tests at the time of our testing. Similar results were obtained.

DEAR SIR: (P. 1000)
May 1, 1941

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CONCLUSION: We of H. K. Porter Company, Inc. believe that if all asbestos cloths and felts supplied to the Navy were treated with a lint controlled treatment, similar to the treated asbestos products used in these tests, the hazards of air-borne dust would be greatly reduced in all operations.

We further note that the additional cost of furnishing treated asbestos materials would be insignificant to benefits derived.



F. S. Williams

FSW/jb

cc: Messrs. R. W. Davison
Ken Sulser
Alex Smith
E. C. Bratt
D. E. Childers
J. L. Mitchell
J. W. Echerd



<u>ERNEST C. BRATT</u>	1) <u>Gwaltne v. J-M Corp.</u>	No. 77-457-N C.P. No. 77-1	U.S.D.C. E.D. Va.	Sept. 30, 1977
	2) <u>Thornton v. J-M Corp.</u>	L-76-590,658,747,883,L-77-36	U.S.D.C. E.D. Va.	Dec. 1, 1978
	3) <u>General Dynamics Asbestos Cases</u>	CML No. 1	U.S.D.C. (Conn.)	Dec. 6, 7, 1978
	4) <u>All Asbestos Cases</u>	C.P. No. 77-1	U.S.D.C. E.D. Va.	June 27, 1979
	5) <u>St. Jacques v. J-M Products Corp.</u>	No. C137 456	Superior Court/Ca. County-Los Angeles	Feb. 5, 1980
	6) <u>Hart v. Armstrong Corp. Co.</u>	S79-0033(N)	U.S.D.C. S.D. Miss.	Jan. 26, 1982
	7) <u>Nutt v. AC&S, et al.</u>	80C-FE8	Superior Court-Delaware Newcastle County	Dec. 4, 1984
	8) <u>LA Unified School District v. Owens-Corning Fiberglas Corp., et al.</u>	C-440 317	Superior Court - Cal. County-Los Angeles	Aug. 26, 1985
	9) <u>All Maine Asbestos Litigation</u>			May 6, 1986
 <u>DEWEY CHILDERS</u>	1) <u>Thornton v. J-M Corp.</u>	L-76-590,658,747,883,L-77-36	U.S.D.C. E.D. Va.	Dec. 1, 1978
	2) <u>General Dynamics Asbestos Cases</u>	CML No. 1	U.S.D.C. (Conn.)	Dec. 8, 1978
	3) <u>Thornton v. J-M Corp.</u>	L-76-590,658,747,883,L-77-36	U.S.D.C. E.D. Va.	March 27, 1979
	4) <u>All Asbestos Cases</u>	No. 77-1	U.S.D.C. E.D. Va.	June 26, 1979



<u>R. W. DAVISON</u>	1) <u>Grugan v. J-M Corp.</u>	No. 2052	C.C.P. Philadelphia County/Pa.	June 26, 1978
	2) <u>St. Jacques v. J-M Products Corp.</u>	No. C137 456	Superior Court-Cal. County-Los Angeles	Feb. 6. 1980
<u>JAMES W. ECHERD</u>	1) <u>Thornton v. J-M Corp.</u>	L-76-590,658,747,883,L-77-36	U.S.D.C. E.D. Va.	Sept. 29, 1978
	2) <u>Thornton v. J-M Corp.</u>	L-76,590,658,747,883,L-77-36	U.S.D.C. E.D. Va.	March 28, 1979
	3) <u>All Asbestos Cases</u>	No. 77-1	U.S.D.C. E.D. Va.	June 26, 1979
<u>JERRY L. MITCHELL</u>	1) <u>Thornton v. J-M Corp.</u>	L-76-590,658,747,883,L-77-36	U.S.D.C. E.D. Va.	Sept. 29, 1978
	2) <u>Thornton v. J-M Corp.</u>	L-76-590,658,747,883-L-77-36	U.S.D. .. E.D. Va.	March 26,27, 1979
	3) <u>All Asbestos Cases</u>	No. 77-1	U.S.D.C. E.D. Va.	June 26, 1979
	4) <u>Related Asbestos Cases</u>	No. All Cases	U.S.D.C. - Cal.	Feb. 11, 1982

In addition to the following depositions of Mr. Roy, it is believed Mr. Roy was also deposed on September 29, 1978 but no further information is available.

<u>ROB ROY</u>	1) <u>In Re Asbestos Cases - All Cases</u>	CP-77-1-N	U.S.D.C. E.D. Va.	Aug. 29, 1979
	2) <u>General Dynamics Asbestos Cases</u>	CML No. 1	U.S.D.C. (Conn.)	Dec. 14, 1979
	3) <u>In Re Massachusetts Asbestos Cases</u>	MBL No. 1	Superior Court - Mass. Essex County	July 14, 1981
<u>ALEXANDER SMITH</u>	1) <u>Thornton v. J-M Corp.</u>	L-76-590,658,747,883-L-77-36	U.S.D.C. E.D. Va.	Dec. 1, 1978
	2) <u>Thornton v. J-M Corp.</u>	L-76-590,658,747,883-L-77-36	U.S.D.C. E.D. Va.	March 26, 1979
<u>JAMES P. MILLER</u>	1) <u>All Asbestos Cases</u>	No. 77-1	U.S.D.C. E.D. Va.	June 28, 1979
<u>TED SHUMATE</u>	1) <u>All Asbestos Cases</u>	No. 77-1	U.S.D.C. E.D. Ba.	Oct. 23, 1985
<u>FRANK S. WILLIAMS</u>	1) <u>All Asbestos Cases</u>	No. 77-1	U.S.D.C. E.D. Va.	Dec. 1, 1978
	2) <u>All Asbestos Cases</u>	No. 77-1	U.S.D.C. E.D. Va.	March 26, 1979
	3) <u>All Asbestos Cases</u>	No. 77-1	U.S.D.C. E.D. Va.	June 27, 1979
	4) <u>Related Asbestos Cases</u>	No. All Cases	U.S.D.C. - Cal.	Feb. 10, 1982
	5) <u>Hart v. Armstrong Corp. Co.</u>	S79-0033(N)	U.S.D.C. S.D. Miss.	Jan. 26, 1982
	6) <u>Asbestos Related Litigation</u>	No. CP-81-1	U.S.D.C. E.D., M.D. & W.D. of N.C.	Oct. 13, 1982

FRANK S. WILLIAMS 7) (cont.)	Nutt, et al. v. AC&S, et al. Sheppard, et al. v. AC&S, et al.	No. 80C-FE-8 CA. No. 82-C-DE-27	Superior Court-Delaware Newcastle County	. Dec. 5, 1984
8)	various asbestos cases	various	U.S.D.C. Tenn and Tenn. State Circuit Courts	Dec. 28, 1982
9)	<u>All Asbestos Cases</u>	No. 77-1	U.S.D.C. E.D. Va.	Oct. 23, 1985
<u>JOHN ZINENT</u>	1) <u>Thornton v. J-M Corp.</u>	L-76-590,658,747,883,L-77-36	U.S.D.C. E.D. Va.	Sept. 26, 1978

E. C. Bratt testified at trial in Virginia litigation: November, 1979.

F. S. Williams testified at trial in Virginia litigation: August, 1982.

F. S. Williams testified at trial in Wisconsin litigation: November, 1982.

F. S. Williams testified at trial in Mississippi litigation: May, 1982.

B. J. Ferkes
L. E. Moody
J. W. Priesting
E. J. Shustock

RECEIVED
JUN 25 1969

June 25, 1969

R. W. Davison

Files

Please proceed at once to dispose of all files that are dated prior to July, 1967. The only exceptions to this will be as follows:

1. Those required by Financial Department.
 2. Those required by the Legal Department.
 3. Statistical information needed to maintain continuity of sales, bookings, etc., on computer runs.
 4. Government files needed for information concerning outstanding or unsettled contracts.
 5. Purchase orders or contracts needed due to open orders and/or unfinished and unsettled matters in connection with the contracts or purchase orders.
- Any other exceptions must be reviewed with me.

This directive includes files in Pittsburgh, Branches, Warehouses, Works, District Offices, file storage areas that are rented, and files that are maintained in an employee's home. In the future it will be our practice to only retain files for twenty-four (24) months. This means that after the current file review and disposal on August 1, we will destroy the files for July, 1967; September we will destroy the files for August, 1967, etc. This file review is to be completed by Tuesday, July 1.

I would appreciate a letter from each of you indicating that all of the employees reporting to you directly and indirectly have been informed and have told you that the job is complete. If there are any questions, please let me know at once.

R. W. Davison

RWD:ls
cc: L. M. Delans
J. A. Koppie
J. M. Leonard

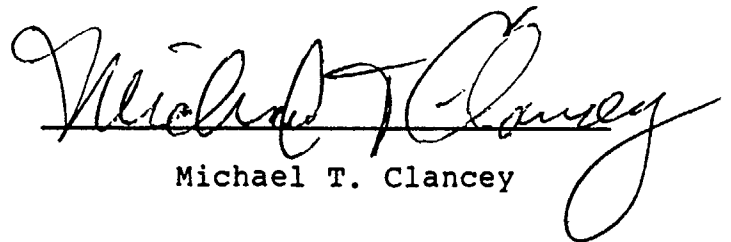
EXHIBIT

4

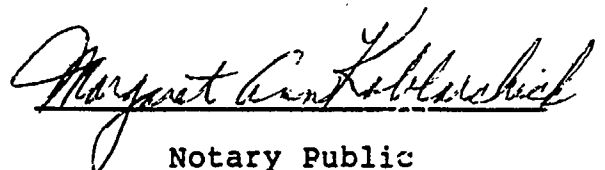
VERIFICATION

COMMONWEALTH OF PENNSYLVANIA)
)SS:
COUNTY OF ALLEGHENY)

Michael T. Clancey, being first duly sworn according to law, deposes and says he is Assistant General Counsel for H. K. Porter Company, Inc.; and that he has read the foregoing responses to discovery and the same are true to the best of his knowledge and belief.


Michael T. Clancey

SWORN TO BEFORE ME and subscribed in my presence this 13
day of November, 1987


Notary Public

MARGARET ANN KOBIARCHICK, NOTARY PUBLIC
PITTSBURGH, ALLEGHENY COUNTY
MY COMMISSION EXPIRES OCT 23, 1990
Member, Pennsylvania Association of Notaries

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
 : ss.:
COUNTY OF NEW YORK)

JOAN M. GALLO, being duly sworn, deposes and says:

I am over 18 years of age, reside at 22-11 Ryan Court, Whitestone, New York and am not a party to the within action. On March , 1988, I served defendant H. K. Porter Company, Inc.'s Response to Plaintiffs' First Standard Set of Liability Interrogatories and Request for Production of Documents upon:

Ashcraft & Gerel
233 Broadway
New York, New York 10279

Lipsig, Sullivan & Liapakis
100 Church Street
New York, New York 10007

Baron & Budd
8333 Douglas Avenue
Suite 1050
Dallas, Texas 75225

Lipsitz, Green, Fahringher,
Roll, Schuller & James
One Niagra Square
Buffalo, New York 14202

Morris Eisen & Perry
Weitz, P.C.
233 Broadway
New York, New York 10279

Rheingold & Golumb
113 East 37th Street
New York, New York 10016

Levy, Phillips & Konigsberg
90 Park Avenue
New York, New York 10017

Thorton & Early
200 Portland Street
Boston, Massachusetts 02114

by depositing a true and exact copy of same, enclosed in a post-paid properly addressed envelope in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

JOAN M. GALLO

Sworn to before me this
day of March, 1988.

NOTARY PUBLIC