

CAUSE NO. 10346*BH99

DONALD R. KINSEY et al.	§	IN THE DISTRICT COURT
	§	
Plaintiffs,	§	
	§	
v.	§	BRAZORIA COUNTY, TEXAS
	§	
OWENS-CORNING (CORP.), et al.	§	
	§	
Defendants.	§	23 RD JUDICIAL DISTRICT

**DEFENDANT ASARCO INCORPORATED'S RESPONSE TO PLAINTIFFS' REQUEST
FOR DISCLOSURE**

TO: Counsel Of Record for Plaintiffs

COMES NOW, ASARCO INCORPORATED, formerly known as American Smelting and Refining Company, (hereinafter "ASARCO"), a corporation of the State of New Jersey, with its principal place of business in the State of Arizona, named Defendant herein, and in Response to Plaintiffs' Requests for Disclosure makes and files this response pursuant to Rule 194 of the Texas Rules of Civil Procedure, respectfully showing unto the Court as follows:

Rule 194.2 (a): the correct names of the parties to the lawsuit.

RESPONSE:

ASARCO Incorporated, formerly known as American Smelting and Refining Company.

Rule 194.2 (b): the name, address, and telephone number of any potential parties.

RESPONSE:

Based upon the limited information plaintiffs have provided thus far, ASARCO is not aware of any potential parties to this action. As ASARCO's investigation of Plaintiffs' claims is ongoing, ASARCO expressly reserves its right to amend and supplement this response.

Rule 194.2 (c): the legal theories and in general the factual bases of the responding party's claims or defenses (the responding party need not marshal all evidence that may be offered at trial)

RESPONSE:

ASARCO has exercised its right under Rule 92 of Texas Rules of Civil Procedure to assert a general denial of the matters alleged in plaintiffs' petition, and to require plaintiffs to prove their claims, charges and allegations by a preponderance of the evidence. ASARCO has also asserted various affirmative defenses in its Answer to plaintiffs' petition.

At this point, ASARCO has not received sufficient information from the plaintiffs to evaluate and formulate its possible defenses to this action. ASARCO will supply more information regarding its defenses once the theory and factual bases of plaintiffs' claims are more fully understood.

Rule 194.2(d): the amount and any method of calculating economic damages

RESPONSE:

Not applicable.

Rule 194.2 (e): the name, address and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case.

RESPONSE:

ASARCO incorporates by reference the name, address and telephone number of each person identified by plaintiffs as persons with knowledge of relevant facts, including but not limited to plaintiffs, their families, their co-workers and their medical providers. Plaintiffs should have knowledge of all aspects of their case. Plaintiffs' family members should know how plaintiffs' injuries or illnesses have affected plaintiffs. Plaintiffs' co-workers should know which asbestos-containing products, if any, plaintiffs were exposed to during their employment. Plaintiffs' medical providers should know plaintiffs' medical conditions and treatments.

ASARCO also incorporates by reference the name, address and telephone number of each person identified by the other defendants as persons with knowledge of relevant facts.

ASARCO states that the following individuals may have knowledge of relevant facts:

Donald A. Robbins c/o ASARCO Incorporated, 3422 South West, Salt Lake City, Utah (801) 263-5220. Mr. Robbins is currently employed by ASARCO as the Director of Environmental Sciences.

K.W.Nelson c/o ASARCO Incorporated, 3422 South West, Salt Lake City, Utah (810)263-5220. Employed by ASARCO from approximately 1945 through 1982 in various positions in the Industrial Hygiene department and Environmental Sciences department. Mr. Nelson will testify live or by deposition.

Thomas C. Osborne, last known address Freemont, California. Former ASARCO Vice-President of Exploration.

Gaston Verreault, 428 LaFlamme Street, Thetford Mines, Quebec, Canada G6G3G3. Former Vice-President Operations for Lac d'Amante du Quebec.

Marvin Kuschner, M.D., SUNY Health Science Center, Pathology, Stony Brook, NY. By videotape taken in *Everett v Owens-Corning Fiberglas, et al.*, Supreme Court of New York, Niagra County, Index No. 086198. Dr. Kuschner is a pathologist and was a member of the Scientific Committee of the Institute of Occupational and Environmental Health ("IOEH") from 1966 to 1981. Dr. Kuschner will testify by prior testimony concerning his involvement with the Scientific Committee, its autonomy, and the value of the scientific research funded by the IOEH.

In addition, those individuals listed as expert witnesses may also provide factual testimony relevant to the issues in this litigation.

The fact witnesses designated herein should only be contacted through counsel for ASARCO.

At this point in the case, plaintiffs have not provided sufficient information regarding their claims for ASARCO to determine every person who may have knowledge of relevant facts. ASARCO reserves the right to amend supplement this response up to the time of trial.

Rule 194.2 (f): for any testifying expert:

- (1) the expert's name, address and telephone number**
- (2) the subject matter on which the expert will testify**
- (3) the general substance of the experts' mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, documents reflecting such information**
- (4) if the expert is retained by, employed by, or otherwise subject to the control of the responding party:**
 - (a) all documents, tangible things, reports, models or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and**
 - (b) the expert's current resume and bibliography.**

RESPONSE:

ASARCO may call the following expert witnesses to testify at trial:

1. All individuals designated or to be designated as an expert witness by any other defendant to this action, whether live or by deposition testimony, and without regard to that party's presence at the time of trial.

2. All physicians or other health care practitioners who have treated Plaintiffs or Plaintiff's decedent at any time and for any condition and whose names, addresses, and qualifications are already known to Plaintiffs, may be called to testify whether live or by deposition testimony.

3. All physicians who have prior to trial examined Plaintiffs or Plaintiff's decedent and/or Plaintiffs or Plaintiff's decedent's medical records, hospital records, laboratory test results, x-ray or other diagnostic imaging films and/or any other information of whatever kind relating to the health of Plaintiffs or Plaintiff's decedent, on behalf of any party, without regard to that party's presence at the time of trial, who will testify as to the Plaintiffs' or Plaintiff's decedent's clinical course and causation of any illness either live or by deposition testimony.

4. Allen R. Gibbs, M.D., Department of Pathology, Llandough Hospital, South Glamorgan, Penarth CF, 61XX, United Kingdom. Dr. Gibbs is a clinical and anatomical pathologist specializing in pulmonary pathology. Dr. Gibbs will testify generally as to his background, training and experience. Dr. Gibbs will testify as to his knowledge of pathology and asbestos-related diseases. He will further testify as to the general medical issues concerning the development, cause, and diagnosis of asbestos-related disease and/or other diseases that may mimic asbestos-related diseases.

Dr. Gibbs will testify generally as to the dangers posed by the inhalation of asbestos fibers and the relative risks associated with exposure to low levels of airborne asbestos. Dr. Gibbs will further address the relative pathogenicity of the various asbestos fiber types and the dose response curves associated with the various asbestos-related diseases and fiber types. Dr. Gibbs's testimony will address the disease mesothelioma, its relation to asbestos exposure, the risks associated with exposure to different fiber types, the relative contribution of different exposures, and its incidence among the general population. He will further testify as to the general medical issues concerning the development, cause, and diagnosis of mesothelioma and/or other asbestos-related disease. Dr. Gibbs may further testify concerning other conditions and/or malignancies that may complicate or confound the pathologic diagnosis of mesothelioma. Dr. Gibbs may also address thresholds of exposure below which there is no measurable increased risk of contracting an asbestos-related disease and the latency periods required for the development of the various asbestos-related diseases. Dr. Gibbs may further testify concerning alternative causes of mesothelioma.

Dr. Gibbs may review the pathological evidence in this case and testify concerning whether it is diagnostic of asbestos-related disease, including mesothelioma, asbestos-related bronchogenic carcinoma, asbestosis, or other asbestos-related pleural conditions. He may also

testify concerning the incidence and differential diagnosis of malignant and non-malignant conditions in individuals which may mimic an asbestos-related mesothelioma.

Dr. Gibbs may also testify concerning asbestos fiber counts in the lung tissue of different populations and their significance with regard to dose-response relationships and causation. He may testify concerning the mineralogical classification of asbestos and the propensity of different fiber types to cause asbestos-related disease. Dr. Gibbs may offer such other opinions as may become necessary to rebut the opinions of plaintiff's experts.

Dr. Gibbs may base his testimony on the available medical and scientific literature, his own training and experience, the opinions and reports of other experts named or to be named by ASARCO or any other party, whether live or by deposition, the testimony of all other witnesses named or to be named by ASARCO or any other party, whether live or by deposition, and any documents introduced into evidence or otherwise used by any party at the time of trial.

5. Jeremiah Lynch, C.I.H., 25 Waterman Avenue, Rumson, New Jersey. Mr. Lynch is a Certified Industrial Hygienist. Mr. Lynch will testify generally as to his background, training and experience. Mr. Lynch will testify as to the methods and procedures involved in industrial hygiene, the methods and procedures utilized in the collection of airborne asbestos samples, including fiber measurement and counting techniques, and the use of industrial hygiene methods to control worker exposure to airborne asbestos dust. Mr. Lynch will further testify concerning threshold limit values, the various threshold limit values for asbestos exposure, the basis for the original threshold limit value and its subsequent changes. Mr. Lynch will further testify concerning the setting and implementation of asbestos exposure limits by OSHA, and the subsequent changes to those limits, and OSHA regulations pertaining to Plaintiffs' workplace at various times. Mr. Lynch may also testify concerning the industrial hygiene programs implemented by Plaintiffs' employers at various times, and how those programs compared to the industrial hygiene standards at various times. Mr. Lynch may also testify as to the asbestos exposures which Plaintiff(s) would have had at various times during their employment history. Mr. Lynch will also testify with regard to environmental exposures to airborne asbestos experienced by millions of Americans for which there is no epidemiological evidence of disease. Mr. Lynch may offer such other opinions as may become necessary to rebut the opinions of Plaintiffs' experts.

Mr. Lynch will base his testimony on the available medical and scientific literature, applicable statutes and regulations, his own training and experience, the opinions and reports of other experts named or to be named by ASARCO or any other party, whether live or by deposition, the testimony of all other witnesses named or to be named by ASARCO or any other party, whether live or by deposition, and any documents introduced into evidence or otherwise used by any party at the time of trial.

6. Ernest Mastromatteo, M.D., 19 Carey Road, Toronto, Ontario, Canada M4S 1N9. Dr. Ernest Mastromatteo is a medical doctor specializing in occupational and environmental health. He is currently Professor Emeritus, Occupational and Environmental Health, University of Toronto and self-employed as a consultant in Occupational and Environmental Health. Dr. Mastromatteo

will testify generally as to his background, training and experience. Dr. Mastromatteo will testify generally concerning the fields of occupational medicine and environmental health. Dr. Mastromatteo may testify generally concerning the anatomy and physiology of the pulmonary system, the methods and procedures involved in occupational medicine and environmental health generally and specifically with regard to asbestos-related diseases, the potential dangers posed by the inhalation of asbestos fibers, the potential dangers associated with exposure to low levels of airborne asbestos dust, and the dangers posed to Plaintiffs from their alleged exposure to various types of airborne asbestos dust. Dr. Mastromatteo's testimony will address the various asbestos-related diseases, their relation to asbestos exposure, the risks associated with exposure to different fiber types, and their incidence among the general population. He will further testify as to the general medical issues concerning the development, cause, and diagnosis of mesothelioma and/or other asbestos-related disease. Dr. Mastromatteo will also address thresholds of exposure below which there is no measurable increased risk of contracting an asbestos-related disease and the latency periods required for the development of the various asbestos-related diseases. Dr. Mastromatteo may also testify as to the potential health effects to workers exposed at historical levels as well as the state-of-the-art concerning the medical opinions as to the safety of exposure at various levels. Dr. Mastromatteo will offer such other opinions as may become necessary to rebut the opinions of plaintiff's experts.

Dr. Mastromatteo will further testify that as a long-standing member of the American Conference of Governmental Industrial Hygienists Threshold Limit Value Committee, he is familiar with that organization's criteria for establishing threshold limit values. In setting those thresholds, the ACGIH examines all of the available evidence and bases its decision on the weight of evidence. As such, the ACGIH examines the studies and evaluates those studies based on their methodology, and scientific reasoning. Based on its review of the best medical evidence, the ACGIH set its first threshold limit value for asbestos in 1946 and has changed it from time to time where the medical evidence has warranted such a change. Dr. Mastromatteo will testify as to the threshold limit value at different points in time and the medical knowledge that was available to the ACGIH concerning the health effects of asbestos.

Dr. Mastromatteo will further testify that the Occupational Safety and Health Administration (OSHA) does not rely on the weight of evidence but sets its PEL based on a different control strategy. OSHA determines a safe level then sets the permissible exposure limit (PEL) by adding factors of between ten (10) and one hundred (100) times. OSHA has set the PEL for all types of asbestos at 0.1 f/cc. That level of exposure is many times below the level of exposure which one would expect to cause disease in the average worker.

Dr. Mastromatteo will base his testimony on the available medical and scientific literature, applicable state and federal statutes and regulations, his own training and experience, the opinions of other experts named or to be named by ASARCO or any other party, whether live or by deposition, the testimony of all other witnesses named or to be named by ASARCO or any other party, whether live or by deposition, and any documents introduced into evidence or otherwise used by any party at the time of trial.

7. Howard E. Ayer, C.I.H., 2812 Linwood Avenue, Cincinnati, Ohio. Mr. Ayer is a Certified Industrial Hygienist and a Certified Safety Professional. Mr. Ayer will testify generally as to his background, training and experience. Mr. Ayer will testify as to the methods and procedures involved in industrial hygiene, the methods and procedures utilized in the collection of airborne asbestos samples, including fiber measurement and counting techniques, and the use of industrial hygiene methods to control worker exposure to airborne asbestos dust. Mr. Ayer will further testify concerning threshold limit values, the various threshold limit values for asbestos exposure, the basis for the original threshold limit value and its subsequent changes. Mr. Ayer will further testify concerning the setting and implementation of asbestos exposure limits by OSHA, and the subsequent changes to those limits, and OSHA regulations pertaining to Plaintiffs' workplace at various times. Mr. Ayer may also testify concerning the industrial hygiene programs implemented by Plaintiffs' employers at various times, and how those programs compared to the industrial hygiene standards at various times. Mr. Ayer may also testify as to the asbestos exposures which Plaintiffs would have had at various times during their employment history. Mr. Ayer will also testify with regard to environmental exposures to airborne asbestos experienced by millions of Americans for which there is no epidemiological evidence of disease. Mr. Ayer may offer such other opinions as may become necessary to rebut the opinions of plaintiff's experts.

Mr. Ayer will base his testimony on the available medical and scientific literature, applicable statutes and regulations, his own training and experience, the opinions and reports of other experts named or to be named by ASARCO or any other party, whether live or by deposition, the testimony of all other witnesses named or to be named by ASARCO or any other party, whether live or by deposition, and any documents introduced into evidence or otherwise used by any party at the time of trial.

8. Arthur M. Langer, Ph.D., Director, Environmental Sciences Laboratory of the Institute of Applied Sciences, Brooklyn College of the City University of New York, Brooklyn, New York 11210. Dr. Langer will testify generally as to his background, training and experience. Dr. Langer will further testify as to his extensive study and experimentation with regard to the family of minerals commonly referred to as asbestos. Dr. Langer will testify regarding the mineralogy of the various forms of asbestos and the significance of the differences in the physical and chemical properties of the various forms of asbestos. Dr. Langer may also address the mineralogical properties of asbestos derived from different sources. Dr. Langer will testify concerning the geological formation of various asbestos-containing ores, the fibrous and non-fibrous components of those ores, and the geographical differences in various ore-bodies. Dr. Langer will further testify concerning the effects of various processing on the content of various ore bodies. Dr. Langer will testify that asbestos is a generic term describing a family of fibrous minerals with common properties. The asbestos minerals differ chemically and physically from each other. Chrysotile is the asbestiform of serpentine and crocidolite is the asbestiform of riebeckite, an amphibole mineral. There are physical and chemical differences between crocidolite and chrysotile that impact upon their suitability for various industrial uses. The physical and chemical differences between Canadian chrysotile and crocidolite affect their relative dustiness, that is, more aerosolized dust is generated by crocidolite than an equal volume of chrysotile when manipulated in a similar way.

Dr. Langer will also testify concerning the physical and chemical properties of asbestos and how they relate to the pathophysiology of asbestos-related disease. Dr. Langer will further testify concerning the use of asbestos in asbestos-cement pipe and the physical and chemical reasons why asbestos was utilized for this purpose. Dr. Langer may further testify concerning the physical characteristics of asbestos-cement pipe, including its friability and ability to release asbestos fibers under various circumstances. Dr. Langer will further testify that the visibility or lack of visibility of dust is not a reliable measure of airborne asbestos concentrations or whether the airborne concentrations comply with applicable standards. As asbestos-cement pipe is comprised predominantly of Portland Cement, only a small percentage of any visible dust would be asbestos. Further, the mechanical grinding of an asbestos-cement pipe exerts forces upon the asbestos fibers which may alter their fibrous nature such that they are not in the size range necessary to cause or contribute to an asbestos-related disease.

Dr. Langer may also testify concerning the methodology and procedures involved in undertaking a mineral analysis of lung tissue, and the results of any mineral analysis of Plaintiffs' lung tissue to the extent Plaintiffs offer such evidence. Dr. Langer will further testify concerning the levels of asbestos found in the lungs of different populations of individuals exposed to asbestos and within the general population and how those levels may relate to disease. Dr. Langer will further testify as to the lung fiber burdens of the different types of asbestos that are associated with the induction of disease and the interaction between lung fiber burdens and dose-response relationships. Dr. Langer may offer such other opinions as may become necessary to rebut the opinions of plaintiff's experts.

Dr. Langer may base his testimony on the available medical and scientific literature, his own training and experience, the opinions and reports of other experts named or to be named by ASARCO or any other party, whether live or by deposition, the testimony of all other witnesses named or to be named by ASARCO or any other party, whether live or by deposition, and any documents introduced into evidence or otherwise used by any party at the time of trial.

9. Robert Murray, M.D., Deceased, by deposition testimony. Dr. Murray is an occupational health consultant. He qualified in medicine in 1939 at Glasgow University. From 1941 to 1946 he served in the R.A.M.C. in West Africa, India and Burma and was mentioned in despatches. Dr. Murray received his Diploma in Public Health in January, 1947. In April 1947 he became one of only 12 of Her Majesty's Medical Inspectors of Factories and was assigned to the East Lancashire Division based in Manchester where he remained until 1956. While there, his Chief was E.R.A. Merewether. Dr. Murray regularly visited the asbestos factories within his jurisdiction including Turner Brother's Asbestos, British Belting and Asbestos, and Cape Asbestos.

As a Medical Inspector, Dr. Murray's duties included assisting the District Inspector in the implementation of those parts of the Acts and Regulations dealing with occupational health. This included the Asbestos Industry Regulations of 1931.

In 1949 he received the Diploma in Industrial Health of the Society of Apothecaries and lectured in Professor Lane's Department of Occupational Health in Manchester.

Dr. Murray joined the International Labour Office (ILO) in Geneva in 1956 and remained there until 1961. Dr. Murray then became Medical Advisor to the TUC in London, a post which he held until 1974. During the 1960's and 1970's he assisted the TUC in its actions against asbestos which lead to the Asbestos Regulations of 1969. In 1974, Dr. Murray began independently consulting in occupational health. He consulted with a number of firms and organizations including the Asbestos Information Association. He served as the Convenor of the Medical Advisory Panel and Scientific Advisory Panel until 1992. In 1975 he became Secretary-Treasurer of the Permanent Commission on Occupational Health, now known as the International Commission on Occupational Health, and from 1981 to 1987 he was its President.

Dr. Murray's other qualifications include Membership (1963) and later Fellowship (1970) of the Royal College of Physicians of Glasgow, honorary Doctor of Technology of the University of Bradford, honorary Fellowship of the Institution of Occupational Safety and Health, Fellowship of the Faculty of Occupational Medicine of the Royal College of Physicians of Ireland, Fellowship of the corresponding Faculty of the Royal College of Physicians of London, honorary Fellowship of the Royal Society of Medicine, honorary Fellowship of the Institute of Occupational Hygienists and honorary Doctor of Science of the University of Glasgow.

During the last 30 years Dr. Murray has kept in close touch with the increasing amount of literature concerning asbestos. He has assisted the Asbestos Institute in Montreal in its efforts to ensure the safe use of asbestos. He has participated in the ILO discussions in 1985 and 1986 which resulted in the Convention and Recommendation on the Safe Use of Asbestos and has participated in seminars in Turkey, Malaysia, Thailand and Taiwan.

On the basis of Dr. Murray's personal knowledge and experience concerning issues regarding the health hazards of asbestos, and the historical developments relating to the development of knowledge concerning asbestos-related diseases and his knowledge of the medical literature, Dr. Murray will testify as to the state of knowledge concerning what an employer could have and should have known during particular time periods with regard to both the dangers of asbestos use and methods of minimizing those dangers via proper hygiene measures.

10. Robert Brown, 1169 Pointeview Road, Chapin, South Carolina. By deposition testimony. Mr. Brown received his B.S in chemical engineering from the University of South Carolina in 1935. In or about 1948 or 1949, he obtained a Master of Public Health Degree from Johns Hopkins University School of Hygiene and Public Health.

Mr. Brown began his career in 1936 as a chemical engineer with the Division of Industrial Hygiene of the South Carolina State Board of Health where he worked with an industrial hygiene physician. Mr. Brown was responsible for performing a complete survey on a large sampling basis, including dust studies, of South Carolina industries and to develop information of any existing or suspected industrial hygiene problems.

In January, 1942, Mr. Brown was employed as the Chief of Industrial Hygiene Services for the Health Division of the City of St. Louis, Missouri. In 1949, he accepted a position on the

faculty of the School of Public Health at Yale University where he taught public and occupational health. In 1951, Mr. Brown joined the Maryland State Department of Health to facilitate the development of the Maryland Bureau of Industrial Hygiene. Mr. Brown accepted a position with the National Sanitation Foundation in Ann Arbor, Michigan in 1965. In 1967 he became the president of the National Sanitation Foundation and remained in that capacity until his retirement in 1980.

Mr. Brown was a charter member and organizer of the National Conference of Governmental and Industrial Hygienists (NCGIH), established in or around 1938. This organization later changed its name to the American Conference of Governmental and Industrial Hygienists (ACGIH). Mr. Brown served as a member of this organization's Executive Committee, Constitutional Review Committee and Industrial Hygiene Codes Committee. The latter committee was responsible for establishing maximum allowable concentrations (MAC) and threshold limit values (TLV). In 1946 the Subcommittee on Threshold Limits of the ACGIH recommended a MAC for asbestos of 6 million particles per cubic foot of air.

Mr. Brown was also a member of the American Industrial Hygiene Association (AIHA). This organization also proposed TLV's and MAC's which were published as Hygiene Standards in the April, 1958 issue American Industrial Hygiene Association Journal and recommended maximum atmospheric concentrations for asbestos over 8 hours of 5 million particles per cubic foot of air. This publication also listed potential hazards of asbestos which noted that in addition to asbestosis there had been reports of an increased risk of lung cancer.

On the basis of Mr. Brown's personal knowledge of the facts surrounding the adoption of asbestos exposure standards, his training and experience in the areas of industrial hygiene and his review of the literature, Mr. Brown will testify, if called, with regard to the composition of the membership of the ACGIH and its predecessor, the NCGIH and the AIHA. Mr. Brown will also testify with regard to the facts and circumstances surrounding the proposal and adoption of the asbestos standards and his involvement in these processes. In addition, Mr. Brown may testify with regard to the state of industrial hygiene knowledge during the 1930's, 1940's and 1950's.

11. Leonard J. Bristol, M.D. By deposition testimony. Dr. Bristol received his M.D. in 1944 from the Long Island College of Medicine. From 1944 to 1945 he had a general rotating internship at St. Catherine's Hospital in Brooklyn, New York and from July, 1945, to April, 1946, was a resident in radiology at the Long Island College Hospital. From 1946 to 1948, Dr. Bristol was a radiologist at the United States Naval Hospital, National Naval Medical Center in Bethesda Maryland. During that period of time he also served as a full-time fellow in the Department of Radiology at the Johns-Hopkins University Medical School. He was certified by the American College of Radiologists in 1949. In 1949, he assumed a full-time position as a radiologist at the Trudeau Sanatorium and the Saranac Lake Laboratory where he remained through the end of 1978. Dr. Bristol has been engaged in the practice of radiology at the General Hospital in Saranac Lake, the Placid Memorial Hospital, in Lake Placid, the Alice Hyde Hospital in Malone, New York and was a member of the Department of Radiology at the Edward L. Trudeau Foundation through 1978.

Since 1949 approximately 50 percent of Dr. Bristol's practice involved chest diseases and 25 to 30 percent of his overall practice involved occupational lung disease. He has reviewed several hundred thousand films of workers with occupational lung disease. Dr. Bristol was instrumental in the development of the ILO/UICC classifications for asbestos related diseases.

On the basis of Dr. Bristol's knowledge, training and experience as a radiologist and his personal knowledge of the research and experiments conducted by the Trudeau Foundation and Saranac Laboratories, Dr. Bristol will testify as to the general radiological characteristics and diagnosis of asbestos-related diseases. Dr. Bristol may also testify as to his review of the radiographic evidence in this case as it pertains to the Plaintiff(s).

12. John E. Craighead, M.D., 1845 Four Winds Road, Ferrisburgh, VT 05456. Dr. Craighead is a clinical and anatomical pathologist specializing in pulmonary pathology. Dr. Craighead will testify generally as to his background, training and experience. Dr. Craighead will testify as to his knowledge of pathology and asbestos-related diseases. He will further testify as to the general medical issues concerning the development, cause, and diagnosis of asbestos-related disease and/or other diseases that may mimic asbestos-related diseases.

Dr. Craighead will testify generally as to the dangers posed by the inhalation of asbestos fibers and the relative risks associated with exposure to low levels of airborne asbestos. Dr. Craighead will further address the relative pathogenicity of the various asbestos fiber types and the dose response curves associated with the various asbestos-related diseases and fiber types. Dr. Craighead's testimony will address the disease mesothelioma, its relation to asbestos exposure, the risks associated with exposure to different fiber types, the relative contribution of different exposures, and its incidence among the general population. He will further testify as to the general medical issues concerning the development, cause, and diagnosis of mesothelioma and/or other asbestos-related disease. Dr. Craighead may further testify concerning other conditions and/or malignancies that may complicate or confound the pathologic diagnosis of mesothelioma. Dr. Craighead may also address thresholds of exposure below which there is no measurable increased risk of contracting an asbestos-related disease and the latency periods required for the development of the various asbestos-related diseases. Dr. Craighead may further testify concerning alternative causes of mesothelioma.

Dr. Craighead may review the pathological evidence in this case and testify concerning whether it is diagnostic of asbestos-related disease, including mesothelioma, asbestos-related bronchogenic carcinoma, asbestosis, or other asbestos-related pleural conditions. He may also testify concerning the incidence and differential diagnosis of malignant and non-malignant conditions in individuals which may mimic an asbestos-related mesothelioma.

Dr. Craighead may also testify concerning asbestos fiber counts in the lung tissue of different populations and their significance with regard to dose-response relationships and causation. He may testify concerning the mineralogical classification of asbestos and the propensity of different fiber types to cause asbestos-related disease. Dr. Craighead may offer such other opinions as may become necessary to rebut the opinions of plaintiff's experts.

Dr. Craighead may base his testimony on the available medical and scientific literature, his own training and experience, the opinions and reports of other experts named or to be named by ASARCO or any other party, whether live or by deposition, the testimony of all other witnesses named or to be named by ASARCO or any other party, whether live or by deposition, and any documents introduced into evidence or otherwise used by any party at the time of trial.

13. Frederick David Pooley, Ph.D., M.I.M.M., M.A.I.M.E., is a Professor in Minerals Engineering, Department of Mining & Minerals Engineering, School of Engineering, University of Wales, College of Cardiff, Newport Road, Cardiff, Wales. Dr. Pooley will testify generally as to his background, training and experience. Dr. Pooley will testify as to his extensive study and experimentation with regard to the family of minerals commonly referred to as asbestos. Dr. Pooley will testify regarding the mineralogy of the various forms of asbestos and the significance of the differences in the physical and chemical properties of the various forms of asbestos. Dr. Pooley may also address the mineralogical properties of asbestos derived from different sources. Dr. Pooley will testify concerning the geological formation of various asbestos-containing ores, the fibrous and non-fibrous components of those ores, and the geographical differences in various ore-bodies. Dr. Pooley will further testify concerning the effects of various processing on the content of various ore bodies. Dr. Pooley will also testify concerning the physical and chemical properties of asbestos, how those properties dictate the suitability of different fibers for different applications and how they relate to the pathophysiology of asbestos-related disease. Dr. Pooley may also testify concerning the methodology and procedures involved in undertaking a mineral analysis of lung tissue, and the results of any mineral analysis of any of Plaintiffs' lung tissue to the extent Plaintiffs offer such evidence. Dr. Pooley will further testify concerning the levels of asbestos found in the lungs of different populations of individuals exposed to asbestos and within the general population and how those levels may relate to disease. Dr. Pooley will further testify as to the lung fiber burdens of the different types of asbestos that are associated with the induction of disease and the interaction between lung fiber burdens and dose-response relationships. Dr. Pooley may offer such other opinions as may become necessary to rebut the opinions of plaintiff's experts.

Dr. Pooley may base his testimony on the available medical and scientific literature, his own training and experience, the opinions and reports of other experts named or to be named by ASARCO or any other party, whether live or by deposition, the testimony of all other witnesses named or to be named by ASARCO or any other party, whether live or by deposition, and any documents introduced into evidence or otherwise used by any party at the time of trial.

14. John M. G. Davis, Ph.D., Sc.D., Pathology, Institute of Occupational Medicine, 8 Roxburgh Place, Edinburgh, E88 9SU, Scotland. By deposition testimony. Dr. Davis is an experimental pathologist specializing in animal studies. Dr. Davis will testify generally as to his background, training and experience. Dr. Davis will testify as to his knowledge of experimental pathology and animal studies as they relate to the human health effect of the various forms of asbestos. Dr. Davis will testify to the design of animal experiments including the methods and procedures used to generate asbestos dust clouds in a laboratory environment. Based upon these experiments, Dr. Davis will testify that crocidolite asbestos is dustier than chrysotile asbestos and that the similar manipulation of equal volumes of crocidolite and chrysotile asbestos produces

more aerosolized crocidolite than chrysotile dust. Further, Dr. Davis will testify that in a work environment in which both crocidolite and chrysotile are similarly processed, the percentage of crocidolite in the airborne asbestos dust cloud will exceed the percentage of crocidolite processed.

Dr. Davis will testify as to the general medical issues surrounding asbestos-related diseases. He will address latency, dose response relationships and differences in asbestos fiber types, including their durability in biological tissues, as they relate to the development of asbestos-related diseases. He will base his testimony on his extensive personal research into the pathological effects of asbestos on animals and his knowledge of the relevant scientific and medical literature. He will address the disease mesothelioma and his opinions as to its causation, development and rate of occurrence. Dr. Davis may also testify as to the state-of-the-art as it pertains to experimental studies involving animal exposure to various forms of asbestos. Dr. Davis may offer such other opinions as may become necessary to rebut the opinions of plaintiffs' experts.

Dr. Davis will also testify as to the relevance of animal experiments conducted at Saranac Lake under the direction of Dr. Gardner during the 1940's and later by Dr. Vorwald in the 1950's, as well as subsequent experiments undertaken by Dr. Lynch. Dr. Davis will testify that problems with experimental design, controls and the inherent characteristics of the tested animals rendered Gardner's and Vorwald's studies inconclusive. Although Lynch's study was properly designed, there was no significant difference in the incidence of pulmonary tumors between test and control animals. Hence, Dr. Davis will testify that the animal experiments of Gardner, Vorwald and Lynch gave no reliable information that asbestos was carcinogenic, and it was not until 1967 that Gross demonstrated a positive relationship using specific Pathogen Free Rats. Dr. Davis will testify that by the time of Gross' experiments in 1967, the association between asbestos exposure and lung cancer had been demonstrated by human epidemiology.

Dr. Davis may base his testimony on the available medical and scientific literature, his own training and experience, the opinions and reports of other experts named or to be named by ASARCO or any other party, whether live or by deposition, the testimony of all other witnesses named or to be named by ASARCO or any other party, whether live or by deposition, and any documents introduced into evidence or otherwise used by any party at the time of trial.

15. Philip C. Pratt, M.D., Deceased, by deposition testimony. Dr. Pratt received his M.D. degree from Johns Hopkins Medical School in 1944. In 1944 and 1945, he completed an internship in pathology and between 1945 and 1946 was an assistant in pathology at Johns Hopkins Hospital. He served as a pathologist at the Saranac Laboratory, Saranac Lake, New York, between 1946 and 1952 and as assistant director of the Saranac Laboratory in 1952 to 1955. Dr. Pratt has personal knowledge of the facts surrounding Dr. Leroy Gardner's animal experiments conducted at Saranac Laboratory from the late 1920's until his death in 1946. Dr. Pratt continued to work on these experiments after Dr. Arthur J. Vorwald was appointed as Dr. Gardner's successor as Director of the Saranac Laboratory and of the Trudeau Foundation. Dr. Pratt will testify with regard to the facts and circumstances surrounding these experiments, including his microscopic examination of tissue slides from the sacrificed animals, his review of

Dr. Gardner's experimental notes, and drafting the portions of the literature published as a result of these studies, including the article entitled "Experimental Studies of Asbestosis" which was published in the A.M.A. Archives of Industrial Hygiene and Occupational Medicine in January 1951 as well as the document entitled "Asbestosis Experimental Studies, Report of the Johns-Manville Corporation, by the Saranac Laboratory" dated September 30, 1948.

16. Robert N. Jones, M.D., Tulane University Medical Center, Pulmonary Disease, Box SL-9, 1430 Tulane Avenue, New Orleans, LA. Dr. Jones is a medical doctor who is board certified in the specialties of internal medicine and pulmonary disease. His research career has been in the epidemiology of occupational lung diseases. Dr. Jones will testify generally as to his background, training and experience. Dr. Jones may testify generally concerning the anatomy and physiology of the pulmonary system, the methods and procedures involved in pulmonary medicine and epidemiology generally and specifically with regard to asbestos-related diseases, the potential dangers posed by the inhalation of asbestos fibers, the potential dangers associated with exposure to low levels of airborne asbestos dust, and the dangers posed by the different types of asbestos fiber. Dr. Jones will also testify as to the relative pathogenicity of the different asbestos fiber types and the epidemiology associated with exposure to different fiber types. Dr. Jones will further address the dose response curves associated with the different fiber types for the various asbestos-related diseases. Dr. Jones's testimony may also address the disease mesothelioma, its relation to asbestos exposure, the risks associated with exposure to different fiber types, the relative contribution of different exposures, and its incidence among the general population. He will further testify as to the general medical issues concerning the development, cause, and diagnosis of mesothelioma and/or other asbestos-related disease. Dr. Jones will further testify concerning other conditions and/or malignancies that may complicate or confound the diagnosis of asbestos-related diseases and the clinical diagnosis of asbestos-related diseases. Dr. Jones will also address thresholds of exposure below which there is no measurable increased risk of contracting an asbestos-related disease and the latency periods required for the development of the various asbestos-related diseases. Dr. Jones will offer such other opinions as may become necessary to rebut the opinions of plaintiff's experts.

Dr. Jones may base his testimony on the available medical and scientific literature, his own training and experience, the opinions and reports of other experts named or to be named by this defendant or any other party, whether live or by deposition, the testimony of all other witnesses named or to be named by this defendant or any other party, whether live or by deposition, and any documents introduced into evidence or otherwise used by any party at the time of trial.

17. Gary Kanter Friedman, M.D., Texas Lung Institute, 11757 Katy Freeway, Suite 1540, Houston, TX. Dr. Friedman is a medical doctor who is board certified in the specialties of internal medicine, preventative medicine, and occupation medicine. Dr. Friedman will testify generally as to his background, training and experience. Dr. Friedman may testify concerning his experience treating pulmonary diseases. Dr. Friedman may testify generally concerning the anatomy and physiology of the pulmonary system, the methods and procedures involved in pulmonary medicine and epidemiology generally and specifically with regard to asbestos-related diseases, and the potential dangers posed by the inhalation of asbestos fibers, the potential

dangers associated with exposure to low levels of airborne asbestos dust, and the dangers posed by the different types of asbestos fibers. Dr. Friedman will offer such other opinions as may become necessary to rebut the opinions of plaintiffs' experts.

Dr. Friedman may base his testimony on the available medical and scientific literature, his own training and experience, the opinions and reports of other experts named or to be named by ASARCO or any other party, whether live or by deposition, the testimony of all other witnesses named or to be named by ASARCO or any other party, whether live or by deposition, and any documents introduced into evidence or otherwise used by any party at the time of trial.

18. ASARCO reserves the right to seek leave of court to call experts who are substituted for experts on this list who become unavailable. ASARCO further reserves the right to call additional expert witnesses for the purpose of rebuttal or impeachment, if necessary at the time of trial.

The general description of the area of expertise of each expert's anticipated testimony is not intended to limit such testimony, but is merely an indication of the broad area in which they may offer testimony. ASARCO reserves the right to supplement or revise this designation up to the time of trial.

Rule 194.2 (g): any indemnity and insuring agreements described in Rule 192.3(f)

RESPONSE:

Until ASARCO learns more about Plaintiffs' alleged exposure to asbestos containing products, a meaningful response cannot be made to this request. Once such exposure information is received, ASARCO will investigate further and responsive information, if any, will be supplied if and when it is obtained.

As ASARCO's investigation of Plaintiffs' claims is ongoing, ASARCO reserves the right to amend and/or supplement this response.

Rule 194.2 (h): any settlement agreements described in Rule 192.3(g)

RESPONSE:

None.

Rule 194.2 (i): any witness statements described in Rule 192.3(h)

RESPONSE:

ASARCO states that its representatives have made statements, in the form of deposition testimony, throughout the years. Once ASARCO learns more about Plaintiffs' alleged exposure

to asbestos containing products, ASARCO will provide any transcripts containing statements relevant to this action.

Rule 194.2 (j): in a suit alleged physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills that are reasonably related to the injuries or damages asserted, or in lieu thereof, an authorization permitting the disclosure of such medical records and bills

RESPONSE:

Not applicable.

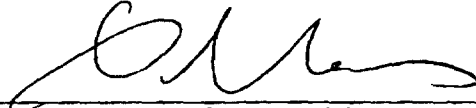
Rule 194.2 (k): in a suit alleging physical or mental injury and damages from the occurrence that is the subject of the case, all medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party

RESPONSE:

None.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing instrument was served in accordance with Rules
21 and 21a of the Texas Rules of Civil Procedure this 25th day of August, 2001.



George B. Murr

FULBRIGHT & JAWORSKI L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP

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HONG KONG

August 25, 2001

Re: *Donald R. Kinsey, et al. v. Garlock, Inc., et al.*; Cause No. 10346*BH99; In the 23rd Judicial District Court of Brazoria County, Texas

Mr. Allen Vaught
Baron & Budd
The Centrum
3102 Oak Lawn Avenue
Dallas, TX 75219

BY FACSIMILE AND CERTIFIED MAIL

Mr. W. Mark Lanier
Mr. Patrick N. Haines
Lanier, Parker & Sullivan, P.C.
1331 Lamar, Suite 1550
Houston, TX 77010

BY FACSIMILE AND CERTIFIED MAIL

Dear Mr. Vaught and Mr. Lanier:

Please find enclosed Defendant ASARCO Incorporated's Responses to Plaintiffs' Requests for Disclosure in connection with the above-referenced matter.

Very truly yours,



George B. Murr

GBM:lsb
Enclosure

c: All Defense Counsel of Record
(w/enclosure)

BY U.S. MAIL

Mr. Samuel E. Stubbs (*Firm*)
(w/enclosure)