

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

JAMES FARRALL and LEOTA
FARRALL, his wife,

Plaintiffs,

v.

KEENE CORPORATION, et al.,

Defendants.

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Civil Action No. 77, 1973

ANSWERS OF DEFENDANT BELL ASBESTOS MINES, LTD.
TO PLAINTIFF'S FIRST SET OF INTERROGATORIES

Q. 1. Describe in detail, with specificity and particularity each product manufactured and/or sold by each defendant during each year from January 1, 1963 until December 31, 1971, and for each such product describe:

- a) Its chemical ingredients.
- b) State the manner that it was intended to be used in the construction and/or insulation of buildings and/or structures.
- c) For each ingredient contained therein state:
 - 1) The name or chemical composition of each toxic substance, what harmful effect it produces and whether it produces its harmful effects through ingestion, inhalation, or absorption.
 - 2) When you first determined that the ingredient produced the harmful effects and when you first learned how such effects were produced.

3) Identify each individual who participated in such determination.

4) Identify each document that refers, reflects or relates to any information pertaining to the properties of each of the ingredients and/or how the harmful effects are produced as well as your determination of those toxic effects and the manner by which they are produced.

A. 1. From January 1, 1963 until December 31, 1971 and subsequently, Bell Asbestos Mines, Ltd. ("Bell") mined, milled and sold f.o.b. Thetford Mines, Quebec raw chrysotile asbestos fiber. From September 30, 1963 until March 5, 1977, Atlas Asbestos Company was an internal division of Bell and Atlas' plant and facilities at Montreal, Quebec manufactured a line of building products some of which contained asbestos. On March 5, 1977, Atlas Asbestos Company became a separate corporate entity operating the plant and facilities in Montreal, Quebec independently of Bell. Bell's answers hereto relate only to its own mining and milling operations at Thetford Mines, Quebec.

- a) Magnesium and silicate
- b) Not known to Bell
- c) N/A, see a) above

Q. 2. If any product identified in answer to Interrogatory One (1) was manufactured and/or sold under a trade name, identify that trade name.

A. 2. N/A

Q. 3. For each product identified in answer to Interrogatory One (1) state:

a) The address of each plant where it was manufactured, processed or packaged;

b) Whether you were the sole manufacturer and distributor of the product and, if not

1) The name, address of each other person, firm or other entity engaged in the manufacture or distribution of the product.

2) Whether any other manufacturer produced the product by virtue of a franchise or license from you.

3) The persons or firms who produced the product for distribution in the United States including the State of Delaware.

A. 3. a) Mined, milled and packaged at Thetford Mines, Quebec

b) No

1)	<u>Name</u>	<u>Address</u>
	Pacific Asbestos Ltd.	U.S.A.
	Chrysotile Corporation of Australia	Australia
	Calaveros Asbestos Ltd.	U.S.A.
	Havelock Asbestos Mines	Swaziland
	Vermount Asbestos Group	U.S.A.
	Flintkote Asbestos Mines	Quebec, Canada
	Asbestos Corporation	Quebec, Canada
	Asbestos Corporation GMBH	West Germany

Carey Canadian Mines Ltd.	Quebec, Canada
Canadian Johns-Manville	Quebec, Canada
Lake Asbestos of Quebec Ltd.	Quebec, Canada
National Asbestos Mines Ltd.	Quebec, Canada
Cassiar Asbestos Corporation	British Columbia, Canada
Advocate Asbestos Mines Ltd.	Newfoundland, Canada
Nicolet Asbestos Mines Ltd.	Quebec, Canada
Amiantifera di Balangero	Torino, Italy
Soyovexport	Moscow, U.S.S.R.
General Asbestos Mining P.T.Y.	Rhodesia
Msauli Asbestos Mines P.T.Y.	South Africa
Sama Asbestos Mines S.A.	Brazil
Cyprus Asbestos Mines	Cyprus

2) No

3) Bell believes that at various times raw chrysotile asbestos fiber from the mines listed above in 3. b) 1) could have been distributed in the United States.

Q. 4. For each product identified in answer to Interrogatory One (1) state how the product was sold and/or distributed and:

a) If the product was sold directly to retail outlets identify those retail outlets who sold the product for use in the United States including the State of Delaware and for each year from January 1, 1963 to December 31, 1971 for each such outlet state the quantity of such product sold.

b) If the product was not sold directly to retail outlets, state the name and address of each wholesaler, jobber, broker or other distributor to whom you sold the product, who, in turn sold, distributed and/or offered the product for sale for use in the United States including the State of Delaware during the period January 1, 1963 to December 31, 1971.

c) If the product was not sold directly to a retail outlet, jobber, broker or other distributor, state to whom it was sold, distributed or offered for sale for use in the United States including the State of Delaware during the period January 1, 1963 to December 31, 1971.

A. 4. Sold f.o.b. Thetford Mines, Quebec.

a) Not sold directly to retail outlets.

b) Nicolet Asbestos Mines, Ltd. - Norbestos, Quebec

c) Bell did not sell, distribute or offer for sale raw asbestos fiber in the State of Delaware during the period January 1, 1963 to December 31, 1971.

Q. 5. For each product identified in answer to Interrogatory One (1) state whether you engaged in any advertising program to promote the sale of that product and, if so state:

a) The name or description of each advertising media that you have used to promote the product during the period January 1, 1963 to December 31, 1971.

b) The name of each national magazine or periodical in which you have advertised the product during the period January 1, 1963 to December 31, 1971.

c) The date of each issue of such magazine or periodical in which such advertisement appeared.

d) The name and address of each newspaper in which you have advertised the product during the period January 1, 1963 to December 31, 1971.

e) The date of each publication of each newspaper in which the advertisement appeared.

f) Identify each document which refers, reflects or pertains to each such advertisement which was published in each such magazine, periodical and/or newspaper.

g) State whether the advertising of the product was handled by an agency and, if so, state the name and address of each advertising agency that handled any portion of the advertising of the product during the period January 1, 1973 to December 31, 1973

A. 5. Bell did not engage in any such advertising program.

Q. 6. Describe in full and complete detail each of the activities which you have undertaken with the intention of warning the public of the hazardous effects of any product identified in answer to Interrogatory One (1) and give the inclusive dates of each activity.

A. 6. Bell does not ship or distribute raw asbestos fiber to the public; only to commercial purchasers. Caution labels placed on bags of raw asbestos fiber since 1972.

Q. 7. Describe each label or brochure placed in or on the container of each product identified in answer to Interrogatory One (1) during the period January 1, 1963 to December 31, 1971 and for each such label and brochure:

- a) Describe its contents.
- b) State when it was used.
- c) Describe the manner it was placed on or in the product container.
- d) Identify each document which reflects, refers or relates to the information contained in the label or brochure and the decision to include the information in the label or brochure.

A. 7. a) "Bell Asbestos Mines, Ltd.

Product of Canada

Net weight - gross weight

Grade of fiber

(Circular crest containing a picture of a Bell in the middle encircled by the words "Bell Asbestos Mines - Thetford Mines")"

- b) During the period in question
- c) Printed
- d) No such document can be identified from available records.

Q. 8. For each product listed in answer to Interrogatory One (1) describe each end use each such product was intended to be used for and for wach such use:

- a) Describe the form of the product when so used.
- b) Describe the process and/or method by which the product would be applied for each such use.
- c) Describe the equipment to be used to apply the product for each such use.

A. 8. Bell is not aware of all the end uses to which the purchasers of raw asbestos fiber intended to put such fiber.

Q. 9. State whether any of the equipment identified in answer to Interrogatory Eight (8) c) was manufactured by you or any parent or subsidiary company or related company.

A. 9. N/A

Q. 10. If any piece of equipment identified in answer to Interrogatory Eight (8) c) was invented, developed or first made by you or any person associated with you or any related company or association state:

- a) When it was invented, developed or made.
- b) Identify each individual who participated therein and describe in detail the extent of his participation.
- c) Identify each document which reflects, refers or relates to any information set forth in answer to this Interrogatory.

A. 10. N/A

Q. 11. State whether you or any person associated with you or any related company or association invented, developed or made any change and/or improvement in any piece of equipment identified in answer to Interrogatory Eight (8) c) and if so:

- a) Describe the change and/or improvement made.
- b) State when it was made.
- c) Identify each individual who participated therein and describe in detail the extent of his participation.
- d) Identify each document which reflects, refers or relates to any information set forth in answer to this Interrogatory.

A. 11. N/A

Q. 12. For each process and/or method identified in answer to Interrogatory Eight (8) b) state whether it was developed by you or a parent or subsidiary or related company.

A. 12. N/A

Q. 13. For each process and/or method identified in answer to Interrogatory Eight (8) b) developed or first made by you or any person associated with you or any related company or association state:

- a) When it was developed.
- b) Identify each individual who participated therein and describe in detail the extent of his participation.

c) Identify each document which reflects, refers or relates to any information set forth in answer to this Interrogatory.

A. 13. N/A

Q. 14. State whether you or any person associated with you or any related company or association developed or made any change and/or improvement in any process and/or method identified in answer to Interrogatory Eight (8) b) and if so:

- a) Describe the change and/or improvement made.
- b) State when it was made.
- c) Identify each individual who participated therein and describe in detail the extent of his participation.
- d) Identify each document which reflects, refers or relates to any information set forth in answer to this Interrogatory.

A. 14. N/A

Q. 15. For each product identified in answer to Interrogatory One (1) describe what, if any, tests were made to determine the safety of said product and

- a) State when each such test was made.
- b) Describe the results of each such test.
- c) identify each individual who participated therein and describe in detail the extent of his participation.

d) Identify each document which reflects, refers or relates to any information set forth in answer to this Interrogatory.

A. 15. No tests were made by Bell to determine the safety of raw asbestos fiber.

Q. 16. For each process or method identified in answer to Interrogatory Eight (8) b) describe what, if any, tests were made to determine the safety of said process or method and

- a) State when each such test was made.
- b) Describe the results of each such test.
- c) Identify each individual who participated therein and describe in detail the extent of his participation.
- d) Identify each document which reflects, refers or relates to any information set forth in answer to this Interrogatory.

A. 16. N/A

Q. 17. For each piece of equipment identified in answer to Interrogatory Eight (8) c) describe what, if any, tests were made to determine the safety of said equipment and

- a) State when each such test was made.
- b) Describe the results of each such test.
- c) Identify each individual who participated therein and describe in detail the extent of his participation.

d) Identify each document which reflects, refers or relates to any information set forth in answer to this Interrogatory.

A. 17. N/A

Q. 18. Describe each label, brochure, or other written material describing or relating to each process or method identified in answer to Interrogatory Eight (8) b) produced by you or any person associated with you or any related company or association; and for each such label, brochure or written material:

- a) Describe its contents.
- b) State when, how, and to whom it was distributed.
- d) Identify each document which reflects, refers or relates to the information contained in each such label, brochure or written material.

A. 18. N/A

Q. 19. Describe each label, brochure or other written material describing or relating to each piece of equipment identified in answer to Interrogatory Eight (8) c), provided by you or any person associated with you or any related company or association; and for each such label, brochure or written material:

- a) Describe its contents.
- b) State when, how, and to whom it was distributed.

c) Identify each document which reflects, refers or relates to the information contained in each such label, brochure or written material.

A. 19. N/A

Q. 20. For each product identified in answer to Interrogatory One (1) state whether you contend it is not a "hazardous substance" as defined in 15 United States Code, Section 1261 (F) and, if so, state with specificity and particularity the facts which you rely on to support that contention.

A. 20. This question requires a legal opinion on a foreign law and Bell is not qualified to answer same.

Q. 21. For each label and/or brochure identified in answer to Interrogatory Seven (7) state whether it contained any written, printed or graphic matter to warn of any harmful ingredient it might contain; and if so state:

- a) Whether a signal word such as "danger", "warning" or "caution" on the label or in the brochure and, if so, state which one.
- b) The wording of the statements describing the hazard.
- c) The wording of all directions and/or instructions pertaining to any method of use to avoid the hazard.
- d) Whether any signal word were printed in boldface, capital letters or different colored ink, indicating which.

A. 21. See answer 7.

Q. 22. For each product identified in answer to Interrogatory One (1) state whether during the period January 1, 1963 to December 31, 1971 any statements which you contend were warnings of the harmful or potentially harmful effects of the product printed on the cartons or packing case in which individual containers were packed and, if so:

- a) Describe its contents.
- b) State when it was used.
- c) Describe the manner in which it was placed on or in the product container.
- d) Identify each individual who participated in writing of the label or brochure.
- e) Identify each document which reflects, refers or relates to the information contained in the label or brochure and the decision to include that information in the label or brochure.

A. 22. See answer 7.

Q. 23. For each product identified in answer to Interrogatory One (1) state whether the production and/or sale of the product has been discontinued and, if so:

- a) State when it was discontinued.
- b) State with specificity and particularity all the reasons for the discontinuance.
- c) Identify each individual who participated in the decision to discontinue production and/or sale.

d) Identify all documents which reflect, refer to, relate to such discontinuance.

A. 23. No

Q. 24. For each product identified in answer to Interrogatory One (1) state whether the production and/or sale of that product has been limited and/or curtailed or reduced and, if so:

a) Describe how it was so limited or curtailed or reduced.

b) State when it was so limited, curtailed or reduced.

c) State with specificity and particularity all of the reasons for the limitation, curtailment or reduction.

d) Identify each individual who participated in the decision to so limit, curtail or reduce production and/or sale.

e) Identify each document which reflects, refers and relates to the limitation, curtailment or reduction and/or the decision to implement the limitation, curtailment or reduction.

A. 24. No

Q. 25. With regard to the production and/or sale of each product identified in answer to Interrogatory One (1) state whether you have ever been accused of violating any of the provisions of the Federal Labeling of Hazardous Substances Act, and if so, state:

- a) The date of each indictment, complaint or information that accused you of such violation.
- b) The court in which the proceedings were instituted.
- c) The plea you entered.
- d) The verdict and/or judgment in each such case.
- e) The date set for trial of any pending case.
- f) Identify all documents which reflect, refer to, or relate to information pertaining to such accusation.

(A. 25. No

Q. 26. With regard to each product identified in answer to Interrogatory One (1) state whether any quantity of that product has ever been seized by any governmental agency; and if so:

- (
- a) State the date of each such occurrence.
 - b) State the name or description of the violations of which you were accused.
 - c) State the court in which the action was filed.
 - d) Describe the judgment that was rendered.
 - e) State the date that has been set for the trial of any pending case.
 - f) Identify all documents which reflect, refer or relate to information pertaining to such seizure.

A. 26. No

Q. 27. With regard to each product identified in answer to Interrogatory One (1) state whether you have ever received a notice of injury to any other person as a consequence of a condition of pulmonary asbestosis resulting from the use of that product and, if so:

- a) State the date it was received.
- b) State the name and address of the injured person.
- c) Describe in detail the complaint.
- d) Identify all documents which reflect, refer or relate to any information pertaining to that complaint.

A. 27. Commencing in 1975, Bell has been served with court actions by more than a thousand persons in the U.S.A. claiming injury due to the alleged use of asbestos. The dates of service, names and addresses of claimants, details of the complaints and documents containing same are of public record in various courts throughout the U.S.A.

Q. 28. With regard to each product identified in answer to Interrogatory One (1) state whether you have ever been named as a defendant in any other action to recover damages for injuries resulting from pulmonary asbestosis received as a result of using that product and, if so:

- a) State the name and address of each plaintiff.
- b) State the name and address of each co-defendant.
- c) State the date it was filed.
- e) Describe the judgment rendered.

f) State the date that has been set for trial of any case still pending.

g) Describe the terms of any settlement reached before or during trial.

h) State whether any appeal is pending from any judgment that has been rendered.

A. 28. See answer 27.

Q. 29. Have you or anyone on your behalf conducted or had conducted any investigation of the statistical and/or epidemiological relationship between the use of any product identified in answer to Interrogatory One (1) and the contraction by humans of pulmonary asbestosis. If so, identify each person participating in each such investigation, identify all documents pertaining thereto, state when the investigation was conducted and identify the person or persons who authorized the investigation.

A. 29. No

Q. 30. With regard to each product identified in answer to Interrogatory One (1) describe the statistical and/or epidemiological relationship between the development of the condition of pulmonary asbestosis in humans and the use of that product and identify all documents in your possession thereto.

A. 30. This question calls for a medical opinion which Bell is unable to give.

Q. 31. Describe in detail all written and oral reports including those reports originating from users of any of the products identified in answer to Interrogatory One (1), including doctors, and employees and agents of the defendants concerning any relationship between the use of any of those products and the development of pulmonary asbestosis in humans.

- a) Identify all persons naming said reports and to whom said reports were made.
- b) Identify all documents pertaining thereto.
- c) State whether any report or series of reports initiated changes and/or reevaluation of the production, sale or use or recommendations for use of any of those products.

A. 31. Available records of Bell do not contain any such reports originating from users of the raw asbestos fiber or from doctors, employees or agents of the other defendants in this action.

- a) N/A
- b) N/A
- c) N/A

Q. 32. With regard to each product identified in answer to Interrogatory One (1) state whether you have ever received a notice of injury to any other person as a consequence of a condition of cancer including but not limited to mesothelioma resulting from the use of that product and, if so:

- a) State the date it was received.
- b) State the name and address of the injured person.

- c) Describe in detail the complaint.
- d) Identify all documents which reflect, refer or relate to any information pertaining to that complaint.

A. 32. See answer 27.

Q. 33. With regard to each product identified in answer to Interrogatory One (1) state whether you have ever been named as a defendant in any other action to recover damages for injuries resulting from cancer including but not limited to mesothelioma received as a result of using that product and, if so:

- a) State the name and address of each plaintiff.
- b) State the name and address of each co-defendant.
- c) State the date it was filed.
- d) State the name of the Court in which it was filed.
- e) Describe the judgment rendered.
- f) State the date that has been set for trial of any case still pending.
- g) Describe the terms of any settlement reached before or during trial.
- h) State whether any appeal is pending from any judgment that has been rendered.

A. 33. See answer 27.

Q. 34. Have you or anyone on your behalf conducted or had conducted any investigation of the statistical and/or epidemiological relationship between the use of the product identified

in answer to Interrogatory One (1) and the contraction by humans of cancer including but not limited to mesothelioma. If so, identify each person participating in each such investigation, identify all documents pertaining thereto, state when the investigation was conducted and identify the person or persons who authorized the investigation.

A. 34. Neither Bell nor anyone engaged by Bell has conducted any such investigation.

Q. 35. With regard to each product identified in answer to Interrogatory One (1) describe the statistical and/or epidemiological relationship between the development of the condition of cancer including but not limited to mesothelioma in humans and the use of that product and identify all documents in your possession relating thereto.

A. 35. See answer 30.

Q. 36. Describe in detail all written and oral reports including those reports originating from users of any of the products identified in answer to Interrogatory One (1), including doctors, and employees and agents of the defendants concerning any relationship between the use of any of those products and the development of cancer including but not limited to mesothelioma in humans.

a) Identify all persons naming said reports and to whom said reports were made.

- b) Identify all documents pertaining thereto.
- c) State whether any report or series of reports initiated changes and/or reevaluation of the production, sale or use or recommendations for use of any of those products.

A. 36. See answer 31.

Q. 37. Have you or has anyone on your behalf attended and/or participated in any conference, seminar, lecture or symposium dealing with the hazards of using any product identified in answer to Interrogatory One (1), and if so, state:

- a) The date and place of any such conference, seminar, lecture or symposium.
- b) The person or persons conducting such conference, seminar, lecture or symposium.
- c) The person or persons who attended on your behalf.
- d) The subject matter of such conference, seminar, lecture or symposium.
- e) The speakers and/or moderators at such conference, seminar, lecture or symposium.
- f) Whether any reports or memoranda were made concerning the subject matter of such conference, seminar, lecture or symposium identifying each such report or memorandum.

A. 37. Yes; legal Counsel representing Bell have attended such seminars since the commencement of the court actions referred to in answer 27. Bell objects to the remainder of this question.

Q. 38. With respect to the period from January 1, 1963 to December 31, 1971, state the names, addresses and company titles or position of each person who at any time during that period was in charge of the following activities with regard to each of the products identified in answer to Interrogatory One (1):

- a) production;
- b) marketing;
- c) labeling;
- d) advertising;
- e) product evaluation;
- f) research and development.

A. 38. a) Keith Jackson - Thetford Mines, Quebec -
Mill Superintendant

b) F.P. Smith - Thetford Mines, Quebec -
Vice President - Marketing (1963-1966)

William Smith - Thetford Mines, Quebec -
Vice President - Marketing (1966-1971)

c) See b) above.

d) No persons employed in this area during the period in question.

e) Walter Smith - Thetford Mines, Quebec -
Laboratory Superintendant

f) No persons employed in this area during the period in question.

Q. 39. Describe in detail your policy with respect to the destruction of records pertaining to each of the products identified in answer to Interrogatory One (1).

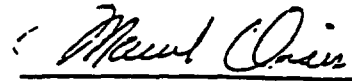
A. 39. With the exception of certain statistical records, statutory corporate records and certain raw fiber quality control records, the policy of Bell is to destroy records pertaining to raw asbestos fiber after the minimum period of retention required by the laws of Canada.

- a) Memorandum dated February 1, 1978 from
O. Mousseau to J.M. Leblond
- b) O. Mousseau
- c) O. Mousseau, J.M. Leblond, Walter Smith and
Keith Jackson

Q. 40. Identify each individual who supplied information for the answers to the foregoing Interrogatories, and identify the particular answers for which he supplied information.

A. 40. Marcel Dorais

BE IT REMEMBERED THAT on this 4th day of June 1979, personally appeared before me, Commissioner of Oaths for the District of Megantic, the Subscriber, Marcel Dorais, President of Bell Asbestos Mines, Ltd. who being duly sworn according to law, did depose and say that the foregoing Answers to Plaintiff's First Set of Interrogatories are true and correct to the best of his knowledge and belief.


Marcel Dorais

Sworn to and subscribed before
me the day and year aforesaid.


Commissaire à l'assermentation
pour le district judiciaire de Mégantic