

IN THE CIRCUIT COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO

ROGER DALE BLAKE, et al.)
)
 Plaintiffs,)
)
v.)
)
A-BEST PRODUCTS COMPANY, et al.,)
)
 Defendants.)



CASE NO. CV96 01 0191
(Hon. George Elliott)

DEFENDANT OWENS CORNING'S RESPONSES TO
PLAINTIFFS' MASTER SET OF INTERROGATORIES

Defendant Owens Corning ("OC"), by counsel, responds to Plaintiffs' First Set of Interrogatories to Owens Corning, dated November 27, 1996, as follows:

INTRODUCTORY STATEMENT AND OBJECTIONS

Plaintiffs seek information which in many instances is contained in numerous files and records. Further, certain of these interrogatories may call for the collection of information from OC offices located in various parts of the United States. Therefore, OC has responded on the basis of the best information now available to it. Subsequent investigation may reveal additional information relevant to these interrogatories and lead to a supplemental response. It is also noted that persons who are not now officers, directors or managing agents of OC may have information relevant to the subject matter of these interrogatories, and OC does not purport, in the following responses, to give the response of any such persons.

OC's responses are made without in any way waiving: (1) the right to object, on the grounds of competency, relevancy, materiality, hearsay or any other proper ground, to the use of any such information for any purpose, in whole or in part, in any subsequent stage or proceeding in this action or any other action; or (2) the right to object on any and all grounds, at any time, to any other discovery procedure relating to the subject matter of these interrogatories.

Furthermore, to the extent that these interrogatories seek information concerning injury or disease other than those allegedly experienced by plaintiffs herein or concerning asbestos-containing products other than those to which plaintiffs allegedly was exposed, OC objects on the grounds that such information is beyond the proper scope of discovery and is not reasonably calculated to lead to the discovery of admissible evidence. To the extent that these interrogatories are not limited in time to the years that OC manufactured and/or sold asbestos-containing products, OC objects on the grounds that these interrogatories are overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

OC also objects to these interrogatories to the extent that they seek: (1) information which is protected from discovery as attorney work product and/or attorney-client communications, protected by the right to privacy, or protected by any other applicable privilege; or (2) material which is considered to be proprietary and trade secret.

OC Exhibits A through OOO are available for inspection upon request by plaintiffs at OC's document library in Richmond, Virginia, as described in Response No 3. Any copying costs will be borne by the plaintiffs.

Incorporating the above objections into each response, OC responds as follows:

CORPORATE NAME

INTERROGATORY NO. 1:

For each Interrogatory below, please state the name and last known address of each person answering it, including whether he/she is employed by Defendant and if employed by Defendant include job title, length of time employed by Defendant and a year by year list of all other positions, titles, or jobs held when working for Defendant.

RESPONSE:

Responses to these interrogatories were prepared with the assistance of counsel and are based upon information obtained from presently existing corporate files and records and from interviews of various employees of OC. No single officer, employee or agent of OC has the personal knowledge to supply each and every answer required. The person signing these responses is informed that the files, documents and interviews referred to above do support the responses. If information is later obtained which modifies any of the responses herein, such information will be conveyed to the parties submitting these interrogatories. These responses are signed by William J. Burns, Jr., Senior Counsel for Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, Ohio 43659.

INTERROGATORY NO. 2:

Please state whether or not Defendant is a corporation. If so, please state:

- (a) Your correct corporate name;
- (b) The state of your incorporation;
- (c) The address of your principal place of business;
- (d) Your registered agent for service in the state of Ohio.

RESPONSE:

OC's correct corporate name is Owens Corning. OC was incorporated under the laws of the state of Delaware on October 31, 1938. Its principal place of business is in the state of Ohio, and its current address is Owens Corning World Headquarters, One Owens Corning Parkway, Toledo, Ohio 43659.

C.T. Corporation serves as OC's registered agent for purposes of service of process in the state of Ohio.

INTERROGATORY NO. 3

Please describe Defendant's corporate history including any:

- (a) Mergers;
- (b) Consolidations;
- (c) Asset purchases;
- (d) Acquisitions; or
- (e) Spinoffs.

RESPONSE:

OC objects to this interrogatory on the grounds that it is overly broad and

burdensome. Without waiving its objections, OC refers plaintiffs to Interrogatory Response No. 2. Upon request and at the expense of plaintiffs, OC will provide plaintiffs with copies of its annual reports for the years 1953 through 1973, the years during which OC distributed asbestos-containing Kaylo insulation products, as indicated by a review of OC's collection of invoices for such products. OC's annual reports for the years 1953 through 1973 comprise approximately 660 pages.

OC further refers plaintiffs to Interrogatory Response No. 4 for information regarding OC's acquisition of assets related to the manufacturer and/or distribution of asbestos-containing products.

Additional information pertinent to the subject matter of this interrogatory would be contained in OC's files related to asbestos as described below.

OC has collected numerous records and documents relating to asbestos generally. These documents are stored in OC's document library located in Richmond, Virginia.

The document library contains existing documents generated and/or received at OC's corporate headquarters in Toledo, Ohio; its technical center in Granville, Ohio; and its manufacturing facilities in Berlin, New Jersey; Bloomington, Illinois; Newark, Ohio; and Santa Clara, California. Documents relating to Fiberglas Engineering and Supply Company of San Francisco are maintained by the law firm of Tilly & Graves in San Francisco, California

pursuant to the August 25, 1995 Stipulation and Order Re Transfer of Existing Owens-Corning Fiberglas South San Francisco Contracting Records in Abate v. Fibreboard Corp., et al.; Koppen v. Fibreboard Corp., et al.; Moak v. Fibreboard Corp., et al.; and All Other Ahnfeldt Asbestos-Related Actions. These files were previously maintained by the law firm of Popelka, Allard, McCowan & Bondonno in San Jose, California, pursuant to an agreement contained in Defendant OC's response to Plaintiffs' Request for Production in Heley, et al. v. Fibreboard, et al., June 10, 1989. Additional documents relating to OC's supply and contracting units may be in the possession of various OC trial counsel.

The library contains responsive, non-privileged materials generated before and during the time that OC manufactured asbestos-containing Kaylo insulation.

At a mutually convenient time, OC will make available for inspection by plaintiffs' counsel the non-privileged documents stored in its document library. Counsel for OC will provide an index, which sets forth the file titles of those files contained in each box, and personnel to assist plaintiffs' counsel in locating documents responsive to the discovery requests in this matter. OC will also make arrangements for copying documents which plaintiffs' counsel may select. Copying and shipping costs will be borne by plaintiffs, unless otherwise ordered by the Court.

OC's library includes documents that contain information which is considered to be proprietary and trade secret. Therefore, such documents will be produced only after the entry of an appropriate protective order.

OC has removed from the library any existing materials which it contends are protected from discovery as privileged attorney-client communications, attorney work product materials, or otherwise beyond the scope of permissible discovery. Each document removed as privileged has been substituted with an easily identifiable marker which describes the privileged document by document type, (e.g., memo, letter, note), date, author, recipient, subject matter, and basis for objection. These markers may be designated for copying in the same manner as non-privileged documents. OC refers plaintiffs to Exhibit A, a copy of an index of those documents generated and/or received by OC prior to 1973 which OC claims are protected from discovery as attorney-client communications and/or attorney work product, and to Exhibit B, a copy of an index of those document generated and/or received by OC after 1972 which OC claims are protected from discovery as attorney-client communications and/or attorney work product.

Visits to the library may be scheduled through OC's local counsel.

INTERROGATORY NO. 4

Please state whether or not the Defendant has purchased, assumed, or in any other manner acquired any of the assets and/or liabilities of any corporation or entity (such corporations or entities being limited to those engaged in the mining, selling, manufacturing, marketing or distribution of asbestos-containing products). If so, please state the following:

- (a) The name of each such corporation or entity;
- (b) Date of acquisition;
- (c) The nature of the company as it relates to asbestos.

RESPONSE:

OC purchased the assets of the Kaylo division of Owens-Illinois, specifically the Berlin, New Jersey, manufacturing plant, in May 1958. No successor or predecessor relationship was created and OC did not assume the liabilities of Owens-Illinois in that asset acquisition. See Exhibit C, a copy of the contract of purchase and sale between OC and Owens-Illinois dated May 9, 1958. OC first distributed asbestos-containing Kaylo insulation in April 1953 and began to manufacture asbestos-containing Kaylo when it purchased the Berlin plant in May 1958.

OC purchased the assets of the Chembest Division of Unarco, specifically the Bloomington, Illinois, manufacturing plant in April 1970. In that purchase, no successor or predecessor relationship was created and OC did not assume the liabilities of Unarco. See Exhibit D, a copy of the contract of purchase and sale between OC and Unarco dated April 15, 1970. OC began to manufacture and distribute asbestos-containing Unarcoboard (Fyrcor) insulation at the time that it acquired the Bloomington plant.

In 1952, Fiberglas Engineering and Supply Company, then a subsidiary of OC, acquired certain assets of the Marine Engineering and Supply Company. Neither Fiberglas Engineering and Supply nor OC assumed the

liabilities of Marine Engineering Company in this asset acquisition. See Exhibit E, copies of the contract between Fiberglas Engineering and Supply Company and certain shareholders of Marine Engineering, dated July 10, 1952 and the articles of dissolution of Marine Engineering, dated September 17, 1952.

Fiberglas Engineering and Supply Company (which later became the Contracting and Supply Division and eventually the Contracting Division of OC) was engaged in the business of distributing insulation products of OC and others as well as in the contract application of these products.

Additional information pertinent to the subject matter of this interrogatory would be contained in OC's files related to asbestos as described in Response No. 3.

EVER SELL ASBESTOS

INTERROGATORY NO. 5:

Has Defendant ever engaged in the mining, manufacturing, selling, marketing, installation or distribution of asbestos-containing products? If so, please state the following:

- (a) The name of the company engaged in the activity (whether it is Defendant, Defendant's predecessor, or Defendant's subsidiary);
- (b) As to each product mined, manufactured, sold, marketed, installed or distributed, please state the following:
 - 1. The trade or brand name.
 - 2. The time period it was manufactured, mined, marketed, distributed or sold.
 - 3. The time period it was manufactured, mined, marketed, distributed or sold.

4. Its physical description including color, general composition, and form.
 5. A detailed description of its intended use and purpose.
 6. A detailed description of the type package in which it was sold, listing the dates of each type of package used, a physical description of the package, and a description of any printed material or trademarks that appeared thereon.
 7. The percent of asbestos which it contained.
 8. The percent of asbestos by asbestos type (amosite, crocidolite, tremolite, anthophyllite).
- (c) The time period during which each of these products were on the market;
- (d) A description of the physical composition of each product;
- (e) How each of these asbestos-containing product can be distinguished from those of competitors;
- (f) A description of the physical appearance of such product;
- (g) A detailed description of the intended uses.

RESPONSE:

OC objects to this interrogatory on the grounds that it is overly broad and burdensome. Without waiving its objections, OC states that it does not currently manufacture, market, sell, or distribute products containing asbestos and has never mined or processed raw asbestos. Historically, OC manufactured, marketed, sold, and/or distributed such products. See Exhibit F, a chart listing those asbestos-containing products previously manufactured and/or distributed by OC, including the manufacture and/or distribution dates of each product. OC states that it does not have a predecessor, as it

understands that term. With regard to subparts (b)1-3 and (c), OC states that it manufactured asbestos-containing Kaylo insulation products from May 1958 to November 1972. OC distributed such products from April 1953 to April 1973, as indicated by a review of OC's collection of invoices for asbestos-containing Kaylo insulation products. OC also had limited involvement in the manufacture and/or distribution of other asbestos-containing products. See Exhibit F, a chart listing those asbestos-containing products previously manufactured and/or sold by OC. With regard to subparts (b)4, (b)7, (b)8, (d) and (f), OC states that for all types of asbestos-containing Kaylo which OC manufactured by the pan mold process (from 1958 to 1972), OC's formula generally included amosite asbestos, chrysotile asbestos, quicklime, silica, diatomaceous earth, clay, chromite, limestone and sodium silicate. For pan mold Kaylo, the approximate percentage of amosite as compared to chrysotile fibers varied between one-half and two-thirds of the total percentage of the asbestos content of Kaylo.

OC also manufactured asbestos-containing Kaylo 10 from 1970 to 1972 using the filter press process. The formula for filter press Kaylo 10 generally included chrysotile asbestos, celite, hydrated lime and alum.

The asbestos content of Kaylo 10 was approximately 15% ($\pm 3\%$) by weight; the asbestos content of Kaylo 20 was approximately 22% ($\pm 3\%$) by weight; and the asbestos content of Kaylo 17 was approximately 13% ($\pm 3\%$) by weight. Slight changes were made in the batch formulations continually

throughout the period of time that OC manufactured asbestos-containing Kaylo in an attempt to improve the product. For precise information on asbestos content and type, OC refers plaintiffs to its batch formulations which are located in OC's document library. OC will provide a compilation of such formulations upon request and at cost.

With regard to subparts (b)5 and (g), OC refers plaintiffs to Exhibit F, a chart listing those asbestos-containing products previously manufactured and/or sold by OC, including information regarding the intended use of each such product. See also Exhibits G, H, I, J and K, copies of product data and application information which OC provided to purchasers of its asbestos-containing products.

With regard to subpart (b)6, OC states that OC's asbestos-containing Kaylo products were packaged in corrugated containers. See Exhibits L, M, N and O, drawings/photographs of packaging for OC's asbestos-containing products.

With regard to subpart (e), OC states that it did not stamp the name of the company, its initials or any identifying logo on its asbestos-containing products. However, it may have been possible to distinguish asbestos-containing Kaylo insulation products from competitors' asbestos-containing insulation products by color, at least when Kaylo was initially applied. Kaylo block and Kaylo core were white; Kaylo 20 block and Kaylo 20 pipe were pink; and Kaylo pipe was grayish white. OC could also identify its asbestos-

containing Kaylo products by various techniques and laboratory procedures.

Additional information pertinent to the subject matter of this interrogatory would be contained in OC's files related to asbestos as described in Response No. 3.

INTERROGATORY NO. 6:

Does Defendant or any of its subsidiary companies claim that any patent would cover any product listed in answer to Interrogatory No. 5? If so, please state the following:

- (a) The date of each patent;
- (b) The date same was issued;
- (c) The number of each patent application that is pending.

RESPONSE:

The original asbestos-containing Kaylo product was designed, developed and patented by Owens-Illinois Glass Company in the early 1940s. The exact date on which asbestos was incorporated into Kaylo by Owens-Illinois is unknown by OC. OC acquired certain of the Kaylo patents when it purchased the Berlin, New Jersey, Kaylo manufacturing plant from Owens-Illinois in May 1958. See Exhibit C, particularly Schedule B of this purchase agreement between OC and Owens-Illinois, which includes patent numbers, inventor names, and issue dates. OC will provide copies of the patents listed on part 1 of Schedule B upon request and at cost. In addition, OC later developed other patents relating to Kaylo. See Exhibit P.

The asbestos-containing Fyrcor product, originally known as Unarcoboard, was patented by Unarco Industries.

See also Exhibit Q, a list of patents for OC's asbestos-containing resin products; Exhibit R, a list of patents for OC's asbestos-containing Continuous and Chopped Strand Mat product; and Exhibit S, a list of patents for OC's asbestos-containing roofing products.

Additional information pertinent to the subject matter of this interrogatory would be contained in OC's files related to asbestos as described in Response No. 3.

INTERROGATORY NO. 7:

Have any of the products listed above in answer to Interrogatory No. 5 been altered in chemical composition since first being marketed? If so, please state the following:

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

RESPONSE:

During the period of time in which it manufactured asbestos-containing Kaylo insulation materials, OC made slight changes in the batch formulations, in the total amount of asbestos incorporated into the product, and in the ratio of amosite and chrysotile asbestos used. See Interrogatory Response No. 5 and the batch formulas referenced therein. OC varied the asbestos content of

Kaylo in its attempts to improve the product. Such changes were the responsibility of OC's Kaylo Research and Development Section, which was headed by Richard F. Shannon.

In November 1972, OC removed asbestos from Kaylo.

OC ceased the production and distribution of asbestos-containing Kaylo products in light of medical information relative to asbestos and health, and because OC was able to develop an alternate technology for producing high temperature heat insulation. Lewis W. Saxby, then Senior Vice President of OC, directed that production and distribution of asbestos-containing Kaylo insulation products be discontinued. Mr. Saxby has since retired.

OC refers plaintiffs to Exhibit F, for information regarding other asbestos-containing products previously manufactured and/or sold by OC, including information pertinent to that which is requested herein.

Additional information pertinent to the subject matter of this interrogatory would be contained in OC's files related to asbestos as described in Response No. 3.

INTERROGATORY NO. 8:

Have any of the asbestos-containing products listed in response to Interrogatory No. 5 ever been marketed, distributed, packaged, labeled, and/or sold by any other company or business? If so, please state the following:

- (a) The name and address of each such company.
- (b) The names and address of Defendant's distributors in Ohio and Illinois since 1940.
- (c) The date of each sale.

- (d) The name of the person at each location with whom you primarily dealt.
- (e) A list of all asbestos-containing products that you sold to each location from 1945 to 1980.
- (f) The amount of each asbestos product sold to each location during this period.
- (g) Please identify all documents relating to this distributor

RESPONSE:

OC objects to this interrogatory on the grounds that it is overly broad and burdensome. Without waiving its objections, OC states that it distributed asbestos-containing Kaylo insulation products from April 1953 to April 1973, as indicated by a review of OC's collection of invoices for such products. Invoices relating to OC's distribution of asbestos-containing Kaylo are maintained in OC's files related to asbestos as described in Response No. 3.

OC also had limited involvement in the manufacture and/or distribution of other asbestos-containing products. See Exhibit F, a chart listing those asbestos-containing products previously manufactured and/or distributed by OC. OC's collection of invoices relating to the sales/shipments of these other asbestos-containing products is also maintained in OC's files related to asbestos as described in Response No. 3; however, this collection is incomplete. Furthermore, these documents are not segregated by purchaser/customer or by state, but are generally organized by invoice number.

OC's asbestos-containing Kaylo products were distributed to end-users in several different ways depending on the arrangements made at the time of purchase. Some shipments were made directly from the factory to specific locations (jobsites, warehouses, railheads, etc.) and invoiced to the purchaser. Other shipments were made from the factory to distributors or contractors who, in turn, sold the products to others. Similar arrangements were made with OC supply units in various locales throughout the United States. OC does not have a compilation of all entities which might have distributed OC's asbestos-containing products. However, OC refers plaintiffs to Exhibit T, a list of distributors of which OC is aware which distributed OC's asbestos-containing Kaylo products within Ohio at some point during the period 1953-1973.

Additional information pertinent to the subject matter of this interrogatory would be contained in OC's files related to asbestos as described in Response No. 3.

INTERROGATORY NO. 8.1:

Does Defendant have reason to believe that the asbestos-containing products listed in response to Interrogatory No. 5 were used at the ARMCO/A.K. Steel Middletown Plant and/or the ARMCO/A.K. Steel Hamilton Plant? If your answer is "yes," please state the basis of your answer, etc.).

RESPONSE:

Upon receipt of detailed plaintiffs' employment history listing specific jobsite, city and state locations and corresponding years of employment, OC will review its records and attempt to respond.

INTERROGATORY NO. 8.2:

For each company or business that Defendant knows may have marketed, distributed, installed, and/or sold, those products listed in response to Interrogatory No. 5 ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant, please state the following:

- (a) The name and address of each such company;
- (b) The date of each sale from Defendant to such other company;
- (c) The name of the person at each other company with whom Defendant primarily dealt;
- (d) Names and quantities of the asbestos-containing products that you marketed, distributed, installed, and/or sold to each such company from 1950 to 1974.
- (e) Please identify all documents relating to the sales to each such company.

RESPONSE:

OC objects to this interrogatory on the grounds that it is overly broad and burdensome and seeks information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving its objections, OC refers plaintiffs to Interrogatory Response No. 8.

INTERROGATORY NO. 8.3:

If you do not know any business that may have marketed, distributed, installed, and/or sold the products listed in response to Interrogatory No. 5 to ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant, please state the names and last known addresses of those companies who Defendant knows marketed, distributed, and/or sold their asbestos-containing products in Ohio from 1950 to 1974: For each of those companies, please state the following:

- (a) Name and address of each such company;
- (b) The dates of each sale from Defendant to such other company;

- (c) The name of the person at each other company with whom Defendant primarily dealt;
- (d) The names of the asbestos-containing products that Defendant marketed, distributed, and/or sold to each such company from 1950 to 1974.

RESPONSE:

OC refers plaintiffs to Interrogatory Response No. 8.

INTERROGATORY NO. 8.4:

Does Defendant have records and/or any knowledge that reflects sales of their asbestos-containing products to ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant? If so, please state:

- (a) The names and last known addresses of those people with such knowledge.
- (b) The location of such records.

RESPONSE:

Upon receipt of detailed plaintiffs' employment history listing specific jobsite, city and state locations and corresponding years of employment, OC will review its records and attempt to respond.

INTERROGATORY NO. 9:

Did Defendant or any of Defendant's distributors, as listed in response to Interrogatory Nos. 8.1, 8.2, and/or 8.3 have sales representatives who specifically called on ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant, from 1945 to 1975? If your response is yes, as to each facility, please state the following:

- (a) The name and last known address of each such representative and whether they are still employed by Defendant;
- (b) The period of time they acted as your representative;
- (c) Their general responsibility as to each facility; and

- (d) Whether that person is still alive.

RESPONSE:

OC objects to this interrogatory on the grounds that it is overly broad and burdensome and seeks information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving its objections, OC states that many OC employees who may have information responsive to this are retired or deceased. Due to the passage of time, OC does not have a compilation of information regarding sales representatives for OC during this time period.

INTERROGATORY NO. 10:

Did Defendant ever have any division or subsidiary engaged in the contract business of applying asbestos-containing products? If so, please state:

- (a) The name of each subdivision;
- (b) The full address of the home office and the date such subdivision or subsidiary was engaged in this contracting business; and
- (c) Whether said division or subsidiary conducted such business at ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant, from 1954 to 1975? If so, please state:
 - (1) The dates of such contracts;
 - (2) The specific asbestos-containing products that were used in each contract.

RESPONSE:

OC objects to this interrogatory on the grounds that it is overly broad and burdensome. Without waiving its objections, OC states that upon receipt of

detailed plaintiffs' employment history listing specific jobsite, city and state locations and corresponding years of employment, OC will review its records and attempt to respond as to any contracting work performed at such jobsites.

OC, however, generally states that at OC's Board of Directors meeting on June 27, 1952, the Board reviewed and accepted a proposal from Detroit Insulation Company to make this company an OC subsidiary. In November 1953, this subsidiary, then known as Detroit Fiberglas Insulation Company, was merged into Fiberglas Contracting & Supply Company of Ohio Valley.

Fiberglas Engineering and Supply Division

- | | |
|----|---|
| 01 | 5933 Telegraph Road
P.O. Box 22045
Los Angeles 22, CA
213/723-9781 |
| 02 | 5202 Lovelock Street
San Diego, CA
714/2997-3765 |
| 03 | 905 W. Baseline St.
San Bernardino, CA
714/885-3496 |
| 11 | 1200 - 17th St.
San Francisco 7, CA
415/863-2380 |
| 12 | 750 Commercial St.
San Jose, CA
408/297-9520 |
| 21 | 1041 Fee Dr.
North Sacramento, CA
P.O. Box 1256
Sacramento, CA
916/927-1341 |

- 23 244 Winter St.
 P.O. Box 2659
 Reno, NV
 702/322-6941
- 26 427 "P" St.
 P.O. Box 671
 Fresno, CA
 209/233-7227
- 31 1880 W. Fillmore St.
 P.O. Box 6050
 Phoenix, AZ
 602/258-4541
- 32 1215 E. Warehouse Ave.
 P.O. Box 4248
 University Station
 Tuscon, AZ
 602/623-5429
- 36 1011 Sawmill Rd. N.W.
 P.O. Box 7067
 Old Town Station
 Albuquerque, NM
 505/243-4583
- 41 336 S. Third West
 Salt Lake City, UT
 801/328-8574
- 51 320 N.W. Hoyt
 Portland 9, OR
 503/226-6781
- 56 325 Grove St.
 P.O. Box 138
 Boise, ID
 208/342-9311

- 61 1000 Seventh Ave. South
 Seattle 4, WA
 P.O. Box 3045
 Seattle 14, WA
 206-624-8910
- 66 1907 Post Rd.
 P.O. Box 833
 Anchorage, AK
 907/275-8344
- 71 E. 3044 Trent Ave.
 Terminal Box 2945
 Spokane, WA
 509/534-0408
- 76 920 - 3rd Ave. North
 P.O. Box 1501
 Billings, MT
 406/252-8496

Additional information pertinent to the subject matter of this
interrogatory would be located in OC's files related to asbestos as described in
Response No. 3.

INTERROGATORY NO. 11:

Did Defendant ever have any division or subsidiary engaged in the
contract business of applying asbestos-containing refractory? If so, please
give the name of each subdivision, the full address of the home office and the
date such subdivision or subsidiary was engaged in this contracting business.

RESPONSE:

OC refers plaintiffs to Interrogatory Response No. 10.

INTERROGATORY NO. 12:

Please identify by location and product produced, each plant in which
products listed in your answer to Interrogatory No. 5 have been manufactured
and/or assembled and the dates said plants have been in question.

RESPONSE:

OC's asbestos-containing Kaylo insulation products were manufactured at its Berlin plant, P.O. Box 100, Berlin, New Jersey 08009, from May 1958 until November 1972, when OC ceased the production of asbestos-containing Kaylo products. OC's asbestos-containing Fyrcor product was manufactured at its Bloomington plant, 1111 West Perry Street, Bloomington, Illinois 61701, from April 1970 until November 1972, when OC ceased the production of Fyrcor. The Newark plant, Case Avenue, Newark, Ohio 43055, began operation as an OC facility in 1938 and produced a small quantity of asbestos-containing products including cements, sewn blankets, metal mesh blankets and Type II Mastic. OC's Anderson plant, Starr Road, P.O. Box 1367, Anderson, South Carolina 29622, which began operation in July 1951, produced a small quantity of asbestos-containing products including polyester resins and adhesives. OC's Huntingdon plant, 14th and Penn Streets, Post Office Box 382, Huntingdon, Pennsylvania 16652, produced its asbestos-containing Continuous and Chopped Strand Mat.

The Bloomington, Illinois, plant was sold in 1982. The Berlin, New Jersey plant ceased operation in 1993. The other plants are still in operation producing nonasbestos-containing products.

Additional information pertinent to the subject matter of this interrogatory would be contained in OC's files related to asbestos as described in Response No. 3.

INTERROGATORY NO. 13:

Has Defendant, at any time, entered into a "rebranding" agreement with any other company, either as a buyer or a seller, concerning any asbestos-containing products and/or materials? If so, please state:

- (a) The name of the company manufacturing the asbestos products under such agreement;
- (b) The trade name affixed to such products;
- (c) The periods of time covered by each such agreement;
- (d) The volume (in dollars amounts) of each such transaction;
- (e) The purchaser of such products;
- (f) Does Defendant currently have in its possession any of the writings or contracts concerning such rebranding agreement?

RESPONSE:

OC had a rebrand agreement with the Pabco Division of Fibreboard Corporation between 1960 and the late 1960s or early 1970s by which Pabco's insulation was rebranded as "Kaylo" for OC. Also, Johns-Manville manufactured and rebranded insulation for OC during 1958-1960 (exact dates not known). Eagle-Picher manufactured and rebranded asbestos-containing cements for OC from approximately 1958-1968. Copies of the agreements between OC and Fibreboard Corporation (Pabco), Johns-Manville, and Eagle-Picher are Exhibits U, V and W.

OC also distributed Owens-Illinois' asbestos-containing Kaylo insulation products from April 1953 to May 1958. See Exhibit X, a copy of the distribution agreement between OC and Owens-Illinois.

OC's asbestos-containing Kaylo was rebranded for Eagle-Picher under the name "Hy-Lo" beginning around 1958/1960; the date the rebrand ended is unknown at present. Asbestos-containing Kaylo was rebranded for Armstrong Cork under the name "Armstrong LK" or "Armaglass" insulation; at the present time, OC is not aware of the precise date this arrangement began. To the best of OC's knowledge, the rebrand ended in 1968

OC refers plaintiff to attached Exhibit F for additional information pertaining to these rebranded products.

OC does not have a compilation of the materials pertaining to these rebranding arrangements. However, information pertinent to the subject matter of this interrogatory would be contained in OC's files related to asbestos as described in Response No. 3.

See also Exhibit F, a chart listing those asbestos-containing products previously manufactured and/or distributed by OC.

Additional information pertinent to the subject matter of this interrogatory would be contained in OC's files related to asbestos as described in Response No. 3.

INFORMATION ABOUT DESIGN/TESTING

INTERROGATORY NO. 14:

What is the name, address and job title of each individual who participated in the design and preparation of manufacturing specifications for each such product listed above in answer to Interrogatory No. 5?

RESPONSE:

OC did not invent or design every asbestos-containing product that it manufactured and/or sold and does not have a compilation of all the information requested herein. However, See Exhibit C, particularly Schedule B of the purchase agreement between OC and Owens-Illinois, for information regarding Kaylo patents acquired by OC when it acquired the Berlin, New Jersey, Kaylo manufacturing plant from Owens-Illinois in May 1958, including patent numbers, inventor names, and issue dates. OC will provide copies of the patents listed on part 1 of Schedule B upon request and at cost.

In addition, OC later developed other patents relating to Kaylo. See Exhibit P.

Additional information, to the extent that it is in OC's possession, would be located in OC's files related to asbestos as described in Response No. 3.

INTERROGATORY NO. 15:

As to each product listed in response to Interrogatory No. 5, please describe how each product was to be cut, shaped, scribed, mixed and applied on the job. (In answering this question, give particular reference as to whether or not the materials were to be sawed or cut on the job, blown into confined areas, mixed with water in a cement or paste.)

RESPONSE:

OC's asbestos-containing products, under differing conditions, were cut, sawed, mixed, routed, bound or wrapped as necessary to the particular application. See Exhibits G, H, I, J, and K, copies of OC's product data and application information which OC provided to purchasers of its asbestos-

containing products. See also Exhibit F, a chart listing those asbestos-containing products previously manufactured and/or sold by OC, including information pertinent to the subject matter of this interrogatory.

Additional information pertinent to the subject matter of this interrogatory would be located in OC's files related to asbestos as described in Response No. 3.

INTERROGATORY NO. 16:

Based upon the material contents of the asbestos-containing products, the method of manufacturing, and the method of application, please state which products listed in Interrogatory No. 5 could be applied by a worker without creating dust.

RESPONSE:

OC objects to this interrogatory on the grounds that it is overly broad and burdensome. Without waiving its objections, OC states that when handlers cut or sawed asbestos-containing Kaylo, dust was created which was within the applicable threshold limit value. If dry asbestos-containing cement was poured into a mixer, dust would be created.

INTERROGATORY NO. 17:

Do any documents, including but not limited to, written memoranda, specifications, recommendations, blueprints or other written materials of any kind or character now exist relating to the design and preparation of the products listed in answer to Interrogatory No. 5? If so, please:

- (a) List each such written material or document;
- (b) Identify the person or persons presently in possession of each such document;
- (c) State where each such document is located.

RESPONSE:

OC did not originally design or develop asbestos-containing Kaylo. Kaylo was designed and developed by Owens-Illinois Glass Company in the early 1940s. However, OC may have acquired some of Owens-Illinois' materials pertaining to the design of Kaylo when OC acquired the Berlin, New Jersey, Kaylo manufacturing plant in May 1958. Such materials, to the extent that they exist and are in OC's possession, would be located in OC's files related to asbestos as described in Response No. 3.

INTERROGATORY NO. 18:

Prior to releasing the products listed in Interrogatory No. 5 for sale and usage, were any tests (either animal or human) conducted on said products to determine potential health hazards involved in the use of, or exposure to, the materials and/or products? If so, please state:

- (a) The name of the products tested and the date of each test.
- (b) The name, address, and job classification of each individual who conducted such tests;
- (c) The results of such tests.

RESPONSE:

OC did not originally develop or market asbestos-containing Kaylo. Owens Illinois first designed, manufactured and sold this product in the 1940's. However, OC offers the following overview of those tests, studies, and surveys of which OC was aware before 1974 which pertain to the potential health effects of asbestos-containing Kaylo.

Before OC purchased the Berlin, New Jersey, Kaylo manufacturing plant from Owens-Illinois, Owens-Illinois sponsored studies on Kaylo. These studies were conducted at the Trudeau Foundation located in Saranac Lake, New York.

In 1956, before its acquisition of the Kaylo manufacturing plant from Owens-Illinois, OC inquired into the information that Owens-Illinois had regarding the health aspects of Owens-Illinois' Kaylo product. OC was informed that a study at Saranac Lake, published in 1955, showed that animals, if exposed for a prolonged period of time to extraordinarily high concentrations of Kaylo dust, could develop a mild asbestosis reaction. However, OC was informed at the same time that Owens-Illinois' experience in the Kaylo manufacturing plants, including x-ray results of its employees, revealed no lung changes of any kind that could be attributed to the occupational exposure to Kaylo. See Exhibit Y (Bates numbered 01 118 0108), a letter from W. G. Hazard to Ira Brought dated 6/12/56.

Documents from OC's historical files, which OC believes it received from Owens-Illinois around the time of OC's acquisition of the Berlin, New Jersey plant, informed OC that Owens-Illinois had never received any complaints from any user reflecting any health or physical impairment on the part of people handling Kaylo material. Owens-Illinois had thus concluded, based on its experiences in the factories and in the field and its consideration of the Saranac Lake report, that the actual hazard to the health of those handling

Kaylo was considered to be small. OC refers plaintiffs to Exhibit Z (Bates numbered 01 501 1348-1352), a draft of a pamphlet and correspondence relating to the health aspects of Kaylo, prepared by Owens-Illinois in 1952, which OC believes it received in 1958. See also Exhibit AA, a collection of documents pertaining to the Saranac Laboratory's testing of asbestos-containing Kaylo which were in OC's historical files and which OC believes it received shortly after it acquired the Berlin, New Jersey, Kaylo manufacturing plant (Exhibit AA consists of 12 documents, Bates numbered as follows: 01 501 1354-1355; 01 501 1353; 01 034 0001-0032; 01 501 1343-1344; 01 501 1347; 01 501 1441; 01 035 0498-0530; 01 501 1439-1440; 01 501 1345-1346; 01 501 1348-1352; 01 501 1405-1406; 01 501 1319-1331). OC may have in its possession other documents of the type inquired of herein which OC received after litigation began and in the course of discovery.

OC further states that it conducted a survey of its workers in the Berlin, New Jersey, Kaylo manufacturing plant which was concluded in December 1970. See Exhibit BB. (OC Exhibit 10)

During the period of time in which OC manufactured asbestos-containing Kaylo products, dust level counts were taken for asbestos at the Berlin, New Jersey, Kaylo manufacturing plant by Aetna in 1961, 1963, 1965, 1967, 1969, and 1972; by Bradley in 1968 and 1969; and by Clayton in 1970, 1971, 1972, and 1973. See Exhibits CC, DD, and EE, which include copies of the results of some of those surveys. During this time period, the New Jersey

Department of Labor and Industry also periodically conducted industrial hygiene inspections, including dust level counts for asbestos, at the Berlin plant. OC refers plaintiffs to Exhibit FF, a collection of documents which OC counsel obtained in the course of litigation from the New Jersey Department of Labor and Industry pertaining to such inspections.

Industrial hygiene surveys, consisting of dust counts, were conducted during the fabrication of Kaylo block insulation on December 11, 1961, February 25, 1963, and in March 1963 at Union Carbide's Construction Insulation Shop in Charleston, West Virginia, by Robert Peele, an Industrial Hygienist for Union Carbide. As a result of his surveys, Mr. Peele concluded that 1) the fabrication of Kaylo block insulation produced negligible health effects; 2) the environmental condition in evidence during the fabrication of Kaylo block insulation was not hazardous to health; and 3) Kaylo block insulation could be fabricated safely at Union Carbide's Construction Insulation Shop. OC refers plaintiffs to copies of the Peele studies, Exhibit GG (Report 62-IH-1-G-1 consisting of 15 pages) and Exhibit HH (Report 63-IH-3-G-1 consisting of 14 pages).

Documents in OC's historical files indicate that at least by May 16, 1963, Robert Peele discussed his test results with William A. Lotz of OC Product Testing. OC refers plaintiffs to Exhibit II, a copy of a June 20, 1963, memorandum from William Lotz to J. K. Boynton (Bates numbered 01 007 0303-0304).

Entries from Robert Peele's daily calendar secured by OC in the course of litigation further indicate that Robert Peele (1) met with Robert Estep of OC on April 30, 1963, and discussed Union Carbide's dust analysis tests and research techniques (see Exhibit JJ); (2) spoke to Robert Estep on May 1, 1963, and set up a meeting for May 16, 1963, with Estep and William Lotz (see Exhibit KK); and (3) met with Estep and Lotz on May 16, 1963, to discuss the best techniques for conducting air analysis (see Exhibit LL).

Dust surveys were performed at power plants in Montour, Pennsylvania, on January 15, 1973, and in Peachbottom, Pennsylvania, on January 16 and 17, 1973; and at a shipyard in San Diego, California, on June 26 and 27, 1973. These surveys were done by G. E. Devitt, Chief Industrial Hygienist, Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, Ohio 43659. Results of these surveys were communicated to OC's Contracting Division. See Exhibit MM, the results of those surveys conducted at Montour, Pennsylvania; Peachbottom, Pennsylvania; and San Diego, California.

OC further states that certain OC resins previously described contained small amounts of calidria, purchased from the Union Carbide Corporation. The resins contained less than .6% of calidria. Union Carbide conducted an industrial hygiene survey in December 1973 to evaluate any fiber release which resulted from sanding and sawing of the plastic into which this resin was made. This survey indicated that no detectable asbestos was released.

In addition, in the course of litigation OC has become aware of the following studies pertaining to the potential health effects of Kaylo:

In August and September 1966, the industrial hygiene department of Bath Iron Works conducted surveys of the dust released when cutting various pipecovering materials. See Exhibit NN, the study results from the test dated August 19, 1966 and Exhibit OO, the results of the test dated September 12, 1966. After concluding these surveys, Bath Iron Works decided to use Kaylo pipecovering on future projects, because it was less dusty than other asbestos-containing pipecovering.

In 1967, industrial hygienists at DuPont evaluated total dust generated by fabricating, handsawing, and filing Kaylo. Dust counts from fabricating Kaylo with a band saw and a hand saw resulted in a negligible amount of total dust, defined as less than 100 particles per cubic foot. Filing of Kaylo resulted in a trace amount of total dust, defined as greater than 5,000 particles per cubic foot but less than .2% of the TLV.

Additional information pertinent to the subject matter of this interrogatory would be contained in OC's files related to asbestos as described in Response No. 3.

INTERROGATORY NO. 19:

Does Defendant have or control any documents, including but not limited to, written memoranda, specifications, recommendations, blueprints or other written materials of any kind or character relating to the testing of the products listed in Interrogatory No. 5 hereinabove?

- (a) Identify each such written material or document;

- (b) Identify each person who presently has possession of each such document;
- (c) State where each such document is located.

RESPONSE:

OC refers plaintiffs to Interrogatory Response No. 18.

INTERROGATORY NO. 20:

Were any design changes or modifications made as a result of such tests listed in answer to Interrogatory No. 18 hereinabove? If so, please state:

- (a) The trade name of the product changed or modified;
- (b) The nature of the change made and the date of such changes or modifications;
- (c) The name, address, and job classification of each person in charge of making a change.

RESPONSE:

OC did not originally design or develop asbestos-containing Kaylo insulation. Kaylo was originally designed and manufactured by Owens-Illinois Glass Company in the early 1940s; the exact date on which asbestos was incorporated into Kaylo by Owens-Illinois is unknown to OC. After OC acquired the Berlin, New Jersey, Kaylo manufacturing plant from Owens-Illinois in May 1958, OC made small modifications to the Kaylo manufacturing specifications from time to time. Such changes were the responsibility of OC's Kaylo Research and Development Section, which was headed by Richard F. Shannon. OC further refers plaintiffs to Interrogatory Response Nos. 7 and 25.

Additional information pertinent to the subject matter of this interrogatory may be contained in OC's files related to asbestos as described in Response No. 3.

INTERROGATORY NO. 21:

After releasing for sale, distribution or marketing the products listed in answer to Interrogatory No. 5, did Defendant conduct any tests (either on animals or humans) to determine potential health hazards involved in the use of said materials and/or products?

- (a) The names of the products tested and the dates of said tests;
- (b) The name, address, and job classification of each person and/or agency conducting said tests;
- (c) The results of said tests;
- (d) Whether, as a result of any tests conducted, any products were removed from the market;
- (e) The names of all products removed from the market as a result of said tests.

RESPONSE:

OC refers plaintiffs to Interrogatory Response No. 18.

INTERROGATORY NO. 22:

Has Defendant ever conducted or caused to be conducted any studies concerning the effects of the inhalation of asbestos dust and/or fibers on workers or other persons applying, using and/or working around any of the asbestos products manufactured, sold, distributed and/or relabelled for distribution by you or your predecessor? If so, please state:

- (a) The dates and nature of such studies;
- (b) The names and addresses of persons conducting such studies;
- (c) The purpose of such studies;

- (d) Identify and list those persons to whom such reports were given and the date of such dissemination;
- (e) State any publication or other written dissemination of the results of such studies;
- (f) State the nature of any action to eliminate or minimize the inhalation of asbestos dust fibers; and
- (g) Attach a copy of reports based upon such studies.

RESPONSE:

OC objects to this interrogatory on the grounds that it is overly broad and burdensome and to the extent that it seeks information which is protected from discovery as attorney-client communications and/or attorney work product.

Without waiving its objections, OC refers plaintiffs to Interrogatory Response No. 18.

INTERROGATORY NO. 23:

Before placing in the market the asbestos-containing products that Defendant, mined, manufactured, sold, marketed, installed or distributed on the market, did Defendant make or cause to be made, any studies to determine whether their asbestos-containing products would be hazardous to people? If so, please state:

- (a) The date of said studies;
- (b) What studies were done; and
- (c) The titles of each study.

RESPONSE:

OC did not originally develop or market asbestos-containing Kaylo.

However, OC refers plaintiffs to Interrogatory Response No. 18.

INTERROGATORY NO. 24:

Please state whether or not Defendant ever conducted or caused to be conducted any tests in the field (where asbestos-containing products were applied, removed or utilized) to determine the nature and extent of asbestos dust and/or fiber exposure to insulators, applicators, fellow employees, or other workers removing and/or tearing out asbestos-containing products, and/or other workers in the vicinity thereof? If so, please identify:

- (a) The date, place and nature of each and every test;
- (b) The particular asbestos-containing products to which each test applied;
- (c) The results of each test with particular reference to the number of asbestos fibers per cubic centimeter of air found at each site; and
- (d) The persons to whom the results said tests were given and the date of such dissemination.

RESPONSE:

OC refers plaintiffs to Interrogatory Response No. 18.

INTERROGATORY NO. 25:

Please state whether or not Defendant ever obtained any knowledge concerning the likelihood of asbestos being hazardous to human health. If so, please state:

- (a) When Defendant first became aware of the hazardous potential of asbestos dust and asbestos fibers;
- (b) The manner in which the Defendant, Defendant's predecessor, or Defendant's subsidiary companies first obtained this knowledge and became aware of said hazards and from what source this information was obtained;
- (c) What information was disseminated within Defendant's company, or its subsidiary or predecessor regarding such adverse consequences or effects;
- (d) Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form.

- (e) The name, address and job classification of the custodian of such information.

RESPONSE:

OC objects to this interrogatory on the grounds that it is overly broad and burdensome and to the extent that it asks OC to make a subjective determination regarding the degree of information required to state when OC first became aware of the "hazardous potential of asbestos dust and asbestos fibers." Without waiving its objections, OC offers the following as an overview of the information requested herein.

OC is now aware of medical literature associating various health concerns with the inhalation of certain asbestos fibers. However, there was no specific date as to when OC became aware of all of the relationships between various types of exposure to asbestos dust and various health concerns. Likewise, there was no specific date as to when OC became aware of the relationship between exposures to Kaylo dust and various health concerns. OC's knowledge of the potential health aspects of asbestos exposure, particularly its awareness with respect to its Kaylo insulation product, was accumulated through the years from numerous sources, including the medical and scientific community, unions, medical and scientific literature, and OC employees.

In the early 1940s, some OC employees became aware of reports of asbestosis and asbestos corns associated with prolonged overexposure to

heavy concentrations of asbestos fibers in the asbestos textile manufacturing industry. Employees learned of these reports from published medical studies such as W. C. Dreesen, et al., "A Study of Asbestosis in the Asbestos Textile Industry," Public Health Bulletin No. 241, August 1938, and A. J. Lanza, et al., "Effects of the Inhalation of Asbestos Dust on the Lungs of Asbestos Workers," Public Health Reports, Vol. 50, No. 1., January 1935. See Exhibit PP, a copy of the Dreesen study from OC's files (Bates numbered 01 501 0514-0648); Exhibit QQ (Bates numbered 01 500 0072-0084), a copy of the Lanza Study received by OC in 1941; and Exhibit RR (Bates numbered 01 500 0062-0064), correspondence related to OC's receipt of the Lanza Study. The Dreesen study noted that only a few doubtful cases of asbestosis could be found where dust levels were kept below a threshold limit value (TLV) of five million particles per cubic foot of air (MPPCF). The study reported that if dust could be kept below that level (by simple engineering and housekeeping methods such as proper ventilation and work area clean-up), new cases of asbestosis would not appear. In 1946, the American Conference of Governmental Industrial Hygienists (ACGIH) adopted the TLV of five MPPCF as its recommended standard.

A study of asbestos pipe coverers in Navy vessels entitled "A Health Survey of Pipe Covering Operations in Constructing Naval Vessels" was published by W.E. Fleischer, et al. in the January 1946 issue of the Journal of International Hygiene and Toxicology, 28, 9-16. This study, subsequently

reported in the April 1946 issue of the Industrial Hygiene Digest, found that the conclusions drawn regarding health effects in the asbestos textile industry could not be applied to pipecovering on board Navy ships and that pipe covering was not a dangerous occupation. See Exhibit SS, a copy of the April 1946 issue of the Industrial Hygiene Digest, and Exhibit TT, a copy of an affidavit of Marianne Kaschak of the Industrial Hygiene Foundation. As a member of the IHF, OC likely received this digest report.

In the early 1940s, certain OC employees also became aware of a study of New York Navy Yard asbestos insulation workers by Captain Ernest Brown, M.D. Dr. Brown concluded that, even with a maximum working period of exposure of 17 years, no cases of asbestosis were found among the insulators that he studied. See Exhibit UU (Bates numbered 01 501 0965-0968), a copy of a letter dated 3/9/42 from Dow Chemical to OC transmitting an excerpt from Captain Brown's study and related correspondence.

In April 1953, OC began to distribute a hydrous calcium silicate reinforced with asbestos, called Kaylo, which was manufactured by Owens-Illinois. OC began to manufacture this insulation product in May 1958 when it purchased the Berlin, New Jersey, Kaylo manufacturing plant from Owens-Illinois.

In 1956, before purchasing the Kaylo manufacturing plant from Owens-Illinois, OC inquired into the information that Owens-Illinois had regarding the health aspects of the Owens-Illinois Kaylo product. OC was informed that a

study, conducted by the Trudeau Foundation of Saranac Lake, New York, and published in 1955, showed that animals, if exposed for a prolonged period of time to extraordinarily heavy concentrations of Kaylo dust, could develop a mild asbestosis reaction. However, OC was informed at the same time that Owens-Illinois' experience in its manufacturing plant, including x-ray results, revealed no lung changes of any kind that could be attributed to the occupational exposure to Kaylo. See Exhibit Y (Bates numbered 01 118 0108), a letter from W. G. Hazard to Ira Brought dated 6/12/56.

Certain other documents in OC's historical files, which OC believes it received from Owens-Illinois in 1958, informed OC that Owens-Illinois had never received any complaints from any user reflecting any health or physical impairment on the part of people handling Kaylo material. Owens-Illinois had thus concluded, based on its experiences in the factories and in the field and its consideration of the Saranac Lake report, that the actual health effects on those handling Kaylo was considered to be small. OC refers plaintiffs to Exhibit Z (Bates numbered 01 501 1348-1352), a draft of a pamphlet and correspondence relating to the health aspects of Kaylo prepared by Owens-Illinois in 1952, which OC believes it received when it purchased the Berlin, New Jersey Kaylo manufacturing plant from Owens-Illinois in 1958. See also Exhibit AA, a collection of documents pertaining to the Saranac Laboratory's testing of Kaylo which are in OC's files and which OC believes it received with or shortly after the purchase of the Berlin, New Jersey plant (Exhibit AA consists

of 12 documents, Bates numbered as follows: 01 501 1354-1355; 01 501 1353; 01 034 0001-0032; 01 501 1343-1344; 01 501 1347; 01 501 1441; 01 035 0498-0530; 01 501 1439-1440; 01 501 1345-1346; 01 501 1348-1352; 01 501 1405-1406; 01 501 1319-1331).

In the early 1960s, an industrial hygienist at the Union Carbide Company, Robert Peele, had studied Kaylo and concluded that: (1) the fabrication of Kaylo block insulation produced negligible health effects; (2) the environmental condition in evidence during the fabrication of Kaylo block insulation was not hazardous to health; and (3) Kaylo block insulation could be fabricated safely at Union Carbide's Construction Insulation Shop. OC refers plaintiffs to copies of the Peele studies, Exhibit VV (Report 62-IH-1-G-1 consisting of 15 pages) and Exhibit WW (Report 63-IH-3-G-1 consisting of 14 pages).

Documents in OC's historical files indicate that at least by May 16, 1963, Robert Peele discussed his test results with William A. Lotz of OC Product Testing. OC refers plaintiffs to Exhibit II, a copy of a June 20, 1963, memorandum from William Lotz to J. K. Boynton (Bates numbered 01 007 0303-0304).

Entries from Robert Peele's daily calendar secured by OC in the course of litigation further indicate that Robert Peele (1) met with Robert Estep of OC on April 30, 1963, and discussed Union Carbide's dust analysis tests and research techniques (see Exhibit JJ; (2) spoke to Robert Estep on May 1, 1963,

and set up a meeting for May 16, 1963, with Estep and William Lotz (see Exhibit KK); and (3) met with Estep and Lotz on May 16, 1963, to discuss the best techniques for conducting air analysis (see Exhibit LL).

During the approximate period of 1964-1966, OC became aware of new developments concerning potential problems with asbestos insulating materials, particularly reports authored by Dr. Irving J. Selikoff which were presented as part of proceedings conducted by the New York Academy of Sciences and published in the Annals of the New York Academy of Science on December 31, 1965. These articles, as they related to prolonged use and exposure to asbestos insulating materials and potential lung disease, were questioned by certain OC employees with regard to their application to the product Kaylo. It was felt that Kaylo, a calcium silicate, could not have been involved to any appreciable extent in the studies because the studies involved men who had entered the insulation trade before 1943 and Kaylo was not manufactured until 1943, and according to Owens-Illinois, not commercially produced until 1948. In addition, the fact that the asbestos in Kaylo was altered physically and chemically during the autoclaving process raised the issue as to whether or not the alteration changed the possible cancer inducing tendencies of the original asbestos. OC refers plaintiffs to Exhibit XX (Bates numbered 01 007 0287-0291), a copy of Selikoff's article, "Asbestos Exposure and Neoplasia," published in the April 6, 1964 edition of the Journal of the American Medical Association, and Exhibit YY (Bates numbered 01 007 0286), a memorandum to

F. H. Edwards from W. L. Taylor, dated 4/22/64 relating thereto.

As of the mid-1960s, no worker's compensation cases had been filed by employees of the Berlin, New Jersey, Kaylo manufacturing plant. In October 1966, certain OC employees became aware of a potential claim by a Massachusetts insulation worker who claimed almost exclusive handling of Kaylo and alleged lung disease. OC refers plaintiffs to Exhibit ZZ (Bates numbered 01 039 1471-1472), correspondence regarding this claim.

Shortly thereafter, notwithstanding the fact that there was still doubt among OC employees as to whether Kaylo could cause lung disease, OC made the decision to place cautionary labels on Kaylo cartons and to remove asbestos from Kaylo as quickly as possible. This decision was implemented in December 1966. OC refers plaintiffs to Exhibit AAA (Bates numbered 01 037 0390-0402), minutes of OC's Industrial and Commercial Division's Research and Development Review on November 7, 1966, which relates to these actions.

OC ceased the manufacture of asbestos-containing Kaylo and Unarcoboard in 1972; Exhibit F lists the dates that OC ceased the manufacture and/or distribution of other asbestos-containing products.

To the best of OC's knowledge, products containing encapsulated asbestos were/are not known to cause adverse health effects.

Additional information pertinent to the subject matter of this interrogatory would be contained in OC's files related to asbestos as described in Response No. 3.

INTERROGATORY NO. 26:

Please state when Defendant first became aware of the possible association between inhalation of asbestos dust and/or fibers and the contraction of asbestosis and cancers including, but not limited to gastrointestinal cancer, laryngeal cancer, renal cancer, lymphoma, lung cancer and mesothelioma. As to each disease or condition, please state the source of that information, including a description of all tests conducted relative to the possibility of such a relationship.

RESPONSE:

OC objects to this interrogatory on the grounds that it is an inappropriate use of this discovery vehicle. The information sought by this interrogatory is more appropriately the subject of competent expert testimony. Without waiving its objections, OC refers plaintiffs to Response No. 25.

INTERROGATORY NO. 27:

Please identify all physicians, industrial hygienists, and other employees (including their names and addresses) who were employed, retained or otherwise engaged by Defendant for research, investigation or study concerning asbestos or asbestos-related diseases.

RESPONSE:

OC objects to this interrogatory on the grounds that it is vague and ambiguous and also objects to the extent that the question seeks to discover information regarding nontestifying consultants retained by counsel for the purpose of litigation. Without waiving its objections, OC states that to the best of its knowledge, it did not hire physicians, industrial hygienists or others for the specific purpose of research, investigation or study concerning asbestos or asbestos-related diseases. However, OC generally states that Dr. Jon L.

Konzen was hired on January 15, 1968, as OC's Corporate Medical Director. He was promoted to the position of Vice President, Medical and Health Affairs, Owens-Corning Fiberglas Corporation, Fiberglas Tower, Toledo, Ohio 43659 in November 1985. He remained in this position until December 31, 1992.

Joel Bender, M.D., Ph.D., who was appointed Vice President, Health, Safety and Environmental Affairs in 1987, is currently Vice President, Health Sciences and Chief Medical Officer for the company. In this capacity, Dr. Bender is responsible for providing strategic direction and leadership to the corporation in all areas of health sciences and safety. This includes supporting, coordinating, and leading processes and developing policies that not only meet compliance assurance requirements but also promote global stewardship.

Dr. Jean Arnold Chapman served as Corporate Medical Director from November 11, 1985, until February 29, 1988.

Dr. Michael G. Holthouser was Director, Corporate Medical Services from June 1988 until January 31, 1991.

Dr. David C. Deubner was Director, Corporate Medical Services from December 16, 1991 until December 31, 1993.

Jon W. Lee was Director, Corporate Medical Services from January 1, 1994 to August 1995.

The Medical Director's responsibilities included: (1) overseeing the development of scientific and medical knowledge concerning the health effects

of products made and sold by OC, materials used in OC's manufacturing process, and new products and processes under development; (2) designing and managing medical research programs; and (3) representing the company in matters concerning health effects.

Corporate Medical Services for OC is currently lead by a self-directed work team consisting of: Amy Ahrens, M.A., Leader - Disability Management; Don Levitt, Ph.D., Leader - Employee Assistance Programs; and Cheryl Shull, R.N., Leader - Occupational Nursing. This work team reports to Greg Thomson, Senior Vice President, Human Resources.

Dr. D. J. Billmaier was hired as Assistant Corporate Medical Director on December 30, 1974. He remained in this position through August 29, 1980. Dr. Billmaier was replaced by Dr. Rufus W. Miller, who served in this position from November 10, 1980, until September 1984. Dr. Miller was succeeded by Dr. Kenneth Gould, who was hired in September 1984 and employed through August 1985. The position of Assistant Corporate Medical Director has been vacant since August 1985.

Dr. S. K. Remley, Corporate Staff Physician, was employed from February 5, 1979, until December 31, 1989. He was replaced by Dr. Michael I. Sarver, who was employed from March 26, 1990, to June 15, 1991, as Manager, Corporate Medical Programs.

The duties and responsibilities of this position were to provide medical services for Toledo employees, to conduct preplacement and periodic

examinations, to diagnose and treat illnesses or injuries, to advise supervisors and management on medical aspects of employees' problems, and to implement preventative health programs.

OC's Berlin, New Jersey, manufacturing facility used the services of Dr. H. C. Schwartz (deceased) from 1958 to 1970. Dr. John McNally was employed at the Berlin facility from April 27, 1970, to October 1978. Dr. Priscillano Parilla was employed at the Berlin facility from November 1978 until August 1982. Dr. Ercole J. Liberi was employed as the plant physician for the Berlin plant from September 1982 until 1993 when the plant was closed. These doctors performed pre-employment and periodic physical examinations.

OC's Bloomington, Illinois, manufacturing facility used the services of Dr. George B. McNeely, 2302 E. Oakland Avenue, Bloomington, Illinois, from April 1970 to July 1977; Dr. N. Lee Still, 2103 E. Washington, Bloomington, Illinois, from July 1977 to July 1978; and Dr. James A. Bilyeau, 1 Medical Hills Avenue, Bloomington, Illinois, from July 1978 until 1982, when the plant was sold. These doctors conducted pre-employment and periodic physical examinations and were employed on a contract basis.

The following doctors read chest x-rays, conducted medical examinations, and consulted with employees at the Berlin, New Jersey, and Bloomington, Illinois, manufacturing plants:

<u>Physician/Consultant and Last Known Address</u>	<u>Date</u>	<u>Plant</u>
Richard M. Sproch, M.D. 350 Kings Highway, E. Haddonfield, NJ	1961-1964	Berlin
E. Spencer Paisley, M.D. 501 White Horse Pike Haddon Heights, NJ 08035	1969-1974	Berlin
I.T. Higgins, M.D. School of Public Health University of Michigan Ann Arbor, MI 48104	1969-1970	Berlin
George Wright, M.D. (Retired) 460 S. Marion Parkway Parklane Apartments Denver, CO 80209	1971	Berlin to Bloomington
Dr. Harold Manuson Institute of Indus. Health University of Michigan Ann Arbor, MI 48104	1958 to approx. 1961	Berlin
Walter Whitehouse, M.D. Institute of Industrial Health University of Michigan Ann Arbor, MI 48104	1958-1961	Berlin
Paul Scholtens, M.D. Institute of Industrial Health University of Michigan Ann Arbor, MI 48104	1958-1961	Berlin
Theodore Dietchek, M.D. Institute of Industrial Health University of Michigan Ann Arbor, MI 48104	1958-1961	Berlin
Drs. Goldenberg, Keinle, Steeb, Schaupp, Limacaco		

& Petrovich (Radiology Group) West Jersey Hospital Berlin, NJ	1965-1982	Berlin
Dr. C. R. Johnson Professional Health Services (Mobile Van Testing)	1974-1993 (plant closed)	Berlin
Joseph W. Sokolowski, Jr., M.D. and Irwin Spirn 1916 E. Malton Pike Cherry Hill, NJ	1974-1993 (plant closed)	Berlin
Dr. Chauncey McGeorge 66 Tanner Street Haddonfield, NJ	1982-1993 (plant closed)	Berlin
Bloomington Radiology Bloomington, IL	1970-1978	Bloomington
St. Joseph's Hospital Radiology Department Bloomington, IL	1974-1978	Bloomington
James Bilyeau, M.D. 1 Medical Hills Drive Bloomington, IL	1978-1982 (plant sold)	Bloomington

The following doctors were consulted on a periodic basis from 1973 to 1987 to conduct examinations of contract unit employees (the Contracting Division was sold in February 1987):

Richard K. Bath, M.D.
1124 Carew Towers
Cincinnati, OH

Alexander Greer, M.D.
West 104th Fifth
Spokane, WA 99204

Willis Taylor, M.D.

Leon A. Sealey, M.D.

West Side Family Health
Center
700 N. High School Road
Indianapolis, IN

Sutter Clinic, Inc.
819 Locust Street
St. Louis, MO 63101

Drs. Vanthoff, Yost,
Kempers & Vroon
ATTN: Dr. Richmond
50 College S.E.
Grand Rapids, MI

Robert D. Helferty, M.D.
Industrial Medical Center
PC, Inc.
1116 Ann Arbor Street
P.O. Box 3310
Flint, MI 48503

National Medical
Consultants Inc. (Clinic)
Suite 414 Fox Ridge Tower
Mission, KS 66202

Maurice Johnston, M.D.
Kelsey-Seybold Clinic
6624 Fannin Street
Houston, TX 77025

Dr. Roy Hardman
5432 I.H. 35
Austin, TX 78744

Dr. Arnold Albert
1028 South Alamo
San Antonio, TX

Dr. Patrick Clancy
400 "O" Street
Sacramento, CA 95814

Northwest Industrial
Medical Clinic
1500 First Avenue, South
Seattle, WA 98101

William D. Forney, M.D.
425 W. Bannack
Boise, ID 83702

Rodman Wilson, M.D.
3300 Providence Drive
Suite 301
Anchorage, AL 99504

John J. Krygier, M.D.
511 S. W. 10th Street
Portland, OR

Dr. Benjamin Schneider
123 E. Market Street
Danville, PA

Dr. Gordon Neilson
Page Medical Center
800 Elm
Page, AZ

Dr. Melvin Bechtel
10804 Prairie Hills Drive
Omaha, NE 68144

B. Dwight Culver, M.D.
College of Medicine
Dept. of Community &
Environmental Medicine
Med. Surg. II - Room 367
University of California
Irvine, CA

Dr. Kaare Lovall
Family Medicine Clinic
Bldg.
2132 N. Cedar
Holt, MI 48842

Dr. J. J. Applegarth
384 Post Street
San Francisco, CA 94102

Riverside Clinic
ATTN: W. McCauley, Adm.
8445 E. Jefferson
Detroit, MI 48214

Dr. A. V. Swanberg
610 7th Street
Kalespell, MT 59901

Gerald Devitt was hired by OC as an Industrial Hygienist in August 1970. He subsequently became Chief Industrial Hygienist and remained in that position until his retirement on October 31, 1986.

Charles W. Axten was hired as Manager of Industrial Hygiene on July 14, 1986, and held that position until mid-1988, when he became the Director of Occupational Safety and Health. Mr. Axten remained in that position until August 31, 1990. Klaus D. Rosinski became the Director of Occupational Safety and Health on November 1, 1990 and subsequently became a Product and Environmental Health Consultant.

J. Kenneth Conover was hired as an Industrial Hygienist in August 1986 and was promoted to Supervisor of Industrial Hygiene on June 1, 1988. He then served as Senior Program Specialist, Occupational Health and Safety until April 30, 1992.

F. W. Lichtenberg was hired as a technical information specialist in April 1975 and later served as an Industrial Hygienist from March 1977 until June 30, 1980.

Regina Brown served as an Industrial Hygienist for OC from June 15, 1980, until January 1, 1982.

Michael J. Guisfredi was hired in February 1978 as a Technologist Hygienist and became a Staff Industrial Hygienist in February 1987. He was a Senior Specialist, Occupational Health and Safety, and presently serves as a Lead Specialist, Occupational Health and Safety.

J. David Lawson was hired as a Staff Industrial Hygienist on July 7, 1986, and subsequently served as a Lead Specialist, Occupational Health and Safety until September 13, 1991.

Kathleen A. Johnson was hired as a Staff Industrial Hygienist in July 1987 and is currently a Senior Specialist, Occupational Health and Safety on a part-time basis.

Bruce A. Karas was hired as a Staff Industrial Hygienist on September 6, 1988, and was a Senior Specialist, Occupational Health and Safety. He currently serves as a Lead Specialist, Occupational Health and Safety.

John M. Horwarth was hired as a Staff Industrial Hygienist on September 12, 1988, and was a Senior Specialist, Occupational Health and Safety. He subsequently served as a Lead Specialist, Occupational Health and Safety until December 17, 1992.

M. Lynn Kessinger served as a Lead Specialist, Occupational Health and Safety from November 16, 1989 to May 31, 1991.

C. Terry Moore (deceased) was hired as a Lead Specialist, Occupational Health and Safety on December 1, 1989.

Jeff Labelle was hired as a Specialist, Occupational Health and Safety on January 2, 1992.

John Embelton was hired as a Specialist, Occupational Health and Safety on January 29, 1992.

Jonathan Hellerstein was hired as a Lead Specialist, Occupational Health and Safety on August 3, 1992.

Dan Delozier was hired as a Specialist, Occupational Health and Safety on June 1, 1993.

Frank Cereghini presently serves as Manager, Occupational Health and Safety.

OC's industrial hygienists are and have been responsible for the recommendation of programs relating to the industrial hygiene of its employees.

INTERROGATORY NO. 28:

As to each person who acted in a medical advisory capacity (as it relates in any way to asbestos) to Defendant, please list their name, the date individual acted in this capacity, and that person's current address and job title.

RESPONSE:

OC objects to the term "medical advisory capacity" as vague and ambiguous. Without waiving its objections, OC refers plaintiffs to Interrogatory Response No. 27.

INTERROGATORY NO. 29:

Please state if any medical officer or industrial hygienist or medical consultant ever made at any time any recommendations and/or suggestions to Defendant pertaining to the risks or hazards to persons involved in the manufacture or use of asbestos products and, if so, please state when, by whom or to whom such recommendations and/or suggestions were made and the substance of each recommendation.

RESPONSE:

OC objects to this interrogatory on the grounds that it is overly broad and burdensome and to the extent that it seeks information which is protected from discovery as attorney-client communications and/or attorney work product.

Without waiving its objections, OC states that it has no compilation of the information requested.

Information pertinent to the subject matter of this interrogatory would be contained in OC's files related to asbestos as described in Response No. 3.

INTERROGATORY NO. 30:

Please state the scientific and/or medical periodicals to which Defendant, its medical department, research department, industrial hygiene divisions, engineering department or consulting physicians subscribed between 1945 and 1975.

RESPONSE:

OC has subscribed to the following scientific and/or medical periodicals:

Journal of Occupational Medicine

Industrial Hygiene Digest (literature abstracts)

American Industrial Hygiene Association Journal

Journal of Occupational Safety and Health

New England Journal of Medicine

The Medical Letter

Archives of Environmental Health

Occupational Safety and Health Reporter (BNA)

Chemical Reporter (BNA)

Journal of American Medical Association

American Journal of Public Health

Archives of Internal Medicine

British Journal of Public Health

The Medical Clinics of North America

Individual employees of OC may have subscribed to other periodicals or received publications from various organizations of which OC is unaware.

INTERROGATORY NO. 31:

State in detail what test, if any, Defendant ever made with regard to the quantity, quality, or threshold limit values of asbestos dust, fibers or particles to which workers were exposed while using, working with and/or around, installing and/or applying your asbestos-containing products.

RESPONSE:

OC refers plaintiffs to Interrogatory Response No. 18.

INTERROGATORY NO. 32:

For each test described in Interrogatory No. 31, please give the name of the person conducting the test, the date of the test, and attach true copies of any documents, including but not limited to, reports, findings or memoranda concerning such tests or studies.

RESPONSE:

OC refers plaintiffs to Interrogatory Response No. 18.

INTERROGATORY NO. 33:

Please state the year that Defendant was first advised of either threshold limit values or maximum allowable concentrations of both asbestos dust and total dust by the American Conference of Governmental Industrial Hygienists and state the name of the employee/official of the company receiving such advice.

RESPONSE:

OC is aware of the threshold limit values (TLVs) for exposure to asbestos dust as recommended by the American Conference of Governmental Industrial Hygienists (ACGIH). However, OC cannot state precisely when or from what source it first became aware of such TLVs. OC is aware that, from 1946 to 1969, the ACGIH adopted a TLV of five million particles per cubic foot of air (MPPCF).

In 1963, Robert Peele, an Industrial Hygienist for Union Carbide, informed OC that the maximum allowable asbestos dust in the air was five MPPCF. OC was also informed that dust samplings conducted by Mr. Peele during the fabrication of asbestos-containing Kaylo revealed that the dust emitted was below the applicable TLV.

In 1968, the ACGIH recommended the reduction of the asbestos TLV to two MPPCF or 12 fibers per cubic centimeter greater than five microns in length. This recommendation went into effect in 1969.

In 1971, OSHA adopted an emergency standard for exposure to asbestos dust of five fibers per cubic centimeter greater than five micrometers

in length based on an eight hour time weighted average.

In 1972, OSHA adopted the above as a permanent standard.

The information from the ACGIH is as readily available to plaintiffs as it is to OC.

OC refers plaintiffs to Exhibit BBB, a compilation of documents relating to OC's developing knowledge of TLV's.

Additional information pertinent to the subject matter of this interrogatory would be contained in OC's files related to asbestos as described in Response No. 3.

INTERROGATORY NO. 34:

Does Defendant maintain a library dealing with industrial hygiene, medicine, safety and engineering and/or research? If so, state:

- (a) The date each such library was established;
- (b) The location of each library;
- (c) The name(s) of the librarian(s) since 1930;
- (d) List all journals subscribed to by you concerning asbestos, industrial hygiene, medicine, safety, and/or engineering;
- (e) List all books and articles dealing with asbestos and asbestos-related diseases and the date acquired.

RESPONSE:

With regard to subparts (a)-(c) and (e), OC states that it maintained a medical library from 1968 to 1987 which consisted, in part, of medical information pertaining to asbestos exposure. OC also maintained an industrial hygiene library from 1970 to 1987. These libraries are no longer being

maintained. F. Lichtenberg was custodian of both libraries from 4/1/75 to 3/1/77; S. D. Fansler was custodian of both libraries from 3/1/77 to 11/87, when the libraries ceased operation. With regard to subpart (d), OC refers plaintiffs to Interrogatory Response No. 30.

INTERROGATORY NO. 35:

Did Defendant in the 1920's or 1930's commission, or participate in the arrangements with Metropolitan Life Insurance Company for studies at the Trudeau Foundation at Saranac Lake, New York, concerning the effect of inhalation or ingestion of asbestos fibers upon human and/or animal bodies.

RESPONSE:

To the best of its knowledge, OC did not finance, assist or participate in asbestos-related studies conducted by or for the Metropolitan Life Insurance Company or The Trudeau Foundation at Saranac Lake. OC refers plaintiffs to Interrogatory Response No. 18.

INTERROGATORY NO. 36:

When was Defendant first aware of reports of studies of the Trudeau Foundation at Saranac Lake, New York, entitled "Effects of the Inhalation of Asbestos Dust in the Lungs of Asbestos Workers" by A.J. Lanza, Assistant Medical Director published in the J. Public Health Report, Vol. 50, No. 1, dated January 4, 1935 ("Lanza Report")?

RESPONSE:

OC refers plaintiffs to Interrogatory Response No. 25.

INTERROGATORY NO. 37:

Please state whether the Defendant at any time has been a member of any "trade organization" or "trade association" composed by other manufacturers, miners, distributors, and/or sellers of asbestos-containing products and, if so, please identify the name and address of each such

association or organization, the dates of membership, and the names of any publications issued or written by such association or organization.

RESPONSE:

OC objects to this interrogatory on the grounds that it is overly broad and burdensome. Without waiving its objections, OC states that it has been a member of the following organizations for the years stated:

National Insulation Manufacturers Association, Inc. (1958 to February 1973), 441 Lexington Ave., New York, New York 10017;

Thermal Insulation Manufacturers Association (February 1973 to present), 7 Kirby Plaza, Mt. Kisco, New York 10549;

National Mineral Wool Association (1969 to present), 382 Springfield Ave., Summit, New Jersey 07901;

Industrial Hygiene Foundation of America and, its successor, Industrial Health Foundation (1942 to 1950 and 1953 to June 30, 1992), 34 Penn Circle West, Pittsburgh, Pennsylvania 15206;

National Insulation Contractors Association and, its successor, National Insulation & Abatement Association (1967 to present), 99 Canal Center Plaza, Alexandria, Virginia 22314

American Society for Testing & Materials (dates of membership unknown), 1916 Race Street, Philadelphia, Pennsylvania 19103;

National Safety Council (July 1943 to present), 444 N. Michigan Avenue, Chicago, Illinois 60611; and

North American Insulation Manufacturers Association (January 1992 to present), 44 Canal Center Plaza, Suite 310, Alexandria, Virginia 22314.

Safe Building Alliance (1984 to 1988), 655 15th Street, N.W., Suite 1200, Metropolitan Square, Washington, D.C. 20005.

OC further states that individual OC employees may have been members of various other organizations of which OC is unaware.

See Exhibits CCC, DDD and EEE, copies of various NIMA meeting minutes.

Additional information pertinent to the subject matter of this interrogatory would be contained in OC's files related to asbestos as described in Response No. 3.

INTERROGATORY NO. 38:

With respect to each trade organization or association listed in answer to Interrogatory No. 37, please state whether the minutes of the group's meetings and any correspondence between the members of the such groups concerning the hazards of asbestos exposure are available.

RESPONSE:

OC refers plaintiffs to Interrogatory Response No. 37.

INTERROGATORY NO. 39:

Please identify by name the technical and trade association periodicals to which the Defendant subscribed, and state whether Defendant had knowledge of any articles being printed, or withheld from printing, in said periodicals pertaining to the potential hazards of asbestos. If so, please state the following:

- (a) The title of each such article;
- (b) The periodical in which each such article was published;

- (c) The date each such article was published;
- (d) A detailed explanation of the reason for withholding any such article for printing;
- (e) Produce documentation which refers, alludes or mentions articles which were withheld for publication.

RESPONSE:

OC refers plaintiffs to Interrogatory Response Nos. 30 and 37. Additional information pertinent to the subject matter of this interrogatory would be located in OC's files related to asbestos, as described in Response No. 3.

INTERROGATORY NO. 40:

Please state whether, prior to 1975, the Defendant sponsored, or attended any meeting, seminar, conference, convention or legislative hearing where the subject of occupational health and exposure to asbestos was discussed and, if so, please state the date and place of such meeting and the name and address of any speakers or participants.

RESPONSE:

OC objects to this interrogatory on the grounds that it is overly broad and burdensome. Without waiving its objections, OC states that H. T. Williams, D. W. Ladd, John Vyverberg and J. P. Kern represented OC at various times on the National Insulation Manufacturers Association (NIMA)/Thermal Insulation Manufacturers Association (TIMA) Board of Directors. Donald Bradshaw represented OC at various times through his involvement with the Health and Safety Committee of the National Insulation Contractors Association (NICA). Dr. Jon Konzen also served on the Medical and Scientific Committee of TIMA.

In addition, OC states that individual employees of OC may have attended various trade organization meetings of which OC is unaware.

Additional information pertinent to the subject matter of this interrogatory would be contained in OC's files related to asbestos as described in Response No. 3.

WARNINGS/SALES PROMOTION

INTERROGATORY NO. 41

As to each product listed in response to Interrogatory No. 5, please state whether Defendant, at any time, published and/or distributed any printed materials, including but not limited to brochures, pamphlets, catalogs, packagings or other written materials of any kind or character that contain any warnings, cautions, caveats or directions concerning the possible health effects of the products on a person. If so, please state as to each product:

- (a) The name of each relevant product;
- (b) The wording of each such warning;
- (c) A description of each such printed material;
- (d) The method used to distribute the warning to persons who are likely to use the products;
- (e) The date each such warning was issued;
- (f) Whether any warning accompanied any of your asbestos-containing products' sales literature, handout or pamphlets;
- (g) Please attach a copy of the warning and date said warning was issued;
- (h) The name, address, and job classification of each person who presently has possession of the above-described documents;
- (i) The name or names and addresses of the company who provided, produced, or manufactured the boxes or containers on

which the warning appeared and dates these boxes with the warnings appeared.

RESPONSE:

OC objects to this interrogatory on the grounds that it is overly broad and burdensome. Without waiving its objections, OC states that to the extent that plaintiffs are seeking information as to warranties, OC states that it did not make any warranties with respect to its asbestos-containing products. OC further states that it did not advertise in the usual way via television or magazines, etc. However, during the time period in which OC manufactured asbestos-containing products, it provided product data and application information to purchasers. See Exhibits G, H, I, J, and K.

To the extent that plaintiffs are seeking information regarding cautions or warnings that OC may have distributed with its products, OC states that in 1964, at the suggestion of Eagle-Picher, OC agreed to the placement of a cautionary label on bags of OC-110 (SC-30) and OC-660 (SC-40) cement manufactured by Eagle-Picher and rebranded for OC. These labels read as follows: "CAUTION: This product contains asbestos fiber. Inhalation of asbestos in excessive quantities over long periods of time may be harmful. If dust is created when this product is handled, avoid breathing the dust. If adequate ventilation control is not possible, wear respirators approved by the U.S. Bureau of Mines for pneumoconiosis producing dust." See Exhibit FFF.

In December 1966, OC handstamped cautionary labels on containers of Káyo insulation which read as follows: "This product contains asbestos fiber.

If dust is created when this product is handled, avoid breathing the dust. If adequate ventilation control is not possible, wear respirator approved by the U. S. Bureau of Mines." Cartons with preprinted cautionary labels were used after February 1967. No reproductions of the hand-stamped packages are available. However, Exhibit GGG accurately reflects the labeling stamped on all packages from December 1966 to November 1970.

In November 1970, OC changed the Kaylo cautionary label to read: "CAUTION - Product contains asbestos fiber. Inhalation of dust in excessive quantities over long periods of time may be harmful. Avoid breathing dust. If adequate ventilation is not possible, wear respirators approved by the U. S. Bureau of Mines for pneumoconiosis producing dust." See Exhibit HHH.

After its purchase of the Bloomington, Illinois, plant from Unarco on April 15, 1970, OC continued to use the cautionary labels already printed on Unarcoboard (Fyrcor) packaging which read as follows: "CAUTION - This product contains asbestos fiber. Inhalation of asbestos in excessive quantities over long periods of time may be harmful. If dust is created when this product is handled avoid breathing the dust. If inadequate ventilation control is not possible, wear respirators approved by the U. S. Bureau of Mines for pneumoconiosis producing dusts." See Exhibit III.

In May 1971, OC revised the Fyrcor cautionary label to read: **WARNING** - This product contains asbestos fibers. Inhalation of asbestos fibers in excessive quantities over long periods of time may be harmful. Avoid breathing

the dust. If adequate ventilation control is not possible, wear respirators of a type approved by the U. S. Bureau of Mines for pneumoconiosis dusts.* See Exhibit JJJ.

The author of the 1966 Kaylo cautionary label is presently unknown; however, J. M. Briley (retired) directed that the cautionary label be printed on Kaylo product cartons. Per Saverstrom (retired) was involved in the change of Kaylo's cautionary label in 1970. The person responsible for the change of Fyrcor's label in 1971 is also unknown; however, Dr. Jon Konzen participated in this activity. OC did not author the cautionary labels for OC-110 or OC-660 cements or the original cautionary label for Unarcoboard.

The above described cautionary labels were directed to all users of those products.

By 1970, OC also provided Material Safety Data Sheets for its asbestos-containing Kaylo products upon request. These MSDS indicated the then recommended TLV for asbestos fibers and recommended leak or spill procedures and specific respirator and ventilation precautions for asbestos dust. See Exhibit KKK.

Additionally, OC, on its own and through the National Insulation Manufacturers Association, prepared and disseminated to contractors, distributors, and insulators information regarding potential health hazards associated with asbestos-containing insulation. In 1968, NIMA published a pamphlet entitled "Recommended Health Safety Practices for Handling and

Applying Thermal Insulation Products Containing Asbestos." This pamphlet was distributed at meetings of the Insulation Distributor Contractors National Association. OC also directly distributed the pamphlet to its branch managers, Supply and Contracting (S & C) supervisors, Home Building Products (HBP) supervisors, and S & C managers with instructions to review the matter with their salesmen. See Exhibit LLL, a copy of this pamphlet.

OC also participated, through the educational and legislative committee of NIMA and at regional meetings of the IDCNA, in the presentation of health and safety programs to distributors and contractors. At those meetings, contractors and distributors: (1) were advised of the current status of health and safety activities pertinent to their businesses; (2) were given copies of the NIMA publications on health and safety practices and medical research literature; (3) discussed the contents of those publications; (4) discussed the merits of the proposed pre-employment and periodic physical examination programs on a cooperative employer-employee basis; (5) were urged to establish regional health and safety committees; and (6) were given an opportunity to ask questions of the experts. These NIMA programs were presented to contractors and distributors with the intention that they would instruct their employees accordingly.

In 1972, Donald Bradshaw, OC's Region Manager of Power and Process for the West Coast and Chairman of the National Insulation Contractor's Association's Occupational Health and Safety Committee, authored, along with

other committee members, a pamphlet entitled, "Safety Reminders." See Exhibit MMM. It is OC's present understanding that this pamphlet was disseminated to contractors, distributors, and insulators.

OC further refers plaintiffs to Exhibit NNN, a pamphlet entitled "Caution: Asbestos Dust . . ." published by the National Institute for Occupational Safety and Health. This pamphlet was distributed by OC to its employees on or around October 30, 1973.

OC also held meetings with the International Association of Heat and Frost Insulators and Asbestos Workers and the Glass Bottle Blowers. The meeting between OC and the president of the International Association of Heat and Frost Insulators and Asbestos Workers took place in the union's offices in Washington, D. C; the exact date of this meeting is unknown but OC believes it was before 1972. OC is uncertain as to the details regarding its meeting with the Glass Bottle Blowers. At these meetings, OC attempted to discuss the then-known health concerns regarding asbestos.

Also, OC management held meetings with the unions at OC's Berlin, New Jersey, manufacturing plant and made special presentations to employees to discuss those health concerns related to asbestos.

OC was involved in all of the above activities in order to ensure the safe use of its asbestos-containing products.

Additional information pertinent to the subject matter of this interrogatory would be contained in OC's files related to asbestos as described in Response No. 3.

INTERROGATORY NO. 42:

Has sales material been prepared by Defendant or its agents for purposes of marketing or advertising the asbestos products listed in answer to Interrogatory No. 5? If so, please state:

- (a) The name and address of each person or entity who prepared same;
- (b) The name, address and job title of each person who presently has possession of same;
- (c) The date same was prepared;
- (d) The media used to disseminate the sales material.

RESPONSE:

OC objects to this interrogatory on the grounds that it is overly broad and burdensome. Without waiving its objections, OC states that it did not advertise in the usual way via television or magazines, etc. During the time period in which OC manufactured asbestos-containing products, it provided product data and application information to commercial buyers. See Exhibits G, H, I, J, and K.

OC did not use the services of an advertising agency for the preparation of these materials. Many OC employees contributed to the development of these materials. Del Ladd and John Boynton participated in the development of such material for Kaylo insulation products.

Additional information pertinent to the subject matter of this interrogatory would be contained in OC's files related to asbestos as described in Response No. 3.

INTERROGATORY NO. 43:

Has any written material of any kind or character been prepared by Defendant, Defendant's predecessor or any of Defendant's subsidiary companies or their agents indicating how the products listed in answer to Interrogatory No. 5 should be used or maintained by the ultimate user? If so, please state the following:

- (a) The name, address and job classification of each person who prepared same;
- (b) The name, address and job classification of each person who presently has possession of same;
- (c) The dates and manner in which said material was distributed to purchasers of the products in answer to Interrogatory No. 5.

RESPONSE:

OC objects to this interrogatory on the grounds that it is overly broad and burdensome. Without waiving its objections, OC states that during the time period in which OC manufactured asbestos-containing products, it provided product data and application information to purchasers. See Exhibits G, H, I, J, and K. Additional information pertinent to the subject matter of this interrogatory would be located in OC's files related to asbestos, as described in Response No. 3.

INTERROGATORY NO. 44:

Was any written material of any kind prepared by Defendant and distributed to those individuals listed in response to Interrogatory No. 9? If so, please state the following:

- (a) Identify the written material by content and date;
- (b) To whom was it delivered.

RESPONSE:

OC refers plaintiffs to Interrogatory Response No. 41.

INTERROGATORY NO. 45:

Does Defendant contend that asbestos-containing products can be manufactured so as to eliminate all potential health hazards to persons working with or around, installing or applying same? If so, please state the following:

- (a) The date that Defendant first determined that another product could be used in place of asbestos;
- (b) The chemical of the substitute;
- (c) Whether the substitute is suitable for the purpose for which they are to be used;
- (d) Whether Defendant used the substitute for asbestos to 1971;
- (e) Whether Defendant ever used the substitute for asbestos for high or low heat insulation.

RESPONSE:

OC states that, to the best of its knowledge, no product is available that is completely equal to asbestos-containing insulation. OC's asbestos-free and glass fiber products do not insulate up to the same temperature as asbestos-containing insulation. As a result of research in the late 60's and early 70's,

OC learned that AR Glass Fibers could be used as a substitute for amosite asbestos and that wood pulp would serve as a substitute for chrysotile asbestos. The technology necessary to manufacture asbestos free Kaylo first became available in 1972. The production of asbestos-free Kaylo, which was marketed as Kaylo AF, and subsequently as Pink Calcium Silicate, began in November 1972. OC ceased the production of this product in 1993.

INTERROGATORY NO. 46:

Did Defendant give any warnings to ARMCO/A.K. Steel Middletown Plant and/or ARMCO A.K. Steel Hamilton Plant regarding the potential health hazards of any product listed in response to Interrogatory No. 5. If yes, please state:

- (a) Name of person most knowledgeable about this communication;
- (b) Name of person at ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel Hamilton Plant most knowledgeable about this communication;
- (c) Dates of each communication;
- (d) Contents of each communication.

RESPONSE:

OC refers plaintiffs to Interrogatory Response No. 41.

KNOWLEDGE OF PREVIOUS INJURIES

INTERROGATORY NO. 47:

Did any person prior to 1970, file a claim against any Workers' Compensation carrier covering Defendant alleging that he or she contracted a disease as a result of exposure to asbestos? If so, please state the following:

- (a) A list of each such claim by claimant's name, date filed, the caption and jurisdiction involved;

- (b) The disease alleged in each such claim;
- (c) A brief summary of the disposition of each such claim; and
- (d) The name, address and job classification of the person or persons having custody of the records pertaining to each such claim.

RESPONSE:

OC objects to this interrogatory on the grounds that it is overly broad and burdensome. Without waiving its objections, with regard to those asbestos-related worker's compensation claims filed against OC before 1974, OC states as follows:

OC has been named as a party in worker's compensation actions filed by persons allegedly employed at some point in time on construction jobs involving OC's Contracting and Supply Division. These persons were typically hired from union halls for specific jobs on an as-needed basis and were not long-term employees. As a result, these claimants filed actions against numerous past and present employers. These claimants alleged a variety of injuries from exposure--throughout their employment histories--to numerous asbestos and nonasbestos-containing materials manufactured and/or distributed by a number of companies.

OC lacks adequate records to provide a complete response to this interrogatory for a number of reasons. Individual state workers' compensation laws determined the specific employers and/or insurance carriers which could be named as defendants in compensation actions, as well as the procedures for their notification. As a result, even though some workers' compensation

claims list OC as an employer, OC may not have received notice of the claim, and even if OC received notice of the claim, it may not have been aware that the claim was related to asbestos exposure or that the claimant was employed by OC. Furthermore, worker's compensation claims historically have been processed by OC's insurance carriers and OC's corporate headquarters did not always receive notification of individual claims.

OC sets forth in Table A the pertinent information from OC's records which is presently believed to be related to workers' compensation claims filed before 1974 by individuals employed by OC's Contracting and Supply Division:

(Table A will follow - in landscape form as attached):

In addition to the claims in Table A, OC's records reflect that the following individuals, listed in Table B, also filed asbestos-related workers' compensation claims before 1974. It is believed these claims were probably handled by OC's insurance carriers. OC's records do not indicate when or if OC received notice of these claims.

(Table B will follow - in landscape form as attached):

TABLE 8

Case No.	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date Claim Filed	Date of Notice to OCF	No. Other Defendants
1	1971	----	Los Angeles, CA	"Asbestos exposure; exposure to other injurious substances as well as strenuous activity - injury to respiratory and circulatory system."	1971	----	----
2	1971	Boonell, Jerome C.					
3		Boonell, Jerome C.	Detroit, MI	"Expired due to respiratory insufficiency, severe obstructive emphysema and associated carcinoma of left lung."	1972	----	1
4			Sacramento, CA	Injury to "lungs" from "constant exposure to asbestos fibers and other harmful materials."	1973	----	----
5			Co. Seattle, WA	"Malignant mesothelioma, right lung/pleural space; probable asbestosis (pneumothorax)."	1973	----	----
6			Los Angeles, CA	Injury to "lungs" from "exposure to asbestos and other noxious dusts and fumes."	1972	----	----
7			Phoenix, AZ	----	1973	----	----
8			Washington	----	1966	----	----

TABLE 8

Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date Claim Filed	Date of Notice to OCF	No. Other Defendants
.....	.....	Seattle, WA	....	1973	....	....
.....	.....	Oakland, CA	"Asbestosis"	1971	....	....
.....	.....	San Francisco, CA	....	1963	....	....
also	Detroit, MI		"Asbestosis, pneumoconiosis, heart and lung pathology and related conditions - terminating fatality."	1970	....	....
	Los Angeles, CA		Is: "lungs and respiratory system" from "exposure to asbestos and other noxious dusts."	1972	....	....
	Kansas City, MO		"Fibrosis of lungs"	1972	....	....
	Seattle, WA		....	1971	....	....
	Los Angeles, CA		"Exposure to irritants."	1967	....	....

Claimant Name
Lindholm, Marvin

Reclure,

TABLE B

Rate of Birth	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date Claim Filed	Date of Notice to OCF	No. Other Defendants
.....			Sacramento, CA	....	....	....	....
Swindell, David			Albuquerque, NM	....	1959	....	....
Winters, Leroy C.							

closed to file on this claim in 1973.

In the course of litigation, a certain plaintiffs' counsel produced to OC's Law Department portions of workers' compensation files purporting to be claims filed by various insulation workers and other tradesmen. It is believed that these files were originally obtained from codefendants or from public records, and copies were forwarded to OC's Law Department in approximately 1979.

Some of these files reflect claims apparently filed against OC which OC cannot currently verify from a review of its records. Table C sets forth information from such claims where OC was presumably a party.

(Table C will follow - in landscape form as attached):

The following employees of OC's Berlin, New Jersey Kaylo manufacturing plant also filed workers' compensation claims against OC before 1974, in which they alleged injury from exposure to asbestos in the plant environment:

<u>Name</u>	<u>Approx. Date of Claim Filed</u>	<u>Alleged Injury</u>
Albert Behnke	09/15/72	Chronic bronchitis; emphysema, cirrhosis of the liver
William Bodine	03/21/73	Asbestosis, emphysema
Harry Copeland	1/22/72	Pulmonary asbestosis
Floyd Regn	06/14/71	Chronic pulmonary obstructive disease, pneumoconiosis
George Zepp	07/13/72	Pneumoconiosis, asbestosis

In 1965, OC learned that a Berlin worker had apparently contracted asbestosis; however, the injury was apparently not related to work at OC and, to OC's knowledge, no workers' compensation claim was filed against OC.

When OC purchased the Bloomington, Illinois plant from UNARCO in 1970, it acquired certain files pertaining to workers' compensation claims brought against UNARCO by its employees. OC, however, did not have knowledge of these claims until it purchased the plant in 1970. Some of these claims alleged injury from exposure to asbestos in the plant environment.

A few employees of other OC manufacturing plants filed asbestos-related workmen's compensation claims before 1974. It is not known whether these employees were actually exposed to asbestos in connection with their

employment for OC.

Additional information pertinent to the subject matter of this interrogatory would be contained in OC's files related to asbestos as described in Response No. 3, which is incorporated as if set out in full.

INTERROGATORY NO. 48:

Did Defendant receive notice prior to 1968 that any person was claiming injury as a result of using asbestos products manufactured, sold, installed, and/or distributed by Defendant? If so, please state:

- (a) The name and address of each claimant;
- (b) The date of notice of each claim;
- (c) A description of the claim;
- (d) The type of injuries allegedly sustained;
- (e) The name and address of each attorney representing the individuals making such claims;
- (f) The style and court number of each such claim;
- (g) The resolution of each claim.

RESPONSE:

OC objects to this interrogatory on the grounds that it is overly broad and burdensome. Without waiving its objections, OC refers plaintiffs to Response No. 47.

OC first received notice of a person claiming injury relating to primary or exclusive use of OC's asbestos-containing Kaylo product in October 1966. The claimant's name is unknown; however, he was an employee of New England Insulation and he alleged asbestosis. The claim was a Worker's Compensation action made to the Massachusetts Industrial Accident Board.

INTERROGATORY NO. 49:

Has Defendant obtained statement from any witnesses including the Plaintiffs? If so, please:

- (a) list each witness who has given a statement and the name, address, and job title of each person having custody of any such statement.

RESPONSE:

OC has no such statements.

INTERROGATORY NO. 50:

Do you contend that the Plaintiff/Decedent improperly used those products listed in response to Interrogatory No. 5? If so, please set out in detail in what respect the product was improperly used.

RESPONSE:

At this time because discovery is only just beginning, OC has no information responsive to this request.

INTERROGATORY NO. 51:

As to the ARMCO/A.K. Steel Middletown Plant and/or ARMCO/A.K. Steel

Hamilton Plant, and as to each Plaintiff/Decedent, please state whether Defendant contends that there was any substance other than asbestos which contributed or caused Plaintiff/Decedent's injuries. If your answer is yes, please state the following:

- (a) The facts upon which you rely;
- (b) The identity of the sources upon which you rely which substantiate these facts.

RESPONSE:

At this time because discovery is only just beginning, OC has no information in responsive to this request. However, there may be numerous substances which have or will affect plaintiffs' working at Armco/AK Steel Middletown plant or Hamilton plant including byproducts of the manufacturing process, tobacco smoke, or other construction materials.

RESPIRATORS

INTERROGATORY NO. 52:

Would any respirator, mask or other breathing devices prevent inhalation of the asbestos dust and fibers contained in products listed in answer to Interrogatory No. 5? If so, state:

- (a) When the respirator was sold;
- (b) A detailed description of such respirator or other breathing devices, including name of manufacturer and model number;
- (c) The basis of your claim that such respirators or other breathing devices will prevent the inhalation of such dust and fibers;
- (d) Identify any tests performed regarding the efficaciousness of such respirators and other breathing devices in preventing the inhalation of asbestos dust and fibers including date, title, author and number;
- (e) List all documents which mention, allude or refer to tests

performed on breathing devices which prevented the inhalation of asbestos dust and/or fibers.

RESPONSE:

OC does not contend that any mask, respirator or other breathing device could completely (100%) prevent the inhalation of asbestos dust and fibers. However, OC does contend that there were a number of respirators available in the mid-1960s, which, if properly used and maintained, would generally prevent overexposure to asbestos fibers. It was these respirators, approved by the U.S. Bureau of Mines, that OC used and recommended for use in its warning labels described in Response No. 41.

INTERROGATORY NO. 53:

Does Defendant expect to call expert witnesses at the trial of this case? If so, please state the following:

- (a) Their identity, last known address;
- (b) The subject matter on which the expert is expected to testify;
- (c) The expert's specific conclusion and specific opinions and the specific basis therefore;
- (d) The expert's qualifications to render the opinions set forth above;
- (e) Whether any person identified in sub-paragraph (a) above has provided a report or other documentation to you, and if so, identify such document or report;
- (f) Identify all documents that you have provided to each person identified in response to sub-paragraph (a) above; and
- (g) Describe in detail the education and work history of, and identify any books, treaties, article, published and unpublished reports, studies or other scholarly works authored by any individual identified in response to sub-paragraph (a) above. Alternatively,

in lieu, of said response, attach a copy of a resume or curriculum vitae and a list of publications to your answer.

RESPONSE:

OC has not yet determined what expert witnesses will be called at the trial of this matter. OC will make disclosure of its anticipated expert witnesses in accord with the Court's scheduling order.

INTERROGATORY NO. 54:

Please state the name and last known address of each expert witness who is not retained or employed for that purpose who is an employee of Defendant and will render an opinion within his expertise at the time of trial.

RESPONSE:

OC has not yet determined what expert witnesses will be called at the trial of this matter. OC will make disclosure of its anticipated expert witnesses in accord with the Court's scheduling order.

INTERROGATORY NO. 55:

Does Defendant admit that service of process was properly had on it in these cases? If not, please state why.

RESPONSE:

OC has not asserted a failure of service of process defense in this matter.

INTERROGATORY NO. 56:

Does Defendant have policies of insurance that might cover the claims that have been made by the Plaintiffs herein?

- (a) If so, please list the name of each insurance carrier who may have coverage, the amount of such coverage, and the dates of each such policy.

RESPONSE:

Which insurance carrier or carriers may be responsible for payment of defense costs in this case and/or for any judgment that may be entered in this case is a function of the amounts in question and the time of any payments made, and also may depend upon the date of manifestation of the claimed asbestos-related condition. Therefore, OC cannot with certainty answer this interrogatory as phrased. However, OC also states that it has unexhausted products liability coverage with the following insurance carriers: Aetna Casualty & Surety; Allianz Underwriters; American Centennial; Associated International; Birmingham Fire; Central Natl. of Omaha; Columbia Casualty; Continental; Employers Ins. Wausau; Employers Mutual Cas.; Gibraltar; Granite State; Haftpflichtverband; Harbor Insurance Co.; INA Underwriters; Landmark; London Guarantee & Accd.; National Union Fire; Northbrook; Old Republic; Pacific Employers; Protective Natl. Ins.; Republic; Royal Indemnity; Royale Belge; Seguros La Commercial; Twin City Fire. For additional information, OC refers plaintiffs to the Exhibit 000, a chart pertaining to OC's insurance policies.

INTERROGATORY NO. 57:

Please state the name and address of each person who has knowledge of relevant facts regarding claims and defenses of this lawsuit.

RESPONSE:

This interrogatory is overly broad and burdensome, vague and ambiguous, requiring OC to speculate as to what plaintiffs may mean by

"relevant facts regarding claims and defenses." Without waiving this objections and subject thereto, OC cannot identify every person who has knowledge of facts which may be relevant to the claims or defenses asserted in this litigation. OC will timely identify those lay and expert witnesses it anticipates calling to testify at trial in accord with the Court's scheduling order.

INTERROGATORY NO. 58:

State the last date that this Defendant sold, distributed, manufactured, installed, and/or otherwise placed asbestos-containing products into the stream of commerce.

RESPONSE:

OC ceased the manufacture of asbestos-containing Kaylo insulation products in 1972 and the sale of such products in 1973. OC also had limited involvement in the manufacture and/or sale of other asbestos-containing products. See Exhibit F, a chart listing those asbestos-containing products previously manufactured and/or sold by OC.

Respectfully submitted,

THOMAS M. GREEN (0016361)
One Citizens Federal Centre
Suite 950
Dayton, Ohio 45402
(937-224-3333)
Attorney for Owens Corning

EXHIBITS PRODUCED BY OC IN SUPPLEMENTAL ANSWERS

- 1.** Product Interrogatories Response Sheets
- 2.** Invoices of sales of Kaylo to Armco Middletown and Hamilton
- 3.** Invoices of sales of Kaylo to OC's Supply & Contracting Division
- 4a through 4i** Job files
- 5.** Berlin Plant Safety Rules, April 1971
- 6.** Berlin Health Program on Asbestos, 7/29/71

IN THE CIRCUIT COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO

EXHIBIT LIST

- A = Index of Pre-1973 Privileged Documents
- B = Index of Post-1972 Privileged Documents
- C = OC/OI Berlin Plant Purchase Agreement
- D = OC/Unarco Bloomington Purchase Agreement
- E = Copies of the contract between Fiberglas Engineering and Supply Company and certain shareholders of Marine Engineering, dated July 10, 1952 and the articles of dissolution of Marine Engineering, dated September 17, 1952
- F = Product Chart
- G = Kaylo Product Data & Application Information
- H = Fiberglas Metal Mesh Blankets Product Data & Application Information
- I = Fiberglas Sewn Blankets Product Data & Application Information
- J = Fiberglas Insulating Cement, Finishing Cement and O-C Mastic Finish Product Data & Application Information
- K = Roofing Products Data and Application Information
- L = Fyrcor (Unarcoboard) containers
- M = Pictures of SC-30 and SC-40 Cement bags
- N = Mock-up pictures of asbestos-containing Kaylo cartons
- O = Pictures of Fiberglas Insulating and Finishing Cements
- P = Kaylo Patent List
- Q = Resin Patents

R = Continuous and Chopped Strand Mat Patents
 S = Roofing Products Patents
 T = List of asbestos-containing Kaylo distributors in Ohio between 1953-1973.
 U = OC/Fibreboard Rebranding Agreement
 V = OC/Johns-Manville Rebranding Agreement
 W = OC/Eagle-Picher Rebranding Agreement
 X = OC/OI Kaylo, Distribution Agreement
 Y = 6/12/56 letter, Hazard to Brought (01 118 0108)
 Z = 1952 draft OI pamphlet and correspondence re: health aspects of Kaylo (01 501 1348-1352)
 AA = Saranac Documents
 BB = Berlin Plant Epidemiological Study
 CC = Aetna "Special Hazard Survey"
 DD = Bradley Study at Berlin
 EE = Clayton Survey
 FF = Collection of documents re: industrial hygiene inspections conducted at Berlin plant by New Jersey Department of Labor and Industry
 GG = Peele study (Report 62-IH-1-G-1)
 HH = Peele study (Report 63-IH-3-G-1)
 II = Memo 6/30/63 - Lotz to Boynton
 JJ = Robert Peele Diary 4/30/63
 KK = Robert Peele Diary 5/1/63

LL = Robert Peele Diary 5/16/63
 MM = Devitt Studies
 NN = Bath Ironworks Study 8/19/86
 OO = Bath Ironworks Study 9/12/66
 PP = Dreesen study (01 501 0514-0648)
 QQ = Lanza study (01 500 0072-0084)
 RR = Correspondence re: OC's receipt of Lanza study (01 500 0062-0064)
 SS = April 1946 Industrial Hygiene Digest
 TT = IHF affidavit
 UU = 3/9/42 letter, Dow Chemical to OC re: Capt. Brown's study (01 501 0965-0968)
 VV = Peele study (Report 62-IH-1-G-1)
 WW = Peele study (Report 63-IH-3-G-1)
 XX = Selikoff article, "Asbestos Exposure and Neoplasia" (01 007 0287-0291)
 YY = Memo 4/22/64 - Edwards to Taylor
 ZZ = Correspondence re: potential Massachusetts Worker's Comp Claim (01 039 1471-1472)
 AAA = Minutes of 11/7/66 I&C R&D review
 BBB = TLV Compilation
 CCC = NIMA Minutes
 DDD = NIMA Minutes
 EEE = NIMA Minutes

FFF = Caution on bags of cement re-branded for OC by Eagle-Picher
GGG = Kaylo Cautionary Label
HHH = Revised Kaylo Cautionary Label
III = Unarcoboard Cautionary Label
JJJ = Fyrcor (Unarcoboard) Revised Cautionary Label
KKK = Material Safety Data Sheets for Kaylo
LLL = NIMA Brochure - "Recommended Health Safety Practices"
MMM = NIMA Brochure - "Safety Reminders"
NNN = NIOSH Booklet - "Caution Asbestos Dust"
OOO = OC Insurance Information

CERTIFICATE OF SERVICE

PLEASE TAKE NOTICE that on the 25 day of March 1997,
GREEN & GREEN, Lawyers, on behalf of Owens Corning, has served upon
counsel for plaintiff its Response to Master Set of Interrogatories. A copy will
be provided to codefendants upon request.

Respectfully submitted,

THOMAS M. GREEN (0016361)
One Citizens Federal Centre
Suite 950
Dayton, Ohio 45402
(937-224-3333)
Attorney for Owens Corning

bap/jeannie/owens corning/blake - answers to interrogatories

IN THE CIRCUIT COURT OF COMMON PLEAS
BUTLER COUNTY, OHIO

ROGER DALE BLAKE, et al.,

Plaintiffs,

v.

A-BEST PRODUCTS COMPANY, et al.,

Defendants

STATE OF OHIO

COUNTY OF LICKING

CASE NO. CV96 01 0191
(Hon. George Elliott)

AFFIDAVIT

WILLIAM J. BURNS, JR., BEING DULY SWORN, DEPOSES AND SAYS THAT HE IS Senior Counsel for OWENS CORNING and that he verifies the foregoing Responses to Plaintiffs' Master Set of Interrogatories, for and on behalf of OWENS CORNING and is duly authorized so to do; that the matters stated therein are not within personal knowledge of deponent; that the facts stated therein have been assembled by authorized employees and counsel of OWENS CORNING and deponent is informed that the facts stated therein are true.


WILLIAM J. BURNS, JR.

Sworn to and subscribed before me on this 25th day of February, 1997.




Notary Public

CONNIE E. FORTNEY
Notary Public, State of Ohio

My Commission expires:

My Commission Expires Nov. 30, 1999

In the course of litigation, a certain plaintiffs' counsel produced to OC's Law Department portions of workers' compensation files purporting to be claims filed by various insulation workers and other tradesmen. It is believed that these files were originally obtained from codefendants or from public records, and copies were forwarded to OC's Law Department in approximately 1979.

Some of these files reflect claims apparently filed against OC which OC cannot currently verify from a review of its records. Table C sets forth information from such claims where OC was presumably a party.

TABLE B

Claimant Name	Date of Birth	Alleged Trade	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date Claim Filed	Date of Notice to OCF	No. Other Defendants
Swindell, David L.					Sacramento, CA	....	....	....	....
Vinters, Leroy E.					Albuquerque, NM	....	1959	....	....

The only information OCF has on this claim is that it was apparently asbestos-related and that OCF's insurance carrier closed to the on this claim in 1975.

TABLE 8

Claimant Name	Date of Birth	Alleged Cause of Injury	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date Claim Filed	Date of Notice to OCF	No. Other Defendants
Bassett, Jerome C.	7/29/23	Asbest. Insulator	1952-1971	....	Los Angeles, CA	"Asbestos exposure; exposure to other injurious substances as well as strenuous activity - injury to respiratory and circulatory system."	1971	....	....
Boden, Walter	1903	....	....	....	Detroit, MI	"Expired due to respiratory insufficiency, severe obstructive emphysema and associated carcinoma of left lung."	1972	....	1
Beverly, Norman E.	03/31/12	Asbest. Insulator	1949-1970	....	Sacramento, CA	Injury to "lungs" from "constant exposure to asbestos fibers and other harmful materials."	1973	....	....
Cher, George A.	07/02/17	Asbest. Insulator	1938-1973	Fiberglass Engineering Co.	Seattle, WA	"Malignant mesothelioma, right lung/plural space; probable asbestos (pneumothorax)."	1973	....	....
Cove, Harvey L.	02/12/09	Asbest. Insulator	1942-1971	....	Los Angeles, CA	Injury to "lungs" from "exposure to asbestos and other noxious dusts and fumes."	1973	....	....
Cris, Ray B.	....	....	....	....	Pomona, AZ	....	1973	....	....
Cramer, Burton	....	....	....	....	Washington	....	1969	....	....

TABLE 8

Claimant Name	Date of Birth	Alleged Trade	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date Claim Filed	Date of Notice to OCF	No. Other Defendants
Lindholm, Marvin					Seattle, WA	---	1973	---	---
McClure, Art	08/01	Asbestos Insulator	1945-1969	---	Oakland, CA	"Asbestosis"	1973	---	---
Hoyers, Edward	---	---	---	---	San Francisco, CA	---	1962	---	---
Olsen, Ellis D.	---	---	---	John-Manville Sales Corp.	Detroit, MI	"Asbestosis, pneumoconiosis, heart and lung pathology and related conditions - terminating fatality."	1970	---	---
Parker, Robert R.	06/19/13	Asbestos Insulator	1963-1972	---	Los Angeles, CA	"Lungs and respiratory system" from "exposure to asbestos and other various dusts."	1972	---	---
Regers, Joseph	1921	Asbestos Insulator	1967-1972	OCF	Kansas City, MO	"fibrosis of lungs"	1972	---	---
Shapson, David L.	05/23/29	Asbestos Insulator	1951-1971	---	Seattle, WA	---	1971	---	---
Stemnitz, Lee M.	08/03/04	Insulator	1942-1966	---	Los Angeles, CA	"Exposure to irritants."	1967	---	---

TABLE A

Claimant Name	Date of Birth	Alleged Trade	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date OCF/SEC Joined	Date of Notice to OCF	No. Other Defendants
Baile, John D.	----	----	----	----	Seattle, WA	----	----	1968	9
Beasley, Thomas H.	11/01/16	Asbestos Insulator	----	OCF SEC Unit	Detroit, MI	"Death, pneumoconiosis, asbestosis, bronchitis, carcinoma."	1971	1971	1
Boyer, Wayne E.	----	----	----	----	Los Angeles, CA	----	----	1969	24
Brimmer, Lawrence F.	----	----	----	----	Flint/Grand Rapids, MI	----	----	1969	----
Brokenshire, Leonard C. (aka Charles C.)	07/09/07 ¹	Asbestos Insulator Foreman ²	1941-1963 ³	Armstrong Contracting & Supply	Los Angeles, CA	"Lungs affected with asbestosis" ¹	1964-FEMCO & Marine Engineering; 1967-OCF ²	1964-FEMCO; 1966-Marine; 1967-OCF ²	9 other employers and their insurance carriers.
Brownson, Harold F.	07/31/15	Asbestos Insulator	1942-1964	OCF	Los Angeles, CA	Exposure to "irritants" resulting in injury to "lungs & general health."	1964	1964	25 other employers and their insurance carriers.
Calloway, Wilson	1918	Insulator	----	----	Baton Rouge, LA	----	----	1972	----

TABLE A

Claimant Name	Date of Birth	Alleged Trade	All-owed Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date OCF/ SAC Joined	Date of Notice to OCF	No. Other Defendants
Carmeny, John L.	----	----	Unknown but claim alleges employment w/OCF between 10-12/66	----	Pennsylvania	----	----	1967	4
Clark, Dean	12/02/07 ³	Asbestos Insulator ³	1940-1966 ³	Baldwin Ehret Mill, Inc.	Los Angeles, Ca	"Inhalation of asbestos and other foreign substances." ³	1968	1968	55 other employers and their insurance carriers. ³
Clark, James	----	Asbestos pipe fitter	----	Fiberglass Supply & Contracting (1967-1968)	Seattle, WA	"Breathing of asbestos over period of years caused pain in chest."	----	1970	----
Cooper, Marion U.	----	----	----	----	Seattle, WA	----	----	1969	7
Everitt, Allan R.	03/07/00 ³	Asbestos Insulator	1946-1963 ³	Western Asbestos ³	San Francisco, CA ³	----	1964 ³	1964 ³	34 other employers plus their insurance carriers. ³
Frederick, E. M.	----	----	----	----	Fresno, CA	----	----	1966	----

TABLE A

Claimant Name	Date of Birth	Alleged Trade	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date OCF/ S&C Joined	Date of Notice to OCF	No. Other Defendants
Funkhouser, Charles F.	----	----	----	----	Los Angeles, CA	----	----	1970	----
Fuqua, George T.	09/16/17	Asbestos Insulator	1940-1969	----	Oakland, CA	Injury to "lungs" from "inhalation of harmful dusts and fibers."	----	1971	----
Gay, Irvin	----	----	1943-1968	----	Sacramento, CA	----	1971	1971	1
Geiger, Evelyn	----	----	----	----	Los Angeles, CA	----	----	1971	----
Gillivich, Steven	05/16/99 ¹	Asbestos Insulator ²	1937-1961 ¹	FENCO - San Francisco ³	San Francisco, CA	Injury "to respiratory system" from "exposure to harmful dusts." ²	1961-FENCO 1963-OCF ³	1963 ¹	27 other employers plus their insurance carriers. ³
Goans, Robert O.	09/02/00 ¹	Asbestos Insulator/Insulator on Mover ¹	----	Lorentzen & Co. ¹	San Francisco, CA	"Pneumoconiosis" ¹	1963	1963	24 other employers and their insurance carriers. ¹
Goodwin, Robert E.	----	----	1942-1969	----	Los Angeles, CA	----	----	1969	5

TABLE A

Plaintiff Name	Date of Birth	Alleged Trade	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date OCF/ SAC Joined	Date of Notice to OCF	No. Other Defendants
Joss, Fred M.	12/30/12	Insulator	1952-1968	OCF/Thorpe Insulation	Los Angeles, CA	"Exposure to asbestos and other noxious substances"	1969	1971	19 other employers and their insurance carriers. ²
Green, Harold V.	1919	Asbestos mechanic	1945-1971	----	San Diego, CA	----	----	1972	----
Reischer, Paul J.	09/11/02 ¹	Asbestos Insulator ¹	1942-1963 ¹	FENCO - 1963 ¹	Sacramento, CA	Application: "Asbestosis"; Amended Application: "Pulmonary disability & pneumoconiosis." ^{1,2}	1962	1963 ¹	22 other employers plus their insurance carriers. ²
Agg, Alvin A.	----	----	----	----	Seattle, WA	----	----	1967	7
Hallmark, Stanley	----	----	----	----	San Francisco, CA	----	----	1969	----
Amberg, Allen	09/13/17	Asbestos Insulator	Approx. 1943-1971	----	Seattle, WA	"Asbestosis" from "exposure to asbestos for 28 years."	----	1971	----
Errick, Gerald P.	----	----	----	Aber Co.	Anchorage, Alaska	----	1970	1970	3+ employers

TABLE A

Claimant Name	Date of Birth	Alleged Trade	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date OCF/S&C Joined	Date of Notice to OCF	No. Other Defendants
Milstrom, Harold	----	Insulation Installer	1942-1966	----	Seattle, WA	----	----	1971	----
Noraman, Robert J.	----	----	----	----	Los Angeles, CA	----	----	1969	----
Hunt, George W.	----	----	----	----	Los Angeles, CA	----	----	1971	----
Lennox, Robert	----	----	Unknown (worked for OCF between 6-8/63)	----	Flint/Grand Rapids, MI	----	----	1968	7
Lockwood, Cecil B.	----	----	----	----	Seattle, WA	----	----	1967	2
Mabry, William L.	----	----	----	----	Portland, OR	----	----	1967	----
Manley, Coleman	----	----	Unknown - worked for OCF for 2 years	----	Indianapolis, IN	----	----	1973	----
Menzies, William L.	----	----	----	----	Los Angeles, CA	----	----	1968	----
Merrell, Roy B.	01/11/12	Asbestos Insulator	1930-1931; 1943-1969.	----	Los Angeles, CA	To "lungs" from "exposure to asbestos and other noxious dusts and fumes."	----	1969	----

TABLE A

Claimant Name	Date of Birth	Alleged Trade	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date OCF/ SAC Joined	Date of Notice to OCF	No. Other Defendants
Moffett, Fred	----	----	----	----	Portland, OR	----	----	1967	----
Moore, Willis W.	----	----	----	----	Seattle, WA	----	----	1969	8
Nelson, George	----	----	----	----	Phoenix, AZ	----	----	1968	----
Ogle, John G.	1931	----	----	----	Baltimore, MD	----	----	1968	----
Owens, Glen R.	09/03/09	Asbestos Insulator	1940-1967	----	Los Angeles, CA	To "lungs, internal" from "exposure to irritants."	1969	1969	1
Padgett, Jesse W.	1918	Asbestos Insulator	Unknown but worked for OCF SAC unit 1965-1968.	----	Baltimore, MD	----	----	1968	----
Pflegher, Edward L.	02/24/05	Pipecoverer/ Asbestos Insulator	1946-1967	----	San Francisco, CA	"Exposure to asbestos" 1,3	1969	1968	20 other employers plus their insurance carriers. 1

TABLE A

Claimant Name	Date of Birth	Alleged Trade	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date OCF/SEC Joined	Date of Notice to OCF	No. Other Defendants
Pond, Lowell M.	11/30/06	Asbestos Insulator	1942-1967	Thorpe Insulation	Los Angeles, CA	To "lungs" from "exposure to asbestos and other noxious dust in work."	1969	1969	10
Puetz, Henry	04/25/07	Asbestos Insulator	1945-1967	Western Building Materials Co.	San Francisco, CA	----	1967	1967	25
Riley, James M.	10/23/99 ¹	Asbestos Insulator	1920-1957 ¹	J.T. Thorpe, Inc. ¹	Los Angeles, CA	"Lungs" due to "exposure to asbestos dust." ^{1, 2, 3, 4}	1957 - Marine Engineering & FENCO 1958 - OCF ¹	1957 ¹	33 other employers and their insurance carriers. ¹
Ringisen, William	----	----	----	----	St. Louis, MO	----	----	1972	----
Short, Vella B.	----	----	----	----	Los Angeles, CA	----	----	1971	----
Stanley, John	12/17/06	Asbestos Insulator	1943-1968	----	Los Angeles, CA	To "lungs" from "exposure to noxious dusts including asbestos."	1969	1969	39 other employers and their insurers.
Thompson, Clarence E.	----	----	----	----	Los Angeles, CA	----	----	1971	----

OCF historical files reflect that as of 2/20/58, OCF learned that Riley's claimed injury was "possible asbestosis." According to a review of Riley's workers' compensation file which OCF created obtained from plaintiffs' counsel in 1979 (see discussion ¹¹¹¹³), OCF was served with a claim for death benefits by Riley's widow in 1961, in which she alleged that Riley's death was caused by "exposure to dust." While Riley's workers' compensation file reflects that Riley died of lung cancer, there is no indication that OCF received notice of the specific diagnosis before 1979 when OCF's counsel reviewed the file from plaintiffs' counsel.

TABLE A

Claimant Name	Date of Birth	Alleged Trade	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date OCF/SEC Joined	Date of Notice to OCF	No. Other Defendants
Tucker, Vernon F.	----	----	----	----	Los Angeles, CA	----	----	1969	----
Tudor, William E.	----	----	----	----	Seattle, WA	----	----	1969	9
Vincent, Charles L.	----	----	----	R. L. Lauer, Inc.	Anchorage, Alaska	----	----	1967	----

TABLE B

Claimant Name	Date of Birth	Alleged Traces	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date Claim Filed	Date of Notice to OCF	No. Other Defendants
Boswell, Jerome C.	10/20/21	Asbestos Insulator	1952-1971	----	Los Angeles, CA	"Asbestos exposure; exposure to other injurious substances as well as strenuous activity - injury to respiratory and circulatory system."	1971	----	----
Bouden, Walter	1903	----	----	----	Detroit, MI	"Expired due to respiratory insufficiency, severe obstructive emphysema and associated carcinoma of left lung."	1972	----	1
Davenport, Vernon G.	03/31/12	Asbestos Insulator	1940-1970	----	Sacramento, CA	Injury to "lungs" from "constant exposure to asbestos fibers and other harmful materials."	1973	----	----
Ecker, George A.	07/02/17	Asbestos Insulator	1938-1973	Fiberglas Engineering Co.	Seattle, WA	"Malignant mesothelioma, right lung/plural space; probable asbestosis (pneumoconiosis)."	1973	----	----
Evans, Harvey L.	02/12/09	Asbestos Insulator	1942-1971	----	Los Angeles, CA	Injury to "lungs" from "exposure to asbestos and other noxious dusts and fumes."	1972	----	----
Harris, Roy B.	----	----	----	----	Phoenix, AZ	----	1973	----	----
Kramer, Burton	----	----	----	----	Washington	----	1960	----	----

TABLE 8

Claimant Name	Date of Birth	Altered Trade	At. ed Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date Claim Filed	Date of Notice to OCF	No. Other Defendants
Lindholm, Marvin		----	----	----	Seattle, WA	----	1973	----	----
McClure, Art	08/01/11	Asbestos Insulator	1946-1969	----	Oakland, CA	"Asbestosis"	1971	----	----
Meyers, Edward	----	----	----	----	San Francisco, CA	----	1962	----	----
Olson, Ollis D.		----	----	Johns-Manville Sales Corp.	Detroit, MI	"Asbestosis, pneumoconiosis, heart and lung pathology and related conditions - terminating fatally."	1970	----	----
Parker, Robert R.	08/19/13	Asbestos Insulator	1943-1972	----	Los Angeles, CA	To: "lungs and respiratory system" from "exposure to asbestos and other noxious dusts."	1972	----	----
Rogers, Joseph	1921	Asbestos Insulator	1947-1972	OCF	Kansas City, MO	"fibrosis of lungs"	1972	----	----
Simpson, David L.	05/21/29	Asbestos Insulator	1951-1971	----	Seattle, WA	----	1971	----	----
Stennette, Lee W.	08/03/04	Insulator	1942-1946	----	Los Angeles, CA	"Exposure to irritants."	1967	----	----

TABLE B

Claimant Name	Date of Birth	Altered Trade	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date Claim Filed	Date of Notice to OCF	No. Other Defendants
Swindell, David ¹	----	----	----	----	Sacramento, CA	----	----	----	----
Winters, Leroy C.	----	----	----	----	Albuquerque, NM	----	1959	----	----

¹ The only information OCF has on this claim is that it was apparently subacute-related and that OCF's insurance carrier closed its file on this claim in 1975.

TABLE C

Claimant Name	Date of Birth	Alleged Trade	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date OCF/ SEC Joined	Date of Notice to OCF	No. Other Defendants
Bailey, Carl A.	08/05/10	Asbestos Insulator	1935-1944	FENCO	Los Angeles, CA	"Inhalation of foreign matter"	1965	1965	11 other employers and their insurance carriers.
Crader, Willard R.	01/18/07	Asbestos Insulator	1938-1944	FENCO	Los Angeles, CA	Injury to "lungs, body" from "exposure to irritants."	1966	1966	41 other employers and their respective insurers.
Curtis, Harvey E.	07/29/04	Pipereovering Mechanic	1949-1954	OCF, ACES	Detroit, MI	Original application not found. Petition to reopen alleged "pneumoconiosis, asbestosis, emphysema, asthma, bronchitis and heart failure."	1960 - original claim; 1967 - claim reopened.	-----	10 other employers & their ins. carriers. (None to first claim; 10 to second claim.)
Gronenthal, John B.	04/30/05	Pipereoverer/ Insulator	1942-1960	Asbestos Products Co.	Spokane, WA	Asbestosis; chronic interstitial pneumonitis; pneumoconiosis "probably due to asbestos"; pleurisy - both sides.	1961 - appeal	1961 - appeal	10 other employers
Harding, Clifford P.	02/28/06	Asbestos Insulator	1937-1959	M. R. Carpenter	Sacramento, CA	"Asbestosis"	-----	1961	12 other employers and their insurance carriers.

TABLE C

Claimant Name	Date of Birth	Alleged Trade	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date OCF/ SAC Joined	Date of Notice to OCF	No. Other Defendants
Hunt, Melvin	-----	-----	1940-1965	-----	Long Beach, CA	-----	-----	-----	17 other employers and their insurance carriers.
Lumbertis, Vernon E.	11/29/12	Insulator	1942-1965	United Cork Co./Baldwin Ehret Mill	Los Angeles, CA	Injury to chest as result of "exposure to dust - stresses & strains of employment."	1966	-----	61 other employers and their insurance carriers.
McCarrell, Ervey O.	03/03/03	Insulation Worker	1941-1956	Armstrong Cork	Los Angeles, CA	"insulation dust drawn into lungs" Injury to throat & lungs.	1959	1959	8 other employers and their insurance carriers.
Miller, Arthur H.	11/03/89	Asbestos Insulator	1941-1961	Plant Asbestos	Los Angeles, CA	"lung condition - occupational disease" from "inhalation of asbestos materials."	1962	1962	24 other employers and their insurers.
Novak, Edward	11/18/16	Asbestos Insulator	1940-1956	Plant Insulating, Jackson Packing, Reese Insul. Co.	Los Angeles, CA	"Asbestosis and/or lung condition." ²	1963	1964	9 other employers and their insurance carriers.

¹ The Workers' Compensation file OCF received from plaintiffs' caused in 1979 reflects that this claimant had bronchial asthma and advanced pulmonary emphysema. The claim was dismissed.

² The Workers' Compensation file OCF received from plaintiffs' caused in 1979 reflects that this claimant also had progressive coronary artery disease.

TABLE C

Claimant Name	Date of Birth	Alleged Trade	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date OCF/ SEC Joined	Date of Notice to OCF	No. Other Defendants
Rogers, Ollie M.	02/13/05	Insulation Mechanic	1942-1963	FEMCO	Los Angeles, CA	Pulmonary fibrosis - lungs & chest "due to exposure to foreign matter in material used in employment." ³	1964	1964	9 other employers and their insurance carriers.
Staples, John D.	06/24/25	Heat & Frost Insulator	1953-1962	Armstrong Contracting & Supply	Long Beach, CA	"Exposure to asbestos dust, fiberglass and other irritants--lungs & respiratory system."	1962	1962	15 other employers plus their insurance carriers.
Streithorst, L. J.	----	Insulation Installer	1944-1959	Plant Asbestos Co.	San Francisco, CA	"Chest disability namely pneumoconiosis, probably asbestos." ⁴	1960	1960	14 other employers and their insurers.
Strickland, Fred E.	06/22/07	Asbestos Insulator	1943-1957	Armstrong Cork	San Francisco, CA	"Aggravation of pre-existing tubercular condition" from "working w/asbestos." ⁵	1958	1957	18 other employers and their insurance carriers.
Wyss, John	10/14/09	Asbestos Insulator	----	Mundet Cork	San Francisco, CA	"Chest disability"; "exposure to dust and foreign substances over many years."	Unknown; ltr. from claimant's atty. dated 8/10/62 attaches petition for joinder of additional parties, including OCF, although no order in file	1962	38 other employers and their insurance carriers.

³ The Western' Compensation file OCF received from plaintiffs' counsel in 1979 reflects that this claimant also had emphysema.

⁴ The Western' Compensation file OCF received from plaintiffs' counsel in 1979 reflects that this claimant had asthma, cardiac disease and carcinoma of the stomach. The claim was dismissed.

⁵ The Western' Compensation file OCF received from plaintiffs' counsel in 1979 reflects that the state referee could not find any medical evidence of record to support compensability.

TABLE C

Claimant Name	Date of Birth	Alleged Trade	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date OCF/ SAC joined	Date of Notice to OCF	No. Other Defendants
							granting petition.		

TABLE A

Claimant Name	Date of Birth	Alleged Trade	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date OCT/ SAC Joined	Date of Notice to OCT	No. of Defendants
Ellstrom, Harold		Insulation Installer	1942-1964	....	Seattle, WA	....	....	1971	....
Hersman, Robert J.					Los Angeles, CA	....	....	1969	....
Hurl, George M.					Los Angeles, CA	....	....	1971	....
Corran, Robert			Unknown (worked for OCT between 6-8/63)	....	Flint/Grand Rapids, MI	....	....	1968	7
Lachman, Cecil B.					Seattle, WA	....	....	1967	2
Mahy, William L.					Portland, OR	....	....	1967	....
Harley, Coleman			Unknown - worked for OCT for 2 years	....	Indianapolis, IN	....	....	1973	....
Harlow, William L.					Los Angeles, CA	....	....	1968	....
Harrell, Roy B.	01/11/12	Asbestos Insulator	1950-1951; 1963-1969	....	Los Angeles, CA	In "Major from exposure to asbestos and other noxious dusts and fumes."	....	1969	....

TABLE A

Claimant Name	Date of Birth	Alleged Trade	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date OCF/ SAC Joined	Date of Notice to OCF	No. Other Defendants
Case, Fred V.	12/30/12	Insulator	1952-1968	OCF/Thorp Insulation	Los Angeles, CA	"Exposure to asbestos and other various substances"	1969	1971	19 other employers and their insurance carriers.
Green, Harold V.	1919	Asbestos mechanic	1945-1971	....	San Diego, CA	....	....	1972	....
Greischer, Paul J.	09/11/02 ¹	Asbestos Insulator ²	1942-1963 ³	PERCO - 1943 ⁴	Sacramento, CA	Application: "substantial"; Awarded Application: "permanent disability & pneumoconiosis." ⁵	1962	1963 ⁶	22 other employers plus their insurance carriers. ⁷
Hagg, Alvin A.	....	....	....	....	Seattle, WA	....	....	1967	7
Hallmark, Stanley	....	....	....	....	San Francisco, CA	....	....	1969	....
Humbert, Allen	09/13/17	Asbestos Insulator	Approved, 1963-1971	....	Seattle, WA	"Substantial" from "exposure to asbestos for 20 years."	....	1971	....
Merrick, Gerald P.	....	....	....	Alber Co.	Anchorage, Alaska	....	1979	1979	30 employers

TABLE A

Claimant Name	Date of Birth	Alleged Trade	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date OCF/ SIC Joined	Date of Notice to OCF	No. Other Defendants
Furthauer, Charles F.	....	....	....	....	Los Angeles, CA	....	....	1970	....
Furum, George F.	09/16/17	Asbestos Insulator	1940-1949	....	Oakland, CA	Injury to "lungs" from inhalation of harmful dusts and fibers."	....	1971	....
Gay, Irvin	....	....	1943-1949	....	Sacramento, CA	....	1971	1971	1
Geiger, Evelyn	....	....	....	....	Los Angeles, CA	....	....	1971	....
Gilovich, Steven	05/16/49	Asbestos Insulator	1937-1941	FEMCO - San Francisco	San Francisco, CA	Injury "to respiratory system" from exposure to harmful dusts."	1961-1962 1963-OCF	1963	27 other employers plus their insurance carriers."
Guano, Robert O.	09/02/00	Asbestos Insulator/Insulator on River	....	Lorenson & Co.	San Francisco, CA	Translocation	1963	1963	24 other employers and their insurance carriers."
Goodwin, Robert E.	....	....	1942-1949	....	Los Angeles, CA	....	....	1969	5

TABLE A

Claimant Name	Date of Birth	Alleged Trade	Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date OCF/SLC Joined	Date of Notice to OCF	No. of Defendants
Conroy, John L.	....	....	Unknown but claim alleges employment w/OCF between 10-12/66	....	Pennsylvania	....	....	1967	4
Clark, Dean	12/02/07 ¹	Asbestos Insulator ²	1949-1965 ³	Baldwin Throat Mill, Inc.	Los Angeles, Ca	"Inhalation of asbestos and other foreign substances." ⁴	1968	1968	55 other employers and their insurance carriers. ⁵
Clark, James	....	Asbestos pipefitter	....	Fluoroglass Supply & Contracting (1967-1968)	Seattle, WA	"Breathing of asbestos over period of years caused pain in chest."	....	1970	....
Casper, Marion W.	....	....	....	....	Seattle, WA	....	....	1969	7
Everitt, Allan R.	05/07/08 ²	Asbestos Insulator	1946-1963 ³	Western Asbestos ⁴	San Francisco, CA ⁵	....	1964 ⁶	1964 ³	34 other employers plus their insurance carriers. ⁵
Frederick, E. W.	....	....	....	....	Fremont, CA	....	....	1966	....

TABLE A

Claimant Name	Date of Birth	Alleged Trade	Allc Years Worked	Alleged Last Employer	Location	Injury Claimed	Application	Date OCT/ All Injured	Date of Notice to OCT	No. Other Defendants
Dalle, John B.	....	....	....	....	Seattle, WA	....	....	....	1969	9
Bestley, Thomas H.	11/07/16	Asbestos Insulator	....	OCT S&C Unit	Detroit, MI	"Death, pneumoconiosis, asbestosis, bronchitis, carcinoma."	....	1971	1971	1
Sayer, Wayne E.	....	....	....	....	Los Angeles, CA	....	....	....	1969	24
Brinner, Lawrence F.	....	....	....	....	Ellet/Grand Rapids, MI	....	....	....	1969	....
Defendant, Leonard C. (aka Charles C.)	07/09/07 ¹	Asbestos Insulator Foreman	1961-1963 ¹	Armstrong Contracting & Supply	Los Angeles, CA	"Lungs affected with asbestosis"	....	1964-1965 & 1966-1967; 1967-OCT 3	1964-1965; 1966-1967; 1967-OCT 3	9 other employers and their insurance carriers.
Brown, Harold F.	07/31/15	Asbestos Insulator	1962-1964	OCT	Los Angeles, CA	Exposure to asbestosis resulting in injury to lungs & general health."	....	1964	1964	23 other employers and their insurance carriers.
Gilman, Wilson	1918	Insulator	....	....	Baton Rouge, LA	....	....	....	1972	....

¹ Although OCT learned that either the OCT worked under and lacked information on this date, the specific information in this column was obtained from a review of the worker's compensation file which OCT learned obtained from plaintiff's counsel in 1979 (see discussion, 10/29)

TABLE A

Claimant Name	Date of Birth	Alleged Trade	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date OCF/SLC Awarded	Date of Notice to OCF	No. Other Defendants
Hoffelt, Fred	....	....	....	....	Portland, OR	....	....	1967	....
Moore, Willis W.	....	....	....	....	Seattle, WA	....	....	1969	0
Nelson, George	....	....	....	....	Phoenix, AZ	....	....	1968	....
Ogle, John G.	1931	....	....	....	Baltimore, MD	....	....	1968	....
Quinn, Glen R.	09/03/09	Asbestos Insulator	1948-1967	....	Los Angeles, CA	To "lungs, internal" from "exposure to irritants."	1969	1969	1
Podgett, Jesse W.	1918	Asbestos Insulator	Unknown but worked for OCF SLC unit 1945-1968.	....	Baltimore, MD	....	....	1968	....
Pfleger, Edward L.	02/24/05	pipefitter/Asbestos Insulator	1944-1967	....	San Francisco, CA	"Exposure to asbestos" 3,3	1969	1968	29 other employers plus their insurance carriers.

TABLE A

Claimant Name	Date of Birth	Alleged Trade	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date OCF/SEC Joined	Date of Notice to OCF	No. Other Defendants
Pard, Lowell M.	11/30/06	Asbestos Insulator	1942-1947	Thorp Insulation	Los Angeles, CA	To "lung" from "exposure to asbestos and other noxious dust in work."	1949	1949	10
Pattz, Harry	04/25/07	Asbestos Insulator	1945-1947	Western Building Materials Co.	San Francisco, CA	....	1947	1947	23
Riley, James W.	10/23/99 ¹	Asbestos Insulator	1928-1957 ¹	J.S. Thorpe, Inc. ¹	Los Angeles, CA	To "lung" due to "exposure to asbestos dust, ... ² , ³	1957 - During Engineering & PERIOD 1958 - OCF ³	1957 ³	33 other employers and their insurance carriers.
Ringsen, William	....	....	....	....	St. Louis, MO	....	....	1972	....
Short, Vella B.	....	....	....	....	Los Angeles, CA	....	....	1971	....
Stanley, John	12/17/06	Asbestos Insulator	1943-1948	....	Los Angeles, CA	To "lung" from "exposure to noxious dusts including asbestos."	1949	1949	39 other employers and their insurers.
Thompson, Clarence E.	....	....	....	....	Los Angeles, CA	....	....	1971	....

¹ OCF reviewed this matter due to 2/28/04 OCF based on Riley's claimed injury was "possible asbestosis." According to a review of Riley's workers' compensation file which OCF cannot obtain from plaintiffs' counsel in 1979 (see discussion below), OCF was served with a claim for death benefits by Riley's widow in 1961, in which she alleged the Riley's death was caused by "exposure to dust." While Riley's workers' compensation file indicates that Riley died of lung cancer, there is no indication that OCF received notice of this specific diagnosis before 1979 when OCF's counsel received the file from plaintiffs' counsel.

TABLE A

Claimant Name	Date of Birth	Alleged Trade	Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date OCF/SEC Joined	Date of Notice to OCF	No. of Defects
Tucker, Vernon P.					Los Angeles, CA	....	....	1969	....
Tucker, William E.					Seattle, WA	....	....	1969	9
Vincent, Charles L.				R. L. Tucker, Inc.	Andersburg, Alaska	....	....	1967	....

TABLE C

Claimant Name	Date of Birth	Alleged Trade	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date OCF/SLC Joined	Date of Notice to OCF	3. Other defendants
Bailey, Carl A.	08/05/10	Asbestos Insulator	1935-1944	RENCO	Los Angeles, CA	"Irritation of foreign matter"	1965	1965	11 other employers and their insurance carriers.
Croder, Willard B.	01/18/07	Asbestos Insulator	1938-1944	RENCO	Los Angeles, CA	Injury to "lungs, body" from "exposure to irritants."	1966	1966	61 other employers and their respective insurers.
Curtis, Harvey E.	07/29/04	Pipeworking Mechanic	1949-1954	OCF, ACS	Detroit, MI	Original application not found. Petition to Reopen alleged "pneumoconiosis, asbestosis, emphysema, asthma, bronchitis and heart failure."	1969 - original claiming "SLC" - claim re-opened.	....	10 other employers & their ins. carriers. (None to first claim; 10 to second claim.)
Granenthal, John B.	04/30/05	Pipeworker/Insulator	1942-1948	Asbestos Products Co.	Spokane, WA	Asbestosis; chronic interstitial pneumonitis; pneumoconiosis "probably due to asbestos"; pleurisy - both sides.	1961 - appeal	1961 - appeal	10 other employers
Harding, Clifford P.	02/28/06	Asbestos Insulator	1937-1959	M. B. Carpenter	Sacramento, CA	"Asbestosis"	....	1961	12 other employers and their insurance carriers.

TABLE C

Claimant Name	Date of Birth	Alleged Trade	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date OCF/ SEC Joined	Date of Notice to OCF	Other Defendants
Rogers, Ollie U.	02/13/05	Insulation Mechanic	1942-1943	FEMCO	Los Angeles, CA	Primary fibrosis - lungs & chest due to exposure to foreign matter in material used in employment. ³	1964	1964	9 other employers and their insurance carriers.
Staples, John B.	06/24/25	Best & Frost Insulator	1953-1962	Armstrong Contracting & Supply	Long Beach, CA	Exposure to asbestos dust, fibrosis and other irritants - lungs & respiratory system. ⁴	1962	1962	15 other employers plus their insurance carriers.
Stretthorst, L. J.	....	Insulation Installer	1944-1959	Plant Asbestos Co.	San Francisco, CA	Chest disability mainly pneumoconiosis, probably asbestos. ⁵	1960	1960	14 other employers and their insurers.
Strickland, Fred E.	06/22/07	Asbestos Insulator	1943-1957	Armstrong Cork	San Francisco, CA	Aggravation of pre-existing tubercular condition from working w/ asbestos. ⁵	1958	1957	10 other employers and their insurance carriers.
Wynn, John	10/14/99	Asbestos Insulator	....	Hardest Cork	San Francisco, CA	Chest disability? Exposure to dust and foreign substances over many years. ⁶	Unknown (lit. from claimant's atty. dated 8/14/62; petition for judgment for judgment of additional parties, including OCF, although no order in file)	1962	10 other employers and their insurance carriers.

³ The Workers' Compensation Re OCF received from plaintiffs' counsel in 1999 reflects that the claimant also had employment.

⁴ The Workers' Compensation Re OCF received from plaintiffs' counsel in 1999 reflects that the claimant had asthma, cardiac disease and carcinoma of the stomach. The claim was denied.

⁵ The Workers' Compensation Re OCF received from plaintiffs' counsel in 1999 reflects that the more relevant could not find any medical evidence of record to support compensability.

TABLE C

Claimant Name	Date of Birth	Alleged Trade	Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date OCF/SLC Joined	Date of Notice to OCF	Other Defendants
Burt, Melvin	----	----	1940-1965	----	Long Beach, CA	----	----	----	17 other employers and their insurance carriers.
Lambert, Vernon E.	11/29/12	Insulator	1942-1965	United Carb Co./Haldin Sheet Mill	Los Angeles, CA	Injury to chest as result of exposure to dust - stressors & strains of employment.	1966	----	61 other employers and their insurance carriers.
McCarrell, Ervey O.	05/03/03	Insulation Worker	1941-1956	Armstrong Carb	Los Angeles, CA	Insulation dust drawn into lungs - injury to throat & lungs.	1959	1959	8 other employers and their insurance carriers.
Miller, Arthur H.	11/03/09	Asbestos Insulator	1941-1961	Plant Asbestos	Los Angeles, CA	Lung condition - occupational disease from inhalation of asbestos materials.	1962	1962	26 other employers and their insurers.
Reed, Edward	11/18/16	Asbestos Insulator	1940-1956	Plant Insulating, Jackson Packing, Stone Insul. Co.	Los Angeles, CA	Asbestosis and/or lung condition.	1963	1964	9 other employers and their insurance carriers.

1 The Workers' Compensation for OCF received from plaintiffs' counsel in 1979 reflects that this claimant had beneficial asbestos and advanced pulmonary symptoms. The claim was denied.

2 The Workers' Compensation for OCF received from plaintiffs' counsel in 1979 reflects that this claimant also had progressive coronary artery disease.

TABLE C

Claimant Name	Date of birth	Alleged Trade	Alleged Years Worked	Alleged Last Employer	Location	Injury Claimed in Application	Date USF/SSC Joined	Date of Notice to QCF	Other Dependents
			1 1 1				Granting petition.		