

IN RE: ASBESTOS-RELATED
PERSONAL INJURY OR
DEATH CASES FILED OR TO
BE FILED IN DALLAS
COUNTY, TEXAS

§ IN THE DISTRICT COURTS OF
§
§ DALLAS COUNTY, TEXAS
§
§ 68TH DISTRICT COURT

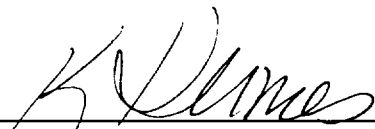
**DEFENDANT ZURN INDUSTRIES' ANSWERS AND
OBJECTIONS TO PLAINTIFFS' MASTER INTERROGATORIES
AND REQUESTS FOR PRODUCTION PROPOUNDED TO DEFENDANTS**

TO: ALL COUNSEL OF RECORD.

COMES NOW ZURN INDUSTRIES, hereinafter referred to as "Zurn", a Defendant in various asbestos cases filed in Dallas County, and files the attached Answers to Plaintiffs' Master Set of Interrogatories and Requests for Production of Documents.

Respectfully submitted,

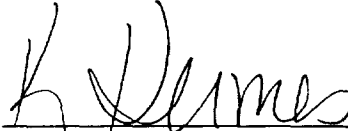
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By: 

KATHRYN HERMES
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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing has been sent to counsel for Plaintiffs by certified mail, return receipt requested, and a copy of the cover page only to all other known counsel of record by regular mail, on this 25th day of February, 2000.



KATHRYN HERMES

GENERAL OBJECTIONS

1. Zurn objects to these discovery requests on the grounds that they are overly broad and beyond the scope of product identification in this litigation.
2. Zurn also objects to the form, as well as the ambiguous and compound nature of many of the discovery requests, in addition to the false predicates contained herein.
3. Many of the questions call for expert opinion and narrative answers not proper for these discovery requests. Zurn asserts that the expert opinions and the basis of the opinions are known to Plaintiff's attorneys from disclosure of such opinions in this case and others. These discovery requests are therefore calculated to be duplicative and harassing.
4. Zurn objects on the ground these discovery requests are vague and/or ambiguous.
5. Zurn objects on the grounds these discovery requests are unduly burdensome.
6. Moreover, Zurn objects to any discovery request which implies or assumes that plaintiff actually has an asbestos-related injury. The burden of proof is on the plaintiff to prove that he has an asbestos-related disease, and Zurn has a constitutional right to deny the same.
7. Zurn objects to any discovery request which requests information which is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence.
8. Zurn objects to the "Definitions" preceding these discovery requests to the extent they attempt to redefine the meaning of the terms listed as found in the Rules of Civil Procedure or commonly accepted English usage. Zurn has responded to this discovery on the assumption that the terms used therein are to be given their usual and customary meaning and objects to any attempt to force the use of some other standard.
9. Zurn objects to Plaintiff's discovery requests for the reason that they, and their subparts, exceed the maximum number allowable under the Rules of Civil Procedure. Notwithstanding these objections and in the spirit of cooperation, Zurn will provide answers to these interrogatories subject to and without waiving said objection.
10. Zurn objects to Plaintiff's discovery requests to the extent they seek information from its present or former attorneys that is privileged or work product. Defendant further objects to the extent these discovery seek disclosure of any information or material that is subject to the attorney/client privilege, work-product privilege,

investigative privilege, consulting expert privilege, party communications privilege, joint defense privilege, and/or any other applicable privilege or immunity.

11. Zurn objects to the extent Plaintiff's discovery requests seek information or material pertaining to alleged injuries or damages other than of the character allegedly suffered by plaintiff in this specific case on the ground that such information is not relevant to any issue in these cases and is not reasonably calculated to lead to the discovery of admissible evidence.
12. Zurn objects to the extent these discovery requests seek information prior or subsequent to the date of plaintiff's alleged exposure to Defendant's product(s), as such information is not relevant to any issue in this case and is not reasonably calculated to lead to the discovery of admissible evidence.
13. Zurn objects to the extent that these discovery requests seek information that includes proprietary information and trade secrets. Information that identifies trade secrets will be redacted from any documents produced.
14. Zurn objects to the extent that these discovery requests seek information or documents which, due to the passage of time or other reasons, are not in the possession, custody or control of Zurn. Such requests call for documents or information outside the scope of permissible discovery.
15. Zurn objects to the extent that these discovery requests require Zurn to provide information which is equally available to Plaintiffs as it is to Zurn or seeks information in the public domain or in published medical or scientific literature.

All of these objections are incorporated by reference and adopted as to each and every discovery request contained herein, and are specifically alleged as set forth in the responses to Plaintiffs' individual Interrogatories and Requests for Production.

PRELIMINARY STATEMENT

Plaintiffs' Interrogatories and Requests for Production, hereinafter referred to as "discovery requests", concern events which occurred years ago. The responses are believed to be accurate as of the date of filing, but Zurn's investigation of the underlying facts is continuing. If further discovery of additional facts adds meaning to the known facts or establishes new factual conclusions or legal contentions, these responses will be supplemented if required by applicable law. Thus, the following responses are made without prejudice to Zurn's right to produce evidence of any subsequently discovered fact or facts Zurn may later recall. Zurn accordingly reserves the right to amend or supplement any and all responses herein, if permitted or required by applicable law, as additional facts are ascertained, or as the contentions of the plaintiff herein may be discovered or amended.

Plaintiffs' discovery requests are addressed to a corporation which has no independent knowledge of the information supplied in these responses. Zurn Industries, Inc. refers to and is limited to the officers and directors of Zurn Industries, Inc. located in Dallas, Texas and Erie, Pennsylvania, and those Zurn Industries, Inc. employees or agents who the Company believes are responsible for and who are in possession of corporate documents or information that is responsive to Plaintiffs' discovery requests. The information supplied in these responses is based on the knowledge of Zurn's employees and authorized agents and the affiant may not have personal knowledge of the matter stated herein.

The responses contained herein are made in a good faith effort to supply as much factual information and as much specification of legal contentions as is currently available, but in no way should prejudice Zurn in relation to further discovery, research, or analysis. Further, Zurn's answers are limited to those divisions and predecessors which manufactured products which may have contained component parts that had some asbestos content.

Zurn was a manufacturer of industrial steam generating equipment that is primarily sold to knowledgeable and sophisticated commercial customers. Zurn does not concede that its boilers were "asbestos-containing products."

Zurn incorporates by reference this preliminary statement into each answer to each Interrogatory and/or Request for Production replied to herein.

ANSWERS TO INTERROGATORIES

INTERROGATORY NO. 1:

State the name, address, 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 of each person who has supplied any information used in answering these interrogatories.

ANSWER:

Zurn objects to this interrogatory on the grounds that it requests information protected by the attorney/client privilege and/or the attorney work product doctrine. Moreover, the Defendant states that it compiled the information in these responses from various sources over a period of years in relation to litigation in other jurisdictions, so this Defendant is unable to identify all persons providing information herein. Without waiving said objection and without prejudice to this Defendant, the individuals who have been primarily responsible for providing the information in these discovery responses are Theodore C. Fuhrman, Chief Engineer, Aalborg Industries, Inc., 5300 Knowledge Parkway, Suite 200, Erie, PA 16510, and Theodore Morad, Jr., Assistant Manager, Customer Service, Aalborg Industries, Inc., 5300 Knowledge Parkway, Suite 200, Erie, PA 16510. Moreover, Zurn reserves the right to amend these answers on the basis of any further information obtained through any sources during discovery in this way or any other civil action pending against this Defendant.

INTERROGATORY NO. 2:

State whether or not you are a corporation. If so, state your correct corporate name, the state of your incorporation, the address of your principal place of business, the name and address of the person or entity authorized to accept service of process on your behalf, and whether or not you have ever held a Certificate of Authority to do business in the State of Texas.

ANSWER:

Yes. Zurn's corporate name is Zurn Industries, Inc. Zurn was incorporated in Pennsylvania on January 28, 1932. Its principal place of business is 14801 Quorum Drive, Dallas, Texas 75240. Zurn is authorized to do business in the State of Texas.

INTERROGATORY NO. 3:

Has Defendant or any of its predecessor or subsidiary companies at any time engaged in the mining and subsequent sale of material containing asbestos fibers? If so, identify the location of the mine(s), the years of its operation, the type of asbestos mined and whether you sold any asbestos to any Defendants in the Dallas County asbestos litigation.

ANSWER:

No.

INTERROGATORY NO. 4:

Identify by name each product containing asbestos fibers that Defendant or any of its predecessor or subsidiary companies at any time manufactured or sold.

ANSWER:

Zurn objects to the extent that this Interrogatory is vague, overly broad, unduly burdensome and requests information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. The only products containing asbestos fibers which are relevant to this cause of action are those to which Plaintiffs claim exposure. Defendant objects to providing information concerning products to which Plaintiffs were never exposed. Subject to and without waiving its objections, Zurn responds that it was a manufacturer of industrial steam generating equipment that is primarily sold to knowledgeable and sophisticated commercial customers. Certain Zurn boilers may have incorporated asbestos-containing thermal insulation and sealing components.

INTERROGATORY NO. 5:

Identify by name each product containing asbestos fibers that Defendant or any of its predecessor or subsidiary companies at any time marketed or sold.

ANSWER:

Zurn incorporates by specific reference its answer and objections to Interrogatory No. 4 above.

INTERROGATORY NO. 6:

If the answer to one or more of the last three interrogatories is in the affirmative or lists any products, state as to each named product the following:

A. As to each product, state whether such product was mined, manufactured, marketed, and/or sold.

B. The names of the companies mining, manufacturing, marketing, and/or selling each product mined, manufactured, marketed, and/or sold.

C. The trade or brand name of each of those products mined, manufactured, marketed and/or sold.

D. The date each of the named products was placed on the market.

E. A description of the physical (chemical) composition of each of the named products, including the type of asbestos contained in the product and the percentage of asbestos put in each product.

F. The date each of the products was removed from the market and no longer sold or distributed and the reason or reasons therefor.

G. The date asbestos was removed from such products, if ever, and the reasons therefor.

H. A description of the physical appearance of each of the named products.

I. A detailed description of the intended uses of the named products.

J. Identify the last year that you sold each asbestos-containing product.

ANSWER:

Zurn objects to the extent that this Interrogatory is vague, overly broad, unduly burdensome and requests information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its objections, Zurn responds as follows:

(A)-(C) Zurn and its predecessor, Erie City Ironworks, manufactured, marketed and sold industrial steam generating equipment. The trade or brand names of these products were Erie City or Zurn. Some of the package boilers may also have been termed Keystone Boilers.

(D) Erie City began manufacturing and selling steam generating systems as early as 1840, but it is unknown when asbestos components were first incorporated. Zurn first manufactured and sold steam generating systems, some of which may have contained asbestos-containing thermal insulation or sealing components, in 1966.

(E) Defendant objects to the extent this Interrogatory invades trade secrets. Subject to this objection, Defendant responds that neither Zurn nor Erie City manufactured the asbestos containing components which may have been incorporated into some of their products. Therefore, Zurn has no knowledge as to the composition or asbestos content, percentage or type of asbestos which may have been present in the thermal insulation and sealing products which were incorporated into its products. Zurn and Erie City steam generating systems were generally designed to the customer's specifications. Therefore, the amount of insulation used varied depending on the size and temperature requirements.

(F) Zurn discontinued using thermal insulation components which contained asbestos in approximately 1972.

(G), (J) Zurn learned of the potential dangers of asbestos in 1972 and discontinued using asbestos-containing thermal insulation materials in its products thereafter.

(H)-(I) Zurn and Erie City manufactured steam generating systems designed for extremely high steam temperatures. It is difficult to describe these products in any way other than to describe them as looking like a boiler.

INTERROGATORY NO. 7:

Do any documents, including but not limited to written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the design, preparation, or introduction into the market of the products listed in Interrogatory No. 6 still exist? If so, state:

- A. A description of each such document.
- B. The name, address, and job title of each person who currently has possession of each document, and where the documents are currently located.

ANSWER:

Specifications, blueprints, bills of materials and other documents are maintained at Aalborg Industries, Inc. Ted Morad, 5300 Knowledge Parkway, Erie, PA, Assistant Manager of Customer Service, has possession of these documents.

INTERROGATORY NO. 8:

Before distributing, selling, or placing the products listed in your responses to Interrogatory Nos. 3-6 into the streams of commerce, were any tests conducted to determine potential health hazards involved in the use of, or exposure to, the materials such as asbestos, contained in those products? If the answer is affirmative, state:

- A. The names of the products tested and the date of each test.
- B. The name, address, and job title of each person conducting the tests or involved with conducting the tests.
- C. The results of the tests.

ANSWER:

Zurn states that it lacks documents or other information that would enable it to answer this question, but based upon information known or reasonably available to Zurn, there was no reason to conduct any such studies, tests, or analysis because Zurn/Erie City did not manufacture asbestos-containing products as that term is traditionally used and understood. However, Zurn learned of the potential dangers of asbestos in 1972 and discontinued the

incorporation of asbestos-containing thermal insulation components in its products thereafter, rendering such tests unnecessary.

INTERROGATORY NO. 9:

Do 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 referred to in Interrogatory No. 6 now exist? If so, state:

- A. A description of each such document.
- B. The name, address, and job title of each person who currently has possession of each document, and where it is presently located.

ANSWER:

No.

INTERROGATORY NO. 10:

Did Defendant or any of its predecessor or subsidiary companies make any design changes or modifications as a result of those tests described in responses to Interrogatory No. 8? If the answer is affirmative, state:

- A. The trade names of the products changed.
- B. The nature of the changes made and the date of such changes or modifications.
- C. The name, address, and job title of each person responsible for having caused a change to be made, or having made a change or modification.

ANSWER:

No.

INTERROGATORY NO. 11:

After releasing the products listed in Interrogatory No. 6 to the public, were any tests conducted on them to determine potential health hazards resulting from the use of or exposure to the materials, such as asbestos, contained in those products? If the answer is affirmative, state:

- A. The names of the products tested and the dates of such tests.
- B. The name, address, and job title of each person who conducted those tests.
- C. The results of those tests.

- D. Whether, as a result of the tests, any products were removed from the market.
- E. The names of all products removed from the market as a result of these tests.

ANSWER:

Zurn states that it lacks documents or other information that would enable it to answer this question, but based upon information known or reasonably available to Zurn, no such testing was conducted.

INTERROGATORY NO. 12:

Do any documents, including written memoranda, specifications, recommendations, blueprints, or other written materials of any kind or character, relating to the potential health hazards of the products listed in Interrogatory No. 6 now exist? If so, state:

- A. The name of each product.
- B. A description of each document and how it relates to each product.
- C. The name, address, and job title of each person who currently has possession of each document, and where it is presently located.

ANSWER:

No.

INTERROGATORY NO. 13:

Did Defendant or any of its subsidiary companies make any design changes as a result of the tests discussed in your response to Interrogatories No. 8 or 11? If the answer is affirmative, state:

- A. The names of the products changed or modified.
- B. The name, address, and job title of each person responsible for having made a change or modification.
- C. The nature of the hazard or defect which resulted in such change or modification.

ANSWER:

Not applicable.

INTERROGATORY NO. 14:

Has Defendant or any of its predecessor or subsidiary companies at any time published or distributed any printed material, including brochures, pamphlets, catalogs, packaging or other

written material or [sic] any kind or character containing any warnings concerning the possibility of injury resulting from the use of the asbestos-containing products listed in Interrogatory No. 6? If so, state:

- A. The names of each relevant product.
- B. The exact wording of each warning statement on each printed material.
- C. A description of the printed material other than the warning statement.
- D. The method used to distribute the warning to persons likely to use the product.
- E. The date each warning was first issued, distributed, or placed on packaging.
- F. The name, address, and job title of each person responsible for having drafted or issued the warning.
- G. The current location of any such printed material and the custodian thereof.
- H. The form in which such literature or printed material can be accessed, i.e., the manner in which such literature is indexed or stored.

ANSWER:

Zurn objects to this Interrogatory as it calls for a legal conclusion, assumes facts not in evidence, is argumentative, contains false predicates, and requires this Defendant to address issues of law which are not appropriate pursuant to the Rules of Civil Procedure. Without waiving said objection and without prejudice to this Defendant, Defendant responds that it did not issue warnings concerning asbestos.

INTERROGATORY NO. 15:

Before 1970, had you received notice that any individual or individuals, other than those Plaintiffs who have filed personal injury actions in Dallas County, Texas, is or are claiming or has or have claimed an injury as a result of using asbestos products manufactured and/or sold by your company or any of its predecessors or subsidiaries before 1970? If so, 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 who represents each individual making a claim.

- F. The style and court number of each claim.
- G. The disposition of each claim that has been settled or taken to judgment.

ANSWER:

Zurn never received notice of any such claim prior to 1970.

INTERROGATORY NO. 16:

Were your asbestos products distributed, marketed, packaged, labeled and/or sold by companies other than your own? If the answer is affirmative, list the names and addresses of each of those companies, and the products in question.

ANSWER:

No.

INTERROGATORY NO. 17:

Did you or any of your predecessors, successors, or subsidiaries have any distributors or sales representatives of asbestos products in the States of Alabama, Florida, Mississippi, Oregon, Washington, Georgia, Tennessee, Texas, and Virginia? If so, state:

- A. The name and address of each such distributor or sales representatives.
- B. The years in which such company or person distributed, marketed, or sold your products.
- C. What products were distributed, marketed, or sold and in what years.

ANSWER:

Zurn did not have distributors; it sold directly to its customers.

INTERROGATORY NO. 18:

List each employee (including only physicians and/or hygienists) who has acted in a medical advisory capacity to your company at any time during the past 40 years, including, but not limited to, physicians and industrial hygienists, and the current address, telephone number and job title of each of those individuals and who has, had or may have had any knowledge regarding the hazards of asbestos.

ANSWER:

Zurn objects to the extent that this Interrogatory is vague, overly broad, unduly burdensome and requests information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its objections, Defendant responds that neither Zurn nor its predecessor employed a corporate medical

officer or advisor. A medical doctor was available on-call, but not for the purposes inquired about in this Interrogatory. Similarly, neither Zurn nor its predecessor employed an industrial hygienist or had an industrial hygiene department.

INTERROGATORY NO. 19:

Does Defendant have in its possession any books, pamphlets, memoranda, or written materials of any kind or character that would indicate that asbestos fibers, when inhaled, can be hazardous to the health of human beings? If so, state:

- A. The name of each such publication.
- B. The date of publication and the names of the author and publisher (if any).
- C. The date received by Defendant, if known.
- D. The name, job title, and address of each person who currently has possession of each publication and its present location.

ANSWER:

Zurn objects to this Interrogatory on the grounds that it is overbroad in scope, unduly burdensome, harassing, vague and ambiguous. Zurn further objects to the extent this interrogatory invades the attorney client and/or attorney work product doctrines. Subject to and without waiving these objections, Zurn responds that, to its knowledge, no such materials were in its possession during the years when asbestos-containing components may have been incorporated into some of its products.

INTERROGATORY NO. 20:

Has Defendant or any of its subsidiary or predecessor companies at any time been a member of any trade organization or association that published or disseminated any documents or information relating to the hazards of asbestos comprised of other manufacturers, miners, marketers, and/or sellers of asbestos products? If so, state:

- A. The name and address of each such association or organization.
- B. The dates during which Defendant or any of its subsidiaries or predecessors were members.
- C. The names and dates of any publications, minutes, or reports published, written, or disseminated by any of the named associations or organizations.
- D. Whether any of those publications are still in your possession, and if so:
 - 1. A description of the publications, including the date.

2. The current location of such publications.
3. The custodian of such publications.
4. The method or manner in which such publications are maintained.

ANSWER:

Zurn objects to this Interrogatory on the grounds that it is over broad in scope, unduly burdensome, harassing, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, and seeks information outside the scope of discovery. Further, Defendant objects to this Interrogatory as vague and ambiguous, as it is impossible for Zurn to know whether any trade organizations to which it was associated published or disseminated information regarding asbestos. Subject to and without waiving these objections, Zurn was not a member of any organizations or groups other than the ASME (since 1886) and the ABMA (since 1889); Zurn became a member of both organizations through its predecessor. Zurn is not aware of any publications by or from these organizations concerning asbestos hazards.

INTERROGATORY NO. 21:

Identify by name and location each plant or manufacturing facility in which the products listed in your answers to Interrogatory Nos. 3-6 were manufactured, assembled, or prepared for sale or marketing, specifying which plants produced each item, the dates each plant is or was in operation, and the time span during which each named item was produced or manufactured.

ANSWER:

Zurn and its predecessors' steam generating equipment were manufactured in Erie, Pennsylvania.

INTERROGATORY NO. 22:

Have printed sales materials been prepared by Defendant or any of its subsidiary or predecessor companies or their agents for purposes of marketing or advertising products containing asbestos? If so, state:

- A. The name, address, and job title of each person or entity who prepared such materials.
- B. The name, address, and job title of each person who currently has possession of such materials and their present location.
- C. The date the materials were prepared.
- D. The media used to disseminate the sales materials.

ANSWER:

Zurn objects to the extent that this Interrogatory is vague, overly broad, unduly burdensome and requests information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its objections, Zurn responds that the only advertising literature still available concerning Zurn products manufactured during the period of time asbestos containing thermal insulation and sealing components may have been utilized is an old Erie City advertising brochure. This brochure will be made available for inspection and review. Defendant has no information as to who prepared its sales materials or the dates they were prepared.

INTERROGATORY NO. 23:

Have any written or printed materials or instructions of any kind or character been prepared by Defendant or any of its subsidiary or predecessor companies or their agents indicating how asbestos products should be used and maintained? If so, state:

- A. The name, address, and job title of each person who prepared such materials or instructions or assisted in their preparation.
- B. The name, address and job title of each person who currently has possession of such materials or instructions and their present location.
- C. The dates of distribution or use and the manner in which such materials or instructions were distributed to purchasers of Defendant's products or those of its subsidiaries or predecessors.
- D. The year each such written material or instruction was prepared and disclosed to potential consumers.

ANSWER:

Zurn objects to the extent that this Interrogatory is vague, ambiguous, overly broad, unduly burdensome and requests information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Neither Zurn nor its predecessor prepared or disseminated written materials concerning asbestos containing components which may have been incorporated into the steam generating equipment this Defendant manufactured and sold.

INTERROGATORY NO. 24:

Does Defendant have insurance policies that might cover the claims made by Plaintiffs in these cases? If so, list the name of each insurance carrier, the amount of initial coverage, amount of coverage remaining at the present time, and the effective dates of each policy. (If properly answered, this Interrogatory need not be supplemented as to the remaining amount of coverage).

ANSWER:

The following insurance carriers may have coverage for the claims in issue:

Liberty Mutual

Travelers

The amounts and years of coverage will be provided by supplemental response.

INTERROGATORY NO. 25:

As to the disease asbestosis, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.
- B. How Defendant became aware of the existence of the disease.
- C. Who within the company first discovered, recognized or understood the adverse consequences or effects of the disease and/or of asbestos exposure.
- D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- E. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in any written form.
- F. Who is the custodian of such information.
- G. The date on which you first received knowledge or information that asbestosis was caused by inhalation of asbestos fibers.

ANSWER:

Zurn objects to this Interrogatory on the grounds that it is duplicative, argumentative, assumes facts not in evidence, lacks foundation, is overbroad in scope, and seeks information which is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence. Further, Defendant defers to the judgment and opinion of its medical expert witnesses on such questions of human diseases, their causes, and diagnoses. Subject to and without waiving these objections, Zurn responds that it first learned that there might be a health risk associated with asbestos in approximately 1972. Defendant lacks information to otherwise answer the sub-parts of this Interrogatory.

INTERROGATORY NO. 26:

As to the disease lung cancer, state:

- A. The date on which Defendant or its subsidiary or predecessor first learned that such disease was caused by inhalation of asbestos fibers by humans.

- B. How Defendant or its subsidiary or predecessor became aware of the disease and its relationship to asbestos exposure.
- C. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- E. Whether any such information is still maintained by Defendants or its subsidiaries or predecessors in a written form.
- F. Who is the custodian of such information.
- G. The date on which you first received knowledge or information that lung cancer was caused by inhalation of asbestos dust and fibers.

ANSWER:

Zurn objects to this Interrogatory on the grounds that it is duplicative, argumentative, assumes facts not in evidence, lacks foundation, is overbroad in scope, and seeks information which is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence. Further, Defendant defers to the judgment and opinion of its medical expert witnesses on such questions of human diseases, their causes, and diagnoses. Subject to and without waiving these objections, Zurn responds that it first learned that there might be a health risk associated with asbestos in approximately 1972. Defendant lacks information to otherwise answer the sub-parts of this Interrogatory.

INTERROGATORY NO. 27:

As to pleural disease, pleural thickening or pleural plaques, state:

- A. The date on which Defendant or its subsidiary or predecessor learned such disease was caused by inhalation of asbestos fibers by humans.
- B. How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos.
- C. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.
- D. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.

E. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in a written form.

F. Who is the custodian of such information.

ANSWER:

Zurn objects to this Interrogatory on the grounds that it is duplicative, argumentative, assumes facts not in evidence, lacks foundation, is overbroad in scope, and seeks information which is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence. Further, Defendant defers to the judgment and opinion of its medical expert witnesses on such questions of human diseases, their causes, and diagnoses. Subject to and without waiving these objections, Zurn responds that it first learned that there might be a health risk associated with asbestos in approximately 1972. Defendant lacks information to otherwise answer the sub-parts of this Interrogatory.

INTERROGATORY NO. 28:

As to the disease mesothelioma, state:

A. The date on which Defendant or its subsidiary or predecessor first learned such disease was caused by inhalation of asbestos fibers by humans.

B. The date on which Defendant first received knowledge that mesothelioma was caused by inhalation of asbestos dust and fibers.

C. How Defendant or its subsidiary or predecessor became aware of the disease and that it was caused by exposure to asbestos.

D. Who within the company or its subsidiary or predecessor first discovered or recognized the adverse consequences or effects of asbestos exposure.

E. What information was disseminated within Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.

F. Whether any such information is still maintained by Defendants or its subsidiary or predecessor in a written form.

G. Who is the custodian of such information.

H. Whether Defendant agrees that there is no known medical cure for mesothelioma.

ANSWER:

Zurn objects to this Interrogatory on the grounds that it is duplicative, argumentative, assumes facts not in evidence, lacks foundation, is overbroad in scope, and seeks

information which is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence. Further, Defendant defers to the judgment and opinion of its medical expert witnesses on such questions of human diseases, their causes, and diagnoses. Subject to and without waiving these objections, Zurn responds that it first learned that there might be a health risk associated with asbestos in approximately 1972. Defendant lacks information to otherwise answer the sub-parts of this Interrogatory.

INTERROGATORY NO. 29:

As to gastro-intestinal cancer, laryngeal cancer, pharyngeal cancer or lymphatic cancer, state:

- A. The type of cancer and the date on which Defendant or its subsidiary or predecessor first learned that such diseases were caused by inhalation of asbestos fibers by humans.
- B. What cancers has the Defendant or its subsidiary or predecessor become aware can be caused by exposure to asbestos fibers?
- C. The date on which Defendant first received knowledge that these other cancers were caused by asbestos inhalation.
- D. Who within the company or its subsidiary or predecessor first discovered the adverse consequences or effects of asbestos exposure.
- E. What information was disseminated with Defendant's company or its subsidiary or predecessor regarding such adverse consequences or effects.
- F. Whether any such information is still maintained by Defendant or its subsidiary or predecessor in a written form.
- G. Who is the custodian of such information.

ANSWER:

Zurn objects to this Interrogatory on the grounds that it is duplicative, argumentative, assumes facts not in evidence, lacks foundation, is overbroad in scope, and seeks information which is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence. Further, Defendant defers to the judgment and opinion of its medical expert witnesses on such questions of human diseases, their causes, and diagnoses. Subject to and without waiving these objections, Zurn responds that it first learned that there might be a health risk associated with asbestos in approximately 1972. Defendant lacks information to otherwise answer the sub-parts of this Interrogatory.

INTERROGATORY NO. 30:

Does Defendant contend that asbestos products can be manufactured or designed so as to eliminate all potential health hazards to persons working with or exposed to them? If the answer is affirmative, explain in detail, and attach any studies or surveys on which this answer is based.

ANSWER:

Zurn objects to this interrogatory on the grounds that it is irrelevant, overbroad, ambiguous, and speculative. It pertains to all types of "asbestos products", and thus extends far beyond the types of thermal insulation and sealing components which may have been incorporated into Zurn products. Zurn defers to experts who are trained in the area to speak to whether any particular product on any specific circumstance or context causes a health hazard.

INTERROGATORY NO. 31:

Describe in detail the types of packages or packaging which Defendant or any of its subsidiary or predecessor companies used for asbestos material or products, listing the dates each type of package was used, a physical description of each type of package, and providing a description of any printed material or trademarks that appeared thereon.

ANSWER:

Zurn objects to this Interrogatory on the grounds that it is overbroad in scope and seeks information which is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving these objections, Zurn responds that it manufactured steam generating systems. The size of such equipment precluded packaging it as that term is used and implied in this Interrogatory.

INTERROGATORY NO. 32:

Has Defendant or any of its subsidiary or predecessor companies at any time entered into a "rebranding" agreement with any other company, either as buyer or seller, concerning asbestos materials or asbestos products? If so, state, as to each such agreement:

- A. The name of the company manufacturing the asbestos products.
- B. The trade name affixed to those products.
- C. The periods of time covered by each such agreement.
- D. The volume, in dollar amount, of each transaction.
- E. The initial purchaser of the products.

ANSWER:

No.

INTERROGATORY NO. 33:

List the name and address of each company from which Defendant or its subsidiary or predecessor purchased materials or asbestos products which Defendant sold or distributed in any form, stating the form of the materials, the dates of such purchases, and the ultimate disposal of such materials.

ANSWER:

Zurn no longer possesses documents which would enable it to determine every source and manufacturer of asbestos-containing thermal insulation or sealing products from which Defendant or its predecessor may have purchased component parts. However, it believes it purchased insulation, refractory, sealing and packing components from Johns Manville, Quigley, Sullivan Supply Company, Sealing Devices, Inc., Garlock, Anchor Packing, Durabla, Flexitallic, Plibrico, Keene, Owens Corning Fiberglas, A.P. Green, 48 Insulation, M.H. Detrick, Armstrong, Combustion Engineering, H.P. France, Harbison Walker and AC&S. Defendant cannot address which of these manufacturer's products contained asbestos and which did not.

INTERROGATORY NO. 34:

Does Defendant or any of its subsidiaries or predecessor [sic] currently have possession of any writings or contracts on those rebranding agreements set forth in the answer to Interrogatory No. 32? If the answer is affirmative, state:

- A. The name, address, and job title of each person having custody of each of those documents and their current location.
- B. A brief description of each such document, including the dates and the parties signatory.

ANSWER:

Not applicable.

INTERROGATORY NO. 35:

Prior to 1968, did any person file a claim against a Worker's Compensation carrier covering Defendant or any of its subsidiaries or predecessors alleging that he/she contracted a disease from inhaling asbestos fibers? If so, provide:

- A. A list of the claims, including each claimant's name, address and the date each claim was filed, and including the caption and jurisdiction of the claim.
- B. The disease alleged in each such claim.

- C. A brief summary of the disposition of each such claim.
- D. The name, address and title of the person having custody of the records pertaining to each such claim.

ANSWER:

Zurn never had a workers' compensation claim for an asbestos-related disease filed against it prior to 1968.

INTERROGATORY NO. 36:

Did Defendant or any of its subsidiaries or predecessors maintain written minutes of corporate meetings, either board of directors, departmental, or otherwise, which reflect discussions pertaining to any subject matter related to asbestos, asbestos health hazards or asbestos products? If so, for each such set of minutes, state:

- A. The dates of each such meeting.
- B. The general subject matter discussed at each meeting.
- C. Who was in attendance at each meeting.
- D. Where and by whom the written minutes are presently maintained.
- E. By whom the minutes were taken and put into final format.
- F. Whether the minutes were abstracted and reports disseminated to other individuals, and if so, the names and job titles of those individuals.

ANSWER:

No.

INTERROGATORY NO. 37:

Do you or any of your subsidiaries, including foreign business entities, currently manufacture any products containing asbestos? If so, state:

- A. As to each product, whether such product is mined, manufactured, and/or marketed or sold.
- B. The names and addresses of the companies mining, manufacturing, marketing, and/or selling each of those products.

- C. The trade or brand name of each of those products mined, manufactured, marketed, and/or sold.
- D. The date each of the named products was placed on the market.
- E. A description of the physical (chemical) composition of each of the named products, including the type of asbestos contained in the product.
- F. A description of the physical appearance of each product and its packaging.
- G. A detailed description of the intended uses of each of the named products.
- H. Whether there are any warning labels on said products or containers regarding potential asbestos-related health hazards.

ANSWER:

No.

INTERROGATORY NO. 38:

State whether you or any of your predecessors and/or subsidiaries maintain, from 1940 through the present or for any portion thereof, copies of invoices, shipping documents, bills of lading, purchase orders, or other documents of a similar nature relating to the mining, manufacture, marketing, sale or distribution of asbestos products. If so, state:

- A. The location of such documents.
- B. The name and address of the custodian of the documents.
- C. The format in which the documents are kept, i.e., hard copy, microfilm, microfiche, etc.
- D. In what form the documents can be accessed, i.e., by state, by product, etc., and if by product, whether kept according to asbestos or non-asbestos.

ANSWER:

Documents responsive to this Interrogatory are maintained at 5300 Knowledge Parkway, Erie, Pennsylvania. Theodore Morad is the custodian of the documents. The documents are maintained on hard copy, computer, and possibly on microfiche. They are accessed by boiler number.

INTERROGATORY NO. 39:

May you call company representatives as witnesses at the trial of any of these cases? If so, list:

- A. The name, address, and job title of each company representative who may be called.
- B. A summary of the testimony expected to be given by each such witness.
- C. List any and all previous times that the named witnesses have either given deposition or trial testimony in an asbestos-related case, including the jurisdiction, style of the case, case number, date of testimony, and the name of the attorney taking the deposition for the Plaintiffs in that case.

ANSWER:

(A)-(B) Theodore C. Fuhrman, Chief Engineer, Aalborg Industries, Inc., 5300 Knowledge Parkway, Suite 200, Erie, PA 16510. Mr. Fuhrman may testify regarding the products of Erie City and/or Zurn Industries manufactured and distributed, their content, if any, the operation, installation and repair of steam generating systems, Zurn and Erie City's corporate history, corporate knowledge and other related issues.

Theodore Morad, Jr., Assistant Manager - Customer Service, Aalborg Industries, Inc., 5300 Knowledge Parkway, Suite 200, Erie, PA 16510. Mr. Morad may testify regarding the products Erie City and/or Zurn Industries manufactured and distributed, their asbestos content, if any, the operation, installation, and repair of steam generating systems, Zurn and Erie City's corporate history, corporate knowledge and other related issues.

Mr. Robert Seibel, RMR Technical Services, Inc., 5650 Gardner Drive, Erie, PA 16509. Mr. Seibel was employed by Zurn Industries, Inc., Energy Division, from 1967 to 1995 and has knowledge of the types of products Defendant and its predecessor manufactured, whether those products contained asbestos-containing materials as well as being knowledgeable as to the operation, installation, and repair of Zurn's steam generating products. Mr. Seibel may also testify about the types of trades or crafts which may work and/or be exposed to Defendant's products. He may further testify concerning the extent of Defendant's knowledge of potential asbestos health hazards.

(C) 5/3/88- Deposition of Ted Fuhrman; 8/31/94- Deposition of Ted Fuhrman; 4/24/96- Deposition of Ted Morad; 10/28/97- Deposition of Ted Morad; 1/12/98- Deposition of Ted Morad; and 5/3/88- Deposition of Dennis Haines.

INTERROGATORY NO. 40:

Have Defendant or its subsidiaries or predecessors ever acquired through purchase, reorganization, or merger another corporation, company, or business which manufactured, sold, processed, distributed, or contracted or supplied products containing asbestos? If so, for each such entity, state:

- A. Full and correct name;

- B. Principal place of business;
- C. State of incorporation;
- D. Date of acquisition by Defendant;
- E. Whether or not the business entity was ever authorized to transact business in the State of Texas.

ANSWER:

Zurn Industries, Inc. (Zurn) entered into the boiler business with the stock purchase of Erie City Iron Works in October 1966. The corporate identity was called Zurn Industries Erie City Iron Works Division from the 1966 acquisition until the 1970's when the division changed its name to Zurn Industries, Energy Division. On July 1, 1997, Zurn Industries, Energy Division was sold to Aalborg Keystone, Inc. Zurn was authorized to transact business in Texas.

INTERROGATORY NO. 41:

Was each of your asbestos products generally expected to reach, or packaged to reach, the consumer or user, without substantial change in the condition in which it was sold? If not, with respect to any such product, explain in what way the Defendant claims its products were altered or substantially changed after sale or distribution and before reaching the user.

ANSWER:

Zurn objects to this Interrogatory on the grounds that it is overbroad in scope, unduly burdensome and seeks information which is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its objections, Zurn responds that it sold steam generating equipment of two types, package boilers and field erected boilers. The insulation and sealing components in the package boilers were generally expected to reach the customer without substantial change. However, field erected boilers, as that term indicates, were constructed at the customer's jobsite to their specifications.

INTERROGATORY NO. 42:

For each asbestos-containing product identified in response to Interrogatory No. 6, identify all foreseeable users such as insulators, helpers, pipefitters, welders, machinists, plasterers, drywall finishers, carpenters, boilermakers, shipwrights and riggers, etc. of any of Defendant's asbestos-containing products.

ANSWER:

Zurn objects to this interrogatory on the grounds that it requires speculation regarding who might use Zurn products. Subject to and without waiving its objections, Zurn states

that foreseeable users of its steam generating equipment included, but was not necessarily limited to, boilermakers.

INTERROGATORY NO. 43:

Based upon the material contents of your asbestos-containing products, the method of manufacturing, and the method of application, can such products be generally applied without liberating asbestos fibers into the air?

A. If there is a different answer concerning different products manufactured, sold, distributed, or used by your company, then specify the different products by precise manufacturer's name and popular name.

B. If there is a difference in your answer depending on the year or years in which a particular product was used, then specify in detail what year or years you are referring to and the specific products you are referring to and year involved.

ANSWER:

Zurn objects to the extent that this Interrogatory is vague, overly broad, unduly burdensome and requests information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, calls for a legal conclusion and requires this Defendant to address issues of law which are not appropriate pursuant to the Rules of Civil Procedure. Subject to and without waiving its objections, Zurn defers to experts as to the conditions and circumstances under which asbestos fibers may be released. The asbestos-containing components incorporated into some of Defendant's steam generating systems were generally encapsulated and/or encased by the boiler housing. Package boilers were sent to the customer ready for installation.

INTERROGATORY NO. 44:

Was it a foreseeable use of your asbestos-containing products that they may have been removed, stripped, or replaced at some time after installation?

ANSWER:

Zurn objects to the extent that this Interrogatory is vague, overly broad, and requests information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence, calls for a legal conclusion and requires this Defendant to address issues of law which are not appropriate pursuant to the Rules of Civil Procedure. Subject to and without waiving its objections, Defendant responds that Zurn and its predecessor manufactured steam generating systems. Some of those systems may have included as component parts thermal insulation or sealing products, some of which may have contained asbestos. These insulation and sealing products are encased in the product itself. The steam generating equipment was designed and manufactured for many years of use. Therefore, whether one of Defendant's boilers required replacement depended on the customer and its needs.

INTERROGATORY NO. 45:

Before 1970, did you or your subsidiaries or predecessor(s) ever arrange for any labor inspectors, insurance company inspectors or anyone from your company to go to job sites where your products were being used or installed to make or take dust level counts? If so, state when this procedure started, the purpose of such procedures, and all results of such procedures.

ANSWER:

Zurn objects to the extent that this Interrogatory is vague, overly broad, unduly burdensome and requests information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its objections, Zurn is unaware of having performed, participated in, or having been the subject of any studies or tests concerning potential exposure to asbestos dust.

INTERROGATORY NO. 46:

If Defendant performed or had performed any dust level counts, what action, based on the results, did your company take?

ANSWER:

Not applicable.

INTERROGATORY NO. 47:

Has your company or its subsidiaries or predecessor(s) ever conducted or caused to be conducted any studies designed to assist in minimizing or eliminating the inhalation of asbestos dust and fibers by those exposed to the use of your company's products? If so, give the following:

- A. Name of the person or firm conducting such studies;
- B. The date the studies began and the date they were completed;
- C. Any publication or other written dissemination of the results of the studies;
- D. The nature of any action to eliminate or minimize the inhalation of asbestos dust fibers.

ANSWER:

Zurn objects to the extent that this Interrogatory is vague, overly broad, unduly burdensome and requests information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its objections, Zurn has not conducted any such studies.

INTERROGATORY NO. 48:

Does your company have, has it ever had, or have your predecessor(s) or subsidiaries ever had, a Research Department? If so, give the year such Research Department was established, and whether or not such Research Department has operated continuously since being established. State also:

- A. The amount of time and money expended each year on research concerning asbestos or asbestos-containing products?
- B. What percentage of gross sales did your company or its predecessor(s) spend on research concerning the health effects of asbestos?
- C. State in detail the purposes, duties, and responsibilities of such Research Department.

ANSWER:

Zurn objects to the extent that this Interrogatory is vague, overly broad, unduly burdensome and requests information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its objections, neither Zurn nor its predecessor had a Research Department.

INTERROGATORY NO. 49:

Does your company have, or has it ever had, or have your predecessor(s) or subsidiaries ever had, a Medical Department? If so, state:

- A. The year such Medical Department was established;
- B. Whether or not such Medical Department has operated continuously since being established;
- C. The name of each director, chief, or head of your Medical Department year by year, beginning with the first year you had a Medical Director or Medical Department, and the last known address and phone number of each;
- D. State the duties and responsibilities of such Medical Department.

ANSWER:

Zurn objects to the extent that this Interrogatory is vague, overly broad, unduly burdensome and requests information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its objections, Defendant responds that neither Zurn nor its predecessor had a Medical Department or employed a corporate medical officer. A medical doctor was available on-call, but not for the purposes inquired about in this Interrogatory.

INTERROGATORY NO. 50:

Did your company or its predecessor(s) or subsidiaries ever place any warning directly on any of its asbestos-containing products or on their packaging. If so, identify the product(s) and year said warning was first applied.

ANSWER:

Zurn did not place warnings on its steam generating systems or equipment concerning asbestos. Since Defendant sold large, steam generating systems, its products were not "packaged" as that term is used and understood in this Interrogatory.

INTERROGATORY NO. 51:

Did your company or its predecessor(s) or subsidiaries ever stamp or place the name of the company, its initials, or any identifying logo on any of its asbestos-containing products? If so, please state the name brand names of such products, a description of such stamp or logo and the dates such were placed on the referred products.

ANSWER:

Zurn and its predecessor both included the name of the product on nameplates attached to steam generating equipment that it installed and distributed. The nameplates attached to steam generating equipment distributed by this Defendant may have included the names Zurn, Erie City, and/or Keystone.

INTERROGATORY NO. 52:

Has your company, or your predecessor(s) or subsidiaries, ever devised a research plan to develop, or actually developed or had developed, a product which did not contain asbestos and which could be substituted for one or more of your asbestos-containing products? If so, state the date that such research plan was begun and when such asbestos-free product was first placed on the market.

ANSWER:

Since Zurn did not manufacture the asbestos containing components which may have been incorporated into its products, this Interrogatory is not applicable to Zurn. Zurn discontinued using asbestos-containing thermal insulation in 1972 when it learned of the potential dangers of asbestos and substituted non-asbestos-containing insulation materials.

INTERROGATORY NO. 53:

Did your company or its predecessor(s) or subsidiaries ever recall any products containing asbestos from the market or stream of commerce? If so, state:

A. All details of such recall;

B. The name of the product recalled, including the reason for the recall and the names and current addresses of those individuals who determined that it should take place;

C. The dates of recall;

D. The purpose for the recall.

ANSWER:

No.

INTERROGATORY NO. 54:

Before 1970, did you ever manufacture or sell products which did not contain asbestos and which could be substituted for your asbestos-containing products? If so, state the date such asbestos-free products were first placed on the market.

ANSWER:

Defendant manufactured steam generating equipment that contained asbestos-containing components as well as equipment which did not. Zurn does not have sufficient documentation to enable it to confirm in all instances when asbestos components were used and when non-asbestos containing components were used.

INTERROGATORY NO. 55:

Have any products you identified in your response to Interrogatory Nos. 52 and 54 not performed as intended? Please list all such products that have not performed as intended.

ANSWER:

Defendant objects to the extent this Interrogatory is overbroad in scope, vague and ambiguous. To the extent this Interrogatory seeks information as to whether the use of non-asbestos-containing components caused poor performance of its products, Zurn has no personal knowledge.

INTERROGATORY NO. 56:

Did your company or its predecessor(s) or subsidiaries ever make, order, or arrange for any industrial hygiene surveys regarding asbestos or asbestos-containing dust? If so, give the date of such surveys and state who, or what entity, was responsible for completion of such surveys.

ANSWER:

Zurn objects to the extent that this Interrogatory is vague, overly broad, unduly burdensome and requests information which is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Subject to and without waiving its objections, Zurn has not conducted nor arrange any such surveys.

INTERROGATORY NO. 57:

As to either the threshold limit values or maximum allowable concentrations of both asbestos dust and total dust provided by the American Conference of Governmental Industrial Hygienists, state:

- A. The year in which Defendant or any predecessor(s) or subsidiaries were first advised of such limits or concentrations;
- B. The name of the employee or official of the company receiving such advice;
- C. How Defendant received notice of such limits or concentrations.

ANSWER:

Zurn objects to this Interrogatory on the grounds that it is overbroad in scope, unduly burdensome and seeks information which is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects to the extent this Interrogatory may invade the attorney-client or work product protections. Subject to and without waiving these objections, Defendant responds that it has no information that it received communications concerning threshold limit values or minimum allowable concentrations of asbestos or total dust.

INTERROGATORY NO. 58:

Were the threshold limit values or maximum allowable concentrations inquired about in Interrogatory No. 57 for total dust, and not asbestos dust alone?

ANSWER:

See response to Interrogatory No. 57.

INTERROGATORY NO. 59:

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

ANSWER:

Zurn has not conducted any such tests.

INTERROGATORY NO. 60:

Please state the following with respect to each expert witness you that you may call during trial of these cases. Please designate with specificity the expert witnesses that you will call, including:

- (a) The name, address, and job classification of each such expert witness;
- (b) The subject matter on which the expert is expected to testify;
- (c) The substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion;
- (d) Whether any person identified in subparagraph (a) above has provided a report or other documentation to you, and if so, identify each such document or report;
- (e) Identify all documents that you have provided to each person identified in response to subparagraph (a) above;
- (f) Describe in detail the education and work history of, and identify any books, treatises, articles, published and unpublished reports, studies or other scholarly works authored by any individual identified in response to subparagraph (a) above. Alternatively, in lieu of said response, attach a copy of a resume or curriculum vitae and a list of publications to your answers.

ANSWER:

Please refer to Zurn's Expert Witness List, previously filed herein, as well as all supplements and/or amendments thereto.

INTERROGATORY NO. 61:

Please state the name, present address and present telephone number, along with the experience and qualifications, if applicable, of each and every person, known to Defendant or to Defendant's agents, having knowledge of facts relevant to these cases involving, but not limited to:

- (a) identification of asbestos-containing products to which each and every individual Plaintiff, separate and distinct from all other Plaintiffs within the group, allegedly was exposed or facts disputing the identification of asbestos-containing products in this case.
- (b) Each and every individual Plaintiff's, separate and distinct from all other Plaintiffs within the group, alleged damages, injuries and/or facts disputing each and every Plaintiff's alleged damages and/or injuries;
- (c) The negligence of any person or entity other than Defendant which Defendant contends was a cause of each and every individual Plaintiff's, separate and distinct from all other Plaintiffs within the group, alleged injuries and/or damages;
- (d) Each of Defendant's defenses enumerated in Defendant's last filed Answer in each of these cases.

ANSWER:

Zurn objects to this Interrogatory to the extent that it is overbroad or vague as to which Plaintiffs it relates. Zurn further objects to this Interrogatory to the extent that it requests names of rebuttal witnesses, information protected by the work product doctrine and/or the attorney client privilege. Subject to and without waiving its objections, Zurn identifies all persons with knowledge listed by Plaintiffs or any other Defendant in this case. Defendant may also call Plaintiff, Plaintiff(s)' spouse, Plaintiff(s)' co-workers who are designated by Plaintiff(s) to testify concerning Plaintiff(s)' exposure to various asbestos-containing products, work environment, safety precautions taken, and jobsite information, and Plaintiffs' treating physicians. Zurn further identifies the following persons:

Theodore C. Fuhrman, Chief Engineer, Aalborg Industries, Inc., 5300 Knowledge Parkway, Suite 200, Erie, PA 16510.

Theodore Morad, Jr., Assistant Manager - Customer Service, Aalborg Industries, Inc., 5300 Knowledge Parkway, Suite 200, Erie, PA 16510.

Mr. Robert Seibel, RMR Technical Services, Inc., 5650 Gardner Drive, Erie, PA 16509.

The individuals listed are employees or former employees of Zurn who may have knowledge of products Zurn and its predecessor manufactured or distributed, as well as general information concerning Zurn, its size, its size relative to the market and competitors, its knowledge, if any, of potential health hazards related to asbestos exposure, state-of-the-art, and depending on the allegations raised by an individual Plaintiff, other relevant issues to particular Plaintiffs' cases.

INTERROGATORY NO. 62:

Please identify documents which will be used at time of trial, (Exhibit List, Deposition List), which are relevant to each of Defendant's enumerated defenses in Defendant's last filed Answer.

ANSWER:

Zurn objects to this interrogatory and the identification of such documents on the grounds that it is overly broad and unduly burdensome. Zurn further objects on the grounds that this interrogatory calls for the disclosure of attorney work product and/or information protected by the attorney client privilege. Subject to and without waiving these objections, Zurn responds that this answer will be supplemented pursuant to the Texas Rules of Civil Procedure, the Dallas County Local Rules, and any specific rules applying to asbestos litigation per the Case Management Order.

INTERROGATORY NO. 63:

Please state when you first received a copy of the Fleischer/Drinker Reports published in 1945/1946.

ANSWER:

Zurn never received a copy of said article.

INTERROGATORY NO. 64:

When, if ever, did Defendant or any of its predecessors-in-interest first receive a copy of the article entitled "A Study of Asbestos in the Asbestos Textile Industry", published in 1938 of Public Health Bill, No. 241, U.S. Public Health Service and authored by W.C. Dreessen ("the Dreessen Report")?

- a. Identify the name and position of the employee or officer who received same;
- b. please produce all documents generated by Defendant which discuss or in any way reference the "Dreessen" study prior to 1968;
- c. please produce all documents upon which your responses above are based;
- d. please identify the name(s) and address(es) of any person(s) who can verify your above response;
- e. did Defendant ever rely on the Dreessen Report in whole or in part as a basis that Defendant's asbestos products could be used in the workplace without risk of asbestos-related health impacts to the consumer and/or bystander;
- f. if so, please produce every document which evidences in any way that Defendant relied on the Dreessen Report in whole or in part for proposition stated in Interrogatory 63(a) above;
- g. if your answer to 63(a) is yes, when was the first date Defendant relied on the Dreessen Report in whole or in part for the proposition stated in 63(e) above?

ANSWER:

Zurn never received a copy of said article.

RESPONSES TO REQUESTS FOR PRODUCTION

REQUEST NO. 1:

Please produce a true and correct copy of each photograph of each asbestos-containing product identified in answer to Interrogatory No. 4.

RESPONSE:

Copies of Zurn's product literature will be made available for inspection and review at a mutually convenient date and time.

REQUEST NO. 2:

Please produce any diagrams or schematics indicating, stating or detailing the existence of any of your subsidiaries, predecessors, or divisions as defined on Page 1 of these Interrogatories and Requests for Production.

RESPONSE:

None.

VERIFICATION

STATE OF TEXAS §

COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, on this day personally appeared **WAYNE AARON**, to me well known to be an authorized representative for the Defendant, **ZURN INDUSTRIES, INC.** in the above-entitled and numbered cause, and being by me duly sworn, stated upon oath that he is duly qualified and authorized to make the attached Answers to Interrogatories pursuant to Rules 167 and 168 of the Texas Rules of Civil Procedure, that he has read the answers, and they are true and correct in every respect, and that he did execute the answers in his stated capacity.

WAYNE AARON

SWORN TO AND SUBSCRIBED BEFORE ME this _____ day
of _____, 2000, to certify which witness my hand and official seal.

NOTARY PUBLIC

My Commission Expires: _____

J. CARLISLE DEHAY, JR.
(1922-1991)

GARY D. ELLISTON
DAVID W. CROWE
MEL D. BAILEY
ERIC D. WEWERS
CHRISTOPHER P. MANNING
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TROY D. HELLING
TANDY V. JOURET
JEFFREY M. MAROSZ
LILY CHANG MYERS
MATT A. NOWAK
TODD D. OGDEN
BLAIR M. PARTLOW
MICHAEL J. RAMIREZ
RANDY RAMIREZ
TODD H. RAMSEY
H. TRACY RICHARDSON, III
KYLE C. STEELE

2/25/00

Mr. Jim Hamlin
Dallas County District Clerk
Dallas County Courthouse
Dallas, Texas 75202

Re: Dallas County Master Asbestos File
Our Client: Zurn Industries, Inc.

Dear Mr. Hamlin:

Enclosed please find **Defendant The Zurn Industries Inc.'s Answers and Objections to Plaintiffs' Master Interrogatories and Requests for Production Propounded to Defendants**. Please return a file stamped copy of same in the enclosed self-addressed stamped envelope.

A copy of this document has been sent to Plaintiffs' counsel by certified mail, return receipt requested. Only a copy of this cover letter is being sent to all other counsel of record. By copy of this letter, I am informing all counsel of record that they may call my office if they wish to receive copies of these documents.

Thank you for your assistance in this matter.

Sincerely,

Kathryn Hermes/JSW
Kathryn Hermes

KH:ljs

Enclosures

cc: Trevor Pearlman (CMRRR)
Russell Budd (CMRRR)
All other known counsel (w/o enclosures)