

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA

DEPT. 1

Date: June 26, 1989 Hon. KEN M. KAWAICHI, Judge Nanci E. Bowling, Deputy

IN RE COMPLEX ASBESTOS LITIGATION

Counsel appearing
for Plaintiff

No one appearing

Plaintiff

vs.

Counsel appearing
for Defendant

No one appearing

Defendant

NATURE OF PROCEEDINGS: ORDER REGARDING REPORT AND
RECOMMENDATION OF REFEREE


ACTION No. 607734-9

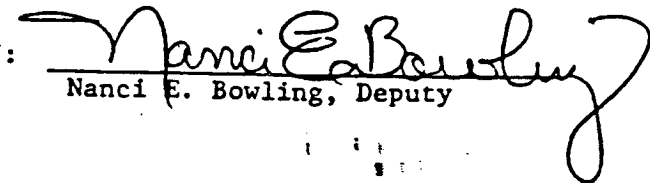
Action placed on calendar by order of the Court.

The Court hereby signs and files the order regarding the report and recommendation
of referee. Steven Kazan, Esq. is hereby directed to notify all interested

parties through their counsel. (~~Exhibits~~ to notify referee and through
designated counsel [Steven Kazan])
true.

DATED: June 26, 1989


KEN M. KAWAICHI, Judge of the Superior Court

BY: 
Nanci E. Bowling, Deputy

FILED

JUN 26 1989

RENE C. DAVIDSON, County Clerk
By *Nancy E. Bowling*

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA

IN RE: COMPLEX ASBESTOS LITIGATION)	No. 607734-9
)	
IN RE: SHIPYARD AND APPLICATOR -)	No. 537868-9
KAZAN AND MCCLAIN (CONSOLIDATED FOR)	
DISCOVERY))	ORDER RE REPORT
)	AND RECOMMENDATION
)	OF REFEREE

On March 8, 1989 the Honorable Leonard Dieden, Referee, submitted his report pursuant to the Order of Reference entered on June 21, 1988 by and through the Honorable Raymond L. Marsh. This court, having reviewed the report and recommendation of Referee, the files and materials relating thereto, having afforded counsel for all parties an opportunity to be heard, and upon careful consideration and good cause appearing therefore, hereby makes the following orders:

IT IS HEREBY ORDERED

1. This order shall apply to all Shipyard and Applicator asbestos cases (Kazan and McClain) previously filed in Alameda County and currently pending, and to all cases filed hereafter.
2. This order shall apply to all defendants served with the

1.

1 Order of Reference dated June 21, 1988 as enumerated in Exhibit A
2 to the Report and Recommendation of Referee, a copy of which is
3 attached hereto and incorporated herein by reference.

4 3. A copy of this order shall be served on all newly served
5 defendants at the time of first service of Summons and Complaint
6 in a subsequent or pending action. Plaintiffs' counsel shall
7 further serve a copy of this Order on all defendants served with
8 the Order of Reference dated June 21, 1988. The Court hereby
9 adopts the Standard Plaintiffs Interrogatories to Defendant, to
10 be answered by defendant under oath in these captions. A copy of
11 the standard set of interrogatories was previously served upon
12 all parties as Exhibit C to Referee Dieden's proposed amended
13 General Order for Discovery/Consolidation filed and served with
14 the report and recommendation of Referee on March 8, 1989 and
15 said interrogatories are incorporated herein by reference as
16 though set out in full.

17 4. These interrogatories to defendant and answers thereto
18 shall be deemed propounded and answered in each and every one of
19 the aforesaid consolidated for Discovery actions. These
20 interrogatories are deemed served upon each defendant with this
21 Order. By virtue of the previously established and extended stay
22 of asbestos litigation in Alameda County, defendant's obligation
23 to answer these interrogatories is similarly stayed. However,
24 each defendant shall be obligated to submit answers to said
25 interrogatories 30 days following the lifting of the stay as to
26 any case in which said defendant remains a defendant.

1 5. Any defendant currently a party defendant in a pending
2 case in which an Order advancing the case for trial pursuant to
3 Code of Civil Procedure section 36(d) has been made shall submit
4 its answers to these interrogatories 30 days from the date of
5 this Order.

6 6. The Court further finds that, the Referee having taken
7 into account all meritorious objections to proposed
8 interrogatories, and having prepared a revised set of
9 interrogatories which the Court herewith has adopted, that
10 defendants are required to answer these standard interrogatories
11 by plaintiff to defendants.

12 7. It is further ordered that \$10,500 be awarded for the
13 Referee's services rendered herein, with plaintiffs liable for
14 one third and defendants liable for two thirds thereof. Karen
15 Harmatiuk, Esq. shall marshal and account for defendants'
16 share. Steven Kazan, Esq. shall marshal and account for
17 plaintiffs' share.

18
19
20 DATED: June 22, 1989

21
22 
23 JUDGE OF THE SUPERIOR COURT

On July 27, 1988 plaintiffs' counsel served Judge Marsh's Order of Reference on the following defendants:

Mallinckrodt, Inc.	Pacific Dry Dock & Repair Co.
Babcock & Wilcox/McDermott	Goodyear tire & Rubber Co.
Atchison, Topeka & Railway Co.	Shell Oil
Mundet	Firecal
U.S. Polymeric Corp.	Colt Industries
U.S. Mineral	Bendix (Allied Corp)
Pittsburg Plate & Glass	ISCO
Synkoloid	Marine Transportation
Sacoma Mfg.	Prudential
AirCo Welding	Ned Lloyd
Sacramento Industries	J.N.O. Swisher & Son, Inc.
M.H. Detrick	Pacific Bell
Sacramento Industrial Supply	International Harvester
E.V. Robert	Lorillard
W.R. Grace	American Tobacco
Fiberite	Lear Siegler
Wordbestos	New Turn
Southern Pacific	Asbestos Corp. Ltd.
Westinghouse	Kaiser Cement
Merrit Ship Repair	Geo. Short/Gasket SP
Firestone	Permanente Steamship
Swinerton & Walberg	Combustion Engineering
Raybestos/Raymark	S.K. Wellman
Garlock	American Motors
Uniroyal	S.T. Insulations
Atlantic Richfield	Plant Insulation
Keystone Tank Ship	Liggett Group
National Bulk	Beadex
Sea-Land	U.S. Steel
Weyerhaeuser	American Motors
Eastern Refractories	Kewanee Boiler
Carlisle/Teledyne	Crane Packing
Crown Cork	Foster Wheeler
ford	Eutectic
E.J. Bartells	Matson Navigation Co.
Joy Mfg	Crane Packing
Thiokol	Borg-Warner
Sacoma Sierra	Stoody Company
Parker-Hannifin	Anchor Packing
Kelly-Moore Paint Co., Inc.	Kentile Floors, Inc.
Empire Ace/Steven	Bethlehem Steel
Volkswagon	Bethlehem Steel Co.
American Motors Corp.	Chevron Oil
American Tobacco Co.	American Brands
National Gypsum Co.	Pacific Welding
Lear Siegler	Phillip Morris
Royal Industries	Cassiar Mining
Chrysler	Brown & Williamson Tobacco
Chevron	Corp.

State Comp. Ins. Fund
Asbestos Corp. Ltd.
Bell Asbestos
Abex Corp.
Kaiser Aluminum
Bechtel
Royal Industries
A.W. Chesterton
Dunn Edwards Corp.
Hamilton Materials
East Bay Gasket
Western MacArthur
Navistar International Transp.
R.J. Reynolds
Southern Pacific Transp. Co.
Wordbestos
Eagle-Picher
Anaconda
Kaiser Gypsum
Domtar
Parker-Hannifin Corp.
Devcon
J.T. Thorpe
Congoleum
General Electric Co.
Plant Asbestos
American Asbestos
Gen. Veneer
Mead-Clark
Dowman Products
John-Crane Houdaille
Georgia Pacific
Plant Insulation
American President Lines
Wagner Electric
Shell Oil

Triple A Machine Shop
Commercial Union Assurance Co.
Fisher Scientific Co.
Asarco/Lake Asbestos
Standard Oil
E.I. DuPont Nemours & Company
Owens Corning
Western Bldg. Materials Co.,
Inc.
Crown Cork
Todd Shipyard
Charter Consolidated
Nicolet
Atlas Turner
Excelsior
Phillip Morris
Kaiser Steel
Lear Siegler
Rich-Tex
Hamilton Materials
U.S. Gypsum
Dexter Corp.
Claremont Co.
P.E. O'Hair & Co.
Auto Specialties
Ingersoll Rand

Asbestos Claims Facility Counsel Were Also Served On Behalf of
the Following:

A C and S
Armstrong Cork/Armstrong World
Carey Canada
A.P. Green
Fibreboard (Mine) Moore
Drydock
Flintkote/Blue Diamond
National Gypsum
Asbestos Mines
Huron
Owens-Illinois
Rock Wool Mfg Co.
Turner & Newall
U.S. Gypsum
Keene Corp./BEH/BHI
So. Textile
Thermoid

Amchem/Benj. Foster
Celotex Corp.
Certainteed
Fibreboard/Paraffine/Pabco
Flexitallic, Inc.
GAF
National Asbestos
Abestone
Smith Asbestos
Pittsburgh Corn
Thorpe Insulation
Union Carbide
Maremont Corp.
H.K. Porter
So. Asbestos

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA

IN RE: COMPLEX ASBESTOS LITIGATION No. 607734-9

IN RE: SHIPYARD AND APPLICATOR No. 537868-7
ASBESTOS CASES (CONSOLIDATED FOR REPORT AND
DISCOVERY) RECOMMENDATION OF
REFeree

On June 21, 1988, the above entitled Court, by and through the Honorable Raymond L. Marsh, appointed the undersigned as Referee to hear and determine the following issues:

1. Whether the 1980 Order Consolidating Actions for Discovery should be amended to specifically authorize a set of interrogatories by Plaintiffs upon Defendants and/or what standard set of interrogatories to Defendants are proper for use in this caption.

2. The issue of whether inclusion within this caption of each Defendant notified of this Order is proper.

3. The issue of what effect answers by several of the Defendants previously given to the interrogatories served in June of 1987 should be if it is determined that the present

1 interrogatories to Defendants were not properly served under this
2 caption.

3 Your Referee met with counsel over a period of months,
4 reviewed arguments submitted by both sides and heard arguments by
5 all interested parties. The matter was submitted following
6 hearing on February 16, 1989.

7 This Referee hereby finds:

8 1. The September 4, 1980 Order consolidating the Kazan and
9 McClain Shipyard and Applicator Asbestos cases for discovery
10 purposes specifically provides that the court in this
11 consolidated caption reserves the right to modify, alter, or
12 rescind the order of consolidation.

13 2. The Court has the authority to make a general discovery
14 order and/or modify, alter or rescind the September 4, 1980
15 consolidation/discovery order pursuant to Standards of Judicial
16 Administration section 19, California Government Code section
17 68070, and California Code of Civil Procedure section 187.

18 3. The 1980 Order was initially conceived of and created as
19 a general discovery order applicable to all complex
20 non-fiberboard asbestos cases then pending or to be filed in
21 Alameda County subsequent to the issuance of the September 4,
22 1980 Order. This general discovery order was subsequently
23 modified on September 4, 1980 as a discovery/consolidation
24 order in an effort to reduce paper work and simplify discovery in
25 all non-fiberboard asbestos cases then pending and subsequently
26 filed in Alameda County.

27 4. Since the 1980 Order was issued similar general orders
28 have been issued throughout the state in asbestos as well as

1 non-asbestos cases. See generally, San Francisco General Order
2 No. 29 issued June 21, 1985; Alameda County General Order No.
3 12.00 issued September 22, 1988.

4 5. It appears that some of the confusion regarding who the
5 1980 Discovery Order applies to has resulted from the act of
6 consolidation rather than from the issuance of the General
7 Discovery Order. The intent in issuing the 1980 Order and the
8 terms of the Order itself suggest that the Order was to apply to
9 all non-fiberboard asbestos cases listed on Appendix A attached
10 to the 1980 Order and any and all Kazan and McClain (f.k.a. Kazan
11 and Kilbourne) non-fiberboard asbestos actions filed in Alameda
12 County after September 4, 1980. It is clear that from the date
13 of issuance of the 1980 Order until service of Plaintiff's June
14 30, 1987 interrogatories, the Order was in fact applied to all
15 Kazan and Kilbourne non-fiberboard asbestos cases filed in
16 Alameda County.

17 6. All of the Defendants listed on Exhibit A attached
18 hereto were in fact served with a copy of the Honorable Raymond
19 Marsh's Order of Reference entered on June 21, 1988. These
20 Defendants have had notice of these proceedings and they have had
21 the opportunity to be heard.

22 7. A general discovery order applicable to all
23 asbestos cases filed in Alameda County which provides for
24 standard interrogatories from Plaintiffs to Defendants and
25 Defendants to Plaintiffs would clearly serve to facilitate
26 discovery and would serve the interests of judicial economy.

27 8. Refinery and Friction Defendants object to being
28 required to answer a set a standard interrogatories which do not

1 specifically address their unique positions. Plaintiffs argue
2 that even though these Defendants are concededly in unique
3 positions both the Refinery Defendants and Friction Defendants
4 were also involved in manufacturing asbestos-containing products
5 and to the extent these Defendants were so engaged the proposed
6 standard interrogatories are applicable to them.

7 9. Plaintiffs have not prepared a set of standard set of
8 interrogatories specifically directed to the Friction and/or
9 Refinery Defendants. The San Francisco General Order 29
10 interrogatories to Friction Defendants requests much more
11 information and in much more detail than the information
12 requested in the proposed standard interrogatories from
13 Plaintiffs to Defendants herein. Plaintiffs have not sought a
14 standard set of questions regarding the more detailed information
15 requested in the San Francisco General Order 29 interrogatories
16 to Friction Defendants. The proposed standard interrogatories
17 cover the general information which would be requested in such a
18 set of interrogatories and do not include a request for the more
19 detailed information.

20 10. Defendants further object to a standard set of
21 interrogatories by Plaintiffs to Defendants on the grounds that
22 Defendants have responded to interrogatories similar in form
23 pursuant to San Francisco General Order Number 29 and/or in this
24 consolidated caption. In reviewing the answers previously given
25 it must be noted that answers to some questions have been given,
26 objections have been made, and some Defendants have failed to
27 answer at all.

28 11. It is clear that several Defendants do not want any

1 kind of uniform discovery from Plaintiffs to Defendants
2 instituted in Alameda County. It is also clear that many of the
3 objections raised by Defendants on the basis that the questions
4 are overbroad, burdensome or unintelligible are without merit.
5 See, Durst v. Superior Court, 218 Cal.App.2d 460 (1963).
6 Objections with merit have been taken into consideration in
7 preparing the revised set of interrogatories from Plaintiffs to
8 Defendants attached hereto.

9 12. Supplemental interrogatories are clearly proper
10 pursuant to California Civil Code section 2030(c)(8). Answers
11 propounded in San Francisco County pursuant to General Order
12 Number 29 interrogatories are not admissable in Alameda County
13 actions. The Defendants' objections that answering yet another
14 similar set of interrogatories in Alameda County under the
15 consolidated caption while at the same time they object on the
16 grounds that the questions are burdensome and overbroad belie the
17 fact that most of the information needed to respond to these
18 standard question has already been gathered and organized
19 in response to other standard interrogatories. It is thus a
20 simple task to provide the answers requested in this consolidated
21 caption.

22 11. This Referee has spent 51 hours from June 21, 1988
23 through March 7, 1989.

24 FOR THE FOREGOING REASONS this Referee hereby recommends:

25 1. That the September 4, 1980 General Order be amended so
26 as to provide a standard set of interrogatories to be served by
27 Plaintiffs on all Defendants. This Referee would recommend the
28 amended order attached hereto as Exhibit B and incorporated

1 herein by this reference be adopted by this Court.

2 2. That each and every Defendant served with the June 21,
3 1988 Order of Reference be included in the consolidated discovery
4 action. That Plaintiffs be ordered to serve with any complaint
5 naming any additional Defendant(s) a copy of the Amended General
6 Order at the time of service of the complaint and that these
7 newly served Defendants be joined in the consolidated action and
8 bound by the General Discovery Order.

9 3. That each and every Defendant covered by this amended
10 discovery/consolidation order answer the attached Proposed
11 Standard Interrogatories by Plaintiffs to Defendants. Objections
12 to these standard form Plaintiff interrogatories
13 would be limited in scope in the same way objections lie to
14 Official Form Interrogatories.

15 4. That the clerk lodge with the court all correspondence,
16 pleadings and transcripts prepared since the June 21, 1988
17 Referral Order Regarding Amendment of the September 4, 1980
18 Order.

19 5. That it be ordered that \$10,200 be awarded for
20 this Referee's services rendered, with Plaintiffs liable for
21 One Third and Defendants liable for Two thirds. Karen
22 Harmatiuk, Esq. shall marshal and account for Defendants' share.

23 6. That it be ordered that Plaintiffs and Defendants each
24 be liable for one-half of the costs incurred herein. Karen
25 Harmatiuk, Esq. shall marshal and account for Defendants' share.

26
27 Dated: March 7, 1989

Leonard Dieden
Leonard Dieden, Referee

28

On July 27, 1988 plaintiffs' counsel served Judge Marsh's Order of Reference on the following defendants:

Mallinckrodt, Inc.	Pacific Dry Dock & Repair Co.
Babcock & Wilcox/McDermott	Goodyear tire & Rubber Co.
Atchison, Topeka & Railway Co.	Shell Oil
Mundet	Firecal
U.S. Polymeric Corp.	Colt Industries
U.S. Mineral	Bendix (Allied Corp)
Pittsburg Plate & Glass	ISCO
Synkoloid	Marine Transportation
Sacoma Mfg.	Prudential
AirCo Welding	Ned Lloyd
Sacramento Industries	J.N.O. Swisher & Son, Inc.
M.H. Detrick	Pacific Bell
Sacramento Industrial Supply	International Harvester
E.V. Robert	Lorillard
W.R. Grace	American Tobacco
Fiberite	Lear Siegler
Wordbestos	New Turn
Southern Pacific	Asbestos Corp. Ltd.
Westinghouse	Kaiser Cement
Merrit Ship Repair	Geo. Short/Gasket SP
Firestone	Permanente Steamship
Swinerton & Walberg	Combustion Engineering
Raybestos/Raymark	S.K. Wellman
Garlock	American Motors
Uniroyal	S.T. Insulations
Atlantic Richfield	Plant Insulation
Keystone Tank Ship	Liggett Group
National Bulk	Beadex
Sea-Land	U.S. Steel
Weyerhaeuser	American Motors
Eastern Refractories	Kewanee Boiler
Carlisle/Teledyne	Crane Packing
Crown Cork	Foster Wheeler
ford	Eutectic
E.J. Bartells	Matson Navigation Co.
Joy Mfg	Crane Packing
Thiokol	Borg-Warner
Sacoma Sierra	Stoody Company
Parker-Hannifin	Anchor Packing
Kelly-Moore Paint Co., Inc.	Kentile Floors, Inc.
Empire Ace/Steven	Bethlehem Steel
Volkswagon	Bethlehem Steel Co.
American Motors Corp.	Chevron Oil
American Tobacco Co.	American Brands
National Gypsum Co.	Pacific Welding
Lear Siegler	Phillip Morris
Royal Industries	Cassiar Mining
Chrysler	Brown & Williamson Tobacco
Chevron	Corp.

State Comp. Ins. Fund
Asbestos Corp. Ltd.
Bell Asbestos
Abex Corp.
Kaiser Aluminum
Bechtel
Royal Industries
A.W. Chesterton
Dunn Edwards Corp.
Hamilton Materials
East Bay Gasket
Western MacArthur
Navistar International Transp.
R.J. Reynolds
Southern Pacific Transp. Co.
Wordbestos
Eagle-Picher
Anaconda
Kaiser Gypsum
Domtar
Parker-Hannifin Corp.
Devcon
J.T. Thorpe
Congoleum
General Electric Co.
Plant Asbestos
American Asbestos
Gen. Veneer
Mead-Clark
Downman Products
John-Crane Houdaille
Georgia Pacific
Plant Insulation
American President Lines
Wagner Electric
Shell Oil

Triple A Machine Shop
Commercial Union Assurance Co.
Fisher Scientific Co.
Asarco/Lake Asbestos
Standard Oil
E.I. DuPont Nemours & Company
Owens Corning
Western Bldg. Materials Co.,
Inc.
Crown Cork
Todd Shipyard
Charter Consolidated
Nicolet
Atlas Turner
Excelsior
Phillip Morris
Kaiser Steel
Lear Siegler
Rich-Tex
Hamilton Materials
U.S. Gypsum
Dexter Corp.
Claremont Co.
P.E. O'Hair & Co.
Auto Specialties
Ingersoll Rand

Asbestos Claims Facility Counsel Were Also Served On Behalf of
the Following:

A C and S
Armstrong Cork/Armstrong World
Carey Canada
A.P. Green
Fibreboard (Mine) Moore
Drydock
Flintkote/Blue Diamond
National Gypsum
Asbestos Mines
Huron
Owens-Illinois
Rock Wool Mfg Co.
Turner & Newall
U.S. Gypsum
Keene Corp./BEH/BHI
So. Textile
Thermoid

Anchem/Benj. Foster
Celotex Corp.
Certainteed
Fibreboard/Paraffine/Pabco
Flexitallic, Inc.
GAF
National Asbestos
Abestone
Smith Asbestos
Pittsburgh Corn
Thorpe Insulation
Union Carbide
Maremont Corp.
H.K. Porter
So. Asbestos

DEFINITIONS

1
2 GEOGRAPHIC LIMITATION. Unless otherwise specifically set
3 forth, the geographic scope of these interrogatories is NORTHERN
4 CALIFORNIA.

5 TIME LIMITATION. Unless otherwise specifically set forth,
6 the time frame of these interrogatories is 1930 to the present.

7 "THIS DEFENDANT" (THIS DEFENDANT'S) shall mean the named
8 defendant herein, all of its predecessors in interest, and all of
9 its successors in interest.

10 "YOU" and "YOUR" refer to the defendant who is named above
11 as the responding party.

12 "ASBESTOS-CONTAINING PRODUCT(S)" shall mean any product(s)
13 of THIS DEFENDANT which THIS DEFENDANT knows or believes
14 contain(s) the mineral asbestos.

15 "RAW ASBESTOS FIBER" means asbestos fiber mined or milled,
16 either packaged or in bulk, not compounded with other substances
17 and essentially pure with the exception of naturally occurring
18 trace amounts of other substances.

19 ~~"MARKET"~~ "MARKET" (MARKETING, MARKETED) shall mean the mining,
20 supply, sale, labelling, distribution, importing, processing or
21 manufacture of raw asbestos fiber and/or asbestos-containing
22 products.

23 A request to describe the "NATURE" of ASBESTOS-CONTAINING
24 PRODUCT(S) shall mean to describe the: (a) color, (b) texture,
25 (c) form (i.e., powder, liquid, paste, solid, board, cloth,
26 blanket, wire insulation, etc.), and (d) physical dimensions
27 (length, width, height, volume and weight).

28 "DOCUMENT(S)" or "WRITING(S)" shall include all writings as

1 defined by Section 250 of the California Evidence Code.

2 A request to "IDENTIFY" a "DOCUMENT" or "WRITING" shall mean
3 a request to state: (a) the author; (b) the addressee; (c) date
4 of origin; (d) the nature of the writing or document (e.g.,
5 letter, telephone memorandum, audio tape recording, photograph,
6 etc.); and (e) its present location and name and present address
7 of custodian thereof.

8 A request to state the "IDENTITY" of a person or individual
9 means to state his or her name, the place of employment, job
10 title, present business or present or last known home address,
11 and present business telephone number.

12 "NORTHERN CALIFORNIA" shall encompass the following forty-
13 six (46) counties: Alameda, Alpine, Amador, Butte, Calaveras,
14 Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn,
15 Humboldt, Kern, Kings, Lake, Lassen, Marin, Mariposa, Mendocino,
16 Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas,
17 Sacramento, San Francisco, San Joaquin, San Mateo, Santa Clara,
18 Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus,
19 Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba.

20 A "CONTRACT UNIT(S)" shall mean a department, division,
21 subdivision, branch, or group which has been or is now engaged in
22 installation and/or removal of RAW ASBESTOS FIBER and/or
23 ASBESTOS-CONTAINING PRODUCT(S).

24 "COMPANY" means any profit making private enterprise,
25 including corporations, partnerships, joint ventures, and sole
26 proprietorships.

27 INTERROGATORY NO. 1:

28 With respect to the individual verifying these answers on

1 your behalf, state the following:

2 a. their name;

3 b. their present business address;

4 c. their present job title;

5 d. their date of first employment with you, and the dates

6 and titles of each job position they have held while they were

7 employed by you.

8 ANSWER:

9

10 INTERROGATORY NO. 2:

11 State whether YOU are a corporation. If so, state:

12 a. YOUR full corporate name;

13 b. the state of incorporation;

14 c. the date of incorporation;

15 d. the address of YOUR principal place of business;

16 e. if YOU are wholly-owned or if more than five (5) percent

17 of the ownership interest of YOUR COMPANY is owned by another

18 business entity, state that entity's name and principal place of

19 business.

20 ANSWER:

21

22 INTERROGATORY NO.3:

23 Has THIS DEFENDANT ever been identified, known, or done

24 business under any other name? If so, please state such name or

25 names and the time period during which THIS DEFENDANT was so

26 known or identified.

27 ANSWER:

28

1 INTERROGATORY NO. 4:

2 State whether YOU have ever been registered or qualified to
3 do business in the State of California. If so, state the date
4 YOU became qualified to conduct business in the State of
5 California.

6 ANSWER:

7
8 INTERROGATORY NO. 5:

9 Does THIS DEFENDANT currently have, or has THIS DEFENDANT
10 had a department, division, subdivision, branch or group
11 responsible for the design, development, manufacture, testing and
12 use of ASBESTOS-CONTAINING PRODUCT(S). If so, state:

13 a. the name of each present or former corporate department,
14 division, subdivision, branch or group;

15 b. the IDENTITY of the person most knowledgeable about such
16 department, division, subdivision, branch or group.

17 ANSWER:

18
19 INTERROGATORY NO. 6:

20 Has THIS DEFENDANT engaged in the MARKETing of ASBESTOS-
21 CONTAINING PRODUCT(S) comprised in whole or in part of amosite
22 asbestos fiber; if so, please state:

23 a. the trade, brand name and/or generic name of each type
24 of product;

25 b. the date(s) THIS DEFENDANT first MARKETed each type of
26 product;

27 c. the date(s) THIS DEFENDANT ceased MARKETing each type of
28 product;

- 1 d. a general description of the chemical composition of
2 each type of product, including:
- 3 (i) the type(s) and/or grade(s) of RAW ASBESTOS FIBER
4 contained in each type of product;
- 5 (ii) the quantitative percentage of the type(s) of RAW
6 ASBESTOS FIBER in each type of product;
- 7 (iii) any change(s) in the quantitative percentages of
8 the type(s) of RAW ASBESTOS FIBER in each type of product;
- 9 e. the NATURE of each type of product;
- 10 f. a description of any wording, markings and/or logo on
11 each type of product;
- 12 g. the recommended use(s) of each type of product,
13 including temperature limits;
- 14 h. the name(s) of the manufacturer(s) of each type of
15 product;
- 16 i. the name(s) and address(es) of the supplier(s) of the
17 amosite asbestos fiber used in each type of product;
- 18 j. the IDENTITY of the person(s) most knowledgeable
19 concerning the purchase of amosite asbestos fiber by THIS
20 DEFENDANT.

21 ANSWER:

22
23 INTERROGATORY NO. 7:

24 Has THIS DEFENDANT engaged in the MARKETing of amosite
25 asbestos fiber; if so, please state:

- 26 a. the name and location of each amosite asbestos mine
27 which THIS DEFENDANT presently operates, has operated, or in
28 which THIS DEFENDANT has or had an ownership interest, including

1 the dates of such ownership, and the grade of amosite asbestos
2 fiber mined;

3 b. the date(s) THIS DEFENDANT first MARKETed amosite
4 asbestos fiber;

5 c. the date(s) THIS DEFENDANT ceased MARKETing amosite
6 asbestos fiber;

7 d. the grade(s) of such amosite asbestos fiber MARKETed by
8 THIS DEFENDANT;

9 e. the recommended use(s) of each grade of such amosite
10 asbestos fiber, including any temperature limits;

11 f. the name(s) and address(es) of the supplier(s) of
12 amosite asbestos fiber to THIS DEFENDANT.

13 ANSWER:

14
15 INTERROGATORY NO. 8:

16 Has THIS DEFENDANT engaged in the MARKETing of ASBESTOS-
17 CONTAINING PRODUCTS comprised in whole or in part of chrysotile
18 asbestos fiber; if so, please state:

19 a. the trade, brand name and/or generic name of each type
20 of product;

21 b. the date(s) this Defendant first MARKETed each type of
22 product;

23 c. the date(s) THIS DEFENDANT ceased MARKETing each type of
24 product;

25 d. a general description of the chemical composition of
26 each type of product, including:

27 (i) the type(s) and grade(s) of asbestos fiber
28 contained in each type of product;

(

1 (ii) the quantitative percentage of the types of
2 asbestos fiber in each type of product;

3 (iii) any change(s) in the quantitative percentages of
4 the type(s) of asbestos fiber in each type of product;

5 e. the NATURE of each type of product;

6 f. a description of any wording, markings, and/or logo on
7 each type of product;

8 g. the recommended use(s) of each type of product,
9 including temperature limits;

10 h. the name of the manufacturer of each type of product;

11 i. the name(s) and address(es) of the supplier(s) of the
12 chrysotile asbestos fiber used in each type of product;

13 j. the IDENTITY of the person(s) most knowledgeable
14 concerning the purchase of chrysotile asbestos fiber by THIS
15 DEFENDANT.

16 ANSWER:

17
18 INTERROGATORY NO. 9:

19 ~~Has~~ THIS DEFENDANT engaged in the MARKETing of chrysotile
20 asbestos fiber; if so, please state:

21 a. the name and location of each chrysotile asbestos mine
22 which THIS DEFENDANT presently operates, has operated, or in
23 which THIS DEFENDANT has or had an ownership interest, including
24 dates of such ownership, and the grade of chrysotile asbestos
25 fiber mined;

26 b. the date(s) THIS DEFENDANT first MARKETed chrysotile
27 asbestos fiber;

28 c. the date(s) THIS DEFENDANT ceased MARKETing chrysotile

1 asbestos fiber;

2 d. the grade(s) of such chrysotile asbestos fiber MARKETed
3 by THIS DEFENDANT;

4 e. the recommended use(s) of each grade of such chrysotile
5 asbestos fiber, including temperature limits;

6 f. the name(s) and address(es) of the supplier(s) of
7 chrysotile asbestos fiber to THIS DEFENDANT.

8 ANSWER:

9
10 INTERROGATORY NO. 10:

11 Has THIS DEFENDANT engaged in the MARKETing of ASBESTOS-
12 CONTAINING PRODUCTS comprised in whole or in part of crocidolite
13 asbestos fiber; if so, please state:

14 a. the trade, brand name and/or generic name of each type
15 of product;

16 b. the date(s) THIS DEFENDANT first MARKETed each type of
17 product;

18 c. the date(s) THIS DEFENDANT ceased MARKETing each type of
19 product;

20 d. a general description of the chemical composition of
21 each type of product, including:

22 (i) the type(s) and grade(s) of asbestos fiber
23 contained in each type of product;

24 (ii) the quantitative percentage of the type(s) of
25 fiber in each type of product;

26 (iii) any change(s) in the quantitative percentages of
27 the type(s) of asbestos fiber in each type of product;

28 e. the NATURE of each type of product;

1 f. a description of any wording, markings and/or logo on
2 each type of product;

3 g. the recommended use(s) of each type of product,
4 including temperature limits;

5 h. the name of the manufacturer of each type of product;

6 i. the name(s) and address(es) of the supplier(s) of the
7 crocidolite asbestos fiber used in each type of product;

8 j. the IDENTITY of the person(s) most knowledgeable
9 concerning the purchase of crocidolite asbestos fiber by THIS
10 DEFENDANT.

11 ANSWER:

12
13 INTERROGATORY NO. 11:

14 Has THIS DEFENDANT engaged in the MARKETing of crocidolite
15 asbestos fiber; if so, please state:

16 a. the name and location of each crocidolite asbestos mine
17 which THIS DEFENDANT presently operates, has operated, in the,
18 and/or in which THIS DEFENDANT has or had an ownership interest,
19 including the dates of such ownership, and the grade of asbestos
20 fiber mined;

21 b. the date(s) THIS DEFENDANT first MARKETed crocidolite
22 asbestos fiber;

23 c. the date(s) THIS DEFENDANT ceased MARKETing crocidolite
24 asbestos fiber;

25 d. the grade(s) of such crocidolite asbestos fiber MARKETed
26 by THIS DEFENDANT;

27 e. the recommended use(s) of each grade of such crocidolite
28 asbestos fiber, including temperature limits;

1 f. the name(s) and address(es) of the supplier(s) of
2 crocidolite asbestos fiber to THIS DEFENDANT.

3 ANSWER:

4
5 INTERROGATORY NO. 12:

6 Does or did THIS DEFENDANT have a controlling ownership
7 interest in any COMPANY which MARKETed ASBESTOS-CONTAINING
8 PRODUCT(S); if so, please state:

- 9 a. the name of such COMPANY;
10 b. the date of incorporation of such COMPANY;
11 c. the state of incorporation of such COMPANY;
12 d. the date such interest was acquired;
13 e. the date such interest was changed or terminated, if
14 applicable;
15 f. the name and location of each facility of such COMPANY;
16 g. the name of each type of ASBESTOS-CONTAINING PRODUCT(S)
17 manufactured, processed, and/or assembled by such COMPANY.

18 ANSWER:

19
20 INTERROGATORY NO. 13:

21 Does or did THIS DEFENDANT have a controlling ownership
22 interest in any COMPANY that MARKETed RAW ASBESTOS FIBER; if so,
23 please state:

- 24 a. the name of such COMPANY;
25 b. the date of incorporation or charter of such COMPANY;
26 c. the state or country of incorporation of such COMPANY;
27 d. the date such interest was acquired;
28 e. the dates such interest changed or terminated, if

1 applicable;

2 f. the name and location of each asbestos mine owned by
3 such COMPANY;

4 g. the grade and type of RAW ASBESTOS FIBER mined at each
5 mine.

6 ANSWER:

7
8 INTERROGATORY NO. 14:

9 Has THIS DEFENDANT warehoused any RAW ASBESTOS FIBER or
10 ASBESTOS-CONTAINING PRODUCT(S) in the State of California; if so,
11 please state:

- 12 a. the address of each warehouse facility;
13 b. the year(s) THIS DEFENDANT utilized each facility;
14 c. the IDENTITY of the custodian of warehousing records.

15 ANSWER:

16
17 INTERROGATORY NO. 15:

18 Has THIS DEFENDANT owned or operated facilities anywhere in
19 the United States in which ASBESTOS-CONTAINING PRODUCT(S) have
20 been manufactured, processed and/or assembled; if so, state:

- 21 a. the address of each such facility, including city and
22 state.

23 ANSWER:

24
25 INTERROGATORY NO. 16:

26 If THIS DEFENDANT owned or operated facilities in which
27 ASBESTOS-CONTAINING PRODUCT(S) have been manufactured, processed
28 and/or assembled, please state:

- 1 a. the date said facilities began operation;
2 b. the date said facility ceased operation; and
3 c. the name of each type of ASBESTOS-CONTAINING PRODUCT
4 manufactured, processed or assembled at each such facility.

5 ANSWER:

6
7 INTERROGATORY NO. 17:

8 Has THIS DEFENDANT purchased or otherwise acquired any
9 rights to the manufacture of ASBESTOS-CONTAINING PRODUCT(S) from
10 another COMPANY? If so, state:

- 11 a. the date of purchase or acquisition of such rights;
12 b. the trade, brand, and/or generic name of such ASBESTOS-
13 CONTAINING PRODUCT(S);
14 c. the name and location of any COMPANY from which such
15 rights were purchased or acquired;
16 d. the IDENTITY of the custodian of records of such
17 purchase(s) or acquisition(s).

18 ANSWER:

19
20 INTERROGATORY NO. 18:

21 Has THIS DEFENDANT applied for and/or received any patent(s)
22 for any ASBESTOS-CONTAINING PRODUCT(S). If so, state for each
23 such ASBESTOS-CONTAINING PRODUCT:

- 24 a. the product for which each patent was applied and/or
25 issued;
26 b. the date(s) of application;
27 c. the date(s) of issuance of the patent(s), if granted;
28 d. the date(s) of renewal, if any;

- 1 e. the patent number(s);
2 f. the name of the individual or COMPANY to whom each
3 patent was issued;
4 g. the IDENTITY of the custodian of patent records of THIS
5 DEFENDANT.

6 ANSWER:

7
8 INTERROGATORY NO. 19:

9 Has THIS DEFENDANT registered any trademark(s) for any
10 ASBESTOS-CONTAINING PRODUCT(S); if so, state for each such
11 ASBESTOS-CONTAINING PRODUCT:

- 12 a. the product for which each trademark was registered;
13 b. whether the registration was State or Federal;
14 (i) if State, name the State;
15 c. the date(s) or registration;
16 d. the term(s) thereof;
17 e. the date(s) of renewal;
18 f. the name of the individual or COMPANY to whom each
19 trademark was registered;
20 g. the IDENTITY of the custodian of such trademark records
21 of THIS DEFENDANT.

22 ANSWER:

23
24 INTERROGATORY NO. 20:

25 Did THIS DEFENDANT contract with the General Services
26 Administration and/or other federal-government agency for the
27 sale, anywhere in the United States, of RAW ASBESTOS FIBER
28 between 1930 and 1980; if so, state for each such sale:

- 1 a. the grade(s) and type(s) of RAW ASBESTOS FIBER;
2 b. the quantity;
3 c. the date(s) of delivery;
4 d. the location(s), including the address(es) of delivery.
5 e. the name(s) of the agency with which THIS DEFENDANT
6 contracted;
7 f. the date(s) of execution of such contract(s);
8 g. the IDENTITY of the custodian of such contract records
9 of THIS DEFENDANT.

10 ANSWER:

11
12 INTERROGATORY NO. 21:

13 Did THIS DEFENDANT contract with the General Services
14 Administration and/or other federal-government agency for the
15 sale, anywhere in the United States, of ASBESTOS-CONTAINING
16 PRODUCT(S) between 1930 and 1980, please state for each such
17 sale:

- 18 a. the type of product;
19 ~~b.~~ the quantity;
20 c. the date(s) of delivery;
21 d. the location(s), including the address(es) of delivery.
22 e. the name(s) of the agency with which THIS DEFENDANT
23 contracted;
24 f. the date(s) of execution of such contract(s);
25 g. the IDENTITY of the custodian of such contract records
26 of THIS DEFENDANT.

27 ANSWER:

28

1 INTERROGATORY NO. 22:

2 Does THIS DEFENDANT have any records of the MARKETing,
3 advertisement, or delivery of its RAW ASBESTOS FIBER and/or
4 ASBESTOS-CONTAINING PRODUCT(S) in or to NORTHERN CALIFORNIA? If
5 so, state:

6 a. the manner in which the records are kept, (e.g., in
7 boxes, files, on microfilm, microfiche or computer tape or disk);

8 b. the location(s) and address(es) where such records are
9 maintained;

10 c. the IDENTITY of the custodian of such records.

11 ANSWER:

12
13 INTERROGATORY NO. 23:

14 If THIS DEFENDANT has in its possession any records of the
15 MARKETing, advertisement, or delivery of its RAW ASBESTOS FIBER
16 and/or ASBESTOS-CONTAINING PRODUCTS (including microfilm,
17 microfiche, computer tape or disk, or any other system in which
18 data is taken from other records), state whether THIS DEFENDANT
19 has retained the original DOCUMENTS from which the data entered
20 into these modes of storage was obtained. If THIS DEFENDANT has
21 not retained such original DOCUMENTS, state:

22 a. the date(s) when and location(s) where the original
23 DOCUMENTS were disposed of;

24 b. the IDENTITY of the custodian of the original DOCUMENTS
25 at the time of their disposal.

26 ANSWER:

27
28 INTERROGATORY NO. 24:

1 Does THIS DEFENDANT have in its possession any exemplar(s)
2 of advertisements or brochures describing its RAW ASBESTOS FIBER
3 and/or ASBESTOS-CONTAINING PRODUCTS; if so, please state:

- 4 a. the location of each exemplar;
5 b. the year(s) in which said exemplar(s) was utilized;
6 c. the IDENTITY of the custodian of such exemplars.

7 ANSWER:

8
9 INTERROGATORY NO. 25:

10 State the following:

- 11 a. the address(es) where the corporate records of THIS
12 DEFENDANT (including minutes from the Board of Directors meetings
13 and corporation annual reports), are currently located;
14 b. the IDENTITY of the custodian of such records.

15 ANSWER:

16
17 INTERROGATORY NO. 26:

18 Describe the packaging or containers in which THIS DEFENDANT
19 sold and/or distributed RAW ASBESTOS FIBER, including
20 composition, dimension, shape and color.

21 ANSWER:

22
23 INTERROGATORY NO. 27:

24 Describe any logo, design, marking or printing, including
25 size and color, which appeared on the packaging or containers in
26 which THIS DEFENDANT sold and/or distributed RAW ASBESTOS FIBER.

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28 ANSWER:

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INTERROGATORY NO. 28:

Describe the packaging or containers in which THIS DEFENDANT sold and/or distributed ASBESTOS-CONTAINING PRODUCT(S), including composition, dimension, shape and color.

ANSWER:

INTERROGATORY NO. 29:

Describe any logo, design, marking or printing, including size and color, which appeared on the packaging or containers in which THIS DEFENDANT sold and/or distributed ASBESTOS-CONTAINING PRODUCT(S).

ANSWER:

INTERROGATORY NO. 30:

Does THIS DEFENDANT have any exemplar(s) of packaging or containers in which its RAW ASBESTOS FIBER and/or ASBESTOS-CONTAINING PRODUCT(S) were sold and/or distributed; If so, state:

- a. the location of each exemplar;
- b. the year(s) in which said exemplar(s) was utilized;
- c. the IDENTITY of the custodian of such exemplars.

ANSWER:

INTERROGATORY NO. 31:

Did THIS DEFENDANT put warnings of asbestos-related health hazards on bags of RAW ASBESTOS FIBER; if so, please state:

- a. the wording of such warning(s), including size, location, and color;

- 1 b. whether the warning was put on a tag attached to the
2 bags;
- 3 c. the date such warning(s) was first used;
- 4 d. whether any change was made in the wording of such
5 warnings, the date(s) of such change, and the reasons for such
6 change.

7 ANSWER:

8

9 INTERROGATORY NO. 32:

10 Did THIS DEFENDANT put warnings of asbestos-related health
11 hazards on the packaging or containers of ASBESTOS-CONTAINING
12 PRODUCT(S)? If so, please state:

13 a. the wording of such warnings, including size, location
14 on the packaging or containers, and color:

15 b. the date such warning(s) was first used;

16 c. whether any change was made in the wording of such
17 warning(s), the date(s) of such change, and the reason(s) for
18 such change.

19 ANSWER:

20

21 INTERROGATORY NO. 33:

22 Has THIS DEFENDANT distributed any brochures or pamphlets
23 that contain warnings of any asbestos-related health hazards; if
24 so, please state:

25 a. the wording of such warning;

26 b. the method used to distribute such brochures or
27 pamphlets;

28 c. the date(s) such brochures or pamphlets were first

1 issued;

2 d. whether THIS DEFENDANT has exemplar(s) of such brochures
3 or pamphlets;

4 e. the IDENTITY of the custodian of such exemplar(s).

5 ANSWER:

6

7 INTERROGATORY NO. 34:

8 Did THIS DEFENDANT warn its employees and/or CONTRACT
9 UNIT(S), anywhere in the United States, that exposure to asbestos
10 could be hazardous to human health. If so, state:

11 a. whether copies of DOCUMENTS containing such warnings
12 exist;

13 b. the IDENTITY of the custodian of such DOCUMENTS.

14 ANSWER:

15

16 INTERROGATORY NO. 35:

17 State the IDENTITY of medical directors and/or industrial
18 hygienists retained by THIS DEFENDANT in the United States.

19 ANSWER:

20

21 INTERROGATORY NO. 36:

22 Has any employee of THIS DEFENDANT testified by deposition
23 on behalf of THIS DEFENDANT in a third-party case, brought in the
24 United States, wherein the plaintiff has alleged an asbestos-
25 related injury? If so, for each such third party case, please
26 state:

27 a. the caption and case number;

28 b. the court of filing including state and county;

- 1 c. the date of the deposition;
- 2 d. the name and address of plaintiff's counsel of record.

3 ANSWER:

4

5 INTERROGATORY NO. 37:

- 6 Has THIS DEFENDANT been a member of the following:
- 7 a. Asbestos Textile Institute (ATI);
 - 8 b. Industrial Hygiene Foundation and/or Industrial Health
9 Foundation (IHF);
 - 10 c. Mineral Wool Institute;
 - 11 d. Industrial Mineral Insulation Manufacturers Institute;
 - 12 e. Magnesia Silica Insulation Manufacturers Association;
 - 13 f. National Insulation Manufacturers Association (NIMA);
 - 14 g. Thermal Insulation Manufacturers Association (TIMA);
 - 15 h. Asbestos Information Association (AIA);
 - 16 i. Quebec Asbestos Mining Association (QAMA);
 - 17 j. National Safety Council;
 - 18 k. Asbestos Cement Producers Association;
 - 19 ~~l.~~ Refractories Institute;
 - 20 m. any other organizations or associations of
21 manufacturers, miners, distributors, importers, labellers,
22 suppliers and/or sellers of ASBESTOS-CONTAINING PRODUCTS;
23 (i) please state the name(s) of such organizations or
24 associations.

25 ANSWER:

26

27 INTERROGATORY NO. 38:

28 For each organization, association or other entity

1 identified in your Response to Interrogatory No. 37, please
2 state:

3 a. the dates during which THIS DEFENDANT was a member.

4 b. the name(s) of any publication(s) received by THIS
5 DEFENDANT from such association or organization.

6 c. the name of such committee or subcommittee of which THIS
7 DEFENDANT was a member, and the dates of such committee or
8 subcommittee membership.

9 ANSWER:

10

11 INTERROGATORY NO. 39:

12 Has THIS DEFENDANT received any DOCUMENT(S) containing
13 results or conclusions of any studies and/or tests conducted by
14 the Saranac Laboratory at the Trudeau Foundation relating to the
15 human health consequences of exposure to asbestos? If so,
16 please:

17 a. IDENTIFY all such DOCUMENT(s);

18 b. state the date upon which THIS DEFENDANT first received
19 such DOCUMENT(S);

20 c. the IDENTITY of the custodian of such DOCUMENT(S).

21 ANSWER:

22

23 INTERROGATORY NO. 40:

24 State whether THIS DEFENDANT has ever maintained a library
25 (or libraries) in the United States which contains books,
26 articles, periodicals, journals and/or reference materials that
27 relate to the subjects of asbestos, industrial hygiene, medicine,
28 safety, occupational disease and/or engineering. If so, state:

- 1 a. the date each such library was established;
2 b. the location of each such library;
3 c. the IDENTITY of each librarian or other person in charge
4 of such library;

5 ANSWER:

6
7 INTERROGATORY NO. 41:

8 Has THIS DEFENDANT exchanged documents containing the
9 results of or communicated with any individual or other COMPANY
10 regarding tests and/or studies of the relationship between the
11 inhalation of asbestos fibers and development of disease(s); if
12 so, please state:

- 13 a. each individual or COMPANY with whom the information was
14 exchanged or to whom it was communicated;
15 b. the date(s) of any such exchanges or communications;
16 c. the IDENTITY of the custodian of such documents.

17 ANSWER:

18
19 INTERROGATORY NO. 42:

20 Has any employee of THIS DEFENDANT testified before the
21 Occupational Safety and Health Administration, the National
22 Institute of Occupational Safety and Health, or any committee or
23 subcommittee of the United States Congress on the inhalation of
24 asbestos dust and the development of disease; if so, please
25 state:

- 26 a. the entity before whom such testimony was given;
27 b. the date(s) and location(s) of such testimony;
28 c. the IDENTITY of the individual(s) who so testified;

1 d. whether any DOCUMENTS were presented to the entity
2 before which testimony was given;

3 e. whether copies of DOCUMENTS presented were retained by
4 THIS DEFENDANT;

5 (i) if so, state the IDENTITY of the custodian of the
6 DOCUMENT(S).

7 ANSWER:

8
9 INTERROGATORY NO. 43:

10 At any of the physical facilities identified in the response
11 to Interrogatory No. 15, has THIS DEFENDANT conducted, or caused
12 to be conducted, tests and/or studies of ambient asbestos dust
13 created during the manufacture, processing and/or assembling of
14 ASBESTOS-CONTAINING PRODUCT(S); if so, please state:

15 a. each manufacturing facility, including location and
16 address; at which any such test and/or study was conducted;

17 b. the date of each such test and/or study;

18 c. the individual(s) or entity conducting each such test
19 and/or ~~study~~;

20 d. whether THIS DEFENDANT has any documents containing the
21 results and/or conclusions of each such study;

22 e. the IDENTITY of the custodian of the documents.

23 ANSWER:

24
25 INTERROGATORY NO. 44:

26 Has THIS DEFENDANT conducted, or caused to be conducted, any
27 tests and/or studies on ambient asbestos dust levels at any
28 location or job site where its ASBESTOS-CONTAINING PRODUCTS were

- 1 utilized in the United States; if so, please state:
- 2 a. the location, including name and address, at which each
 - 3 such test and/or study was conducted;
 - 4 b. the individual(s) or entity conducting each such test
 - 5 and/or study;
 - 6 c. the date of each such test and/or study;
 - 7 d. whether THIS DEFENDANT has any DOCUMENTS containing the
 - 8 results and/or conclusions of each such test and/or study;
 - 9 e. the IDENTITY of the custodian of these DOCUMENTS.

10 ANSWER:

11

12 INTERROGATORY NO. 45:

- 13 Did THIS DEFENDANT have any laboratory or other facility
- 14 anywhere in the United States at which it conducted, or caused to
- 15 be conducted, any tests and/or studies of its ASBESTOS-CONTAINING
- 16 PRODUCTS to measure the amount of asbestos dust generated by any
- 17 use for which such products were designed; if so, please state:
- 18 a. the location, including name and address, at which each
 - 19 such ~~test~~ and/or study was conducted;
 - 20 b. the individual(s) or entity conducting each such test
 - 21 and/or study;
 - 22 c. the date of each such test and/or study;
 - 23 d. whether THIS DEFENDANT has any DOCUMENTS containing the
 - 24 results and/or conclusions of each such test and/or study;
 - 25 e. the IDENTITY of the custodian of such DOCUMENTS.

26 ANSWER:

27

28 INTERROGATORY NO. 46:

1 Has THIS DEFENDANT made available to its employees engaged
2 in the MARKETing of its RAW ASBESTOS FIBER and/or its ASBESTOS-
3 CONTAINING PRODUCT(S), a medical examination program; if so,
4 please state:

5 a. whether chest x-rays or pulmonary function tests were
6 part of such program(s);

7 b. whether participation in any such program was a
8 mandatory condition of employment or was voluntary;

9 (i) if mandatory as a condition of employment, how
10 frequently each employee was required to undergo such
11 examination;

12 c. whether THIS DEFENDANT has DOCUMENTS of such program;

13 d. the IDENTITY of the custodian of such DOCUMENTS.

14 ANSWER:

15
16 INTERROGATORY NO. 47:

17 Has THIS DEFENDANT notified in writing any individuals or
18 COMPANIES to whom it MARKETed RAW ASBESTOS FIBER and/or ASBESTOS-
19 CONTAINING PRODUCT(S), anywhere in the United States, of the
20 potential relationship between exposure to asbestos and disease;
21 if so, please state:

22 a. the date(s) THIS DEFENDANT provided this information;

23 b. the means used for transmittal of such information;

24 c. whether THIS DEFENDANT has any copies of any DOCUMENTS
25 transmitting such information;

26 d. the IDENTITY of the custodian of such documents.

27 ANSWER:

28

1 INTERROGATORY NO. 48:

2 Has THIS DEFENDANT required any individual(s) who MARKETed
3 its ASBESTOS-CONTAINING PRODUCT(S) to wear respirators or face
4 masks; if so, please state:

5 a. the job title(s), if known, of individual(s) required to
6 wear respirators or face masks;

7 b. the date(s) on which THIS DEFENDANT first required the
8 wearing of respirators or face masks;

9 c. the means by which the requirement to wear respirators
10 or face masks was communicated;

11 d. whether THIS DEFENDANT has any copies of DOCUMENTS
12 communicating such requirements;

13 e. the IDENTITY of the custodian of such DOCUMENTS.

14 ANSWER:

15
16 INTERROGATORY NO. 49:

17 Does or did THIS DEFENDANT utilize or employ any CONTRACT
18 UNIT. If so, please state:

19 a. the inclusive periods of time the CONTRACT UNIT(S) was
20 utilized or employed;

21 b. the business address and name of the CONTRACT UNIT(S);

22 c. whether THIS DEFENDANT has any DOCUMENTS showing the
23 location(s) of the job site(s) where the CONTRACT UNIT(S) worked,
24 and if so, state the IDENTITY of the custodian of such DOCUMENTS.

25 ANSWER:

26
27 INTERROGATORY NO. 50:

28 Has THIS DEFENDANT received any written communication or

1 other DOCUMENT, other than a claim for workers' compensation,
2 that any person was claiming injury as a result of exposure to
3 its RAW ASBESTOS FIBER and/or ASBESTOS-CONTAINING PRODUCT(S); if
4 so, please IDENTITY the first such written communication or
5 DOCUMENT.

6 ANSWER:

7
8 INTERROGATORY NO. 51:

9 Has any person filed a claim for asbestos-related injury
10 regarding THIS DEFENDANT against any workers' compensation
11 insurance carrier which provided coverage for THIS DEFENDANT; if
12 so, please state:

- 13 a. the date of such claim;
- 14 b. the name of claimant;
- 15 c. the caption;
- 16 d. the case number;
- 17 e. the court in which the claim was filed;
- 18 f. the IDENTITY of the custodian of such documents.

19 ANSWER:

20
21 INTERROGATORY NO. 52:

22 Has any person filed a workers' compensation claim for
23 asbestos-related injury against THIS DEFENDANT; if so, please
24 state:

- 25 a. the date of such claim;
- 26 b. the name of claimant;
- 27 c. the caption;
- 28 d. the case number;

- 1 e. the court in which the claim was filed;
2 f. the IDENTITY of the custodian of such documents.

3 ANSWER:

4
5 INTERROGATORY NO. 53:

6 Does THIS DEFENDANT have insurance available to cover
7 judgment(s) entered against it in asbestos-related personal
8 injury lawsuits; if so, please state:

- 9 a. the name and principal place of business of any
10 insurance carrier who has issued such policy of insurance;
11 b. the number and effective date of each policy;
12 c. the amount(s) of coverage of each policy;
13 d. the applicable dates of coverage;
14 e. any reservation of rights contained in each such policy;
15 f. the amount of coverage presently exhausted under each
16 such policy;
17 g. the amount of coverage presently available under each
18 such policy;
19 h. whether limits contained in each such policy include
20 costs of defense.

21 ANSWER:

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23 INTERROGATORY NO. 54:

24 Has THIS DEFENDANT owned or operated any petroleum refining
25 facilities; if so, please state:

- 26 a. whether any ASBESTOS-CONTAINING PRODUCT(S) WERE MARKETed
27 on the premises of such refining facilities;
28 b. the location, including the name and address of all such

1 refining facilities;

2 c. the dates of operation of such refining facilities;

3 d. the types of ASBESTOS-CONTAINING PRODUCT(S) MARKETed on
4 such premises;

5 e. the names of the manufacturers of any ASBESTOS-
6 CONTAINING PRODUCTS MARKETed on such premises;

7 f. whether THIS DEFENDANT has documents identifying such
8 MARKETing;

9 g. the IDENTITY of the custodian of such documents.

10 ANSWER:

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12 INTERROGATORY NO. 55:

13 Has THIS DEFENDANT held a controlling ownership interest in
14 any COMPANY which owned or operated petroleum refining
15 facilities: if so, for the period(s) of time during which THIS
16 DEFENDANT held such interest, please state:

17 a. whether any ASBESTOS-CONTAINING PRODUCTS were MARKETed
18 on the premises of such refining facilities;

19 b. the location, including the name and address of all such
20 refining facilities;

21 c. the dates of operation of such refining facilities;

22 d. the types of ASBESTOS-CONTAINING PRODUCTS MARKETed on
23 such premises;

24 e. the names of the manufacturers of any ASBESTOS-
25 CONTAINING PRODUCTS MARKETed on such premises;

26 f. whether THIS DEFENDANT has DOCUMENTS identifying such
27 MARKETing;

28 g. the IDENTITY of the custodian of such DOCUMENTS.

1 ANSWER:

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3 INTERROGATORY NO. 57:

4 Has THIS DEFENDANT contracted with any COMPANY for the
5 MARKETing of ASBESTOS-CONTAINING PRODUCT(S) on any premises owned
6 or leased by THIS DEFENDANT; if so, please state:

7 a. the location, including name and address of such
8 premises;

9 b. the name and address of each such COMPANY;

10 c. the types of ASBESTOS-CONTAINING PRODUCTS;

11 d. the name of the manufacturers of such ASBESTOS-
12 CONTAINING PRODUCTS;

13 e. whether THIS DEFENDANT has DOCUMENTS of such MARKETing;

14 f. the IDENTITY of the custodian of such DOCUMENTS.

15 ANSWER:

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