

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ESSEX

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Name(s) of Plaintiff(s),

Plaintiff,

Index No. :

- against -

Name(s) of Defendant(s), et al.,

Defendants.

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**PLAINTIFFS' FIRST STANDARD SET OF LIABILITY INTERROGATORIES  
AND REQUEST FOR PRODUCTION OF DOCUMENTS**

Plaintiffs, pursuant to the CPLR, propound the following interrogatories to each and every defendant, to be answered under oath within thirty (30) days of service, and request that each defendant produce in accordance with the CPLR such documents within thirty (30) days of service of same.

Specifically, *all* Defendants are required to answer each and every Interrogatory in Section I. Defendants who manufactured, distributed or sold boilers, turbines, hot or cold-water exchange systems, including pumps (hot or cold water), valves, steam pressure vessels, condensers, vapor pressure units, high pressure vessels, or any other heat exchange system, including any adjacent and/or peripheral equipment necessary for the function of a vapor pressure unit, such as pipes, water tubes, air tanks, and cooling towers, are required to answer the Interrogatories in Sections I & II. Again, all defendants are required to answer each and every Interrogatory in Section I.

These interrogatories are continuing in character and require you to file supplementary answers if you obtain further or different information after your initial answers

and before trial, including in such supplemental answers, the date upon and the manner in which such further or different information came to your attention. (For further instructions and definitions see Appendix A).

**I. General Liability Interrogatories**

**SECTION I: (APPLICABLE TO ALL DEFENDANTS)**

**INTERROGATORY NO. 1:**

State the full name, address, telephone number and position of the corporate officer answering these interrogatories.

ANSWER:

**INTERROGATORY NO. 2:**

Have any documents and records of the defendant been used or referred to, in connection with the preparation of or answers to these interrogatories? If so, for each documents referred to, state the following:

- a. The number of the question and its subpart;
- b. the identity and title of the document;
- c. the name and location of the file in which the document was found;
- d. the name and location of the file in which the document is presently located;
- e. the originator of the document.

ANSWER:

**INTERROGATORY NO. 3:**

State the names of each person who was spoken to or who provided information to assist in answering these interrogatories and for each person state the following:

- a. The number of each question and its subpart for which such personnel provided information;
- b. for each question identified in a., state the name, title and position description of the personnel supplying information;
- c. the present location and address of the personnel supplying information;
- d. the contents of the information provided.

ANSWER:

**INTERROGATORY NO. 4:**

Please state in which state or states of the United States or what foreign countries your business is incorporated and where its principal place of business is located.

ANSWER:

**INTERROGATORY NO. 5:**

Please state whether:

- a. Your company is authorized to do business in:
  - (1) New York
  - (2) New Jersey
  - (3) Connecticut
- b. your company does business in:
  - (1) New York
  - (2) New Jersey
  - (3) Connecticut

ANSWER:

**INTERROGATORY NO. 6:**

State the full and complete legal name under which your company or any predecessor is now doing business and has done business at all times from the date when it began mining, processing, manufacturing, distributing, installing, using and/or selling asbestos products or thermal insulation products and materials up until the present time.

ANSWER:

**INTERROGATORY NO. 7:**

Have you ever acquired, by way of a consolidation, merger, purchase of assets, or otherwise, any company which manufactured, sold, distributed, installed or used any asbestos-containing products? If so, as to each such acquisition:

- a. State the name and state of incorporation of the company which was acquired;
- b. State the reasons for the acquisition;
- c. State the date of acquisition;
- d. State the terms of the acquisition, including but not limited to the consideration paid (e.g., amount of stock, cash, etc.) if any;
- e. Identify all of the company's assets which were acquired (e.g., plants, machinery, stock in trade, trademarks, patents, goodwill, etc.);
- f. Identify all of the company's liabilities which were assumed by you in the acquisition;
- g. Identify each of the company's asbestos-containing product lines;
- h. Identify each asbestos-containing product line of the acquired company which you continued to manufacture after the acquisition;
- i. State the number of employees of the acquired company which were retained by you after the acquisition;
- j. State the names of the directors, officers, and major stockholders of your company and the acquired company at the time of the acquisition and the names of the directors, officers, and major stockholders of your company and, if it continued to exist, of the acquired company, after the acquisition;

- k. State the total number of shares of the acquired company which you held before and after the acquisition;
- l. Identify and produce a copy of the agreement between you and the acquired company, the pertinent minutes of your Board of Directors and all other related documents.

ANSWER:

**INTERROGATORY NO. 8:**

State the names and positions of all corporate officers or officials having the responsibility for creating, directing or setting the policy of your firm with regard to the mining, manufacturing, processing, sale, distribution, use and/or packaging of asbestos products since 1930.

ANSWER:

**INTERROGATORY NO. 9:**

Have you or any of your predecessors or subsidiaries ever mined, processed, refined, sold, installed or distributed asbestos or asbestos containing products? If so, for each such product, complete an "Asbestos Product Information Sheet", Attachment I.

ANSWER:

**INTERROGATORY NO. 10:**

If your company ever manufactured, distributed, installed or sold any of the following types of asbestos-containing products, please identify each product and describe how it is cut, shaped, mixed and applied on the job:

- a. asbestos cement;
- b. asbestos pipe covering;
- c. asbestos bricks or blocks;
- d. asbestos sheeting, boards or marinite;
- e. asbestos insulation used to protect against extremes of heat as well as cold;
- f. asbestos insulation in loose form which may be blown into homes or buildings;
- g. asbestos applied in spray form;
- h. asbestos tape, cloth, yarn or thread;
- i. asbestos felts or blankets;
- j. asbestos paper;
- k. asbestos gaskets;
- l. asbestos-containing paint;
- m. asbestos-containing adhesives;

- n. asbestos-containing floor and ceiling tiles;
- o. asbestos-containing packing;
- p. asbestos-containing boiler coatings;
- q. raw asbestos fibers;
- r. asbestos-containing friction products;

giving particular reference as to whether or not the materials have to be sawed or cut on the job, blown into confined areas, or mixed with water into a cement or paste.

ANSWER:

**INTERROGATORY NO. 11:**

Please state if there is any way known to you that the products listed in questions 9 and 10 can be used, applied or installed without the worker involved inhaling any asbestos dust or fibers.

ANSWER:

**INTERROGATORY NO. 12:**

Is it possible to distinguish the asbestos products listed by you in Answers 9 and 10 from those manufactured or distributed by a competitor?

- a. If so, please describe how you contend your product can be distinguished and identify each of your products by trade and generic name.
- b. If there are products which, in your opinion, cannot be distinguished from products of a similar kind manufactured by a competitor, please state the name of each such similar product, who manufactured it, as well as the trade name of the product manufactured by your competitor.

ANSWER:

**INTERROGATORY NO. 13:**

For each asbestos product listed by you in Answer 9 and 10, state whether the product could be used interchangeably with products of other manufacturers, distributors, or sellers, and if so, please identify such product and manufacturer.

ANSWER:

**INTERROGATORY NO. 14:**

For each asbestos product listed by you in Answer 9 and 10, state the names and addresses of each New York customer who purchased the product and each New York job site to which the products were delivered by year, and complete a Worksite/Purchase Sales Information Sheet (Attachment II) for each purchaser or worksite.

ANSWER:

**INTERROGATORY NO. 15:**

For each asbestos product you manufactured or sold, state the total dollar, linear feet and/or number of pounds of the product:

- a. Sold in New York State;
- b. Sold in the United States.

ANSWER:

**INTERROGATORY NO. 16:**



Identify for the period from 1935 to 1980, each distributor, dealer, wholesaler and contractor who sold, distributed or used your asbestos-containing products in New York State.

For each such distributor, dealer, wholesaler and contractor, state:

- a. The name, last known address and person who you did business with;
- b. The years of your relationship with the distributor, dealer, wholesaler and contractor;
- c. Whether there was a written agreement. If so, identify it (or them) by date, title, signatories and present location;
- d. Whether the relationship was exclusive, i.e., whether the distributor was not allowed to carry competing brands of some or all of the relevant products. If exclusive as to any particular product, identify that product;
- e. The annual volume in pounds and linear feet and dollar amount of each type of asbestos product sold;
- f. The names and ultimate recipients of the asbestos products sold to or through each dealer, distributor, wholesaler, sales agent and contractor.

ANSWER:

**INTERROGATORY NO. 17:**

Identify each of your sales personnel responsible from 1935 to 1980 for sales of asbestos products in New York State. For each such person, state the years of such employment, his/her job last known address and whether he/she is still your employee?

ANSWER:

**INTERROGATORY NO. 18:**

Did you at any time manufacture asbestos-containing products which were sold to another manufacturer for resale by that company under its own name? If so:

- a. Identify each manufacturer to whom such sales were made and the date of such sales;
- b. Identify the product or products involved in each such agreement;
- c. If such sales were made pursuant to an agreement, identify the dates that each such agreement was in effect and produce a copy of the agreement.

ANSWER:

**INTERROGATORY NO. 19:**

Did you ever purchase any asbestos or any asbestos-containing products of any other manufacturer for distribution or sale under your name or trademark? If so:

- a. Identify each manufacturer from whom products were purchased;
- b. Identify the name of each product purchased;
- c. Identify the dates of each such purchase and distribution.
- d. Produce a copy of each purchase agreement;

ANSWER:

**INTERROGATORY NO. 20:**

Did you ever enter into distribution or licensing agreements with any manufacturer, distributor, marketer, seller, contractor or installer of asbestos-containing products? If so:

- a. Identify each manufacturer with whom such agreement was entered into;
- b. State the dates, products and geographical areas involved;
- c. Produce a copy of each such agreement.

ANSWER:

**INTERROGATORY NO. 21:**

For the period 1928 to the present, state the address of each miner, manufacturer or processor of asbestos or asbestos fibers used in your products and for each such miner, manufacturer or processor state:

- a. The date, amounts and delivery point for each shipment of asbestos you received;
- b. The products in which the asbestos was used.

**ANSWER:**

**INTERROGATORY NO. 22:**

With respect to each asbestos product (including loose asbestos fiber) you manufactured, refined, processed, used, distributed, marketed, installed, sold or delivered, state whether you claim any caution, warning, caveat or other statement about health involved in using the product and/or dust generated by the product was ever given to purchasers of the product or directed to the ultimate users of the product. If so, state separately for each product:

- a. The precise wording of each caution or set of instructions;
- b. For each asbestos product, the exact date you claim each caution was first used on that product;
- c. The inclusive dates you contend any alleged warning was affixed to each of your asbestos-containing products;
- d. Whether the wording of the alleged warning has been altered since its first appearance, and if so, when and how amended;
- e. Specifically what prompted you to first affix such caution, warning, caveat, statement or explanation, and what prompted the amendments, (i.e., if medical reports were relied upon, if so, identify such reports).
- f. The name, title and present address of the author of each such warning and/or instructions;

- g. Whether the warning and instructions were physically attached to the product itself when sold and/or delivered by you, and if so, the method of attachment;
- h. Whether you have a copy of the warning and/or instructions in your possession at the present time, and if so, where it is located;
- I. Whether any studies, evaluations or analyses of any potential hazards of your asbestos product were conducted by you prior to your use of each warning and/or instructions. If so, identify the study by date, author, title and file number and state its present location.

ANSWER:

**INTERROGATORY NO. 23:**

State whether any of your distributors, dealers, contractors and/or customers were provided with any warnings, cautions, caveats or instructions regarding the use of your asbestos-containing products. If so, please state:

- a. By whom and when these instructions were first made;
- b. Whether the instructions were written or oral; if written, attach a copy; if oral, state the contents thereof;
- c. Whether your company carried out follow-up inspections to ascertain whether such instructions were adhered to and if so, please state when, where and by whom such inspections were made and the results of each such inspection.

ANSWER:

**INTERROGATORY NO. 24:**

State the first time any officers of your Company discussed putting a warning or caution on any asbestos containing product, and as to that first discussion state:

- a. the names of the persons who were involved in the discussions and the date and place of the discussions;
- b. the identity and location of all documents memorializing the discussion;
- c. the alleged substance of the discussion;
- d. what action if any, the Company took as a result of the discussion.

ANSWER:

**INTERROGATORY NO. 25:**

Do you know of any facts or documents to support a claim that you provided any warnings, instructions or information as to the dangers of asbestos inhalation to any insulator, construction worker, building trades worker or other user of your asbestos products in the New York area prior to 1972? If so, for each such alleged warning:

- a. Describe in detail each such warning, instruction or information given;
- b. State the exact date of each such warning;
- c. State whether such warning, instruction or information was oral or written;
- d. If oral, identify the substance of the warning instruction or information given and the date and name of the person to whom given;
- e. If written, or printed attach a copy of each warning, instruction and information, identify it by date given, title and reference number and state the manner and location whereby it was transmitted to users of the product.

ANSWER:

**INTERROGATORY NO. 26:**

Do you claim that you ever recommended to purchasers or users of the asbestos-containing products you manufactured, processed, mined, distributed, or sold, that respirators, protective masks and/or protective safeguards be worn while working with, installing or removing your asbestos-containing product? If so, state separately for each product:

- a. The date or dates when each such recommendation was made;
- b. Who made the recommendation;
- c. When and precisely to whom the recommendations were made;
- d. If oral, the manner and substance of the recommendation;
- e. If written, identify the document by title, date, file designation and author of each such recommendation and the location and present custodian of each such recommendation.

ANSWER:

**INTERROGATORY NO. 27:**

Did you at any time recommend that your own employees or others (including independent contractors) use respirators, protective masks or other precautionary safeguards when working with asbestos-containing materials? If so, state:

- a. When and precisely to whom such recommendations were made;
- b. Whether you ever supplied respirators, face masks to your employees, and if so, the date when first supplied and whether you are supplying them now;
- c. From what specific source you have obtained such respirators and face masks (state address of company and dates obtained).

ANSWER:

**INTERROGATORY NO. 28:**

Have you stopped producing, distributing and/or selling or has asbestos been eliminated from any of the asbestos products listed in Answer 9 or 10? If so, state for each product:

- a. The reason and date you stopped producing the product, or eliminated asbestos therefrom;
- b. The name and title of each person who recommended and/or who authorized or directed the action;
- c. Whether any studies were conducted before you directed that production and sale of the product be stopped, or asbestos eliminated from the product, and if so, identify each study by date, author, title and subject matter and attach a copy.

ANSWER:

**INTERROGATORY NO. 29:**

Have any officers or employees of defendant ever discussed or evaluated whether sales of your asbestos-containing products would be damaged if the public learned of the health hazards associated with asbestos exposure? If so, state the dates and names of participants of each such meeting and identify all documents relating to such meetings.

ANSWER:

**INTERROGATORY NO. 30:**

At the time of the development of, and sale of each of your asbestos product did you attempt to determine whether the product complied with any allegedly applicable safety standards, orders or rules, regulations or design requirements promulgated by any professional society, association, or government body?

- a. If you did not, please state the reasons for not conducting such an analysis and identify the name of the person deciding not to conduct the analysis;

- b. If you did, identify the safety standards, safety orders, rules, regulations, which you claim you considered by naming the title, number, page and date of the regulation, and identifying the place where a copy of said regulation can be obtained.

ANSWER:

**INTERROGATORY NO. 31:**

For each asbestos-containing product, identify and produce all sales, promotional and/or advertising materials, including brochures, used by you with regard to the sale and/or promotion and distribution of such products.

ANSWER:

**INTERROGATORY NO. 32:**

Identify and produce pictures and descriptions of each product. Such description should include:

- a. a description of the physical appearance(s) of the product(s) and its packaging;
- b. the percentage of asbestos contained in each such product;
- c. the types of asbestos contained in each such product.

ANSWER:



**INTERROGATORY NO. 33:**

Were any brochures, writings, or other materials made available to distributors, dealers, contractors, ultimate users, or the general public concerning the design, manufacture, use, quality and/or properties of the asbestos products referred to in Answer 9 and 10? If so, for each such brochure or other material:

- a. State the purpose of each brochure and given the name, present address, telephone number of the person responsible for the preparation and acceptance of the material for distribution on behalf of the company;
- b. Identify the brochure or material by author, date and present location and custodian, and attach copies of each.

ANSWER:

**INTERROGATORY NO. 34:**

Have you at any time since 1930 bought from, sold to, delivered or supplied any asbestos-containing products to any other defendant in this action or to any other manufacturer listed in Attachment III? If so:

- a. Identify the products involved by name and description;
- b. List the dates, quantity and price of each sale and the names of the persons who placed or accepted the order;
- c. Were any warnings regarding the health hazards of the product given or received and if so identify the warning by description, date, to whom it was given and by who received, and if oral state the substance and if written identify the document and state the present location.

ANSWER:

**INTERROGATORY NO. 35:**

Were any of the asbestos-containing products sold by you to private persons or companies (i.e., non-military or non-government sales) the same products you sold to the government pursuant to military or federal specifications? If so please state:

- a. Your name or designation for the product;
- b. The military or federal specification you claim is applicable;
- c. The person or company to whom sold and the date and amount sold.

ANSWER:

**INTERROGATORY NO. 36:**

Do you claim that you did anything prior to 1972 to notify users of asbestos-containing products of the possible dangers of inhalation of asbestos dust and fibers? If so, explain in detail what you did, to whom and give the dates.

ANSWER:

**INTERROGATORY NO. 37:**

Had you at any time prior to 1973 performed, participated in, or financed any tests, studies, investigations or analyses to determine the asbestos level produced when your asbestos products were used, installed or removed from a prior installation?

ANSWER:

**INTERROGATORY NO. 38:**

Had you at any time prior to 1973 performed, participated or financed any tests, studies, investigations or analyses to determine the effects of your product on workers using or working with any of your asbestos products?

ANSWER:

**INTERROGATORY NO. 39:**

Had you, at any time prior to 1973 performed, participated in or financed any tests, studies, investigations or analyses which had the purpose to prevent, minimize or eliminate inhalation of asbestos dust or fibers by those using or exposed to your asbestos products?

ANSWER:

**INTERROGATORY NO. 40:**

Have you at any time after 1973 performed, participated in, or financed any tests, studies, investigations or analyses to determine the asbestos level produced when your asbestos products were used, installed or removed from a prior installation?

ANSWER:

**INTERROGATORY NO. 41:**

Have you at any time after 1973 performed, participated or financed any tests, studies, investigations or analyses to determine the effects of your product on workers using or working with any of your asbestos products?

ANSWER:

**INTERROGATORY NO. 42:**

Have you at any time after 1973 performed, participated in or financed any tests, studies, investigations or analyses which had the purpose to prevent, minimize or eliminate inhalation of asbestos dust or fibers by those using or exposed to your asbestos products?

ANSWER:

**INTERROGATORY NO. 43:**

Had you at any time prior to 1973 performed, funded or participated in any investigation, study, test or analysis concerning asbestos-related diseases, asbestosis, pulmonary diseases or cancer.

ANSWER:

**INTERROGATORY NO. 44:**

Had you, at any time prior to 1973 performed, participated in or financed any tests, studies, investigations or analyses to determine the effects of inhalation of asbestos dust or fibers on any one using or being exposed to asbestos products manufactured by your company?

ANSWER:

**INTERROGATORY NO. 45:**

Have you, at any time after 1973 performed, participated in or financed any tests, studies, investigations or analyses to determine the effects of inhalation of asbestos dust or fibers on any one using or being exposed to asbestos products manufactured by your company?

ANSWER:

**INTERROGATORY NO. 46:**

Have you ever performed, participated in or financed any studies to determine whether any type of respirator and/or protective mask would either eliminate or reduce asbestos inhalation to safe levels?

ANSWER:

**INTERROGATORY NO. 47:**

Have you ever undertaken or financed any tests or studies to determine whether any type of ventilator or ventilating system would eliminate or decrease the number of airborne asbestos fibers in confined spaces?

ANSWER:

**INTERROGATORY NO. 48:**

For each study identified in response to Questions 37-47, state:

- a. The subject matter, title, date and names of the persons who conducted and/or authored the study;

- b. The reason for the study;
- c. The date the study was completed;
- d. If the results were disseminated, where and to whom and if published the name and identity of the publication;
- e. The results of each study, and the data and assumptions relied on;
- f. If in writing, identify it by date, title, identification number, present location and custodian and attach a copy.

ANSWER:

**INTERROGATORY NO. 49:**

State whether you took any action as a result of any of the studies listed in answer to interrogatories 37 through 47. If so:

- a. Describe the date and action taken;
- b. Identify who authorized or directed the action;
- c. Why was the action taken;
- d. Identify all documents discussing the study, the action considered and the action taken by date, title, subject, author and present custodian and location and produce the documents;
- e. If you have not taken any action state in detail, why not;

- f. If you have not given any consideration to taking such actions, state in detail the reasons why.

ANSWER:

**INTERROGATORY NO. 50:**

From the year 1920 to date, have you supported by gift, grant, direct cash or property payment any kind of medical research concerning asbestos? If so, state:

- a. The date or dates of such support;
- b. The dollar amount paid or contributed;
- c. The identity of the persons and/or organizations carrying out the research study;
- d. The title, name or other identification of each such study;
- e. Identify and produce all documents relating to each such study.

ANSWER:

**INTERROGATORY NO. 51:**

Did you, at any time prior to 1975, conduct, finance, or have conducted for you any asbestos inspection or any dust count in any facility where your asbestos products were used? If so, state the date, place and people involved in each such inspection or test and identify all records.

ANSWER:

**INTERROGATORY NO. 52:**

Did you, at any time prior to 1975, conduct, finance, or have conducted for you any asbestos inspection or environmental dust count in any of your own plants which are or were engaged in the manufacture of asbestos products. If so, state the date, place and people involved in each such inspection or test, the results of the tests and identify all records.

ANSWER:

**INTERROGATORY NO. 53:**

Did you, at any time after 1975, conduct, finance, or have conducted for you any asbestos inspection or environmental dust count in any facility where your asbestos products were used? If so, state the date, place and people involved in each such inspection or test and identify all records.

ANSWER:

**INTERROGATORY NO. 54:**

Did you, at any time after 1975, conduct, finance, or have conducted for you any asbestos inspection or made any dust count in any of your own plants which are or were engaged in the manufacture of asbestos products. If so, state the date, place and people involved in each such inspection or test, the results of the tests and identify all records.



ANSWER:

**INTERROGATORY NO. 55:**

Does your company recognize that workers in the following trades were foreseeable users of your asbestos products? If so, when did you come to such a recognition?

- a. Pipe Ladders;
- b. Pipe Fitters;
- c. Welders;
- d. Burners;
- e. Sheetmetal Workers;
- f. Tapers;
- g. Chippers;
- h. Plasterers;
- i. Riggers;
- j. Grinders;
- k. Inspectors;
- l. Shipwrights;
- m. Painters;
- n. Boilermakers;
- o. Insulators;
- p. Custodians;
- q. Planners;

- r. Testers;
- s. Teachers;
- t. Carpenters;
- u. Electricians;
- v. Millwrights;
- w. Laborers;
- x. Masons;
- y. Aluminum Workers.

ANSWER:

**INTERROGATORY NO. 56:**

Does your company recognize that the types of workers listed in Question 55 would be exposed to asbestos in the course of working on jobs where other trades would be using asbestos products?

ANSWER:

**INTERROGATORY NO. 57:**

Does your company recognize that it was foreseeable that people working in the same or adjacent areas where your asbestos products were being used, installed or removed would inhale and/or ingest asbestos fibers emitted from your products?

ANSWER:

**INTERROGATORY NO. 58:**

Does your company recognize that it was foreseeable that trades persons listed in Question 55 would inhale and/or ingest asbestos fibers released from your asbestos products?

ANSWER:

**INTERROGATORY NO. 59:**

Do you contend that any respirators or other breathing devices would prevent inhalation of the asbestos dust and fibers released from your product? If so, state:

- a. When the respirator was sold;
- b. Give the detailed description of such respirator or other breathing device;
- c. The first date you reached the conclusion;
- d. The basis of your claim that use of the respirator will prevent the inhalation of such dust and fibers;
- e. Identify any relevant tests performed by date, title, author and number.

ANSWER:

**INTERROGATORY NO. 60:**

From the year 1930 to the present, identify:

- a. The name of each physician in your employ and/or the employ of your subdivision or contract unit;

- b. The current and/or last known address for each such individual;
- c. The dates of employment of each such individual;
- d. The job duties and/or responsibilities for each such individual identified;
- e. The duration of each such individual's employment, the office address or duty assignment location held by each such individual, and the dates associated with each such assignment.

ANSWER:

**INTERROGATORY NO. 61:**

Have you, at any time since 1930, maintained any office or department dealing with medical research? If so, state:

- a. The name and location of such department; and
- b. The name, address and title of each person who has been in charge of the department.

ANSWER:

**INTERROGATORY NO. 62:**

From the year 1930 to the present, state:

- a. The address of each medical library maintained by you or your subdivisions and/or contract units;

- b. When each such library came into existence;
- c. The custodian of each such library facility records, such as individual's dates of employment and last known address or current address.

ANSWER:

**INTERROGATORY NO. 63:**

For each facility identified in response to the two preceding Interrogatories, state the name or title of each medical journal or periodical subscribed to and the inclusive dates of each such subscription.

ANSWER:

**INTERROGATORY NO. 64:**

Other than the medical library facilities referenced in the answers to the immediately preceding three Interrogatories, state the identity of each medical library, from 1930 to date, in which you held a membership, or funded by way of contribution, gift, grant, or any other direct cash or property payments.

ANSWER:

**INTERROGATORY NO. 65:**

State the names and addresses of all professional, trade, industrial, safety, hygiene, or health associations and research foundations or organization you have been a member of since 1930 indicating for each association:

- a. The inclusive dates of your membership;
- b. The names of your employees who attended meetings and the dates and designations of such meetings;
- c. The positions held by any of your employees;
- d. The location of all minutes, digests, reports and documents received or concerning such association.

ANSWER:

**INTERROGATORY NO. 66:**

When did you first learn that there were health hazards associated with the use and/or exposure, installation, and/or fabrication of asbestos containing products? State the date, source, nature and extent of such information.

ANSWER:

**INTERROGATORY NO. 67:**

Have you knowledge of any deaths or cases of lung disease or lung impairment prior to 1975 among your employees engaged in the manufacture or use of asbestos products which are

attributable to, or were alleged to be caused by, the inhalation of asbestos dust or fibers? If so, please give the name and address of each such employee, identify all medical records possessed in relation to the employee, and state whether reports of occupational disease were furnished to any bureau, branch or governmental body of the relevant state; attach copies of the latter.

ANSWER:

**INTERROGATORY NO. 68:**

If any of your employees or officers have testified at trial or by deposition in any litigation or before any Congressional Committee or administrative agency concerning asbestos exposure, pulmonary or asbestos-related diseases or industrial hygiene relating to asbestos use, state:

- a. The name, address and title of each person who testified;
- b. The date, location and forum of such testimony;
- c. Whether the defendant has a copy of such testimony;
- d. Whether the defendant will voluntarily produce a copy of such testimony.

ANSWER:

**INTERROGATORY NO. 69:**

Have you or any employee or agent of yours ever communicated with an agency or department of the United States concerning specifications and/or standard for any asbestos

product or thermal insulation product? If so state separately for each product or set of specifications:

- a. Identify each such product and its military or federal specification or standard;
- b. The intended purpose or use for the product so specified;
- c. The date, time and place of each communication including:
  - (1) The name of each of your agents or employees who participated in each communication;
  - (2) The names, titles, and agencies of each individual with whom such communication was had;
  - (3) The subject of the communication;
  - (4) Whether any notes, minutes or memoranda in any form were recorded of such communication or of any meetings between you and the agency;
  - (5) Whether any documents were submitted to the agency;
  - (6) If (4) or (5) is answered in the affirmative state the name, and location of the custodian of such records.

ANSWER:

**INTERROGATORY NO. 70:**

Does your company recognize that:



- a. Asbestos causes asbestosis;
- b. Asbestos exposure leads to an individual contracting asbestosis;
- c. There is a correlation between exposure to asbestos and the occurrence of asbestosis;
- d. Asbestos causes lung cancer;
- e. There is a correlation between asbestos exposure and the occurrence of lung cancer;
- f. Asbestos contributes to the development of gastro-intestinal cancer;
- g. That a portion of inhaled asbestos fibers remain in the lungs after being inhaled into the human body and are not destroyed?
- h. The symptoms of asbestosis and other asbestos-induced lung diseases or cancers may not manifest themselves until many years after the asbestos was inhaled into the body?
- i. Prolonged use of the asbestos material can cause or contribute to various occupational diseases, including asbestosis, mesothelioma, cancer and other lung and respiratory diseases?
- j. The use of asbestos insulating and/or asbestos-containing products listed in Answer (10) are dangerous and harmful to human health?
- k. There is a connection between the inhalation of asbestos dust and fibers and the disease "mesothelioma"?

If your answer to any part of this question is "Yes", explain when you came to this knowledge and what, if anything, you have done about it to notify the public or users of your products. If your answer is that your products are not harmful then explain what facts and tests were made upon which you base such conclusion.

ANSWER:

**INTERROGATORY NO. 71:**

Have any workman's compensation claims based on asbestosis, mesothelioma, lung cancer, other cancers, asbestos-induced diseases, or lung diseases been filed against you? If so, for each claim state:

- a. The date, place filed, reference numbers and outcome of each claim;
- b. Whether you advised your workers' compensation carrier of the claims;
- c. The location and custodian of all records of claims and correspondence with your compensation carrier.

ANSWER:

**INTERROGATORY NO. 72:**

Have you as part of your business ever employed any steam plant operators, boiler repair workers, insulators or had a division or unit which installed insulation materials on a contract by contract basis (e.g., a "contract unit")? If so, state:

- a. The location where such persons or unit was based;
- b. The names of the operators or managers of the contract units;
- c. Whether there existed rules, regulations and/or work practices which were to be followed by such employees:
- d. Were such employees ever required to wear respirators. If so, please state:
  - (1) Whether the requirement was by written regulation or oral direction;
  - (2) The names of the people in your firm originating such a requirement and/or in charge of enforcing it;
  - (3) The date the requirement was imposed for the first time.
- e. Have such former employees ever filed workmen's compensation claims due to lung or coronary illness. If so, for each such claim, state the date, jurisdiction and docket number and outcome of the claims.

ANSWER:

**INTERROGATORY NO. 73:**

State the total number of employees of yours or your contract unit receiving benefits under any Occupational Disease or Workers Compensation statute for asbestosis, mesothelioma, bronchogenic carcinoma and/or cancer of the stomach, colon or rectum of each year, from the

date that you first manufactured, distributed or sold any asbestos-containing products until the present time.

ANSWER:

**INTERROGATORY NO. 74:**

State by year the total dollar amount paid out by you, your contract unit and/or your insurance carrier as a result of claims under any Occupational Disease or Workers' Compensation statute for asbestosis, mesothelioma, bronchogenic carcinoma and/or cancer of the stomach, colon or rectum.

ANSWER:

**INTERROGATORY NO. 75:**

Identify any action, other than workers' compensation claims, brought against you by claimants injured as a result of exposure to asbestos and asbestos-containing products prior to 1972, stating the court in which the action was brought, the date of filing, case style, and case number.

ANSWER:

**INTERROGATORY NO. 76:**

State separately for each calendar year for the period 1928 to the present:

- a. The total amount of asbestos mined by your company;
- b. The total pound volume of asbestos fibre purchased by your company;
- c. The total pound volume of asbestos used by your company in its manufacturing processes;
- d. The total pound volume of asbestos sold by your company;
- e. The total pound volume of asbestos acquired by your company in any manner other than mining or purchase, and identify the manner of acquisition for each year;
- f. The total dollar value of asbestos mined by your company;
- g. The total dollar value of asbestos purchased by your company;
- h. The total dollar value of asbestos used by your company in its manufacturing process;
- i. The total dollar value of asbestos sold by your company;
- j. The total dollar value of all asbestos-containing products sold by you;
- k. The total number of pounds or linear feet of each asbestos product sold by you and the dollar value of such sales;
- l. The percentage of sales by dollar value and by linear foot and weight of your asbestos as compared to all asbestos sold in the United States;

- m. The percentage of sales by dollar value and by linear foot and weight of your asbestos-containing material as compared to all asbestos-containing materials sold in the United States;

ANSWER:

**INTERROGATORY NO. 77:**

Did you in any way finance, assist or participate in:

- a. The Metropolitan Life Insurance Company studies of asbestos conducted from 1929-1950;
- b. The Trudeau Foundation Saranac Lake studies from 1929-1960;
- c. The Quebec Asbestos Mining Association Study of Asbestos and Health between 1940 and 1970.

If so, state what role or action you took and identify all documents relevant to such activities by name, date, title, file number and present location.

ANSWER:

**INTERROGATORY NO. 78:**

Has your firm ever been cited or admonished by any government agency (federal, state or local) for dust levels in excess of any threshold limit value (TLV) or other predetermined number? If so, please state:

- a. The date the government agency and the dust and TLV or number involved;
- b. The means of identifying any document related to such an occurrence;

- c. Any action taken by the agency involved.

ANSWER:

**INTERROGATORY NO. 79:**

State whether from 1930 to date you promulgated any rules, written or oral for the handling of asbestos or asbestos products by your own employees? If so, state:

- a. When such rules were promulgated;
- b. The substance of the rules, if oral, and the name, address and title of the person who disseminated them;
- c. If in writing, either attach a copy of the rules or identify the written rules by date, title, identification number, present location and the name and address of the custodian thereof;
- d. Whether any such material was provided to any users of your asbestos products and, if so, when and to whom.

ANSWER:

**INTERROGATORY NO. 80:**

Have any of your employees been reassigned to other duties because of pulmonary or coronary health problems? If so, please state for each such reassignment:

- a. The date and reason for reassignment;
- b. The jobs prior to and after reassignment;
- c. The age and health problem of the person reassigned.

ANSWER:

**INTERROGATORY NO. 81:**

Prior to 1972, have your employees ever been subject to periodic medical examinations?

If so, please state:

- a. Whether the examinations were performed by your firm, its agents or employees or by outside personnel either private or governmental;
- b. Whether the examinations were performed as a result of an internal corporate decision or to comply with some governmental rule;
- c. Whether any person was rejected for employment as a result of such examination. If so, state the date and reason for such rejection;
- d. Whether any employee was reassigned, terminated or pensioned as the result of such examination and the date and reason for each such occurrence.

**ANSWER:**

**INTERROGATORY NO. 82:**

Have you ever removed or had removed any asbestos insulation or other asbestos containing material from any building, plant or facility which you owned, operated, leased or maintained? If so, identify the building or facility, state the date the asbestos material was removed and who removed the asbestos, and identify all documents relating to or referring to the removal.

**ANSWER:**

**INTERROGATORY NO. 83:**



Was the monitoring of dust levels required by any Government regulation or rule of any government, agency, or insurance company? If so, state the substance of the rule, the source imposing it and the date it was first imposed.

ANSWER:

**INTERROGATORY NO. 84:**

Do you agree that the possibility of exposure to asbestos dust and fibers extends not only to workers actually handling the asbestos products but also to:

- a. Other workers in the area where the asbestos products are being used;
- b. Members of the families of workers;
- c. Household members of workers.

ANSWER:

**INTERROGATORY NO. 85:**

Does your company have a record or document "retention" policy, plan or program? If so, please describe such plan. If the plan is different for separate categories of records, please describe the plan for each category. Please include in the descriptions the following:

- a. The name and title of the custodian of the records;
- b. The length of time for which records are retained;
- c. The titles and names of the personnel responsible for determining the policy or plan from 1935 to the present;
- d. The titles and names of the personnel responsible for the removal and destruction of any records, pursuant to any such plans from 1935 to the present.

ANSWER:

**INTERROGATORY NO. 86:**

Have you destroyed any documents, records or writings pertaining to:

- a. Health hazards of asbestos;
- b. Workmen's Compensation claims arising out of asbestos, lung cancer, mesothelioma, cor pulmonale, pneumoconiosis, or pulmonary fibrosis;
- c. Placing warning labels on your products;
- d. Hazardous conditions in your plants or factories;
- e. Funding of studies about health hazards of asbestos;
- f. Lawsuits arising out of injuries alleged to having been caused by asbestos.
- g. The effectiveness of masks or respirators in protecting users from asbestos

exposure.

If so, list every such document destroyed by author, date and subject matter.

ANSWER:

**INTERROGATORY NO. 87:**

Identify and produce all Minutes of each meeting of the Board of Directors or of any committee of the Board at which meeting the hazards of asbestos exposure, and/or the possible application of warning labels on asbestos-containing products were discussed.

ANSWER:

**INTERROGATORY NO. 88:**

If there is any person whom the defendant expects to call as an expert witness at trial, please provide a copy of the witness' curriculum vitae or summary of the witness' qualifications if there is no vitae, and please state for each such expert witness:

- a. The person's identity, giving name, profession or occupation and address;
- b. The subject matter on which each such expert is to testify;
- c. The substance of all facts and opinions regarding which each such expert is to testify;
- d. A summary of the grounds for each opinion of each such expert;
- e. Whether the facts and opinions listed in 8) above are contained in a written report, memorandum or transcript and if they are, produce the same pursuant to the Rule 34 Notice of Production of Documents attached hereto;
- f. If the opinion of any expert listed above is based in whole or in part on any code or regulation, governmental or otherwise, identify said code or regulation and specifically set forth the section relied upon;
- g. Whether each such expert intends to base his or her testimony on any book, treatise, article, study, or any other document, and, if so, identify all such documents; and
- h. Whether the witness has testified at trial or by deposition in other asbestos-related personal injury or wrongful death cases, and if so, state for each such case:
  - (1) the name and docket number;
  - (2) the court in which each such case was pending; and
  - (3) the party for whom the witness testified.

**ANSWER:**

**INTERROGATORY NO. 89:**

Identify the name and address of each non-expert witness whom you intend to call at trial, and specifically set forth the nature and substance of the matters to which each such person will testify and summarize the facts to which such person will testify.

ANSWER:

**INTERROGATORY NO. 90:**

Identify and produce each exhibit that you intend to rely upon at trial.

ANSWER:

**INTERROGATORY NO. 91:**

Identify all persons, other than your attorneys, who provided you with any information used in answering these interrogatories, and state the particular information each person supplied.

ANSWER:

**INTERROGATORY NO. 92:**

At any time prior to 1972, did you learn of any recommended levels of asbestos proposed by The American Conference of Governmental and Industrial Hygienists (ACGIH)? If so, state:

- a. The exact date you first learned of any ACGIH recommended levels;
- b. How you first learned of it;

- c. Which of your employees or agents first learned of it;
- d. The steps or action you took to advise your sales personnel of the recommendation;
- e. The steps or action you took to advise your customers, dealers, distributors and contractors of the ACGIH recommendation;
- f. Any comment you filed or submitted to ACGIH;
- g. Identify all documents related to ACGIH;

ANSWER:

**INTERROGATORY NO. 93:**

Do you contend that there is a minimum safe threshold level of exposure to asbestos below which there is no risk in developing mesothelioma or lung cancer? If so, specify the minimum safe threshold level of exposure for each disease, the date you claim the threshold was arrived at, and the precise basis for your contention.

ANSWER:

**INTERROGATORY NO. 94:**

Do you contend that there is any difference between chrysotile fiber, amosite fiber, crocidolite fiber, and/or tremolite fiber in the development of (a) mesothelioma; and (b) lung cancer? If so, explain in detail your contention as to the distinction between or among fiber types in the development of each disease and the medical authority you rely on.

ANSWER:

**INTERROGATORY No. 95:**

With respect to any other (non-asbestos containing) product manufactured, distributed and/or marketed by you, have you ever devised, issued or included any warning with the product(s) or the user(s) thereof concerning potential hazards of respirable dust connected with such product(s)' use. If so, set forth:

- (a) The name of the product;
- (b) The contents of the warning;
- (c) The year such warning was issued;
- (d) Whether the warning appeared directly on the product or was included in accompanying product literature;
- (e) If the warning appeared on the product, provide a physical description of the warning's appearance, including type size and color and area of placement on the product.

**ANSWER:**

**INTERROGATORY No. 96:**

Have you, or any corporate division, subsidiary or related entity ever been engaged in the business of asbestos abatement. If so, state:

- a. The name of the unit of all personnel involved;
- b. The location where such persons or units were based;

- c. The dates such person or units functioned;
- d. The sites where such abatement, repair, encapsulation or removal occurred.

ANSWER:

## **SECTION II**

**(APPLICABLE TO ALL DEFENDANTS WHO MANUFACTURED, DISTRIBUTED OR SOLD BOILERS, TURBINES, HOT OR COLD WATER EXCHANGE SYSTEMS, INCLUDING PUMPS (HOT OR COLD WATER), STEAM PRESSURE VESSELS, CONDENSERS, VAPOR PRESSURE UNITS, HIGH PRESSURE VESSELS, OR ANY OTHER HEAT EXCHANGE SYSTEM, INCLUDING ANY ADJACENT AND/OR PERIPHERAL EQUIPMENT NECESSARY FOR THE FUNCTION OF A VAPOR PRESSURE UNIT, SUCH AS, PIPES, WATER TUBES, AIR TANKS, AND COOLING TOWERS.)**

**INTERROGATORY No. 97:**

Identify all past and present divisions, subsidiaries or affiliated companies of the answering Defendant having any function that now or in the past engaged in any phase of mining, manufacturing, sale, supply, purchase, application, installation relabeling, processing or distribution of any asbestos, or machinery and/or equipment calling for the use and/or installation of asbestos-containing products, including but not limited to insulation, cement and gaskets used in conjunction with your boilers, turbines, pumps (hot and cold water), steam pressure vessels, condensers, vapor pressure units, high pressure vessels, or any heat exchange system, including any adjacent and/or peripheral equipment necessary for the function of a vapor pressure unit, such as pipes, water tubes, air tanks and cooling towers. With respect to each of such divisions, subsidiaries or companies, set forth with particularity the precise relationship with the answering Defendant, the dates thereof, and identify the nature and extent of such functions during the relevant periods in which such activities have or had occurred.

**ANSWER:**

**INTERROGATORY No. 98:**

List by brand name all of your asbestos-containing products. "Your asbestos-containing products" includes all materials and merchandise and/or equipment/machinery that contain any amount of asbestos manufactured, sold, designed, supplied, distributed, mined, milled, relabeled, resold, processed, applied or installed by you or for you by others, including but not limited to



insulation, cements, gaskets used on your boilers, turbines, pumps (hot or cold water), steam pressure vessels, condensers, vapor pressure units, high pressure vessels, or any heat exchange system, including any adjacent and/or peripheral equipment necessary for the function of a vapor pressure unit, such as pipes, water tubes, air tanks, and cooling towers. By "you" and "yours," Plaintiffs refer to Defendant, to all your predecessors in interest (whether by purchase, merger, consolidation or otherwise), to all of your subsidiaries, divisions, joint ventures, or affiliates. As to each product, state the following:

- (a) Type of product (e.g., acoustical plaster, fireproofing, turbine, boiler, pump, etc.);
- (b) The date the product first went into production;
- (c) The last date the product was produced;
- (d) The last date the product was sold;
- (e) All manufacturing locations;
- (f) Dates of manufacture at each location;
- (g) The percentage of asbestos (indicate if percentage is by volume or weight), and the dates of and all reasons for any modification thereof;
- (h) The type of asbestos used, installed or applied;
- (i) The specific source of the asbestos referred to in (h) above, with dates;
- (j) The color, physical characteristics, and appearance of the product;
- (k) All trade, manufacturing or promotional names under which the product was sold, marketed or distributed;
- (l) The number and dates of each patent or patent application as to the product;

- (m) If the product is no longer produced, all reasons it was discontinued, the identity of the person who made the decision to discontinue the product, the brand name of the replacement product, and the date the replacement product first went into production;
- (n) A precise description of your identifying logo or initials and the dates of inclusion on the product;
- (o) Identify all sales literature, including brochures, advertisements, pamphlets or other material describing such product, its uses and methods of application or installation;
- (p) Identify any warning labels, inserts or other writings provided with such product. With every such printed warning, state what period of time it has or had accompanied the product, the exact wording of the warning, any amendments made to the wording, where the warning was located on each product or packaging, and on what asbestos products the warning appear(ed);
- (q) Geographic distribution range of each such product.

ANSWER:

**INTERROGATORY No. 99:**

Do you contend that there are any states in which you did not distribute, sell or market any boilers, turbines, cold water exchange systems, including pumps (hot or cold water), hot water exchange systems, including pumps (hot or cold water), steam pressure vessels, condensers, vapor pressure units, high pressure vessels, or any heat exchange system, including any adjacent and/or peripheral equipment necessary for the function of a vapor pressure unit, such as, pipes, water tubes, air tanks, and cooling towers sold and/or installed?

If so, identify each state.

ANSWER:

**INTERROGATORY No. 100:**

Does your company maintain any documents or know the whereabouts of any documents that indicate where your boilers, turbines, pumps (hot or cold water), steam pressure vessels, condensers, vapor pressure units, high pressure vessels, or any heat exchange system, including any adjacent and/or peripheral equipment necessary for the function of a vapor pressure unit such as pipes, water tubes, air tanks, and cooling towers were sold and/or installed between 1930 and 1985? If so, identify the documents and the location(s) of these documents.

ANSWER:

**INTERROGATORY No. 101:**

Did you specifically inform the purchaser or ultimate user of your products or any associated asbestos-containing material or equipment at the time your product was sold, installed, used or supplied, or subsequently, that asbestos products including, but not limited to

insulation, cements, and gaskets used on, contained within, or used in conjunction with your products could cause lung cancer, asbestosis, and mesothelioma? If so, identify the document containing such information by date and location.

ANSWER:

**INTERROGATORY No. 102:**

During the time that Defendant sold, manufactured, designed, supplied, distributed, mined, milled, relabeled, resold, processed, applied, installed asbestos-containing products or specified asbestos-containing products including but not limited to insulation, gaskets or cements to be affixed, installed and/or used in conjunction with your boilers, turbines, pumps (hot or cold water), steam pressure vessels, condensers, vapor pressure units, high pressure vessels, or any heat exchange system, including any adjacent and/or peripheral equipment necessary for the function of a vapor pressure unit, such as, pipes, water tubes, air tanks, and cooling towers, did the Defendant ever have any inspectors or anyone from your company or hired by your company whose job it was to go to the area where your asbestos-containing products were being used, removed or installed to make a dust level count? If so, state when this procedure started, the purpose of such procedure and the findings and what action, if any, was taken in response to the finding, and attach results.

ANSWER:

**INTERROGATORY No. 103:**

Have you engaged, designated, employed, contracted for, assigned or hired distributors of your boilers, turbines, pumps (hot or cold water), steam pressure vessels, condensers, vapor pressure units, high pressure vessels, or any heat exchange system, including any adjacent and/or peripheral equipment necessary for the function of a vapor pressure unit, such as, pipes, water tubes, air tanks, and cooling towers in New York? If so, then state the name of all companies, their addresses, give the years that each was a designated distributor and the products each distributed.

ANSWER:

**INTERROGATORY No. 104:**

If you did not engage, employ, contract for, assign, hire, or designate distributors in New York, then state by what method sales of boilers, turbines, pumps (hot or cold water), steam pressure vessels, condensers, vapor pressure units, high pressure vessels, or any heat exchange system, including any adjacent and/or peripheral equipment necessary for the function of a vapor pressure unit, such as, pipes, water tubes, air tanks, and cooling towers were made. Give the name and addresses of all Defendant's sales offices relating to boilers, turbines, pumps (hot or cold water), steam pressure vessels, condensers, vapor pressure units, high pressure vessels, or any heat exchange system, including any adjacent and/or peripheral equipment necessary for the function of a vapor pressure unit, such as, pipes, water tubes, air tanks, and cooling towers located in New York.

ANSWER:

**INTERROGATORY No. 105:**

Was it anticipated that asbestos-containing products, including but not limited to insulation, cements, gaskets, etc., on, within or around your boilers, pumps (hot or cold water), turbines, steam pressure vessels, condensers, vapor pressure units, high pressure vessels, or any heat exchange system, including any adjacent and/or peripheral equipment necessary for the function of a vapor pressure unit, such as, pipes, water tubes, air tanks, and cooling towers may have to be removed, stripped, disturbed, or replaced at any time after installation?

If so, identify all documents concerning or regarding this knowledge or anticipation.

**ANSWER:**

**INTERROGATORY No. 106:**

Did the Defendant, during the application of asbestos-containing products on machinery or equipment, or when it produced a boiler, turbine, pump, steam pressure vessel, condenser, vapor pressure unit, high pressure vessel, or any heat exchange system, including any adjacent and/or peripheral equipment necessary for the function of a vapor pressure unit, such as, pipes, water tubes, air tanks, and cooling towers that required asbestos-containing insulation, give users or other persons exposed to asbestos-containing products or their employers who would be applying, using, removing asbestos-containing products related to the aforementioned equipment instructions concerning safety precautions to use in applying, using or removing such products?

If so, describe such instruction, to whom they were given, the dates they were given, and the manner of giving such instructions.

ANSWER:

**INTERROGATORY No. 107:**

List all the job sites, contractors and/or facilities within the state of New York including, but not limited to oil refineries, chemical plants, power plants, shipyards, commercial buildings, industrial sites (including aluminum fabricating facilities), where or to whom Defendant's boilers, turbines, steam pressure vessels, pumps (hot or cold water), condensers, vapor pressure units, high pressure vessels, or any heat exchange system, including any adjacent and/or peripheral equipment necessary for the function of a vapor pressure unit, such as, pipes, water tubes, air tanks, and cooling towers were supplied, distributed, sold and/or used. Identify which products were involved, the date or time period of such sale, distribution, use or installation and, if known, the physical location within the facility listed.

ANSWER:

**INTERROGATORY No. 108:**

Up until the time that you ceased to sell and/or manufacture boilers, turbines, steam pressure vessels, pumps (hot or cold water), condensers, vapor pressure units, high pressure vessels, or any heat exchange system, including any adjacent and/or peripheral equipment necessary for the function of a vapor pressure unit, such as, pipes, water tubes, air tanks, and

cooling towers that called for asbestos insulation, had the Defendant ever conducted or caused to be conducted any studies designed to minimize or eliminate the inhalation of asbestos dust or fibers by those exposed to the use of the asbestos-related products used in conjunction with your boilers, turbines, steam pressure vessels, condensers, vapor pressure units, high pressure vessels, pumps (hot or cold water), or any heat exchange system, including any adjacent and/or peripheral equipment necessary for the function of a vapor pressure unit, such as, pipes, water tubes, air tanks, and cooling towers? If so, give the following:

- (a) Name of the person or firm conducting such studies;
- (b) The date the studies began and the date completed;
- 8) Any publication or dissemination of the results of the studies;
- (d) The nature of any action to eliminate or minimize inhalation of asbestos dust or fibers;
- (e) Attach copies.

ANSWER:

**INTERROGATORY No. 109:**

Did your company or its predecessor(s) ever place any warning directly on any of its asbestos-related products (i.e. on boilers, turbines, steam pressure vessels, condensers, vapor pressure units, pumps (hot or cold water), high pressure vessels, or any heat exchange system, including any adjacent and/or peripheral equipment necessary for the function of a vapor



pressure unit, such as, pipes, water tubes, air tanks, and cooling towers)? If so, state the wording of such warning, the size, how it was marked and the dates of placement.

ANSWER:

**INTERROGATORY No. 110:**

Did the Defendant ever provide a warning within its sales literature pertaining to asbestos-related products? If so, list the wording, the dates and what literature it was placed in.

ANSWER:

**INTERROGATORY No. 111:**

Does Defendant have insurance policies that might cover the claims made by Plaintiff in this case?

ANSWER:

**INTERROGATORY No. 112:**

If the answer to the above interrogatory is affirmative, please state:

- (a) The amounts of insurance coverage that is currently available as of the date you answer these interrogatories, and
- (b) How much is in dispute.

ANSWER:

**INTERROGATORY No. 113:**

In what year did this Defendant first become aware of the 1938 Public health Bulletin No. 241 entitled, "A Study of Asbestosis in the Textile Industry?"

ANSWER:

**INTERROGATORY No. 114:**

In what year did this Defendant first become aware of the 1946 article entitled "A health Survey of Pipe Covering Operations in Constructing Naval Vessels" by Fleischer, Drinker, et al.?

ANSWER:

**INTERROGATORY No. 115:**

Please list all asbestos cases in which defendant was previously sued.

ANSWER:

**INTERROGATORY No. 116:**

Please describe all instances of asbestos abatement at each of defendant's premises.

## **REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to the CPLR, the plaintiffs request that each defendant produce for inspection and copying, the documents and things identified below. The documents and things identified herein shall be produced for inspection and copying at such time as the answers to the interrogatories herein are filed.

You are hereby requested to produce the following documents and things:

### **PART I (APPLICABLE TO ALL DEFENDANTS)**

#### **REQUEST NO. 1:**

All documents identified in your answers to any of the foregoing interrogatories.

#### **REQUEST NO. 2:**

All records of sales and deliveries of your asbestos-containing products to any company or worksite in New York State including but not limited to job sites listed on Attachment IV.

#### **REQUEST NO. 3:**

All computer printouts and analysis of sales and delivery of your asbestos-containing products to any companies or worksites in the states of (a) New York; (b) New Jersey and (c) Connecticut.

**REQUEST NO. 4:**

All records showing the amount and dollar value each asbestos-containing product you manufactured and sold.

**REQUEST NO. 5:**

All documents showing your share of the market, by volume and by dollars of sales, for each asbestos-containing product, for each type of asbestos-containing products (e.g., pipe covering, cement, acoustical material, etc.) and for all asbestos-containing products you sold and manufactured.

**REQUEST NO. 6:**

All research reports prepared by or for you or which you received concerning the following aspects of any asbestos-containing products you manufactured or sold:

- (a) The health hazards of the product;
- (b) The amount of asbestos released by the product when used;
- (c) The capability of the product to comply with industry standards, state or federal regulations or other limits;
- (d) Efforts to reduce or eliminate asbestos from the products;
- (e) The aerodynamic nature of the products;
- (f) The friability or durability of the product;
- (g) The ability of the product to resist deterioration or water damage.

**REQUEST NO. 7:**

Organizational Charts for the years 1940, 1945, 1950, 1955, 1960, 1965, 1970, 1975 and the present.

**REQUEST NO. 8:**

All rules, regulations, manuals, standards, procedures and instructions to salesmen and other documents dealing with:

- (a) Sales of asbestos-containing products;
- (b) Health hazards of asbestos products you were selling; and
- (c) Communication with customers re: health hazards of asbestos.

**REQUEST NO. 9:**

All licensing, sales, dealer, distributor and contractor agreements with any firm located in New York, New Jersey or Connecticut or which involved the sale of asbestos-containing materials in those states.

**REQUEST NO. 10:**

Photographs of each of your asbestos-containing products and other packages in which they were shipped.

**REQUEST NO. 11:**

All documents in your possession relating in any way to meetings, correspondence, statements or other communications to or from any manufacturer or supplier of asbestos, asbestos-containing products and/or asbestos-containing materials or from their agents or representatives or trade associations concerning the health effects of asbestos.

**REQUEST NO. 12:**

All documents in your possession or which you have ever become aware of, relating in any way to meetings, correspondence or other communications of or from any trade association, labor union, employer or governmental agency, of or from any of their agents or representatives, relating to the subjects of occupational health and exposure to asbestos, asbestos-containing products and/or asbestos-containing materials.

**REQUEST NO. 13:**

All documents prepared by or on behalf of the defendant, prior to this litigation, in any way relating to the documents requested in item Nos. 11 and 12 above, of this request for production.

**REQUEST NO. 14:**

All documents relating in any way to the exposure or possible exposure to asbestos, asbestos-containing products and/or asbestos-containing materials by workers at:

- (a) Shipyards;

- (b) Insulating trades;
- (c) Boiler trades;
- (d) Construction trades;
- (e) Plants manufacturing or using asbestos;
- (f) Brake lining or friction material;
- (g) Seamen;
- (h) Railroads;
- (i) Nonoccupational and/or neighborhood exposures;
- (j) Manufacturing Plants, including Aluminum Plants.

**REQUEST NO. 15:**

All documents relating in any way to the health effects of asbestos, asbestos-containing products and/or asbestos-containing materials manufactured, distributed, sold and/or supplied by any person or entity or by any of the named defendants herein.

**REQUEST NO. 16:**

All documents prepared, reviewed, issued or commented on by you relating in any way to warnings, potential health hazards, instructions or precautions regarding the use or handling of, or exposure to, asbestos, asbestos-containing products, and/or asbestos-containing materials.

**REQUEST NO. 17:**

All statements, recorded interviews, films, videotapes, reports, questionnaires, forms or other documents made, submitted, compiled, prepared or filled out by, on behalf of, or under the direction of defendant relating in any way to exposure or alleged exposure to asbestos, asbestos-containing products and/or asbestos-containing materials or any other issues relating to these lawsuits, except that information prepared by, for, or at the request of defendant's counsel must be identified (including the date made), but need not be produced without an order by the Court, provided that written or recorded communication between plaintiff and counsel, made after an attorney-client relationship has been established need not be produced or identified.

**REQUEST NO. 18:**

All documents relating to defendant's first knowledge, notice or awareness about the alleged adverse effects of exposure to asbestos, asbestos-containing products and/or asbestos-containing materials.

**REQUEST NO. 19:**

All records relating to comments, complaints, suggestions, or proposals made by your employees, by your customers, dealers, distributors or contractors or by yourself regarding the health effects of asbestos exposure.

**REQUEST NO. 20:**

All written, recorded, filmed, transcribed or videotaped statements of all parties and non-party declarants pertaining to the subject of these lawsuits, except that information prepared by,



for, or at the request of plaintiff's counsel must be identified (including the date made), but need not be produced without an order by the Court, provided that written or recorded communication between plaintiff and counsel, made after an attorney-client relationship has been established need not be produced or identified.

**REQUEST NO. 21:**

All photographs of people working with, using or being exposed to your asbestos-containing materials.

**REQUEST NO. 22:**

Copies of all reports, correspondence and records which relate to the subject matter of these cases from any expert who is expected to testify at trial, either with respect to issues such as state-of-the-art, standard threshold limits, government or military specifications, industrial hygiene, ship or railroad design or construction warnings, friability of defendants' products, health hazard involving defendants' products, general medical issues relating to asbestos disease and their causes or and with respect to any individual plaintiff's case.

**REQUEST NO. 23:**

All documents submitted to any federal, state or local government or agency in connection with that body's efforts to establish standards, specifications or levels of ambient or occupational exposure to asbestos or asbestos from your products.

**REQUEST NO. 24:**

Any asbestos and/or asbestos-containing products of the type manufactured by defendant and which the defendant has in his possession, custody or control.

**REQUEST NO. 25:**

All boxes, containers or wrappers that defendant used to package or ship its asbestos or asbestos-containing products.

**REQUEST NO. 26:**

All labels, tags, or warnings which defendant alleges it placed on the boxes, containers or wrappers which contained defendants' asbestos or asbestos-containing products.

**REQUEST NO. 27:**

Any customer, contractor, dealer or distributor complaint relating to defendants' asbestos products and any incident or accident reports defendant received relating to the health hazards of its asbestos products.

**REQUEST NO. 28:**

Any written statements obtained by the defendant which relate to facts, circumstances, incidents, injuries or damages which form the basis of the complaint of each plaintiff including

but not limited to statements made to any police or law officers, insurance company representatives, state or federal agents, or representative of plaintiff's employers or of other companies.

**REQUEST NO. 29:**

All records and documents including tax returns, compensation claims, disability claims, social security claims, hospital and medical records, x-rays, pathology material, photographs, statements, reports and other documents relating to the claim of each plaintiff other than documents provided to you by the particular plaintiff's counsel.

**REQUEST NO. 30:**

All communications with or concerning the American Conference of Government and Industrial Hygienist.

**REQUEST NO. 31:**

All documents received by you or in your possession relating to or concerning the Quebec Asbestos Mining Association (QAMA).

**REQUEST NO. 32:**

All documents marked as exhibits in any asbestos-related insurance coverage litigation between you and any liability insurance carrier.

**REQUEST NO. 33:**

All documents produced by you in the litigation with your liability insurance carrier.

**REQUEST NO. 34:**

All documents marked as exhibits in any asbestos-related indemnity or liability litigation between you and the U.S. Government.

**REQUEST NO. 35:**

All documents produced by you in asbestos-related litigation with the U.S. Government or any of its agencies.

**REQUEST NO. 36:**

All state-wide jobsite logs.

**REQUEST NO. 37:**

All requirements contracts concerning or regarding the sale, distribution, marketing, installation, or use of your asbestos-containing products, and/or machinery/equipment calling for the use of asbestos-containing products.

**REQUEST NO. 38:**

All documents reflecting your worth, including, but not limited to your balance sheets for the last three years; your federal income tax returns for the last three years; your state income tax

returns for the last three years; and any public filings with entities including, but not limited to the Securities and Exchange Commission.

**REQUEST NO. 39:**

All promotional, marketing or sales materials concerning or regarding the masks and respirators identified by you in Interrogatory No. 98.

**REQUEST NO. 40:**

All studies conducted by you, or in your possession, custody, or control, concerning or regarding the effectiveness or ability of your respirators and masks, identified in response to Interrogatory No. 98, to protect users from asbestos exposure.

**REQUEST NO. 41:**

All documents regarding asbestos abatement.

**REQUEST NO. 42:**

All complaints, answers, interrogatories, documents, and depositions produced or taken in prior asbestos lawsuits against defendant in all jurisdictions.

Dated:

By: (signature of Plaintiff or Attorney)  
Type Name of Signer

Name of Attorney for Plaintiff  
Address and Telephone Number

**ATTACHMENT I**

**ASBESTOS PRODUCT INFORMATION SHEET**

- (a) A description of the product: \_\_\_\_\_  
\_\_\_\_\_.
- (b) Generic Name: \_\_\_\_\_.
- 8) Brand Name: \_\_\_\_\_.
- (d) Trademark Name, Number, Registration date, and period of Trademark Use: \_\_\_\_\_  
\_\_\_\_\_.
- (e) Asbestos Content by Percentage: \_\_\_\_\_.
- (f) Type of Asbestos: \_\_\_\_\_.
- (g) Mineralogical and/or constituent composition by weight of each constituent:
  - (I) \_\_\_\_\_.
  - (ii) \_\_\_\_\_.
  - (iii) \_\_\_\_\_.
  - (iv) \_\_\_\_\_.
- (h) Inclusive Dates of Manufacture: \_\_\_\_\_  
\_\_\_\_\_.
- (I) Inclusive Dates of Sale: \_\_\_\_\_  
\_\_\_\_\_.
- (j) Name of Manufacturer and place of manufacture: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

(k) Did you “rebrand” or sell the product to others for resale by them under some other name? If so, for who and when:

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(l) Did you purchase the product from another manufacturer? And if so, from whom, when and under what other name was it sold: \_\_\_\_\_

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(m) The color, physical description and characteristics of the product: \_\_\_\_\_

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(n) The purpose for using asbestos as an ingredient in the product: \_\_\_\_\_

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(o) The number and date of each patent or patent application relating to the product: \_\_\_\_\_

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(p) A precise description of any logo, symbol, initials or identifying mark used in connection with the product:

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(q) The form in what it was sold (e.g., drum, carton, bag, etc.):

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7) A full and precise description of the package in which the product was sold including, but not limited to, type of package (e.g., bag, drum), size, color and writing thereon:

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(s) The Intended use of the product: \_\_\_\_\_

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- (t) The manner of forming, shaping or molding such product to the application surface: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
- (u) The procedure for applying such product, including the type of surface to which it was meant to be applied: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
- (v) The type of bonding material, adhesive and/or other material used in the course of applying such product: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
- (w) The identity and location of all records relating to the development of the product: \_\_\_\_\_  
\_\_\_\_\_.
- (x) The identity and location of all records relating to the product: \_\_\_\_\_  
\_\_\_\_\_.
- (y) The identity of the Custodian of actual containers and photographs of containers of the products: \_\_\_\_\_  
\_\_\_\_\_.
- (z) With regard to each product, state the manner in which each such product can be distinguished from those manufactured by any other company: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
- (aa) The names and addresses of the people responsible for the development of the product: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.



(ab) If the product continued to be produced after the deletion of asbestos, the reason why asbestos was deleted and the date the product was first commercially sold without asbestos:

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(ac) If the product is no longer produced, all reasons why it was discontinued, the brand name of the replacement and the date the replacement was first sold commercially: \_\_\_\_\_

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**ATTACHMENT II**

**WORKSITE/PURCHASER SALES INFORMATION SHEET**

Name of the Worksite or Purchaser \_\_\_\_\_  
\_\_\_\_\_

P1. Identify each product sold or delivered by generic and/or brand name and description \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

P2. For each product listed state:

a. The date, invoice and purchase numbers of each sale or delivery:

b. The quantity and price of each such sale or delivery;

<u>Date</u>	<u>Invoice #</u>	<u>Purchase #</u>	<u>Quantity</u>	<u>Amount</u>	<u>Price</u>
_____	_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	_____	\$ _____
_____	_____	_____	_____	_____	\$ _____

c. The shipping details of each delivery including the names and departments that handled the sale and shipment.

<u>Shipping Details</u>	<u>Employee Name</u>	<u>Department</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

P3. Did you provide the purchaser with any product specifications, advertising, instructional material or technical information concerning the products sold. Yes ( ) No ( ) If so, identify the material provided by date, descriptions and present location and custodian

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_.

P4. Did you in any way alter or change the asbestos containing products between the time they came into your possession and the time they were delivered? Yes ( ) No ( ) If so, state:

a. The form the asbestos products were in when they first came into your possession

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_;

b. What alteration you made to the asbestos product

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_;

c. The reason for the alteration made by you before you shipped the asbestos product to GD.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_.

P5. Did you provide any warnings, or information as to the dangers of asbestos inhalation when you sold, shipped, delivered or supplied each order of asbestos products to the purchasers. Yes ( ) No ( ) If so, for each shipment:

a. Describe in detail each such warning, instruction or information given and the date and person to whom the warning was given \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_;

b. If oral, identify the substance of the warning instruction or information given and the date and name of the person at GD or BSC to whom given \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_;

c. If written, or printed attach a copy of each warning, instruction and information, identify it by date given, title and reference number and state the manner and location whereby it was transmitted to users of the product \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_.

P6. Specify all correspondence (other than the invoice and purchase orders) between you and the purchaser by number, date, subject matter, name and title sender and state where such documents are presently located and the name of the custodian of such documents \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_.

P7. Has any officer, employee, salesman or other representative of your Company ever visited the purchaser? Yes ( ) No ( ) If so, state the date and purpose of the visit and the name and title of your employee and who he spoke to \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_.

P8. Were the products listed in Interrogatory No. 9 and/or Interrogatory No. 10 manufactured in accordance with company product specifications (whether or not they also were produced in accordance with specifications of any outside organization)? Yes ( ) No ( ) If so, please state the following:

- a. The identity or designation of each of the specifications, including its number, title and date \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_;
- b. The present location of the specification \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_;
- c. The names and titles of the persons preparing and approving each specification and any amendments thereto \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_.

P9. Have you ever provided directly to workers or employees of the purchaser a warning concerning the dangers of exposure to asbestos inhalation as a result of the use of exposure to your asbestos product? Yes ( ) No ( ) If so:

- a. State the date of each such direct warning and to whom it was given;
- b. Identify the name of your employee who communicated or provided the direct warning;
- c. Identify the employee who determined to provide a warning;
- d. If the warning was in writing, identify each document containing the warning and state the content of each warning;
- e. If the warning was oral, state the substance of the warning, where given and the names of the Quincy Shipyard employees to whom it was given.

<u>Date</u>	<u>Name of Employee Giving Warning</u>	<u>Identity of Written Document</u>	<u>Substance of Oral Warning</u>
_____	_____	_____	_____



- ii. The date of the consideration \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_;
- iii. If the consideration occurred at a meeting, the names and present business  
and home addresses of those attending \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_;
- iv. The location of any records of such considerations  
\_\_\_\_\_  
\_\_\_\_\_

### **ATTACHMENT III**

Each Defendant named in the 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, and 7th Judicial District Asbestos Litigations, and the following companies:

A.C. and S., Inc.  
A.O. Smith Water Products  
A.W. Chesterton  
Advance Auto Supply  
Advance Welding & Fabricating, Inc.  
Air Compressor Engineering Co., Inc.  
Albany International Corp. (Individually and as Successor to Albany Felt Company and Albint, Inc.)  
Albany Welding Supply Co., Inc.  
American Boiler, Tank & Welding Co., Inc.  
American Standard, Inc.  
The Anchor Packing Company  
Aqua-Chem, Inc. (d/b/a Cleaver-Brooks Division)  
Asbestospray Corp.  
Asten Group (Individually and as Successor to Asten Dryer Fabrics, Inc.)  
Asten-Hill  
Atlantic Valve & Supply Company  
Atlas Copco Compressors, Inc. (Individually and as Successor to Atlas Copco Industrial Compressors, Inc.)  
The Babcock and Wilcox Company  
Bennett Pump Company  
Borg-Warner Corporation  
Brandon Drying Fabrics  
Burnham Corporation  
Burnham-Delaware, Inc.  
Carrier Corporation  
Celotex Corporation  
Certainteed Corporation  
Coen Company, Inc. (Individually and as Successor to Coen Manufacturing Corp.)  
Combustion Engineering, Inc.  
Congoleum Corporation  
Consolidated Edison Company of New York, Inc.  
Cooper Industries (Individually and as Successor to Crouse-Hinds)  
CPI Controls  
The Crane Company (Individually and as Successor to Xomox Corporation and as Successor to Cochrane)  
Crown Cork & Seal Company, Inc. (Successor to Mundet Cork Company)  
DaimlerChrysler Corporation  
Dana Corporation



Durabla Manufacturing Company  
E. Keeler Company  
Eagle Picher Industries, Inc.  
Eastern Refractories Company, Inc.  
Empire-Ace Insulation Manufacturing Corp.  
Fibreboard Corporation  
The Flintkote Company  
The Ford Motor Corporation  
Forty-Eight Insulations  
Foster Wheeler Energy Corporation  
Garlock Inc.  
General Electric Company  
General Motors Corporation  
General Refractories Company  
Genuine Parts Company  
Georgia-Pacific Corporation (Individually and as Successor to Bestwall Gypsum Company)  
Goulds Pumps Incorporated  
Gilbarco, Inc.  
Graver Water Systems, Inc. (Individually and as Successor to The Graver Company and Ecodyne, Unitech Division)  
Greene, Tweed & Co. (Individually and as Successor to Palmetto Packings)  
Hamon Research-Cottrell (Individually and as Successor to Research-Cottrell)  
Harbison-Walker Refractories Company, Inc. (formerly a division of Indresco, Inc.)  
Haselton Lumber Company, Inc.  
Henry Company (Individually and as Successor to Monsey and Bakor)  
Hobart Brothers Company (Individually and as Successor to McKay Hobart)  
Hollister's Plumbing & Heating Corp.  
Honeywell International, Inc. (f/k/a AlliedSignal, Inc., and as Successor-in-interest to The Bendix Corp.);  
I.T.T. Industries, Inc., (Individually and as Successor to Bell & Gossett and Grinnell Corporation)  
Illinois Tool Works (Individually and as Successor to Hobart Brothers Company);  
IMO Industries, Inc. (f/k/a Delaval, Inc.);  
Indresco, Inc., (Successor to Harbison-Walker Refractories, a division of Indresco, Inc.)  
Industrial Holdings Corporation (Individually and as Successor to Carborundum Company, Lockport Felt Division)  
Ingersoll-Rand Company  
J.S. Thermal Systems, Inc.  
Janos Industrial Insulation, Inc.  
John Crane, Inc.  
Johns-Manville  
K.S.B., Inc.  
Kaiser Aluminum & Chemical Corp.

Keene Corporation  
The Lincoln Electric Company  
Lindberg  
Lindberg/MPH  
Long Island Lighting Company  
M.H. Detrick Company  
Marley Co., (Individually and as a Division of Weil-McLain Company, Inc. and as Successor-in-interest to the Wylain Co.)  
Merriam-Graves of New York Corporation (Individually and as Successor to Rene Neveu & Son, Inc.);  
Metropolitan Life Insurance Company  
Minnesota Mining and Manufacturing Company, (a/k/a “3M”)  
Mount Vernon Mills, Inc.  
New England Insulation  
Niagara Mohawk Power Authority  
Nicolet  
Norris Valves  
North American Refractories Company  
O.C. Keckley Company  
O.K.I. Supply Co.;  
OKI Bering;  
OKI Bering Management Co.  
OPW Fueling Components, Inc., Individually and as a Division of Dover Resources, Inc.  
Okonite Incorporated  
Orange Rockland Utilities  
Owen Matheson  
Owens-Corning Fiberglas Corporation  
Owens-Illinois, Inc.  
Peerless Heater Company  
Peerless Industries, Inc.  
Pittsburgh Corning Corporation, (successor to Unarco Industries, Inc.)  
Plant Maintenance Service Corporation  
Plattsburgh Motor Service, Inc.  
Porter-Hayden Company  
Proko Industries, Inc.  
Quigley Company, Inc.  
R.M. Headlee Co., Inc.  
RP Adams  
Rapid-American Corporation, (as successor-by-merger to Glen Alden Corporation, Briggs Manufacturing Co., Philip Carey Corporation and Philip Carey Manufacturing Company)  
Raymark Corporation (as successor to Asbestos Litigation Management Corporation)  
Raymark Industries (as successor to Raymark Friction Company, Inc. and Universal Friction Composites)  
Rene Neveu & Son, Inc.

Riley Stoker Corporation d/b/a DB Riley, Inc.  
Robert A. Keasbey Company  
Rochester Electric and Gas  
Rockbestos-Surprenant Cable Corp.  
Rozell, Inc. (A/k/a Rozell Plumbing & Heating, Inc.)  
Rutland Fire Clay Company  
SPX Corporation (Individually and as Successor to BIF Pumps and General Signal)  
Sager Spuck Statewide Supply Co., Inc  
Sears, Roebuck and Company  
Sheridan Supply  
Stoncor Group, Inc. (a/k/a Stonhard, Inc.)  
Stone & Webster Engineering Corp.  
Synkoloid, a Division of Muralo Co., Inc.  
Syracuse Supply Company, Inc.  
Treadwell Corporation  
Troy Boiler Works, Inc.  
Troy Belting and Supply Company  
Unarco Industries  
Union Carbide Corporation  
Uniroyal Holding, Inc. (successor to U.S. Rubber Company)  
United Gilsonite Laboratories  
United States Mineral Products Company  
Utica Companies Inc. (formerly Utica Boilers, Inc., now known as E.C.R. International)  
Vellumoid, Inc.  
W. R. Grace & Co.-Conn. (Successor to W.R. Grace & Company)  
W.W. Grainger, Inc.  
The Walworth Co. (a/k/a Walthworth Valves)  
Warren Pumps, Inc. (Individually and as Successor to The Quimby Pump Company)  
Weavexx Corporation  
Western Auto Supply Company  
Westinghouse Electric Corporation  
Woodward Governor Company  
Worthington Corporation  
Yarway Corporation  
Zurn Industries, Inc. (a/k/a and successor-in-interest to Erie City Iron Works)  
95 Bridge Street, Inc. (Individually and as Successor to Plattsburgh Motor Service, Inc.)

**ATTACHMENT IV**

Job Sites

Name:

SITE:

UP TO AND INCLUDING:

**APPENDIX A**

1. The word “document” is used herein in its broadest sense, and includes any original, reproduction or copy of any kind typed, recorded, graphic, printed, written or documentary materials, including without limitation correspondence, memoranda, interoffice communications, notes, diaries, contracts, documents, drawings, plans, specifications, estimates, vouchers, permits, written ordinances, minutes of meetings, invoices, billings, checks, reports, studies, telegrams, notes of telephone conversations, computer tapes and program and notes of any and all communications and every other means of recording any tangible things, any form or communication or representation, including letters, words, pictures, sounds or symbols or combinations thereof.

2. When asked to describe or identify a document, state the title, subject matter, author, date, addressee, file designation and other identifying designation and the present location and custodian of the document. Please attach the document as an exhibit or indicate whether you will produce the document as an exhibit or indicate whether you will produce the document without a formal request.

3. The responses to all interrogatories relating to oral communications shall set forth whether or not the oral communication was by telephone or face-to-face, and also the names, present addresses, business positions, and occupations of the parties involved in said communication, and the names and addresses of any other persons present during said communications.

4. The word “representative” shall be liberally construed and shall include all agents, employees, officials, officers, executives, directors, consultants and any others who directly or indirectly represent in any manner the defendants.

5. You are requested to furnish all information in your possession and all information available to you, not merely such information as you know of your own personal knowledge, but also all knowledge that is available to you, your employees, officers and agents, by reason of inquiry including inquiry of their representatives.

6. If you are unable to answer any of the following interrogatories complete, answer to the extent possible, and specifically state the reason for your incomplete answer.

7. “Asbestos products” or “asbestos-containing products” are used interchangeably and includes any supplies, products, materials, or equipment containing or including asbestos in whole or in mixture with other products or materials.

8. The terms “defendant” or “you” shall be interpreted to mean and include the defendants and any predecessors.

9. Pursuant to the CPLR, these interrogatories shall be deemed continuing and defendants are required to supplement their responses as new or additional information is acquired.

10. “Possession”, “custody”, or “control” includes the joint or several possession, custody or control not only by the person or persons to whom these and requests are addressed, but also the joint or several possession, custody or control by each or any other person acting or purporting to act on behalf of said person or persons, whether as employee, attorney, physician, accountant, agent, sponsor, spokesperson, or otherwise. This definition does not include documents in the “possession”, “custody”, or “control” of plaintiff’s attorney unless such documents were provided by plaintiff to his/her attorney and are not privileged.

11. “Relates to” means supports, evidences, describes, mentions, refers to, contradicts or comprises.

12. “Identify”, “identity” and “identification”, when used to refer to a document, means to state the following:

(1) the title of the document;

(2) the type of document (e.g., letter, memorandum, telegraph, chart);

(3) the subject of the document;

(4) the date of the document, or, if the specific date thereof is unknown, the month and year or other best approximation of such date;

(5) the identity of the person or persons who wrote, contributed to, prepared or originated such document; and

(6) the name, address and present whereabouts of the person or persons who had actual or constructive possession, custody or control of such documents.

13. “Person” means any natural person, firm, corporation, partnership, proprietorship, joint venture, organization, group of natural persons, or other association separately identifiable, whether or not such association has a separate legally recognized existence in its own right.

14. “Identify”, “identity” and “identification”, when used to refer to an entity other than a natural persons, means to state its full name, the present or last known address of its principal office or place of doing business, and the type of entity (e.g., corporation, partnership, unincorporated association).

15. “Identify”, “identity” and “identification”, when used to refer to a natural person, means to state the following:

- (1) the person’s full name and present or last known home address, home telephone number, business address and business telephone number;
- (2) the person’s present title and employer or other business affiliation;
- (3) the person’s home address, home telephone number, business address and business telephone number at the time of the actions at which each interrogatory is directed; and
- (4) the persons’s employer and title at the time of the actions at which each interrogatory is directed.



## INSTRUCTIONS

A. With respect to each interrogatory, in addition to supplying the information asked for and identifying the specific documents specifically referred to, identify all documents which were referred to in preparing your answer thereto.

B. If any document identified in an answer to an interrogatory was, but is no longer, in your possession or subject to your custody or control, or was known to you, but is no longer in existence, state what disposition was made of it or what became of it.

C. If any document is withheld from production hereunder on the basis of a claim of privilege or otherwise, identify each such document and the grounds upon which its production is being withheld.