

**APPENDIX "G"**

SUPREME COURT OF THE STATE OF NEW YORK  
SEVENTH JUDICIAL DISTRICT

.....  
In RE: SEVENTH JUDICIAL DISTRICT ASBESTOS LITIGATION  
.....

This Document Relates To:  
(Title of Case)

Index No. \_\_\_\_\_  
County \_\_\_\_\_

.....  
SEVENTH JUDICIAL DISTRICT ASBESTOS LITIGATION

(7JDAL)

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

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All plaintiffs, pursuant to the Civil Practice Law and Rules and the Case Management Order of this Court, propound the following interrogatories to each and every defendant, to be answered under oath, and request that each defendant produce the documents requested herein. 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

- Q1. State the full name, address, telephone number and position of the corporate officer answering these interrogatories.
- Q2. 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 document referred to, state the following:
- a. The number of the question and its sub-part;
  - 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.
- Q3. 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.
- Q4. 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.
- Q5. Please state whether:
- a. Your company is authorized to do business in: New York
  - b. Your company does business in: New York
- Q6. 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 and/or selling asbestos products or thermal insulation products and materials up until the present time.
- Q7. Have you ever acquired, by way of a consolidation, merger, purchase of assets, or otherwise,

any company which manufactured or sold, processed, designed, distributed, or contracted to supply 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 the 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 liabilities which were assumed by you in the acquisition;
  - g. Identify all 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.
- Q8. 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, design, refining, supply, distribution, sale and/or packaging of asbestos products since 1930.
- Q9. Have you or any of your predecessors or subsidiaries ever mined, manufactured, designed, supplied, processed, refined, sold or distributed asbestos or asbestos- containing products?

If so, for each such product, complete an "Asbestos Product Information Sheet, Attachment I.

- Q10. If your company ever manufactured or sold any of the following types of asbestos products, please describe how they are cut, shaped, mixed and applied on the job:
- a. asbestos cement mixes;
  - 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, thread or tape;
  - i. asbestos felt or blanket;
  - j. asbestos paper;
  - k. asbestos gaskets; 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.
- Q11. 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.
- Q12. 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.

- Q13. For each asbestos product listed by you in Answers 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(s) and manufacturer(s).
- Q14. For each asbestos product listed by you in Answers 9 and 10, state the names and addresses of each customer within the State of New York, the product, by year and complete a Work site/Purchase Sales Information Sheet (Attachment II) for each purchaser or work site.
- Q15. For each asbestos product, state the total dollar, linear feet and/or number of pounds:
- Sold in New York State;
  - Sold in the United States.
- Q16. Identify for the period from 1935 to 1980, each distributor, dealer, wholesaler and contractor who sold, distributed or used your asbestos-containing products in the City of Rochester and within a 200 mile radius of the City of Rochester. For each such distributor, dealer, wholesaler and contractor, state:
- The name, last known address and person with whom you did business;
  - The years of your relationship with the distributor, dealer, wholesaler and contractor;
  - Whether there was a written agreement. If so, identify it (or them) by date, title, signatories and present location;
  - 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;
  - The annual volume in pounds and linear feet and dollar amount of each type of asbestos product sold;
  - The names and ultimate recipients of the asbestos products sold to or through each dealer, distributor, wholesaler, sales agent and contractor.
- Q17. Identify each of your sales personnel responsible from 1935 to 1980 for (1) sales of asbestos products in the City of Rochester and within a 200 mile radius of the City of Rochester. For each such person, state the years of such employment, the last known addresses and whether he is still your employee.
- Q18. 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.

Q19. Did you ever purchase asbestos-containing products of any other manufacturer for distribution or sale under your name or trademark? If so:

- a. Identify each manufacturer from whom such 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;

Q20. Did you ever enter into distribution or licensing agreements with any manufacturer 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;

Q21. State whether you ever sold any of your products containing asbestos fibers or any raw asbestos fiber to any of the companies named as co-defendants in this suit. If so:

- a. Identify each individual, including their job classification, who currently has possession of such knowledge, either by documents or records.
- b. Identify each co-defendant to whom your products have been sold.
- c. State the dates of each such sale and the amount and kind of materials sold.

Q22. 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.

Q23. With respect to each asbestos product (including loose asbestos fiber) you manufactured, refined, processed, 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 users of the product. If so, state separately for each product:

- a. The precise wording of each caution or set of instructions;
  - b. The exact date you claim each caution was first used;
  - c. The inclusive dates you contend any warning was affixed to each of your asbestos-containing products;
  - d. Whether the wording 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, 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;
  - j. The exact date you decided to use the warning, caution and/or instructions;
  - k. The method used to distribute the warning, caution and/or instructions to persons who are likely to use the product.
- Q24. State whether you ever specifically informed the purchaser or user of your asbestos-containing products that the use of those products or exposure to asbestos dust could cause cancer, asbestosis or other serious diseases. If so:
- a. State the date(s) you so informed the purchaser or users.
  - b. Identify and produce the documents containing this information.

- Q25. 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;
  - d. The date the warnings, cautions, caveats or instructions were communicated to the distributors, dealers, contractors and/or customers;
  - e. The identity of the person who received the instructions;
  - f. Whether any industrial psychologist or human factor engineers were consulted prior to utilizing such warning, caution and/or instruction and, if so, identify who was consulted;
  - g. Where the warnings, cautions, and/or instructions were located on the product or packaging.
- Q26. State the first time any officers of your Company discussed putting a warning or caution on an asbestos-containing product, and as to that first discussion, state:
- a. The names of the persons who were involved in the discussion and the date and place of the discussion;
  - 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.
- Q27. 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 New York State, 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 matter and location whereby it was transmitted to users of the product.
- Q28. 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.
- Q29. Did you at any time recommend that your employees use respirators, protective masks or other precautionary safeguards when working with asbestos-containing materials? If so, state:
- a. When and precisely to whom the recommendations were made;
  - b. Whether you ever supplied respirators and/or 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).
- Q30. Have you stopped producing, distributing and/or selling or has asbestos been eliminated from any of the asbestos products listed in Answers 9 or 10? If so, state for each product:
- a. The reason and date you stopped producing the product, or eliminated asbestos;
  - b. The names and titles of each person who recommended and 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.

Q31. Have any officers or employees of defendant ever discussed or evaluated whether sales of your asbestos 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.

Q32. At the time of the development of, and sale of each of your asbestos products 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.

Q33. For each asbestos-containing product, identify and produce all promotional and/or advertising material used by you with regard to the sale and/or promotion and distribution of such products.

Q34. Identify and produce pictures and descriptions of each product.

Q35. 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 Answers 9 and 10. If so, for each such brochure or other material:

- a. State the purpose of each brochure and give 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.

- Q36. Have you at any time since 1930 bought from, sold to, delivered or supplied any asbestos 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 whom received, and if oral state the substance, and if written identify the document and state its present location.
- Q37. With respect to any product manufactured by you which does not contain asbestos, have you ever included a warning with the product indicating that it may in some way be harmful to human beings? If so, for each such non-asbestos' containing product state:
- a. The name of the product, its intended use or purpose, and the chemical composition or ingredients of the product;
  - b. The manner in which it is thought that the product may cause harm to human beings;
  - c. The size, color and contents of each warning;
  - d. The date warning was first given to the public;
  - e. The names, addresses and titles of the people responsible for or participating in the decision to provide the warning; and
  - f. Identify every document which related to the making of the decision to provide a warning.
- Q38. 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.
- Q39. 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, whom you notified, and give the dates.

- Q40. 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?
- Q41. Had you at any time prior to 1973 performed, participated in 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?
- Q42. 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 or ingestion or both of asbestos dust or fibers by those using or exposed to your asbestos products?
- Q43. 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?
- Q44. 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 anyone using or being exposed to asbestos products manufactured by your company?
- Q45. 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?
- Q46. 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?
- Q47. For each study identified in response to Questions 38-44, 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.
- Q48. State whether you took any action as a result of any of the studies listed in answer to interrogatories 38, 39, 40, 41, 42, 43 and 44. 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 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.
- Q49. 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.
- Q50. Have you, at any time prior to 1975, conducted, financed, or had conducted for you any asbestos inspection or made any dust count in any facility where your asbestos products were used? whether or not you have conducted such inspections or tests, state whether you ever considered doing so and for each such occasion when such consideration was given, state the date, form and results of each such consideration and:
- a. If the consideration occurred at a meeting, identify all individuals attending the meeting.
  - b. Identify and produce any records of such considerations.

- Q51. Have you, at any time prior to 1975, conducted, financed, or had conducted for you any asbestos inspection or made any dust count in any of your 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 and identify all records.
- Q52. 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. Sheet-metal Workers;
  - f. Tapers;
  - g. Chippers;
  - h. Plasterers;
  - i. Riggers;
  - j. Grinders;
  - k. Inspectors;
  - l. Shipwrights;
  - m. Painters;
  - n. Boiler makers;
  - o. Insulators;
  - p. Custodians;
  - q. Planners;
  - r. Testers;
  - s. Teachers
- Q53. Does your company recognize that the types of trades listed in Question 50 would be exposed to asbestos in the course of working on jobs where other trades would be using asbestos products?
- Q54. Does your company recognize that it was foreseeable that people working in the same area where your asbestos products were being used or installed would inhale and/or ingest

asbestos fibers from your products?

- Q55. Does your company recognize that it was foreseeable that tradesmen listed in Question 50 would inhale and/or ingest asbestos fibers from your asbestos products?
- Q56. 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 basis of your claim that it will prevent the inhalation of such dust and fibers;
  - d. Identify any relevant tests performed by date, title, author and number.
  - e. The first date you reached the conclusion.
- Q57. 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.
- Q58. 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.
- Q59. 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.

- Q60. 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.
- Q61. Other than the medical library facilities referenced in the immediately preceding 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.
- Q62. State the names and addresses of all professional, trade, industrial, safety, hygiene, or health associations and research foundations or organizations 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.
- Q63. When did you first learn that there were health hazards associated with the use and/or fabrication of asbestos-containing products? State the date, source, nature and extent of such information.
- Q64. 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.
- Q65. 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.

Q66. Have you or any employee or agent of yours ever communicated with an agency or department of the United States concerning specifications and/or standards 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.

Q67. 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 gastrointestinal cancer;
- g. That a portion of inhaled asbestos fibers remains in the lungs after being inhaled into

- the human body and is not destroyed;
- h. That 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 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 products listed in Answer (10) is 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",

- (i) State when and how you first learned this knowledge.
- (ii) State whether the knowledge was obtained by the attendance at any conference, lecture, convention, or meeting, and, if so, identify such event, the person attending and identify and produce the documents obtained from that meeting.
- (iii) State whether the knowledge was obtained from a medical or scientific study or any other published works and, if so, identify the same.
- (iv) State whether the knowledge was otherwise obtained and, if so, identify the manner of receipt of the document or communication.
- (v) State what, if anything, you have done 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.

Q68. Have any workers' 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.
- Q69. 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, 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 workers' 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.
- Q70. State the total number of employees of yours or your contract unit receiving benefits under any Occupation Disease or Workers' Compensation statute for asbestosis, mesothelioma, bronchogenic carcinoma and/or cancer of the stomach, colon or rectum for each year, from the date that you first manufactured, distributed or sold any asbestos-containing products until the present time.
- Q71. 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.
- Q72. 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 1970, stating the court in which the action was brought, the date of filing, case style, and

case number.

Q73. For each calendar year for the period 1928 to the present, state:

- a. The total pound volume of asbestos mined by your company;
- b. The total pound volume of asbestos 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 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 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 to all asbestos-containing materials sold in the United States.

Q74. Did you in any way 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.

Q75. 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(s) of citation and/or admonishment and the dust and TLV or number involved, and the government agency which cited or admonished you.
- b. The means of identifying any document related to such an occurrence;
- c. Any action taken by you and/or the agency involved.

Q76. 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.

Q77. 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.

Q78. Prior to 1972, were your employees ever subject to periodic medical examinations? If so, please identify any medical examination programs offered or sponsored by you or your insurance carrier for employees handling or otherwise exposed to asbestos and asbestos-containing products. With respect to each such program, state:

- a. The manner of communication with employees about such program;
- b. Whether the examination was mandatory or optional.
- c. What percentage of workers permitted to undergo such

examination actually participated;

- d. What percentage of workers were found to have asbestosis or mesothelioma or bronchogenic carcinoma.
- Q79. If, prior to 1972, your employees were ever subject to periodic medical examination, please state:
- a. Whether the examinations were performed by your firm, its agents or employees or by outside personnel either private or governmental; if by outside personnel, identify the individual, firm or agency;
  - 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.
- Q80. 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, plant 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.
- Q81. Was the monitoring of dust levels required by any government regulation or rule or 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.
- Q82. 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.
- If your answer to either subpart is "yes", state what your knowledge is and:
- (i) State when and how you first learned this knowledge.
  - (ii) State whether the knowledge was obtained by the attendance at any conference, lecture, convention, or meeting, and if so, identify such event,

person attending and identify and produce the documents obtained from that meeting.

(iii) State whether the knowledge was obtained from a medical or scientific study of any other published works and, if so, identify the same.

(iv) State whether the knowledge was otherwise obtained and, if so, identify the manner of receipt of the document or communication.

Q83. 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 the removal and destruction of any records, pursuant to any such plans from 1935 to the present.
- d. The titles and names of the personnel responsible for determining the policy or plan from 1935 to the present.

Q84. Have you destroyed any documents, records or writings pertaining to:

- a. Health hazards of asbestos;
- b. Workmen's Compensation claims arising out of asbestosis, 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 have been caused by asbestos.
- g. Sales of asbestos products; and/or
- h. Purchases of raw asbestos.

Q85. Have you ever had a division or subsidiary engaged in the business of abating, removing or encapsulating asbestos materials? If so, state:

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

- c. The dates such persons or units functioned;
  - d. The sites where such abatement, repair, encapsulation or removal occurred.
- Q86. 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.
- Q87. 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 (c) above are contained in a written report, memorandum or transcript and if they are, produce the same pursuant to the Request for 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.
- Q88. 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.
- Q89. Identify and produce each exhibit that you intend to rely upon at trial.
- Q90. 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.

- Q91. 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 did you first learn 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.
- Q92. 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.
- Q93. 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.
- Q94. Identify all divisions, subsidiaries or affiliated companies of the defendant and all prior names or predecessors of the defendant and:
- a. State the current address and state of incorporation of each entity.
  - b. State whether each entity is an active business.
  - c. For each such entity and the defendant state whether they did or presently do engage in any phase of:
    - (i) The mining of asbestos material;
    - (ii) The processing and/or refining of asbestos material;
    - (iii) The manufacture and/or design of asbestos products; and/or
    - (iv) The sale, supply and/or distribution of asbestos products.

- d. State the period of time during which each entity and the defendant was in existence and identify the nature and extent of each entity's and the defendant's function during the period of time it was in existence.
- Q95. State for any asbestos-containing insulation product manufactured or distributed by you whether:
- a. The cement changed colors when water was applied;
  - b. Describe the appearance of said cement after it was properly applied; that is, whether it was rough or smooth, its consistency and color.
- Q96. State whether any pipe covering, block, or insulating cloth has any distinctive markings, design, or weaving, and describe same in detail.
- Q97. State when you first became aware that warnings or instructions, if any, were placed on the asbestos-containing products distributed by the co-defendants or other companies and identify and produce all documents relating thereto.
- Q98. Identify and produce any and all labeling or re-labeling agreements in existence since 1925 between you and any other person, including the co-defendants.
- Q99. State whether you ever imposed or considered any restriction or limitation on the intended use, frequency of use and/or likely use of the asbestos products referred to in Attachment I. If so, state separately for each product:
- a. The verbatim content of each restriction or limitation, indicating to which product the restriction or limitation is applied.
  - b. Whether the restriction or limitation was imposed and, if so, the date it was first imposed and the reason for imposing the restriction or limitation.
  - c. The identify of each document, by date, author, title and location, which sets forth the reason for the restriction or limitation.
  - d. The person responsible for imposing the restriction or limitation.
  - e. How the limitation or restriction was communicated to purchasers of the product, and, if in writing, identify and produce the communication.
  - f. Whether the restriction or limitation was simply considered and not imposed and, if so, the reason why it was not imposed.
- Q100. State whether you had, as part of your processing, distribution and sales of asbestos materials

and products, a system of quality control inspections or safety inspections. If so:

- a. State when the system was initiated.
- b. Identify who was responsible for initiating and overseeing the system.
- c. Describe, in detail, the system used.
- d. Identify and produce all documents describing the inspection system.
- e. State whether any asbestos products were rejected during the inspection process and, if so, identify the product and state what the reasons were for any such rejection.

Q101. State whether, since 1925, the asbestos products listed in your Attachment I were the subject of any type of advertisement, regardless of media, issued on your behalf.

If so, state for each product:

- a. The subject matter of the advertisement;
- b. The media in which the advertisement was placed;
- c. When the advertisement(s) was so placed;
- d. The geographic area(s) the advertisement was used in;
- e. Whether any photographs or diagrams were included in the copy of the advertisement;
- f. Where the advertisement was published; broadcast or made public;
- g. The identity of the advertisement and attach copies of all advertisements; and
- h. Whether anyone, besides you, was involved in the preparation of the copy for the advertisement, and, if so, identify such other person.

Q102. State whether you are still manufacturing, selling or distributing any asbestos-containing products. If so, give the brand names of each such product.

Q103. For each year during the period 1925 to date identify the source or sources from which you obtained raw asbestos fiber.

Q104. State whether any warnings, cautions, caveats or directions accompanied the raw asbestos fiber referred to in your response to Interrogatory No. 103 and:

- a. Identify the nature and extent of said warnings, cautions, caveats or directions accompanying said fiber.
- b. State the date said warnings, cautions, caveats or directions first appeared on the mined asbestos fiber.

- c. Identify and produce the warning, cautions, caveats or directions.
- Q105. State whether it is your claim that the asbestos products listed in your Attachment I are not harmful. If that is your claim, describe, in detail, the basis of your claim and identify and produce any and all tests of your asbestos products upon which you base your claim.
- Q106. State whether you directed to be performed, sponsored, financed or received the results of any studies or tests performed by the Saranac Lake Laboratory or the Trudeau Foundation relating to asbestos exposure and its effect on human life. If so:
- a. Identify all documents summarizing findings or results of those studies or tests which you have in your possession or control.
  - b. Identify all communications; oral or written, between you and Saranac personnel.
  - c. Identify all documents relating to Saranac studies received, or submitted by you, either directly, through associated or predecessor companies, through other companies, or through any trade associations, organizations or entities.
  - d. Identify all recommendations or findings of such studies relating to:
    - (i) adequacy or inadequacy of the threshold limit values; and/or
    - (ii) the substitution of materials other than asbestos to be used in insulation process.
  - e. State where the documents and/or communications identified in your response to this Interrogatory are presently maintained.
- Q107. For every policy of liability insurance insuring you against losses as a result of claims for bodily injury or death as a result of the use of and/or exposure to your asbestos products from 1935 to the present, state:
- a. The name of each insurer;
  - b. Each policy number;
  - c. The term of each policy;
  - d. The amount of the coverage;
  - e. Whether each policy provides for primary or excess coverage and if excess, the limits;
  - f. The deductible, if any, for each policy;
  - g. The basis of coverage for each, e.g., claims made, occurrence;

- h. The identity of the person having possession of each policy; and
  - i. If the policy is involved in litigation concerning coverage of asbestos claims, identify the litigation by style, civil action, index or court number, and by subject matter.
- Q108. State whether you ever received any reports or communications from your workers' compensation insurance carrier or products liability insurance carrier with regard to the hazards incidental to the use of and/or exposure to asbestos-containing products. If so:
- a. Identify who has possession of such reports.
  - b. State the location of such reports and describe, in detail, the contents of such reports and/or communications.
  - c. Identify, for each such report, the respective insurance company; the agents signing such correspondence and state the date of such notice or report.
  - d. State the date(s) you received the reports or communications.
- Q109. State whether any of the co-defendants named in this litigation ever furnished you with any information, including medical information, concerning the connection between asbestos dust exposure and the contracting of pulmonary diseases, including asbestosis and cancer. If so:
- a. State what information was furnished and describe in detail, how the information was furnished.
  - b. Identify who furnished that information and who received that information.
  - c. State when that information was furnished.
  - d. Identify and produce all documents relating thereto.
- Q110. State whether, at any time since 1930, you and any other person, including any co-defendants in this action, exchanged results of research tests, medical studies or experiments regarding the connection between asbestos exposure and the contracting of pulmonary diseases, including lung cancer and asbestosis. If so:
- a. State when this interchange took place.
  - b. Identify who participated in these interchanges.
  - c. Describe, in detail, the content of these interchanges or studies.
  - d. Identify and product all documents relating thereto.
- Q111. State whether anyone ever made any recommendations and/or suggestions to you pertaining

to the risks and hazards associated with the manufacturing, use of, and/or exposure to products containing asbestos. If so:

- a. State when and where such recommendations or suggestions were made.
- b. Identify who made such recommendations or suggestions.
- c. Identify to whom these recommendations or suggestions were made.
- d. Describe, in detail, the substance of the recommendations or suggestions.
- e. State what action you took as the result of those recommendations or suggestions.

Q112. Identify all records of your purchase of raw asbestos, including invoices, shipping records, and computer records and:

- a. Identify the location of each record.
- b. Identify the custodian of each record.
- c. State the geographical distribution or areas covered by such records.
- d. State the time period covered by each record.
- e. State whether an index or summary of each record exists.
- f. Describe the format or matter by which the records are organized.

Q113. Identify each index, summary, card catalog, computer listing, outline, or other listing of records stored or retained by you pursuant to any record retention policy or otherwise, and:

- a. State the location of each index, summary, card catalog, computer listing, outline or other listing of the records.
- b. Identify the custodian of each record.
- c. State the time period covered by each index, summary, card catalog, computer listing, outline or other listing of the records.
- d. Identify the documents covered by each index, summary, card catalog, computer listing, outline or other listing of the records.

Q114. For each asbestos-containing product that you manufactured, set forth the supplier of the raw asbestos fiber used for that product and:

- a. Identify any pertinent trademark that was applicable to the product during any time of its sale.
- b. Identify the label on the packaging of that particular product for each year of its manufacture.

- c. Identify all sales brochures, specification sheets, performance data or other promotional materials, as well as any and all installation materials, data or brochures which would have accompanied or been distributed in connection with the installation, application or use of each of the products listed above.
- d. Describe, in detail, the advertised use of the product.
- e. Identify the individuals having custody of all documents or copies thereof referred to in answer to this Interrogatory, and state where the documents are located.

Q115. State whether you were and/or are a member of the Industrial Hygiene Foundation, the Asbestos Textile Institute, the Magnesia Insulation Manufacturer's Association and/or the Quebec Asbestos Mining Association. If so, for each such membership:

- a. State the inclusive dates of your membership;
- b. Identify employees, offices and/or agents who attended meetings of the foregoing associations, the dates of attendance, and the designations of such meetings.
- c. Identify and produce copies of all minutes, digests, reports and documents received concerning such association.

Q116. Identify all persons and/or entities which were employed, retained, consulted, or otherwise engaged by you who functioned as a physician, biological scientist, industrial hygienist, occupational health specialist, industrial hygiene organization, or health organization whose duties related to asbestos or occupational diseases and state:

- a. Their dates of employment;
- b. Their duties and responsibilities;
- c. The location, identifying titles or code, and custodians or all reports or memoranda written by each;
- d. Their professional specialization;
- e. The reason for hiring them; and
- f. The identity of the persons in your firm responsible for hiring such person.

Q117. Identify every person of whom you are aware who may have information or knowledge which is material to the subject matter of this lawsuit or which may lead to the discovery of information material to the subject matter of this lawsuit.

## REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Article 31 of the Civil Practice Law and Rules, 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:

- (1) All documents identified in your answers to these interrogatories.
- (2) All records of sales and deliveries of your asbestos-containing products to any company or work site in the City of Rochester or within 200 miles of the City of Rochester.
- (3) All computer printouts and analyses of sales and delivery of your asbestos-containing products to any companies or work sites in the State of New York.
- (4) All records showing the amount and dollar value of each asbestos-containing product you manufactured and sold.
- (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 product (e.g., pipe covering, cement, acoustical material, etc.) and for all asbestos-containing products you sold and manufactured.
- (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.
- (7) Organizational Charts for the years 1940, 1945, 1950, 1955, 1960, 1965, 1970, 1975



and the present.

- (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.
- (9) All licensing, sales, dealer, distributor and contractor agreements with any firm located in New York, or any such agreements with any firm outside of New York, which involved the sale of asbestos-containing materials within New York.
- (10) Photographs of each of your asbestos-containing products and other packages in which they were shipped.
- (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.
- (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 type of association, labor union, employer or governmental agency or from any of their agents or representatives, regarding the subjects of occupational health and exposure to asbestos-containing products and/or asbestos-containing materials.
- (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.
- (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) Non-occupational and/or neighborhood exposures.
- (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.
- (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.
- (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.
- (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.
- (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.
- (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.

- (21) All photographs of people working with, using or being exposed to your asbestos-containing materials.
- (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, standards, threshold limits, government or military specification, industrial hygiene, ship or railroad design or construction, warnings, friability of defendants' products, health hazards involving defendants' products, general medical issues relating to asbestos diseases and their causes or with particular reference to any individual plaintiff's case, or both.
- (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.
- (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.
- (25) All boxes, containers or wrappers that defendant used to package or ship its asbestos or asbestos-containing products.
- (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.
- (27) Any customer, contractor, dealer or distributor complaint relating to defendant's asbestos products and any incident or accident reports defendant received relating to the health hazards of its asbestos products.
- (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.

- (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.
- (30) All communications with or concerning the American Conference of Government and Industrial Hygienists.
- (31) All documents received by you or in your possession relating to or concerning the Quebec Asbestos Mining Association (QAMA).
- (32) All documents marked as exhibits in any insurance coverage litigation between you and any liability insurance carrier.
- (33) All documents produced by you in the litigation with your liability insurance carrier.
- (34) All documents marked as exhibits in any indemnity or liability litigation between you and the U.S. Government.
- (35) All documents produced by you in the litigation with the U.S. Government.
- (36) Any and all records of this defendant, including all subsidiaries, divisions, and predecessor entities of the defendant, which refer, reflect or relate to the shipment, receipt, transfer, purchase, sale or distribution of any asbestos or asbestos-containing product in the State of New York, including, but not limited to, invoices, bills of lading, freight bills, shipping orders, or other documents of transfer.
- (37) A sample of each product catalog ever used by the defendant, including all subsidiaries, divisions, and predecessor entities of the defendant, which contains information about or concerns about asbestos or any asbestos-containing product. This includes by explanation but not by limitation, pamphlets, binders, sales brochures and dealer brochures.
- (38) All records which reflect the dissemination by this defendant, including all subsidiaries, divisions, and predecessor entities of the defendant, of the literature

referred to in the immediately preceding request, to distributors, consumers, contractors, subcontractors, unions, and other persons and entities to whom dissemination was made.

- (39) All bulletins disseminated by this defendant, including all such subsidiaries, divisions, and predecessor entities of the defendant, to consumers, contractors, and unions relating to any advice given concerning the use of asbestos or any asbestos-containing product.
- (40) All records, including, but not limited to, all correspondence, agreements, memoranda, minutes, guidelines, and test results, reflecting any study or tests concerning asbestos-related diseases or the effects of the inhalation of asbestos dust in which this defendant, including all subsidiaries, divisions, and predecessor entities of the defendant, has ever participated or ever funded, in whole or in part.
- (41) Any and all documents from any insurance carriers for this defendant, including all subsidiaries, divisions, and predecessor entities of the defendant, concerning the safety of workers relative to their involvement or employment with asbestos or asbestos-containing insulation products.
- (42) Any and all records necessary to sufficiently reflect the dollar amount spent annually on medical research since 1930 by this defendant, including all subsidiaries, divisions, and predecessor entities of the defendant.
- (43) All personnel records necessary to sufficiently reflect the employment since 1930 of all industrial hygienists by this defendant including all subsidiaries, divisions, and predecessor corporations of the defendant.
- (44) A bibliography of all material contained in any and all medical libraries of this defendant, including all subsidiaries, divisions, and predecessor corporations of the defendant.
- (45) All records necessary to sufficiently reflect the history of warnings and the actual warnings that were placed on asbestos or asbestos-containing products or other documents concerning the health effects of asbestos-containing products.
- (46) All handouts and materials relating to any internal seminars conducted by this defendant, including all subsidiaries, divisions, and previous entities of the

defendant, wherein the potential health effects of asbestos have been discussed.

- (47) All records of this defendant, including all subsidiaries, divisions, and previous entities of the defendant, which reflect the performance of dust respirators in connection with fibrous dust.
- (48) Any and all environmental control department manuals or similar documents of this defendant, including all subsidiaries, divisions and previous entities of the defendant.
- (49) All records of this defendant, including all subsidiaries, divisions and predecessor entities of the defendant, which set forth the existence and contents of any insurance agreement which the defendant possesses with respect to any insurance business which will satisfy part or all of the judgment which may be entered in the action or to defend or indemnify or reimburse for payments made to satisfy the judgment.
- (50) Any and all statements, whether signed or otherwise, of plaintiff or the agents, servants and/or employees of such party, in your possession or control, or in the possession or control of your client's representatives, and if there be no such statements, that you so advise the undersigned.

Dated: \_\_\_\_\_, New York

\_\_\_\_\_

ATTY NAME, ETC.

ATTACHMENT I

ASBESTOS PRODUCT INFORMATION SHEET:

(a) A description of the product:

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(b) Generic Name: \_\_\_\_\_

(c) Brand Name: \_\_\_\_\_

(d) Trademark Name, Number, Registration date, and period of Trademark Use:

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(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, mining, and/or processing:

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(i) Inclusive Dates of sale, marketing and/or distribution:

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(j) Name of Manufacturer and place of manufacture:

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(k) Did you "re-brand" or sell the product to others for resale by them under some other name? If so, for whom 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, size, shape, consistency, composition, physical characteristics and appearances 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 which it was sold (e.g., drum, carton, bag, etc.):

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(r) 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:

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(u) The procedure for applying such product, including the type of surface to which it was meant to be applied:

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(v) The type of bonding material, adhesive and/or other material used in the course of applying such product:

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(w) The identity and location of all records relating to the development of the product:

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(x) The identity and location of all records relating to the product:

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(y) The identity of the Custodian of actual containers and photographs of containers of the products:

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(z) With regard to each product, state the manner in which each such product can be distinguished from those manufactured by any other company:

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(aa) The names and addresses of the people responsible for the development of the product:

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(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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(ad) The type of asbestos fiber used in each product: \_\_\_\_\_

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(ae) The temperature ranges for each product: \_\_\_\_\_

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(af) The specific batching requirements for each product and the time period each particular batching requirement was followed and any changes that were made:

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(ag) The application for which each product was advertised or sold:

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(ah) Whether the product was a cement, pipe covering, cloth or other type of thermal insulation product:

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(ai) The method of disbursement and sale of each asbestos- containing product:

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(aj) The identity and present location of all records dealing with the testing of the product, including those tests dealing with the use, application, durability and toxicity of the product:

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(ak) Did you give any consideration to the possibility of inhalation of asbestos fibers by the users of the product and, if so, describe the factors considered, state the date, location and name of the participants of each meeting where the matter was discussed or considered, and identify all documents relating thereto:

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(al) If the product was altered in chemical composition or asbestos type or content since first being marketed, state the date such product was altered, state the nature of the alteration, state the reason for the alteration, identify those individuals having knowledge of the alterations: \_\_\_\_\_

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

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b. What alteration you made to the asbestos product

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c. The reason for the alteration made by you before you shipped the asbestos product \_\_\_\_\_

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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.

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

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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



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

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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 with whom he spoke

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P8. Were the products listed in Q9 and/or Q10 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 \_\_\_\_\_

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b. The present location of the specification \_\_\_\_\_

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- c. The names and titles of the persons preparing and approving each specification and any amendments thereto.

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P9. Have you ever provided directly to workers or employees of the purchaser a warning concerning the dangers of exposure to asbestos or inhalation of asbestos as a result of the use of or 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 employees to whom it was given.

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



i. The form of the consideration \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

A.P. GREEN REFRACTORIES CO. INC.

ACANDS, INC.

ARMSTRONG WORLD-INDUSTRIES, INC., successor in interest to

Armstrong Cork Company

ASBESTOS CORPORATION, LTD.

ASBESTOSPRAY CORP.

ATLAS TURNER, INC.

CAPASCO LIMITED

CAPE INDUSTRIES PLC.

CAREY CANADA INC., f/k/a CAREY CANADIAN MINES, LTD.

CERTAIN-TEED CORPORATION

CHILDERS PRODUCTS COMPANY, INC.

COLLINS PACKING CO., INC.

COMBUSTION ENGINEERING, INC.

COMMERCIAL CHEMICALS, INC.

CROWN CORK & SEAL COMPANY, INC.

DRESSER INDUSTRIES, INC., individually, and as successor by merger to HARBISON-

WALKER

EAGLE-PICHER INDUSTRIES, INC.

EGNEP LIMITED

EMPIRE-ACE INSULATION MFG. CORP.

FIBREBOARD CORPORATION

FLEXITALLIC GASKET CORPORATION

FOSTER WHEELER CORPORATION

GAF CORPORATION, CO., successor by merger to RUBEROID CO., and successor in interest,

and alter ego of VERMONT ASBESTOS CORPORATION, VERMONT PRODUCTION

COMPANY, and the VERMONT ASBESTOS CORPORATION

GARLOCK, INC.

GENERAL REFRACTORIES COMPANY

GEORGIA-PACIFIC CORPORATION

GOULDS PUMPS

H.K. PORTER COMPANY, INC.

HEDMAN RESOURCES, LTD. f/k/a HEDMAN MINES, LTD.

J.H. FRANCE REFRACTORIES CO., INC.

J.W. ROBERTS, LTD.

JOHN CRANE-HOUDAILLE, INC.

KAISER REFRACTORIES

KEENE CORPORATION, successor in interest to MUNDET CORK CORPORATION;

BALDWIN-EHRET-HILL, INC.; and EHRET MAGNESIA MANUFACTURING  
COMPANY

MANVILLE CORPORATION

MEYERS CHEMICALS INC.

NATIONAL GYPSUM COMPANY

NICOLET, INC.

NORTH AMERICAN ASBESTOS CORPORATION

NORTH AMERICAN REFRACTORIES COMPANY

OWENS-CORNING FIBERGLASS CORPORATION

OWENS-ILLINOIS, INC.

PITTSBURGH CORNING CORPORATION, individually and as successor in interest to

UNARCO INDUSTRIES, INC.

QUIGLEY CO., INC.

RAYMARK INDUSTRIES, INC., successor in interest to RAYBESTOS- MANHATTAN, INC.

ROCK WOOL MANUFACTURING CO.

SOUTHERN TEXTILE CORP.

SPECIAL MATERIALS, INC., a/k/a SPECIAL ASBESTOS CO., INC. SPRAYDON  
CORPORATION

THE ANCHOR PACKING COMPANY

THE BABCOCK & WILCOX COMPANY

The CELOTEX CORPORATION, individually and as successor in interest to PHILIP CAREY

MANUFACTURING CO., PHILIP CAREY

CORPORATION, BRIGGS MANUFACTURING CO., SMITH & KANZLER  
CORPORATION and PANACON CORPORATION  
THE FLINTKOTE COMPANY  
TURNER & NEWALL, PLC., individually and as successor to  
KEASBEY-MATTISON CORPORATION  
UNION CARBIDE CORPORATION  
UNITED STATES GYPSUM COMPANY  
UNITED STATES MINERAL PRODUCTS COMPANY  
VERMONT ASBESTOS GROUP, INC.  
W.R. GRACE & CO.

## 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 programs and notes of any and all communications and every other means of recording any tangible things, any form of communication or representation, including letters, words, pictures, sounds or symbols or combinations thereof.
2. "Identify" has the following meaning:
  - (a) When used in reference to a person, it means to state the person's: (1) full name; (2) present business address, or if unavailable, last known business address; (3) present home address, or if unavailable, last known home address; and (4) business or governmental affiliation and job title, or if unavailable, last known business or governmental affiliation and job title;
  - (b) When used in reference to a document, it means to state the type of document (e.g., letter, memorandum, telegram, chart) or some other means of identifying it, its author and originator., its date or dates, all addresses and recipients, its present location or custodian and any identifying marks, numerals, code words or letters distinguishing it from other like documents, and 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. If any such document was but is no longer in your possession or subject to your control, state what disposition was made of it.
  - (c) When used in reference to an oral communication, it means to identify the speaker, each person spoken to and who otherwise heard the communication, the date and place of communication, whether



the communication was in person or by telephone, and the substance of such communication with particularity, and to identify each document in which such communication was recorded or described or referred to.

3. "Oral Communication" means any utterance heard by another person, whether in person, by telephone or otherwise.
4. The response 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.
5. 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.
6. 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.
7. If you are unable to answer any of the preceding interrogatories completely, answer to the extent possible, and specifically state the reason for your incomplete answer.
8. "Asbestos products" or "asbestos-containing products" are used interchangeably and include any supplies, products, materials, or equipment containing or including asbestos in whole or in mixture with other products or materials.