

**SUPREME COURT OF THE STATE OF NEW YORK
ALL COUNTIES WITHIN NEW YORK CITY**

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**In Re: NEW YORK CITY
 ASBESTOS LITIGATION**

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This Document Relates To:

Index No.

| | | |
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| | Plaintiffs, | PLAINTIFFS' FIRST STANDARD SET OF LIABILITY INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS |
| v. | | |
| , et. al., | Defendants. | |

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All plaintiffs, pursuant to the CPLR and the Case Management Order (CMO) of Justice Helen Freedman, 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 and the CMO such documents within thirty (30) days of service of same. 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 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.

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.

Q.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.

Q.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

- Q.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 and/or selling asbestos products or thermal insulation products and materials up until the present time.
- Q.7 Have you ever acquired, by way of a consolidation, merger, purchase of assets, or otherwise, any company which manufactured or sold 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'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;

1. 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, sale and/or packaging of asbestos products since 1930.
- Q9. Have you or any of your predecessors or subsidiaries ever mined, processed, refined, sold or distributed asbestos or asbestos-containing products. If so, for each such product, complete an "Asbestos Product Information Sheet," Attachment #1.
- Q10. If your company ever manufactured or sold any of the following types of asbestos products, please identify each product and describe how it is cut, shaped, mixed and applied on the job;
- a. Asbestos cement mixes;
 - b. asbestos pipe covering;
 - c. asbestos pipe covering;
 - 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 involving 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 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 or manufacturer.
- Q14. 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 and Worksite/Purchase Sales Information Sheet (Attachment II) for each purchaser or worksite.
- Q15. 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.
- 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 New York City and within a 75 mile radius of New York City. 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.

Q17. Identify each of your sales personnel responsible from 1935 to 1980 for sales of asbestos products in New York City and within a 75 mile radius of New York City. For each such person, state the years of such employment, his job title, the last known address 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 product a copy of the agreement.

Q19. 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.

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. 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.

Q22. 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 the 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.

Q23. 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.

Q24. 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 identify 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.

Q25. Do you know of any facts or documents to support a claim that you provided any warning, 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.

Q26. 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.

- Q27. Did you at any time recommend that your own employees 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).
- Q28. 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;
 - 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.
- Q29. 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.
- Q30. 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.

Q31. 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.

Q32. Identify and produce pictures and descriptions of each product.

Q33. Were any brochures, writings, or other materials made available to distributors, dealers, contractors, ultimate users, or the general public concerning the design, manufacturer, 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.

Q34. 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 3? 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 regarded 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 its present location.

Q35. 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 relates to the making of the decision to provide a warning.

Q36. 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.

Q37. 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.

- Q38. 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?
- Q39. 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?
- Q40. 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?
- Q41. 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?
- Q42. 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?
- Q43. 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?
- Q44. 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?

- Q45. 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.
- Q46. 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 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.
- Q47. From the year 1920 to date, have you supported by gift, grant, direct cash or property payment any kind of medical research containing 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.

Q48. 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? If so, state the date, place and people involved in each such inspection or test and identify all records.

Q49. Had 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 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.

Q50. 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.

- Q51. Does your company recognize that the types of workers listed in Question 50 would be exposed to asbestos in the course of working on jobs where other trades would be using asbestos products?
- Q52. 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 emitted from your products?
- Q53. Does your company recognize that it was foreseeable that trademen listed in Question 50 would inhale and/or ingest asbestos fibers released from your asbestos products?
- Q54. 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.
- Q55. 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.

Q56. 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.

Q57. 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.

Q58. 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.

Q59. 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.

- Q60. 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.
- Q61. 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.
- Q62. 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.
- Q63. 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.

- Q64. Have you or any employee or agent of yours ever communicating 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.

- Q65. 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 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 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.

- Q66. 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.

- Q67. Have you as part of your business ever employed any steam plant operators, boiler repair workers, insulator 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 require 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.

Q68. State the total number of employees of your 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 for each year, from the date that you first manufactured, distributed or sold any asbestos-containing products until the present time.

Q69. 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.

Q70. 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.

- Q71. 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.

- Q72. 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.

- Q73. 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.
- Q74. 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.
- Q75. 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.
- Q76. 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.

Q77. Have you ever removed or had removed any asbestos insulation or other asbestos containing material from any building, plant or facility which you owned, operator, 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.

Q78. 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.

Q79. 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.

Q80. 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.

Q81. 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.

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

Q82. 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 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.

Q83. 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.

Q84. 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 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.

Q85. Identify the name and address of each nonexpert 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.

Q86. Identify and produce each exhibit that you intend to rely upon at trial.

- Q87. 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.
- Q88. 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.
- Q89. 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.
- Q90. 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.

REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, 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 worksite in New York City or within 75 miles of New York City.

(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.

(4) All records showing the amount and dollar value 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 products (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 for 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, Ne Jersey or Connecticut or which involved the sale of asbestos-containing materials in those states.
- (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 association 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 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.
- (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) Nonoccupational 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 by 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, standardized, threshold limits, government or military specifications, industrial hygiene, ship or railroad design or construction, warnings, friability of defendants' products, health hazards involving defendants' products, general medical issues relating to asbestos disease and their causes or and with respect to any individual plaintiff's case.

(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 defendants' 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 Hygienist.

(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.

Dated: New York, New York

January 18, 1999

EARLY & STRAUSS, LLC
Counsel for Plaintiffs

By: _____

MARK G. STRAUSS, ESQ.
360 Lexington Avenue, 20th Floor
New York, New York 10017
(212) 986-2233

ATTACHMENT I

ASBESTOS PRODUCT INFORMATION SHEET:

(a) A description of the product: _____

(b) Generic Name: _____

(c) 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: _____

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

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

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

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

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

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

(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:

(s) The intended use of the product: _____

(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: _____

(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: _____

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> |
|-------------|------------------|-------------------|-----------------|---------------|--------------|
| _____ | _____ | _____ | _____ | _____ | \$ _____ |
| _____ | _____ | _____ | _____ | _____ | \$ _____ |
| _____ | _____ | _____ | _____ | _____ | \$ _____ |
| _____ | _____ | _____ | _____ | _____ | \$ _____ |

| | | | | | |
|-------|-------|-------|-------|-------|----------|
| _____ | _____ | _____ | _____ | _____ | \$ _____ |
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| _____ | _____ | _____ | _____ | _____ | \$ _____ |
| _____ | _____ | _____ | _____ | _____ | \$ _____ |
| _____ | _____ | _____ | _____ | _____ | \$ _____ |
| _____ | _____ | _____ | _____ | _____ | \$ _____ |

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

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 DG or SSC 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 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:

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> |
|-------------|--|-------------------------------------|----------------------------------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

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P10. Have you ever conducted, financed or made inspection of any dust counts of work areas at the purchaser's facility or at sites where the purchaser's employees worked to determine the level of Asbestos dust where your asbestos products were used? Yes () No () If you have:

a. Identify each inspection report and test setting forth the date and places done and the details of each test:

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b. State what action, if any, you took following receipt of the test or inspection results and identify all related documents: _____

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| |

c. Whether or not you have conducted such studies, state whether you ever considered doing so and for each such occasion when such consideration was given, state:

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

1. National Gypsum Company
2. AC&S, Inc.
3. Armstrong World Industries, Inc., f/k/a Armstrong Cork Company
4. The Celotex Company, individually and as successor-in-interest to Philip Carey Manufacturing Co., Philip Carey Corporation, Briggs Manufacturing Co., Smith & Kanzler Corporation and Panacon Corporation
5. Eagle-Picher Industries, Inc.
6. GAF Corporation
7. Raymark Industries, Inc., individually and as successor-in-interest to Raybestos-Manhattan, Inc.
8. Owens-Corning Fiberglas Corp.
9. U.S. Mineral Products Company
10. H.K. Porter Company, Inc., individually and successor to Southern Textile Corporation and Southern Asbestos Company
11. The Flintkote Company
12. Carey Canada, Inc.
13. Fibreboard Corporation
14. Rock Wool Manufacturing Company Inc.
15. Owens-Illinois, Inc.
16. Turner & Newall, PLC., individually and as successor to Keasbey-Mattison Corporation
17. United States Gypsum Company
18. Dana Corporation, individually and as successor to Smith & Kanzler Company and Victor Gasket Company
19. Certainteed Corporation
20. TAF International, Ltd., formerly Turner Asbestos Fibers, Ltd.
21. Pittsburgh-Corning Corporation, individually and as successor to Unarco Industries

22. 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 of 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 FRCP 26(e), these interrogatories shall be deemed continuing and defendants are required to supplement their responses as new or additional information is acquired.