

**UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: ASBESTOS PRODUCTS)
LIABILITY LITIGATION (No. VI))
_____)

MDL DOCKET NO.: MDL 875

)
THIS DOCUMENT RELATES TO)
PLAINTIFFS REPRESENTED BY)
WARD BLACK LAW TRANSFERRED)
FROM THE UNITED STATES)
DISTRICT COURTS OF NORTH)
CAROLINA)
_____)

**PLAINTIFFS' MASTER INTERROGATORIES AND REQUEST
FOR DISCLOSURES TO ALL DEFENDANTS**

COMES NOW the Plaintiffs and, pursuant to Federal Rules of Civil Procedure 26 and 33, hereby serve their Master Interrogatories and Request for Disclosure on all Defendants.

INSTRUCTIONS

1. Please produce all documents and tangible things as they are kept in the usual course of business or organize and label them to correspond with the categories or numbered requests in this set of discovery. *See* Federal Rules of Civil Procedure 33(d) and 34(b)(2)(E).
2. If any information or material is being withheld under any claim of privilege, protection, or immunity, please state with specificity the particular privilege, protection, or immunity asserted. *See* Federal Rule of Civil Procedure 26(b)(5).
3. If Defendant cannot produce requested information or material because it is not in Defendant's possession, custody, or control, please identify the information or material, the reason the information or material is not in Defendant's possession, custody, or control, and the entity currently having possession, custody, or control over the information or material.
4. When providing a date, please provide the exact day, month, and year. If the exact date is not known, please provide the best approximation of the date and clearly note that the date is an approximation.
5. As specified by Federal Rule of Civil Procedure 34(b)(2)(E), if responsive material is in electronic, magnetic, or digital form, Plaintiff specifically requests production of such material. Plaintiff requests such material be provided on CD-ROM.

6. In the event a proper and timely objection is filed as to any requested material, please nevertheless respond to all portions of the request which do not fall within the scope of the objection. For example, if a request is objected to on the grounds that it is too broad insofar as it seeks documents covering years Defendant believes are not relevant to this litigation, please nevertheless produce documents for all years which Defendant concedes are relevant. *See* Federal Rules of Civil Procedure 33(b)(3) and 34 (b)(2)(C).
7. With respect to responses related to Plaintiffs' Work Histories, Defendant may restrict its answers to dates prior to January 1, 1986.

GENERAL DEFINITIONS

As used in this set of discovery, the following terms mean:

1. The term, "Defendant," means the business entity answering these discovery requests and any of its merged, consolidated, or acquired predecessors, divisions, joint ventures, subsidiaries, foreign subsidiaries, foreign subsidiaries of predecessors, parent companies, sister companies, if such entity ever engaged in the mining, sale, manufacture, marketing, or distribution of asbestos or any asbestos containing product or substance, or used or required or permitted the use of asbestos or asbestos containing products or substances in a commercial or industrial setting, or acquired or transferred liability for the same. This definition includes present and former officers, directors, agents, employees, attorneys and all other persons acting or purporting to act on behalf of the business entity or its predecessors, subsidiaries, and/or affiliates.
 - "Predecessors" further means any business entity, whether or not incorporated, which had all or some of its assets purchased by Defendant or came to be acquired by Defendant whether by merger, consolidation, or other means.
 - "Subsidiaries" further means any business entity, whether or not incorporated, which is or was in any way owned or controlled, in whole or in part by Defendant or its predecessors.
2. The term, "document," is synonymous in meaning and equal in scope to the usage of the phrase, "documents and tangible things," in Rules 26 and 34 of the Federal Rules of Civil Procedure. A draft or a non-identical copy is a separate document within the meaning of this term. Requested documents include, but are not limited to, the following:
 - a. those that are now or were formerly in the possession, custody, or control of Defendant, and

- b. those that are known or believed to be responsive to these discovery requests regardless of who now has or formerly had possession, custody, or control of the documents.

Documents include, by way of example only, any memorandum, request envelope, correspondence, electronic mail, report, note, Post-It, message, telephone message, telephone log, diary, journal, appointment calendar, calendar, group scheduler calendar, drawing, painting, accounting paper, minutes, working paper, financial report, accounting report, work papers, drafts, facsimile, facsimile transmission report, contract, invoice, record of sale or purchase, Teletype message, chart, graph, index, directory, computer directory, computer disk, computer tape, or any other written, printed, typed, punched, taped, filmed, or graphic matter however produced or reproduced. Documents also include the file, folder tabs, and labels appended to or containing any documents.

3. The term, “person,” includes natural persons, firms, partnerships, associations, joint ventures, corporations, and any other form of business organization or arrangement, as well as officers, directors, shareholders, employees, agents, and contractors of any business organization or arrangement.
4. The term, “meeting,” means any act or process of persons coming together for the purpose of discussing and/or acting upon some matter, whether such gathering was formal or informal, in person or through other means.
5. The term, “asbestos,” means any of the naturally-occurring fibrous silicate minerals, including both serpentine forms (chrysotile) and amphibole forms (amosite, crocidolite, tremolite, anthophyllite, and actinolite), whether referred to by their scientific names or by synonyms such as brown (amosite), white (chrysotile) or blue (crocidolite) asbestos.
6. The term, “asbestos-containing product,” means any product or material that contains asbestos in any form. Such products include, but are not limited to, pipe covering, turbines, blankets, cement, block, gaskets, packing, plaster, joint compound, floor and ceiling tiles, mastics, raw fibers, fireproofing, shingles, panels, sheets, boards, millboard, refractory cement, boilers, pressure vessels, firebrick, brake and clutch linings, finishing compound, texture, drilling mud, “hot tops,” and other construction, building, drywall, lath, and insulation materials.
7. The term, “asbestos-in-place,” means any asbestos-containing product that was used, applied, or installed on any part of a premises or on any improvements made to a premises, and that remained on that premises at any time during the period in which Plaintiff has alleged exposure to asbestos.
8. The terms, “trade organization” and “trade association,” mean any organization or association of business, industrial, or governmental entities that were associated and/or met for the purpose of achieving common goals, exchanging or disseminating information related to common needs or interests, and/or learning information or facts of interest to the various members of the organization or association.

9. The terms, “plant” and “facility,” mean any location where materials are refined, converted, chemically altered, changed, assembled, manufactured, constructed, or fabricated as well as locations where products are fabricated, assembled, or manufactured or prepared for further fabrication or assembly. This definition also includes office spaces, storage spaces, control rooms, undeveloped land, and similar areas within the larger plant or facility.
10. The term, “manufacture,” means to fabricate, construct, assemble, prepare for fabrication or assembly, or take any other action prior to completion of a product or material.
11. The terms, “medical department,” “safety department,” and “industrial hygiene department,” mean an individual or a group of individuals working for Defendant, either directly or in a contractual capacity, whose purpose was or is to provide guidance, assistance, or advice concerning any aspect of medical health including, but not limited to, the safety of Defendant's workers and the safety of individuals using or exposed to asbestos or asbestos-containing products.
12. The term, “hazards of asbestos,” means any potential or actual asbestos-related injury, effect, damage, scarring, wound, impairment, or disability of any part of human or non-human anatomy including, but not limited to, the lungs and associated tissue.
13. The term, “test,” includes, but is not limited to, studies of atmospheric dust samples, studies of the concentration of asbestos in airborne test samples, studies of the lung conditions of workers (by x-ray or other means), pulmonary function studies of workers, animal studies, pathological studies, industrial hygiene studies, risk assessment studies, cost-benefit analyses, and any other studies concerning health and safety.
14. The terms, “identify” and “identity,” mean:
 - a. in reference to a natural person the person’s full name, present or last known business address, present or last known home address, telephone numbers, employer, the years of employment and positions held during employment (if employed by Defendant), the locality(ies) where the person was so employed, and any other information that may be helpful in locating the person;
 - b. in reference to any business entity the full legal name and form of organization, all other names under which it conducts business, its present or last known address, and the name and address of its registered agent;
 - c. in reference to a document or tangible thing its date of creation, its author or creator, the type of document or tangible thing, the nature and substance of the document or tangible thing, its present location, and the identity of its present custodian;

- d. in reference to a communication the identity of the persons involved or participating in the communication, the date of the communication, and the general subject matter of the communication; and
 - e. in reference to a product the name and type of product, its identifying features and characteristics, the name of the manufacturer, and the date of manufacture.
15. The term, “communication,” means any transmission or exchange of information, whether oral or written, and whether face to face, by telephone, mail, fax, personal delivery, electronic means, or otherwise.
 16. The term, “premises,” means:
 - a. real property, as well as any structures or other improvements located on the property, and
 - b. a ship or other floating vehicle, vessel, or structure.
 17. The terms, “abate” and “abatement,” mean any removal and/or cleanup of asbestos-containing products on a premises.
 18. The term, “Dreessen Report,” means W.C. Dreessen’s “A Study of Asbestos in the Asbestos Textile Industry,” published in January of 1938 in Public Health Bill No. 241, U.S. Public Health Service.
 19. The term, “Fleischer-Drinker Report,” means W. Fleischer and P. Drinker’s, *et al.* “A Health Survey of Pipe Covering Operations in Constructing Naval Vessels,” published in January of 1946 in the Journal of Industrial Hygiene & Toxicology.
 20. The term, “utilize,” when referring to asbestos-containing products and/or asbestos job site(s) means to install, inspect, apply, maintain, repair, replace, or remove.
 21. The term, “breathing zone” means that physical area of the surrounding environment in which a person performs the normal respiratory function.
 22. The term, “work histories of plaintiffs previously provided” means the documents provided by the Plaintiffs in response to paragraph (1) of the Order of Referral to Magistrate Judge by the Hon. Eduardo C. Robreno, dated March 18, 2009.
 23. The definitions stated above shall also apply to other grammatical forms of the word defined, such as singular and plural, masculine and feminine, and various verb tenses.
 24. Any word not specifically defined above is to be given its meaning as contained in the most recent edition of the American Heritage Dictionary, published by the Houghton-Mifflin Company.

Plaintiffs' Master Request For Disclosure
(Applicable to All Types of Defendants)

Pursuant to Federal Rule of Civil Procedure 26, Defendant is hereby requested to disclose, in compliance with the Federal Rules of Civil Procedure and the Case Scheduling Order, the information or material described in Rule 26(a)(1) through (a)(3).

Plaintiffs' Master Interrogatories to ALL Defendants

1. Identify the registered name of the answering defendant as well as all prior names or predecessor entities by which the defendant has existed:

(a) For each give the current address and the state of incorporation and whether or not it is an active corporation.

2. Set forth the full and correct name, the principle place of business and the state and date of incorporation of the answering defendant.

3. Please state whether or not you have ever held a certificate of authority to do business in North Carolina and the addresses for your registered agents for service in that state.

4. Please identify all documents and tangible things used, related to, or referred to in connection with the preparation of these discovery answers. For all such documents and tangible things state the number of the interrogatory.

5. Please identify each person who has supplied any information or assisted in locating any documents or tangible things used in answering or responding to this discovery, and provide a year-by-year list of all positions or job titles held by each person.

6. Give the names and addresses of persons known to defendants or to counsel that have knowledge concerning the jobsites of the plaintiff or, otherwise, the facts of this case and indicate whether or not written or recorded statements have been taken from such witnesses and indicate who has possession, custody or control of such statements.

7. When and how did Defendant first learn that inhalation of asbestos fibers can lead to the development of each of the following asbestos-related diseases:

- (a) asbestosis;
- (b) pleural plaques;
- (c) pleural thickening;
- (d) interstitial fibrosis;
- (e) scarring of the lungs;
- (f) colon cancer;

- (g) laryngeal cancer;
- (h) esophageal cancer;
- (i) lung cancer; and
- (j) mesothelioma (pleural, peritoneal, or pericardial)

8. Please list all trade organizations, trade associations, and any other groups to which Defendant belonged in which information relating to the hazards of asbestos or nuisance dust in general was discussed, disseminated, or in any way published before 1980. This list should include (but is not limited to) any membership in the American Hygiene Foundation, Industrial Hygiene Foundation, Chemical Manufacturer's Association (or its predecessor, the MCA), American Chemical Council, American Petroleum Institute, National Safety Council, American National Standards Institute (ANSI), Asbestos Information Association, Industrial Medical Association, American Society of Mechanical Engineers; American Society for Testing and Materials, Chlorine Institute, American Industrial Hygiene Association, National Insulation Manufacturers Association, Asbestos Textile Institute, Society of Automotive Engineers, Society of Petroleum Engineers, ACGIH, American Occupational Medicine Association, American Public Health Association, Friction Materials Standards Institute, Brake Lining Manufacturer's Association, American Medical Association, NIOSH and any state safety organizations. As to each listed group, please state:

- (a) the time period when Defendant was a member;
- (b) the identity of Defendant's employees, former employees, or representatives who attended any of the meetings held by each listed group, as well as the dates and locations of the meetings they attended;
- (c) the identity of Defendant's employees, former employees, or representatives who served on any committees or subcommittees of any listed group (e.g., a medical advisory committee or legal committee); and
- (d) the name of the committee or subcommittee on which such person served and the position occupied on the committee, if applicable.

9. Please identify each of Defendant's employees, former employees, or representatives who attended any proceeding, symposium, or conference of a scientific, medical, or technical nature, before 1972, during which information relating to the hazards of asbestos or nuisance dust in general was discussed, disseminated, or in any way published (e.g., the effects of human or nonhuman exposure to asbestos, populations at risk, etc.). A response to this Interrogatory should include any attendance at the Seventh Saranac Symposium in 1952, the Proceedings of the New York Academy of Sciences in October of 1964, any meetings held by any organization listed in Defendant's response to Interrogatory No. 2. For each person identified in the response to this Interrogatory, please also list the proceeding, symposium, or conference the person attended; provide the date and location of the proceeding, symposium, or conference; provide the identity of the person within Defendant's organization who received or was designated to receive the attending person's report of the information gathered at such proceeding, symposium, or conference; and describe the manner in which such reports were made.

10. Please describe Defendant's medical, safety, and industrial hygiene programs from the Defendant's inception through the current time. Specifically, please state when Defendant first

established each of its medical departments, safety departments, and/or industrial hygiene departments. Please also provide the name or designation of each department. For each department identified in the response to this Interrogatory, please identify each person associated with the department, including, but not limited to, the director, manager, physician, nurse, medical personnel, safety engineer, industrial hygienist, safety personnel, and other employees in such department who were employed by Defendant or contracted with Defendant at any time.

11. Has Defendant ever been investigated or cited by OSHA or any other local, state, or federal governmental agency for any matter related to asbestos or asbestos exposure? If so, please provide the dates of such investigations, the results that were communicated to Defendant, and the remedial measures (if any) which were undertaken by Defendant.

12. Please describe whether and, if so, how Defendant stores its documents and records including but not limited to any document retention or document destruction policies throughout Defendant's history from inception to the present. Also identify and describe Defendant's document indexing or organizational system that has been in force from Defendant's inception until the present.

13. Please describe how Defendant's documents are stored, indexed, organized or maintained and identify all records custodians, librarians or other individuals who have presently or have had in the past access to Defendant's document repository.

14. Please provide Defendant's complete corporate history, including its ownership, sale, acquisition, or divestiture, and any mergers, acquisitions, consolidations, or other similar events involving Defendant at any time during its history.

15. When was the first time Defendant became familiar with the concept of a threshold limit value, or TLV, for airborne dust, and how was Defendant first made aware of this concept?

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

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

(f), attach a copy of a resume or curriculum vitae and a list of publications to your responses to these discovery requests.

17. Prior to 1970, did any person file a claim against a Worker's Compensation carrier covering Defendant or any of its subsidiaries or predecessor companies alleging that he/she contracted a disease from inhaling asbestos fibers? If so, please provide:

- (a) A list of the claims, including each claimant's name, address and the date each claim was filed, and including the caption and jurisdiction of the claim;
- (b) The disease alleged in each such claim;
- (c) A brief summary of the disposition of each such claim; and
- (d) The name, address, and title of the person having custody of the records pertaining to each such claim.

18. Before or after distributing, selling, specifying, installing or placing the products identified in your answers to these Interrogatories into the stream of commerce, were any tests conducted by you or on behalf of you to determine potential health hazards associated with the use of or exposure to asbestos fibers associated with these products. If the answer is in the affirmative, please state:

- (a) The names of the products tested and the date of each test;
- (b) The name, address, and job title of each person conducting the tests or involved with conducting the tests;
- (c) The results of each such test; and
- (d) Actions taken upon receipt and analysis of the results of each such test.

19. Please identify each distributor or wholesaler located or authorized to sell or distribute your products (1) in or for North Carolina and (2) in or for any jobsite outside of North Carolina identified in plaintiffs' work histories previously provided. For each distributor or wholesaler, please state:

- (a) Name and last known address;
- (b) The years of, and the geographical area encompassed by the relationship;
- (c) Whether there was a written distributorship agreement;
- (d) Whether the distributorship was exclusive; and
- (e) The extent to which sales to customers in this state were handled through distributors or wholesalers located outside this state.

20. Identify the names and addresses of all lay witnesses whom you presently intend to call to testify at trial, and briefly identify the subject matter of their testimony and what connection each such person has with matters relevant to this lawsuit (e.g., former co-workers of Plaintiff, former plant manager of plant X, etc.). Please supplement this list as you ascertain any additional witnesses.

21. Please identify each asbestos-containing product that Defendant mined, manufactured, marketed, produced, researched, sold, distributed, or patented at any time. For each product identified, please provide the following information:

- (a) the trade name or brand name of the product mined, manufactured, marketed, produced, researched, sold, distributed, and/or patented;
- (b) the date the product was patented (if patented), placed on the market (if marketed), and the inclusive dates of the product's manufacture or sale (if manufactured or sold);
- (c) the physical and chemical composition of the product, including the type of asbestos contained in the product and the percentage or amount of asbestos in each product;
- (d) the date Defendant stopped mining, manufacturing, marketing, producing, researching, selling, and/or distributing the product;
- (e) the date the product was removed from the market (if marketed) and no longer sold or distributed and the reasons therefore;
- (f) the date asbestos was removed from the product, if ever, and the reasons for removing it;
- (g) the seller(s), distributor(s) and/or supplier(s) from whom Defendant purchased the asbestos used in each particular product, and the type (example: amosite, chrysotile) and quantity of asbestos Defendant purchased from the seller(s);
- (h) whether Defendant ever conducted any testing on the product to determine whether it posed any potential hazard to human or non-human health;
- (i) the plant or facility where the product was mined, manufactured, produced, or researched;
- (j) the foreseeable users of the product (such as insulators, helpers, pipefitters, boilermakers, welders, machinists, plasterers, drywall finishers, carpenters, shipwrights, etc.); and
- (k) a description of any warnings that Defendant placed on the product or its packaging, operating manuals, brochures, catalogs, or other related printed material. This description should include the precise language of the warning, the size of the warning, the location on the product or its packaging where the warning was printed, and when the warning was first placed on the product.

22. As to each and every asbestos-containing product identified in the Interrogatory immediately above, please list each and every asbestos fiber supplier to this Defendant.

23. As to any asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant at any time, were such products ever further distributed, marketed, packaged, labeled, or sold by companies or individuals other than Defendant? If so, please identify such companies or individuals, provide the dates those companies or individuals further distributed, marketed, packages, labeled, or sold Defendant's asbestos-containing products, and identify the specific asbestos-containing products involved.

24. As to each asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant at any time, was each such product generally expected to reach, or packaged to reach, the consumer or user without substantial change in the condition in which it was sold? If not, with respect to each such product, please explain in what way Defendant claims such product was to be altered or substantially changed after sale or distribution and before reaching the consumer or user.

25. As to each asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant at any time, does Defendant contend that any of the products can be generally utilized without liberating asbestos fibers into the air? If so, please identify each such product, generally describe the intended use of the product, and explain how such use would not tend to liberate asbestos fibers into the air.

26. Was it foreseeable to Defendant, at the time each asbestos-containing product mined manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant was released for sale and distribution, that the product might be removed, stripped, ripped out, or replaced at some time after installation?

27. Before 1970, did Defendant ever mine, manufacture, market, produce, research, sell, distribute, or patent any product which did not contain asbestos and which could be substituted for any asbestos-containing product? If so, please identify such asbestos-free product, and state the date such product was first placed on the market.

28. As to each asbestos-containing product mined, manufactured, marketed, produced, researched, sold, distributed, or patented by Defendant at any time, when, if ever, did Defendant become aware of asbestos-free substitutes or alternatives for such product (e.g. mineral wool), regardless of Defendant's belief of the viability of such substitutes or alternatives?

29. If it is your contention that you took the proper precautions to protect users of your asbestos-containing product(s) from potential hazards associated with the use of said asbestos containing-product(s), please identify any such precautions and actions taken by you.

30. Please identify all persons with knowledge of facts relevant to the presence or absence of Defendant's asbestos and/or asbestos-containing products at any worksites or locations identified in discovery where Plaintiff, Plaintiff's decedent, or (in a household exposure case) exposed family member was present, please include a short statement as to the nature of the individual's knowledge as it relates to this subject matter.

31. Beginning in the year that Defendant first manufactured, marketed, produced, researched, sold, distributed, or patented any asbestos-containing product, and continuing through the present day, please identify each person who has held the position of corporate medical director, corporate safety director, and corporate industrial hygienist, however characterized. For each person identified, please also provide the person's current or last known address and whether the person is currently alive or dead, if known.

32. Please indicate whether or not there are any documents, including but not limited to, invoices, billing records, sales records, contracts, purchase orders, or any other like document that reflect the distribution of your product (1) to jobsites in North Carolina and (2) to jobsites in states other than North Carolina identified in the work histories of the plaintiffs previously provided.

33. If it is your contention that your product was not or could not have been sold, distributed or otherwise present on any job site at which Plaintiff claims exposure to asbestos, please state the reasons for this contention and the underlying basis for it.

34. If you intend to make the contention at the trial of this case that your products were not or could not have been present on any job sites to which Plaintiff claims exposure to asbestos please identify the individual or individuals who will testify to this contention and the underlying basis for their testimony.

35. Describe each of your asbestos-containing products identified in Interrogatory No. 21 above.

36. Please identify each and every piece of equipment that Defendant manufactured, marketed, sold or distributed in which Defendant ever incorporated asbestos containing parts or specified the use of asbestos or asbestos-containing products or otherwise utilized asbestos containing component parts in the design manufacture, construction, erection, operations, service, and/or repair of such equipment? For each type or piece of equipment identified, please provide the following information:

- (a) the trade name or brand name of the equipment manufactured, marketed, sold or distributed by Defendant;
- (b) the type and/or brand name of asbestos or asbestos-containing product specified for use with the equipment;
- (c) the date the equipment was placed on the market, and the inclusive dates of the equipment's manufacture, sale, and distribution;
- (d) a detailed description of the equipment, including a description of how and why the equipment involved the use of asbestos or asbestos-containing products;
- (e) the date Defendant stopped manufacturing, marketing, selling, and/or distributing the equipment;
- (f) if applicable, the date the equipment was removed from the market and no longer sold or distributed and the reasons therefore;
- (g) if applicable, the date asbestos was no longer specified for use with the equipment, and the reasons for no longer specifying it;
- (h) if applicable, the seller from whom Defendant purchased the asbestos used in the equipment, and the type (example: amosite, chrysotile) and quantity of asbestos Defendant purchased from the seller;
- (i) whether Defendant ever conducted any testing on the equipment to determine whether it posed any potential asbestos-related hazard to human or non-human health;
- (j) the plants or facilities where the equipment was manufactured;
- (k) the foreseeable users of the equipment (such as insulators, helpers, pipefitters, boilermakers, welders, machinists, plasterers, drywall finishers, carpenters, shipwrights, etc.); and
- (l) a description of any warnings that Defendant placed on the equipment or its packaging, operating manuals, brochures, catalogs, or other related printed material. This description should include the precise language of the warning, the

size of the warning, the location on the equipment or its packaging where the warning was printed, and when the warning was first placed on the equipment.

37. As to any equipment identified in response to Interrogatory No. 36 above, was such equipment ever further distributed, marketed, packaged, labeled, or sold by companies or individuals other than Defendant? If so, please identify such companies or individuals, provide the dates those companies or individuals further distributed, marketed, packaged, labeled, or sold Defendant's asbestos-containing products, and identify the specific asbestos-containing products involved.

38. As to any equipment identified in response to Interrogatory No. 36 above, was such equipment generally expected to reach, or packaged to reach, the consumer or user without substantial change in the condition in which it was sold? If not, with respect to each such product, please explain in what way Defendant claims such product was to be altered or substantially changed after sale or distribution and before reaching the consumer or user.

39. As to any equipment identified in response to Interrogatory No. 36 above, does Defendant contend that such equipment can be generally utilized without liberating asbestos fibers into the air? If so, please identify such equipment, generally describe the intended use of the equipment, and explain how such use would not tend to liberate asbestos fibers into the air.

40. As to any equipment identified in response to Interrogatory No. 36 above, did Defendant ever use any type of written sales contract between Defendant and the buyer of such equipment? If so, did such written sales contract ever include a clause that Defendant would agree to repair and/or service the equipment if necessary?

41. Did Defendant ever enter into any agreement with any manufacturer of asbestos-containing products to use or recommend the use of that manufacturer's asbestos-containing products with any equipment identified in response to Interrogatory No. 36 above?

42. Beginning in the year that Defendant first manufactured, marketed, sold, or distributed the equipment identified in response to Interrogatory No. 36 above, and continuing through the present day, please identify each person who has held the position of (a) corporate medical director, (b) corporate safety director, and (c) corporate industrial hygienist, however characterized. For each person identified, please also provide the person's current or last known address and whether the person is currently alive or dead, if known.

43. Was it foreseeable to Defendant, at the time each type or piece of equipment identified in response to Interrogatory No. 36 above was released for sale and distribution, that the asbestos or asbestos-containing products specified for use with such equipment might be removed, stripped, ripped out, or replaced at some time after installation?

44. For each type or piece of equipment identified in response to Interrogatory No. 36, were asbestos gaskets utilized as component parts?

45. For each type or piece of equipment identified in response to Interrogatory No. 36, at any time was asbestos packing utilized as a component part?

46. For each type or piece of equipment identified in response to Interrogatory No. 36, at any time, was it necessary for asbestos insulation to be utilized in conjunction with any of your equipment?

47. Please provide the serial numbers for any of your equipment identified in your responses to Interrogatories No. 21 and No. 36 above (1) located in North Carolina and (2) located at jobsites in states other than North Carolina identified in the work histories of the Plaintiffs previously provided.