

MARSHALL, DENNEHEY, WARNER, COLEMAN & GOGGIN

A PROFESSIONAL CORPORATION

www.marshalldennehey.com

1845 Walnut Street · Philadelphia, PA 19103-4797
(215) 575-2600 · Fax (215) 575-0856

Direct Dial: 215-575-2751
Email: jdscheets@mdwecg.com

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September 1, 2011

John Kopesky, Esq.
SHEIN LAW CENTER, LTD.
121 South Broad Street, 21st Floor
Philadelphia, PA 19107

RE: David Madsen v. J.A. Sexauer, et al.
1104-00409

Rodney Markley v. J.A. Sexauer, et. al
1009-02916

Dear Mr. Kopesky:

Enclosed please find J.A. Sexauer's responses to the Interrogatories (Set I) and Requests for Production of Documents and Things (Set I) in the above-referenced case. A verification for these interrogatories will follow separately.

Very truly yours,

A handwritten signature in black ink, appearing to read "J.D. Scheets", is written over the typed name "JOSHUA D. SCHEETS". The signature is stylized with a large, sweeping "J" and "S".

JOSHUA D. SCHEETS

Enclosures

**MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN**
BY: CHRISTOPHER N. SANTORO, ESQUIRE
ATTY. I.D. 40970
BY: JOSHUA D. SCHEETS, ESQUIRE
ATTY. I.D. 203015
1845 Walnut Street, 13th Floor
Philadelphia, PA 19103
(215) 575-2600

ATTORNEY FOR:
Defendant, J.A. Sexauer, Inc.

RODNEY MARKLEY and ANNA MAE
MARKLEY

v.

J.A. SEXAUER, et al.

: COURT OF COMMON PLEAS
: PHILADELPHIA COUNTY
:
: SEPTEMBER TERM, 2010
: NO. 2916
:
: *ASBESTOS CASE
:

DAVID S. MADSEN, JR. and BARBARA
MADSEN, his wife

vs.

J.A. SEXAUER, et al.

: COURT OF COMMON PLEAS
: PHILADELPHIA COUNTY
:
: APRIL TERM, 2011
: NO. 0409
:
: *ASBESTOS CASE
:

**J.A. SEXAUER'S RESPONSES TO PLAINTIFFS' INTERROGATORIES (SET I) AND
FIRST REQUESTS FOR PRODUCTION OF DOCUMENTS**

NOW COMES Defendant, J.A. Sexauer, by and through its attorneys, Marshall, Dennehey Warner, Coleman & Goggin, and for its Answers, Responses and Objections to Plaintiff's Interrogatories (Set I) and First Requests for Production of Documents, states as follows:

PRELIMINARY STATEMENT

Plaintiffs' Interrogatories (Set 1) and First Requests for Production of Documents ("Requests"), concern events that occurred decades ago. Defendant, J.A. Sexauer's ability to provide the information requested by Plaintiffs is impacted by the passage of time. These

Responses are believed to be accurate as of the date of filing, but J.A. Sexauer's investigation of the underlying facts is continuing.

Further investigation or discovery may add meaning to the known facts or establish new factual conclusions or legal contentions. J.A. Sexauer therefore reserves the right to amend or supplement any and all Responses herein, if permitted or required by applicable law, as additional facts are ascertained, or as the contentions of the Plaintiffs herein may be discovered or amended. These Responses are given without prejudice to J.A. Sexauer's right to rely at trial on subsequently discovered information or on information inadvertently omitted herein. If the information contained herein differs in any material respect from any prior responses to this or other discovery, these Responses shall be deemed to update and supersede such prior responses.

J.A. Sexauer objects to any Requests that impose an unreasonable burden on J.A. Sexauer because of Plaintiffs' failure to phrase clearly or tailor these generic Requests to J.A. Sexauer, or to draft these Requests as to lead to the discovery of admissible evidence. J.A. Sexauer objects to these Requests on the ground that Plaintiffs' Requests are so imprecisely described and devoid of specificity as to make it impossible to conduct a meaningful search for responsive documents or to frame responses relevant to the cases or claims currently at issue. J.A. Sexauer provides these Responses based upon the Requests as framed by Plaintiffs.

J.A. Sexauer further objects to these Requests because they are overly broad, are not tailored in any way to a Defendant such as J.A. Sexauer, pose an unreasonable burden, and are not reasonably calculated to lead to the discovery of admissible evidence concerning the products, which Plaintiffs reasonably believe to have caused harm. Upon identification by Plaintiffs of the specific products of J.A. Sexauer to which Plaintiffs reasonably believe they were exposed to asbestos, J.A. Sexauer will review the documents in its possession, if any, for additional, responsive information.

The Responses contained herein are made in good faith effort to respond to Plaintiffs' Requests based on currently available information, but in no way should prejudice J.A. Sexauer in relation to further discovery, research or analysis. J.A. Sexauer does not concede that any of its Responses or documents produced pursuant to Plaintiffs' discovery requests are or will be admissible evidence at trial. These responses are made without waiving or intending to waive:

- a) All objections as to competency, relevancy, materiality, authenticity, privilege, or admissibility as evidence for any purpose, of any answer or subject matter thereof, in any subsequent proceeding or trial in these or other actions;
- b) The right to object on any ground at any time to a demand for further answers to these or any other requests involving or relating to the subject matter of the requests or responses herein;
- c) The right at any time to review, correct, supplement or clarify any of the responses provided herein.

J.A. Sexauer does not waive any objections by providing responses to individual Requests, or by raising additional objections regarding the same. J.A. Sexauer incorporates by reference this Preliminary Statement into each and every Response set forth below.

II. GENERAL OBJECTIONS

1. J.A. Sexauer objects to these Requests on the grounds that they are overly broad and beyond the scope of product identification in this litigation.
2. J.A. Sexauer also objects to the form, as well as the vague, ambiguous and compound nature of many of the Requests, in addition to the argumentative predicates contained therein.
3. J.A. Sexauer objects to Plaintiffs' Requests which call for expert opinion and narrative answers not proper under the Pennsylvania Rules of Civil Procedure. J.A. Sexauer asserts that, to the extent expert opinions are at issue, the bases thereof are generally known to Plaintiffs' attorneys from disclosure of such opinions in this case and others.
4. J.A. Sexauer objects on the grounds these Requests are unduly burdensome.
5. J.A. Sexauer objects to any Request that implies or assumes that Plaintiff has or had any asbestos-related injury. The burden of proof is on the Plaintiffs to prove an asbestos-related injury, and J.A. Sexauer has a constitutional right to deny the same.
6. J.A. Sexauer objects to these Requests on the grounds that the information sought is not relevant and is not reasonably calculated to lead to the discovery of admissible evidence.
7. J.A. Sexauer objects to the definitions incorporated into these Requests to the extent they attempt to redefine the meaning of terms found in the civil rules or commonly accepted English usage. J.A. Sexauer has responded to these Requests with the understanding that terms used therein are to be given their usual and customary meaning and objects to any attempt to suggest or require the use of some other standard.
8. J.A. Sexauer objects to Plaintiff's Requests insofar as they seek to require Defendant to identify documents. J.A. Sexauer asserts that Requests to "identify" are overly broad, non-specific, unduly burdensome, oppressive, and seek information not reasonably calculated to lead to the discovery of admissible evidence.
9. J.A. Sexauer also objects to Plaintiffs' definition of "asbestos containing product" as argumentative, vague, overly broad, unduly burdensome and beyond what is permissible under the Pennsylvania Rules of Civil Procedure. Furthermore, J.A. Sexauer objects to any suggestion that "asbestos" and "asbestos-containing product" are interchangeable terms.
10. J.A. Sexauer objects to Plaintiffs' Requests to the extent they seek information from its present or former attorneys that is privileged. J.A. Sexauer objects to the extent these Requests seek disclosure of information or material that is subject to the attorney/client privilege, work-product privilege, investigative privilege, consulting expert privilege, party communications privilege, joint defense privilege, and/or any other applicable privilege or immunity.
11. J.A. Sexauer objects to the extent Plaintiffs' Requests seek information or material pertaining to alleged injuries or damages other than those alleged by Plaintiffs in the case currently at issue, on the grounds that such information is not relevant to

- any issue in those cases and is not reasonably calculated to lead to the discovery of admissible evidence.
12. J.A. Sexauer objects to the extent that these Requests seek information prior or subsequent to the date of Plaintiffs' alleged exposure to asbestos on J.A. Sexauer premises, because such information is not relevant to the cases at issue and is not reasonably calculated to lead to the discovery of admissible evidence.
 13. J.A. Sexauer objects to the extent that these Requests seek information that includes proprietary information and trade secrets. Information that identifies trade secrets will be redacted from any documents produced.
 14. J.A. Sexauer objects to the extent these Requests seek information or documents which, due to the passage of time or other reasons, are not in the possession, custody or control of J.A. Sexauer. Such requests call for documents or information outside the scope of permissible discovery.
 15. J.A. Sexauer objects to the extent these Requests require J.A. Sexauer to provide information that is equally available to Plaintiffs as it is to J.A. Sexauer, or seeks information in the public domain or published medical or scientific literature.
 16. J.A. Sexauer objects to any definition including, but not limited to Plaintiffs' use of the term "Your," within these Requests that purports to require responses on behalf of any entity other than J.A. Sexauer, or to require the provision of information and documents regarding claimed subsidiaries, predecessors and divisions that are not relevant to the cases currently at issue.
 17. J.A. Sexauer objects to these Requests insofar as the information sought is not limited in time or place or to activities relating to Plaintiffs' claims. Information sought regarding products not at issue is burdensome, oppressive, not relevant to the subject matter of the pending litigation, and discovery should be limited to specifically identified products to which Plaintiffs allege asbestos exposure, at a specific job site during a relevant time frame. To the extent Plaintiffs' Requests are not so limited, J.A. Sexauer objects.
 18. J.A. Sexauer expressly disavows any obligation to respond to these Requests on behalf of any alleged predecessor or alleged successor company or any alleged related company.
 19. J.A. Sexauer reserves the right to supplement or amend any objection contained in any discovery request. The failure of J.A. Sexauer to raise any objection shall not be deemed a waiver of that objection. Furthermore, any Answer or Response to Plaintiffs' discovery requests shall not be deemed a forfeiture of any and all objections.

RESPONSES TO INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS

A. General Interrogatories and Requests for Production — Applicable to ALL Defendants

1. Interrogatory No. 1: Please provide the following:

- a. the correct name of the Defendant;
- b. the name, address, and telephone number of Defendant;
- c. the legal theories and, in general, the factual bases of the responding Defendant's defenses (the responding party need not marshal all evidence that may be offered at trial);
- d. the name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case;
- e. for any testifying expert:
 - (1) the expert's name, address, and telephone number;
 - (2) the subject matter on which the expert will testify;
 - (3) the general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by, employed by, or otherwise subject to the control of the responding party, documents reflecting such information;
 - (4) if the expert is retained by, employed by, or otherwise subject to the control of the responding party:
 - (a) all documents, tangible things, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
 - (b) the expert's current resume and bibliography;
- f. any indemnity and insuring agreements under which any person may be liable to satisfy part or all of a judgment rendered in this action or to indemnify or reimburse for payments made to satisfy the judgment;
- g. regardless of when made, (1) any written statements signed or otherwise adopted or approved in writing by any person with knowledge of relevant facts or (2) any stenographic, mechanical, electrical, or other type of recording of an oral statement by any person with knowledge of relevant facts or any substantially verbatim transcription of such a recording;
- h. all medical records and bills obtained by Defendant regarding the Plaintiff; and
- i. the name, address, and telephone number of any person who may be designated a responsible third party.

Answer: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections and subject thereto, Answering Defendant responds as follows: J.A. Sexauer, Inc.; 570 Taxter Road, Elmsford, New York 10523.

2. Interrogatory No. 2: 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. lung cancer,
- d. kidney cancer,

- e. laryngeal cancer,
- f. esophageal cancer,
- g. stomach cancer,
- h. colon cancer, and
- i. mesothelioma?

Answer: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections and subject thereto, Answering Defendant responds as follows: Answering Defendant has never concluded that the products it distributed caused disease.

3. Request for Production No. 1: Please produce all documents and tangible things that indicate the time and/or manner in which Defendant learned inhalation of asbestos fibers by humans can lead to the development of the following asbestos-related diseases:

- a. asbestosis,
- b. pleural plaques,
- c. lung cancer,
- d. kidney cancer,
- e. laryngeal cancer,
- f. esophageal cancer,
- g. stomach cancer,
- h. colon cancer, and
- i. mesothelioma?

Response: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections and subject thereto, Answering Defendant responds as follows: Not applicable.

4. Interrogatory No. 3: 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.

Answer: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections and subject thereto, Answering Defendant responds as follows: Not applicable.

5. Request for Production No. 2: Please produce all documents and tangible things containing any information Defendant received before 1980, relating to the hazards of asbestos or nuisance dust in general that was discussed, disseminated, or in any way published by any organization, association, or group listed in Defendant's response to the Interrogatory No. 3, or by any other trade organization or group.

Response: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections and subject thereto, Answering Defendant responds as follows: Answering Defendant is not in possession of materials responsive to this request.

6. Interrogatory No. 4: 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, or meetings of any organization listed in Defendant's response to Interrogatory No. 3. 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.

Answer: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections and subject thereto, Answering Defendant responds as follows: Answering Defendant is not in possession of information responsive to this request.

7. Request for Production No. 3: Please produce all documents and tangible things related to any meeting, attended by any of Defendant's employees, former employees, or representatives, that indicate any discussion, consideration, or information regarding asbestos or nuisance dust in general. This Request for Production specifically seeks, but is not limited to meeting agendas, minutes, notes or memoranda from any proceeding, symposium or conference listed in Defendant's Response to Interrogatory No. 4, as well as from safety committees, purchasing committees or other groups within Defendant's organization generated before 1972.

Response: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections and subject thereto, Answering Defendant responds as follows: Answering Defendant is not in possession of materials responsive to this request.

8. Interrogatory No. 5: 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.

Answer: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections and subject thereto, Answering Defendant responds as follows: Answering Defendant is not in possession of information responsive to this request.

9. Request for Production No. 4: Please produce all documents and tangible things relating to Defendant's establishment of the medical, safety, and industrial hygiene departments noted in Defendant's response to the Interrogatory immediately above. This Request for Production specifically seeks, but is not limited to, any policies, procedures or guidelines given to each such department by Defendant's management, and any programs, testing, or other actions taken by each such department regarding the hazards of asbestos or nuisance dust in general.

Response: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections and subject thereto, Answering Defendant responds as follows: Not applicable.

10. Interrogatory No. 6: 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.

Answer: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections and subject thereto, Answering Defendant responds as follows: No.

11. Request for Production No. 5: Please produce all documents and tangible things relating to health or safety inspections of Defendant, by local, state or federal regulatory agencies. This Request for Production specifically seeks, but is not limited to all documents and tangible things relating to any violations, citations, or warnings, and includes inspections for asbestos and other dust hazards.

Response: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections and subject thereto, Answering Defendant responds as follows: Answering Defendant is not in possession of materials responsive to this request.

12. Interrogatory No. 7: 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.

Answer: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections and subject thereto, Answering Defendant responds as follows: Answering Defendant was formed in 1921 and was known as the J.A. Sexauer Mfg. Co., Inc. until 1973. It is currently owned by Interline Brands, Inc., which acquired it in December 1999 under its then name of Wilmar Industries, Inc.

13. Request for Production No. 6: Please produce all the closing binders and/or final transaction documents related to all transactions in which Defendant acquired any business entity which manufactured, mined, distributed, supplied, or sold asbestos-containing products.

Response: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections and subject thereto, Answering Defendant responds as follows: Answering Defendant is not in possession of materials responsive to this request.

14. Request for Production No. 7: Please produce all the closing binders and/or final transaction documents related to all transactions in which Defendant was acquired by another entity.

Response: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above.

15. Request for Production No. 8: Please produce all the closing binders and/or final transaction documents related to all transactions in which Defendant agreed to assume tort liabilities of any third party which manufactured, mined, distributed, supplied, or sold asbestos-containing products.

Response: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections and subject thereto, Answering Defendant responds as follows: Answering Defendant is not in possession of materials responsive to this request.

16. Request for Production No. 9: Please produce all the closing binders and/or final transaction documents related to all transactions in which Defendant agreed to indemnify, defend or hold harmless the tort liabilities of any third party which manufactured, mined, distributed, supplied or sold asbestos-containing products.

Response: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections and subject thereto, Answering Defendant responds as follows: Answering Defendant is not in possession of materials responsive to this request.

17. Request for Production No. 10: Please produce all the closing binders and/or final transaction documents related to all transactions in which Defendant changed its name.

Response: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above.

18. Interrogatory No. 8: Where are Defendant's principal places of business in Pennsylvania (city and county)? If Defendant contends that none of its locations in Pennsylvania are a principal place of business, please identify its place of business in Pennsylvania where its highest-level decision makers work. If Defendant claims it has no high-level decision makers in Pennsylvania, please identify Defendant's three most significant business locations within Pennsylvania.

Answer: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections and subject thereto, Answering Defendant responds as follows: Not applicable.

19. Interrogatory No. 9: Please identify each person who has supplied any information or assisted in locating any documents or tangible things used in answering or responding to the instant Interrogatories and Requests for the Production of Documents, and provide a year-by-year list of all positions or job titles held by each person.

Answer: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections and subject thereto, Answering Defendant responds as follows: Carmelo Sbezzi, former Vice-President of Sales, and former Vice-President of Purchasing.

20. Interrogatory No. 10: 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?

Answer: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above.

21. Request for Production No. 11: Please produce all documents and tangible things, received or obtained by Defendant before 1972, that indicate that inhaled asbestos fibers can be hazardous to human or non-human health. This Request for Production specifically seeks, but is not limited to all responsive books, articles, reports, pamphlets and manufacturer's instructions.

Response: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections and subject thereto, Answering Defendant responds as follows: *Answering Defendant is not in possession of materials responsive to this Request.*

22. Request for Production No. 12: Please produce all documents and tangible things relating to the inventories of all Defendant's libraries, research repositories, or other archives that contain magazines, journals, books, publications or other documents related to asbestos, pneumoconiosis, or any other dust-related disease (including, but not limited to, the effects of exposure to asbestos, industrial hygiene measures relating to asbestos dust, and medical information or research relating to asbestos or its effects on animals or humans, populations at risk, etc.). This Request for Production specifically seeks, but is not limited to all card catalogs, indices, holding lists, databases, other record management systems, and subscription lists for periodicals such as Journal of the American Medical Association, Industrial Medicine, Journal of Industrial Hygiene and Toxicology, National Safety News, Industrial Hygiene Foundation Digest, and Public Health Reports of the United States.

Response: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections and subject thereto, Answering Defendant responds as follows: *Answering Defendant is not in possession of material responsive to this request.*

23. Request for Production No. 13: Please produce all documents and tangible things containing information concerning the hazards of asbestos or nuisance dust in general that Defendant received at any time.

Response: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections and subject thereto, Answering Defendant

responds as follows: Answering Defendant is not in possession of material responsive to this request for the relevant time period based on Mr. Markley's testimony.

24. Request for Production No. 14: Please produce all documents and tangible things containing information concerning the hazards of asbestos or nuisance dust in general that Defendant published, distributed, or disseminated at any time.

Response: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections and subject thereto, Answering Defendant responds as follows: Answering Defendant is not in possession of materials responsive to this request.

25. Request for Production No. 15: Please produce all documents and tangible things, created by any of Defendant's employees, former employees, or representatives at any time, that refer to any documents or tangible things responsive to Request for Production No. 14.

Response: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections and subject thereto, Answering Defendant responds as follows: Answering Defendant is not in possession of materials responsive to this request.

26. Request for Production No. 16: Please produce all documents and tangible things generated by Defendant before 1972 that discuss or refer to the Fleischer-Drinker Report¹.

Response: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections and subject thereto, Answering Defendant responds as follows: Answering Defendant is not in possession of materials responsive to this request.

27. Request for Production No. 17: Please produce all documents and tangible things generated by Defendant before 1972 that discuss or refer to the Dressen Report².

Response: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections and subject thereto, Answering Defendant responds as follows: Answering Defendant is not in possession of materials responsive to this request.

¹ The term, "Fleisher-Drinker Report," means W. Fleischer and P. Drinker's, et al. "A Health Survey of Pipe Covering Operations in Construction Naval Vessels," published in January of 1946 in the *Journal of Industrial Hygiene & Toxicology*

² The term, "Dressen Report," means W. C. Dressen's "A Study of Asbestos in the Asbestos Textile Industry," published in January 1938 in Public Health Bill No. 241, U.S. Public Health Service.

28. Request for Production No. 18: Please produce all documents and tangible things relating to Defendant's document and record retention (and/or destruction) policies or procedures, including, but not limited to:

- a. any supplements, addenda, memoranda, operating bulletins, revisions, or any other superseding instructions that refer to the stoppage, suspension or resumption of responsive policies or procedures; and
- b. policies or procedures regarding documents or records created, maintained, or stored by electronic, digital, optical and/or magnetic means (such as microfilm, microfiche, imaging, scanning, or storage on tapes, disks, CD or DVD-based media, databases, or on any computer hardware, backup system, download system, file dumping or other system of information management, whether on-site or off-site).

Response: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections and subject thereto, Answering Defendant responds as follows: Answering Defendant is not in possession of materials responsive to this request.

29. Request for Production No. 19: Please produce all demonstrative aids that Defendant plans to use at trial in this matter.

Response: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections and subject thereto, Answering Defendant responds as follows: Answering Defendant will provide the requested materials in compliance with the applicable Rules of Civil Procedure, the Rules of Evidence, and any applicable case management or court order regarding disclosure of materials and evidence used at trial.

30. Request for Production No. 20: Please produce all documents and tangible things relating to communications between Defendant and any of its worker's compensation insurance carriers or any other insurance companies, made at any time, regarding asbestos-containing products, the hazards of asbestos or nuisance dust in general and any asbestos-related studies, analyses or testing conducted by any insurance carriers.

Response: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections and subject thereto, Answering Defendant responds as follows: Answering Defendant is not in possession of materials responsive to this request.

31. Request for Production No. 21: Please produce all documents and tangible things that indicate Defendant's net worth and/or financial position, including, but not limited to, all

"10-K" forms, "10-Q" forms, and annual reports for the last ten (10) years. If Defendant is not a publicly traded entity, please produce Defendant's audited balance sheets, cash flow worksheets, and federal and state tax returns for the last ten (10) years.

Response: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above.

32. Request for Production No. 22: Please produce copies of all affidavits, depositions, and trial transcripts of Defendant's employees, former employees, or representatives taken in any matter involving an alleged injury or claimed property damage, incurred at any time, due to asbestos. This Request for Production includes all affidavits, depositions, and trial transcripts of all persons listed by Defendant pursuant to Interrogatory No. 1(d) as having knowledge of relevant facts.

Response: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections and subject thereto, Answering Defendant responds as follows: See documents attached.

33. Request for Production No. 23: Please produce copies of all affidavits, depositions, and trial transcripts, in the possession of Defendant, of all experts Defendant intends to call at trial.

Response: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections and subject thereto, Answering Defendant responds as follows: Answering Defendant will provide the requested materials in compliance with the applicable Rules of Civil Procedure, the Rules of Evidence, and any applicable case management or court order regarding disclosure of materials subject to this Request.

34. Request for Production No. 24: Please produce all documents and tangible things related to inventory, stock-on-hand, warehousing, or other storage of asbestos or asbestos-containing products at any location owned, operated, or controlled by Defendant between 1972 and the present day.

Response: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections and subject thereto, Answering Defendant responds as follows: Answering Defendant is not in possession of materials responsive to this request.

35. Request for Production No. 25: Please produce all documents and tangible things that indicate Defendant's participation in, or funding of, any research regarding the health effects of asbestos exposure.

Response: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections and subject thereto, Answering Defendant

responds as follows: Answering Defendant is not in possession of materials responsive to this request.

36. Request for Production No. 26: Please produce all documents and tangible things indicating any industrial hygiene advice, related to the hazards of asbestos, which Defendant received from any insurance carrier at any time.

Response: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections and subject thereto, Answering Defendant responds as follows: Answering Defendant is not in possession of materials responsive to this request.

37. Request for Production No. 27: Please produce the personnel records of all individuals identified in your answer to Interrogatory No. 1(d) and or for whom you have produced affidavits, depositions and trial transcripts in response to Request for Production No. 22.

Response: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above.

38. Request for Production No. 28: Please produce all reports, writings (whether published or unpublished) and other documents and tangible things that were written, created and/or edited by any expert Defendant plans to call at trial, and that pertain, in any way, to the hazards of asbestos.

Response: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections and subject thereto, Answering Defendant responds as follows: Answering Defendant will provide the requested materials in compliance with the applicable Rules of Civil Procedure, the Rules of Evidence, and any applicable case management or court order regarding disclosure of materials subject to this Request.

39. Request for Production No. 29: Please produce all documents and tangible things Defendant's counsel provided to any of Defendant's expert or fact witnesses as a result of the filing of this case.

Response: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections and subject thereto, Answering Defendant responds as follows: Answering Defendant will provide the requested materials in compliance with the applicable Rules of Civil Procedure, the Rules of Evidence, and any applicable case management or court order regarding disclosure of materials subject to this Request.

40. Request for Production No. 30: Please produce all responses to written discovery made by Defendant in all previous or pending asbestos-related lawsuits other than this lawsuit.

Response: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections and subject thereto, Answering Defendant responds as follows: See attached documents.

41. Request for Production No. 31: If Defendant contends it has not been sued in the proper capacity as set forth in Plaintiffs latest Complaint, please produce all documents and tangible things that support this contention.

Response: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections and subject thereto, Answering Defendant responds as follows: Not applicable.

42. Request for Production No. 32: Please produce all agreements between Defendant and any manufacturer of asbestos-containing products in which Defendant agreed to act on the manufacturer's behalf in representing, selling, or distributing the manufacturer's products.

Response: Answering Defendant incorporates the Preliminary Statement and General Objections set forth above. Without waiving these objections and subject thereto, Answering Defendant responds as follows: Not applicable.

43 through 80. Not applicable to Answering Defendant.

**MARSHALL, DENNENEY, WARNER,
COLEMAN AND GOGGIN**



CHRISTOPHER N. SANTORO, ESQUIRE
JOSHUA D. SCHEETS, ESQUIRE
Attorneys for Defendant,
J.A. SEXAUER