

IN THE COURT OF COMMON PLEAS OF MAHONING COUNTY, OHIO

MIKE ILICH and IRENE	)	
ILICH, his wife,	)	
	)	
Plaintiffs	)	No. 88 CV 2240
	)	
vs.	)	JUDGE WILLIAM C. HOUSER
	)	
GENERAL REFRACTORIES COMPANY,	)	
et al.,	)	
	)	
Defendants	)	

ANSWERS AND OBJECTIONS OF THIEM CORPORATIONS TO
PLAINTIFFS' FIRST SET OF INTERROGATORIES
DIRECTED TO ALL DEFENDANTS

You are required to answer under oath the following Interrogatories within thirty (30) days from service hereof. These Interrogatories shall be deemed to be continuing so as to require supplemental answers under oath, if the above named individuals obtain further information not contained in the answers to the following Interrogatories between the time answers are served and the time of trial.

INTERROGATORIES

1. Identify and list each asbestos-containing product manufactured, sold or distributed by you since 1930, including but not limited to, wallboard and drywall products, thermal insulation products, fireproofing products, pipecovering and pipe insulation, and refractory products.

ANSWER: Prior to Universal Refractories Corporation merger with Thiem Corporation in December of 1976, Universal Refractories Corporation did manufacture two types of products containing asbestos, fiber inserts and fiber rings.

Uni-board fiber inserts were manufactured with asbestos from 1969 until 1975. Uni-flex fiber rings were manufactured with asbestos from 1970 until 1975. Uni-board fiber sideboards were manufactured with asbestos from 1972 until 1975.

Two types of uni-flex fiber rings were manufactured with asbestos. One type contained 7.5 percent chrysotile asbestos; the other type contained 18 to 22 percent amosite asbestos. Uni-board fiber inserts and sideboards both contained approximately 11.1 percent asbestos. At first this was all chrysotile asbestos. Later, amosite asbestos was added in varying proportions until the ratio of amosite to chrysotile was predominantly amosite asbestos, the total asbestos content remained approximately 11.1 percent.

After the merger with Thiem Corporation, Universal Refractories Corp., a division of Thiem Corp., does not believe it manufactured products containing asbestos, and certainly did not knowingly manufacture products containing asbestos. However, in late 1979, a label appeared on a shipment from one of its suppliers stating that the materials supplied "may contain or may be contaminated with asbestos," and immediately that material was discontinued in its product.

The intended marketable use for the products was for maintaining heat and maintaining molten metal during steel ingot manufacturing.

2. For each product listed in your answer to the preceding interrogatory, state the generic and brand name of the product, its chemical composition, the intended use of the product, the form in which the product was sold (i.e., bags, drums, boxes), and the quantitative percentage of asbestos or asbestos fibers in each and every product listed in answer to Interrogatory No. 1.

ANSWER: See answer to Interrogatory No. 1.

3. For each product, please state the names of your distributors and years in which they so served in the Youngstown and Warren, Ohio areas

ANSWER: Objection. Since this Defendant did not supply any product to the plants at issue, this Interrogatory is not relevant to this Defendant. In an attempt to be responsive however, this Defendant did not engage outside distributors. It sold its products directly to manufacturing entities through manufacturers representatives.

4. Please identify the products sold and distributed to Copperwell Steel in Warren, Ohio and Republic Steel (LTV) in Warren and Youngstown,

ANSWER: After a diligent search, Defendant has identified no sales of asbestos containing products to these plants.

5. For each specific product, if you at any time affixed any caution, warning, caveat or other statement or explanation of the product on the product or its package, please detail and state when and why it was supplied.

ANSWER: Objection. Defendant objects to this Interrogatory because it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant information. This Defendant believes the Universal Refractories Corp. did not sell or supply any product containing asbestos to any plant or work site relevant to this action. This Interrogatory does not apply to Thiem Corporation.

6. If you at any time recommended that your employees use respirators, face masks or other precautionary safeguards when working with asbestos-containing materials, please detail.

ANSWER: This Defendant objects to this Interrogatory in that it requests information irrelevant to the case and is not reasonably calculated to lead to the discovery of admissible evidence. Exposure by an end user to a manufactured product is not comparable to exposure to the individual components of that product or to the process by which that product was manufactured. To the best of Defendant's information, the Plaintiff was never employed at the Defendant's plant. Moreover, Plaintiff apparently was never exposed at any plant relevant to this accident, to any product containing asbestos supplied by Universal Refractories Corp.

7. If you ever recommended to the purchasers or users of your products that respirators and/or face masks be worn when using such products, state the date of each recommendation, who made each recommendation, each product to which recommendation was made and to whom such recommendation was made.

ANSWER: Objection. Since this Defendant did not supply an asbestos containing product to any of the plants relevant to this litigation, this information is not calculated to lead to the discovery of admissible evidence. This request as stated is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of relevant information.

8. If you at any time manufactured asbestos-containing products which were sold to another manufacturer of asbestos-containing products, please identify each manufacturer.

ANSWER: Not applicable.

9. If you ever purchased asbestos-containing products of any other manufacturer for distribution, please identify each manufacturer from whom products were purchased.

ANSWER: No. Not applicable.

10. Identify and produce all board meeting minutes at which asbestos products, the hazards of asbestos exposure, the possible application of warning labels on asbestos-containing products were discussed by the Board of Directors of your company.

ANSWER: This Defendant is unaware of any such board meeting.

11. Did you market asbestos-containing products in the Youngstown and Warren, Ohio areas, specifically the Copperweld Steel plant in Warren, Ohio and the Republic Steel plants (LTV) in Warren and Youngstown, Ohio?

ANSWER: No.

12. Do you admit that you sold asbestos to entities that incorporate your asbestos into products that were marketed in the Youngstown and Warren, Ohio areas, and specifically the Copperweld Steel plant in Warren, Ohio and the Republic Steel (LTV) plants in Warren and Youngstown, Ohio?

ANSWER: No.

13. Please state if the defendant or anybody on behalf of the defendant or an organization of which the defendant was a member ever conducted any studies or research to determine if the inhalation of asbestos fibers or any other component in the defendant's product may be harmful. If so, please detail.

ANSWER: No. Defendant did not conduct or fund studies or research addressed to the effect of inhalation of asbestos fibers and their affect, if any, since Universal Refractories was in the refractory business and not in the business of manufacturing asbestos products.

14. Please state the names and addresses of all persons employed by defendant from 1936 until the present time who functioned as industrial hygienists.

ANSWER: Objection. This Interrogatory is overly broad, unduly burdensome and requests information not relevant to the case and in which it is not reasonably calculated to lead to the discovery of admissible evidence. Without waiving its objection, Defendant states that it had a chest x-ray program for its employees which began in approximately 1975 or 1976. A local medical doctor would administer that program. Also the Defendant had a safety director after approximately 1969.

15. Please state if the defendant or anyone on behalf of the defendant ever engaged in any research of asbestos fibers and their effect if any, on the persons coming in contact with the asbestos fibers. If so please detail.

ANSWER: No. Defendant did not conduct or fund studies or research addressed to the effect of inhalation of asbestos fibers and their affect, if any, since Universal Refractories was in the refractory business and not in the business of manufacturing asbestos products.

16. Please state if the defendant's medical officers or industrial hygienists ever made at any time any recommendations and/or suggestions to the defendant pertaining to the risks or hazards to persons involved in the use of asbestos-containing products and if so please detail.

ANSWER: No. Not applicable.

17. Please state what organizations, groups, intercompany or industrial organizations to which the defendant belongs conducted studies or researched the relationship, if any, between exposure to asbestos fibers or products and pulmonary pathologies.

ANSWER: None.

18. Please state the distributor(s) of the defendant's asbestos, silica, kaolin, chrome, chrome oxide or alumina products in the geographic area of Youngstown and Warren, Ohio. Please state the names of all salesmen and/or sales representatives who had the duty and job responsibility to call on customers and potential customers in the Youngstown and Warren, Ohio areas and who specifically called on the Copperweld Steel plant in Warren, Ohio and the Republic Steel plants in Youngstown and Warren, Ohio during the period of 1940 to 1985.

ANSWER: Walter Sylvester, Edwin Davidson, Dante Paluselli and Thomas Robinson.

19. Please state whether any employee of the defendant has ever made a claim for asbestos, silicosis, mixed dust pneumoconiosis, pneumoconiosis or cancer under the Occupational Disease or Workers' Compensation statute of any state. If so, please state the date the defendant first received notice of any claim for asbestosis, under the Occupational Disease or Workers' Compensation statute of any state.

ANSWER: No.

20. Please state whether any common law, negligence or strict liability causes of action were filed against the defendant before 1980 for silicosis, asbestosis, mixed dust pneumoconiosis, pneumoconiosis, cancer or other pulmonary pathologies alleged to have been caused by the exposure to any of the defendant's products? If so, please state the caption, year of filing and forum.

ANSWER: No.

21. Was the defendant a member of the McIntyre Research Foundation or Saranac Laboratory and if so, when did it first become a member?

ANSWER: No.

22. Has the defendant ever been a member of the American Health Foundation or the Industrial Health Foundation and if so, please state the years it was a member and the amount of money contributed to the organization.

ANSWER: No.

23. Please state each and every magazine or trade publication in which the defendant advertised its products which contained asbestos from 1950 until the present time.

ANSWER: None.

24. Please state if, during the use of the defendant's products above-mentioned, the defendant anticipated that the products at times would have to be removed, torn out and replaced.

ANSWER: Not applicable.

25. If the defendant became aware that breathing asbestos fibers and particles could be injurious to an employee's or an individual's health please detail when and how.

ANSWER: Defendant is not able to state when it, a corporation comprised of a number of employees, first "became aware" of something. Defendant further objects since this Interrogatory does not specify the type of asbestos fiber or particles concerning which inquiry is made, and since

Interrogatory No. 25 (con't):

Defendant states that certain of its personnel probably became aware of allegations of potential hazards of excessive levels of asbestos of exposure with the advent of OSHA regulations on the subject in the early to mid-1970's.

26. Does the defendant have any sale documents and invoices of sales of its asbestos-containing products during the years of 1940 to 1985 in the Youngstown and Warren, Ohio areas, and specifically to the Copperweld Steel plant in Warren, Ohio and the Republic Steel (LTV) plants in Youngstown and Warren, Ohio? This interrogatory includes invoices of sales to distributors, contractors and architects. If so:

- (a) Will the defendant produce these invoices and sales documents without the necessity of a Motion to produce;
- (b) Describe where these documents are located;
- (c) State the years involved that these documents existed.

ANSWER: No. Not applicable.

27. Did this defendant perform any tests on its products to determine the amount of asbestos fibers or other fibrogenic dusts released from these products during the handling and use of its products? If so, state the nature of the test done, whether or not there are any written records of the said tests and whether or not the defendant will produce these documents without the necessity of a Motion to Produce.

ANSWER: No.

As to Objections:

JOHNSON, HOFFMAN, FANOS & CAMPBELL

W. Andrew Hoffman, III
W. Andrew Hoffman, III
1490 Illuminating Building
Cleveland, Ohio 44113
(216) 771-3700

Respectfully submitted,

CAROSELLI, SPAGNOLLI & BEACHLER

By: Martin Singer
Martin Singer, Esquire

STATE OF PENNSYLVANIA)

COUNTY OF)

)SS:

V E R I F I C A T I O N

I, Walter R. Sylvester, being first duly sworn according to law, state that I am duly authorized by Thiem Corporation to execute Thiem Corporation's Answers and Objections to Plaintiffs' First Set of Interrogatories Directed to All Defendants.

The information set forth in these answers and objections were collected by corporate and other personnel with knowledge of the fact: such information is not necessarily within my personal knowledge. On behalf of the corporation, I hereby verify that the foregoing answers and objections are true and accurate to the best of my knowledge, information and belief.

Walter R. Sylvester
WALTER R. SYLVESTER

SWORN TO BEFORE ME, a Notary Public, in and for said County and State, by Walter R. Sylvester, this 19th day of January, 1970.

Maureen M. Kunze
Notary Public

