

mcamp
10-30

1 Duane Grummer, Esq. (State Bar #59445)
2 Robert V. Betette, Esq. (State Bar #136337)
3 LYNCH, GILARDI & GRUMMER
4 50 Francisco Street, Suite 400
5 San Francisco, California 94133
6 Telephone: (415) 397-2800
7 Facsimile: (415) 397-0937

RECEIVED

SEP 16 1997

8 Attorneys for Defendant,
9 A.P. GREEN SERVICES, INC.,
10 fka "Bigelow-Liptak Corp."

WARTNICK LAW FIRM

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN FRANCISCO

IN RE COMPLEX ASBESTOS LITIGATION) No. 828684
)
) VERIFIED RESPONSES OF A.P.
) GREEN SERVICES, INC., TO
) PLAINTIFFS' STANDARD
) GENERAL ORDER 29
) INTERROGATORIES TO
) DEFENDANTS

COMES NOW, Defendant, A.P. GREEN SERVICES, INC., formerly
known as "Bigelow-Liptak Corporation", and hereby submits the
following verified responses to Plaintiffs' Standard
Interrogatories to Defendants, propounded pursuant to General
Order No. 29, as follows:

INTERROGATORY NO. 1:

With respect to the individual verifying these answers on
your behalf, state the following:

- (a) Their name;
- (b) Their present business address;
- (c) Their present job title;
- (d) Their date of first employment with you, and the

1 dates and titles of each job position they have held while they
2 were employed by you.

3

4 RESPONSE TO INTERROGATORY NO. 1:

5 (a) Michael B. Cooney.

6 (b) Green Blvd., Mexico, Missouri 65265.

7 (c) Corporate Secretary; Member of Board of Directors.

8 (d) Michael B. Cooney has been Corporate Secretary of
9 Bigelow-Liptak Corporation since early 1988.

10

11 INTERROGATORY NO. 2:

12 Please state whether or not you are a corporation, and if
13 so, state:

14 (a) Your correct corporate name;

15 (b) Your state of incorporation;

16 (c) The date of your incorporation;

17 (d) The address of your principal place of
18 business;

19 (e) Whether or not you have ever held a certificate of
20 authority to do business in this state, and if so, the inclusive
21 dates of any certificate;

22 (f) Whether or not you have a registered agent for the
23 purpose of accepting service of process in this state, and if so,
24 their name and present address;

25 (g) If you are wholly owned or the majority interest of
26 your company is owned by another business entity, state that
27 entity's name and principal place of business.

28

1 RESPONSE TO INTERROGATORY NO. 2:

- 2 (a) A.P. Green Services, Inc.
3 (b) Michigan.
4 (c) 1926.
5 (d) Green Blvd., Mexico, Missouri 65265.
6 (e) Yes, from 1967 to October 1, 1989.
7 (f) Not at this time.
8 (g) Defendant is a wholly owned, separately managed
9 subsidiary corporation of A.P. Green Industries, Inc.

10

11 INTERROGATORY NO. 3:

12 Have you ever been identified, known, or done business
13 under any other name? If so, please state such name or names and
14 the time period during which this defendant was so known or
15 identified.

16

17 RESPONSE TO INTERROGATORY NO. 3:

18 Defendant was originally known as "Bigelow Arch Company"
19 in 1926. Bigelow Arch Company changed its name to "Bigelow-
20 Liptak Corporation" in 1927. Bigelow-Liptak Corporation changed
21 its name to "A.P. Green Services, Inc." in 1985. Before the time
22 the name was formally changed from Bigelow-Liptak to A.P. Green
23 Services, Inc., defendant did business within the relevant
24 geographic area (as defined herein) under the name "A.P. Green
25 Services" beginning sometime in the early to mid 1960's.

26 Investigation and discovery are continuing. Defendant
27 hereby reserves the right to rely at the time of trial or other
28 later proceeding on any later discovered information that may

1 otherwise be responsive to this interrogatory.

2

3 INTERROGATORY NO. 4:

4 State whether you have controlled, purchased, or in any
5 way acquired any interest in any corporation or business entity
6 which has mined, manufactured, produced, processed, compounded,
7 sold, supplied, distributed and/or otherwise placed asbestos or
8 asbestos-containing products in the stream of commerce, and if
9 so, state:

10 (a) The name and address of said corporation or business
11 entity;

12 (b) The dates you controlled, purchased or acquired any
13 interest; and

14 (c) Set forth the nature of the business as it pertains
15 to asbestos.

16

17 RESPONSE TO INTERROGATORY NO. 4:

18 No.

19

20 INTERROGATORY NO. 5:

21 Since 1930, at any time did you own any shares of stock
22 or otherwise have an ownership interest in a company that either
23 mines, produces, or sells raw asbestos fiber? If the answer is
24 in the affirmative, state the following:

25 (a) The name of such corporation or entity;

26 (b) The date of incorporation or charter;

27 (c) The state or country of incorporation;

28 (d) Each ownership interest owned in each corporation,

- 1 setting forth any change in such interest;
- 2 (e) The date such interest was acquired;
- 3 (f) The date of formation of such corporation or entity;
- 4 (g) The names of all shareholders owning more than 5% of
- 5 the shares of stock of such corporation;
- 6 (h) The date such interest changed or terminated, if
- 7 applicable;
- 8 (i) The name and location of each asbestos mine so
- 9 owned;
- 10 (j) The grade and type of asbestos mined at each mine.
- 11

12 RESPONSE TO INTERROGATORY NO. 5:

13 No.

14

15 INTERROGATORY NO. 6:

16 Please state the following:

- 17 (a) The address where the corporate records of this
- 18 defendant are currently located; and
- 19 (b) The name, job title, and current address of the
- 20 custodian for this defendant's corporate records.
- 21

22 RESPONSE TO INTERROGATORY NO. 6:

- 23 (a) Green Blvd., Mexico, Missouri 65265.
- 24 (b) Michael B. Cooney; Corporate Secretary;
- 25 Green Blvd., Mexico, Missouri 65265.
- 26

27 INTERROGATORY NO. 7:

28 Please state whether this defendant, between 1930 and

1 1985, has ever engaged in the following activities with regard to
2 raw asbestos fiber, and if so, please state the inclusive dates
3 of such activity:

- 4 (a) Mining;
- 5 (b) Milling;
- 6 (c) Supply;
- 7 (d) Importing;
- 8 (e) Processing;
- 9 (f) Distribution;
- 10 (g) Marketing;
- 11 (h) Sale.

12
13 RESPONSE TO INTERROGATORY NO. 7:

14 No.

15
16 INTERROGATORY NO. 8:

17 Please state whether this defendant, between 1930 and
18 1985, has ever engaged in the following activities with regard to
19 asbestos-containing products, and if so, please state the
20 inclusive dates of such activity;

- 21 (a) Supply;
- 22 (b) Importing;
- 23 (c) Distribution;
- 24 (d) Marketing;
- 25 (e) Sale;
- 26 (f) Labelling;
- 27 (g) Manufacturing.

28

1 RESPONSE TO INTERROGATORY NO. 8:

2 (a) No, this defendant did not "supply" any asbestos-
3 containing products as an individual commodity. This defendant
4 was primarily a refractory contractor within the relevant
5 geographic area. Defendant was engaged in the business of
6 installing and repairing high temperature furnace and vessel
7 linings.

8 This defendant may have installed some asbestos-
9 containing products in some of those units on which it worked.
10 The lining materials installed by this defendant, including any
11 asbestos-containing products, would generally have either been
12 supplied by the customer with whom this defendant had contracted,
13 or provided by this defendant as part of the lump sum price for
14 the services performed.

15 Investigation and discovery are continuing. Defendant
16 hereby reserves the right to rely at the time of trial or other
17 later proceeding on any later discovered information that may
18 otherwise be responsive to this interrogatory.

19 (b) No. Investigation and discovery are continuing.
20 Defendant hereby reserves the right to rely at the time of trial
21 or other later proceeding on any later discovered information
22 that may otherwise be responsive to this interrogatory.

23 (c) No. Investigation and discovery are continuing.
24 Defendant hereby reserves the right to rely at the time of trial
25 or other later proceeding on any later discovered information
26 that may otherwise be responsive to this interrogatory.

27 (d) No. See also response to 8(a), above.
28 Investigation and discovery are continuing. Defendant hereby

1 reserves the right to rely at the time of trial or other later
2 proceeding on any later discovered information that may otherwise
3 be responsive to this interrogatory.

4 (e) No. See also response to 8(a), above.

5 Investigation and discovery are continuing. Defendant hereby
6 reserves the right to rely at the time of trial or other later
7 proceeding on any later discovered information that may otherwise
8 be responsive to this interrogatory.

9 (f) No. Investigation and discovery are continuing.
10 Defendant hereby reserves the right to rely at the time of trial
11 or other later proceeding on any later discovered information
12 that may otherwise be responsive to this interrogatory.

13 (g) No. This defendant did not manufacture any asbestos
14 containing products. Investigation and discovery are continuing.
15 Defendant hereby reserves the right to rely at the time of trial
16 or other later proceeding on any later discovered information
17 that may otherwise be responsive to this interrogatory.

18

19 INTERROGATORY NO. 9:

20 If your answer to Interrogatory No. 7 regarding "raw
21 asbestos fiber" is in the affirmative, please state the
22 following:

23 (a) The trade, brand name, and/or generic name of each
24 such raw asbestos fiber mined, milled, supplied, distributed,
25 processed, imported, labelled, and/or marketed in any form or
26 quantity between 1930 and 1985;

27 (b) The date(s) each such raw asbestos fiber was first
28 placed on the market, including the date(s) each such raw

1 asbestos fiber was first marketed:

2 (i) on an experimental basis;

3 (ii) on a test basis; or

4 (iii) for sale.

5 (c) The date(s) each such raw asbestos fiber:

6 (i) ceased to be produced; or

7 (ii) was recalled from the market, if

8 ever.

9 (d) A description of the chemical composition of each
10 such raw asbestos fiber, including the type and/or grade of
11 asbestos;

12 (e) A description of the physical appearance and nature
13 of each such raw asbestos fiber, including any color coding,
14 distinctive marking and/or logo;

15 (f) A detailed description of the intended use of each
16 such raw asbestos fiber, including any temperature limits for
17 each such use;

18 (g) Whether such raw asbestos fiber was on the U.S.
19 Government's "Qualified Products List", and if so, the inclusive
20 dates it was on such list;

21 (h) Whether any of this defendant's "raw asbestos
22 fibers" have, at any time, been sold to any companies (including
23 power companies or utilities), shipyards, distributors,
24 refineries, suppliers and/or manufacturers in the defined
25 geographic area. If so, please state:

26 (i) The names of each such company,
27 shipyard, distributor, supplier, manufacturer or refinery;

28 (ii) The inclusive dates of each such

1 sale, and the amount (volume) and the trade or brand name of each
2 such raw asbestos fiber sold;

3 (iii) Whether you have any records
4 indicating any such sale and, if so, the name, address and job
5 classification of each individual who currently has possession of
6 such records.

7 (i) Describe the types of records sufficiently to
8 identify them for discovery purposes which set forth any of the
9 foregoing information and the custodian thereof (giving name and
10 address) of each such records.

11

12 RESPONSE TO INTERROGATORY NO. 9:

13 Not applicable. See response to Interrogatory No. 7,
14 above.

15

16 INTERROGATORY NO. 10:

17 If your answer to Interrogatory No. 8 regarding
18 "asbestos-containing products" is in the affirmative, please
19 state the following:

20 (a) The trade, brand name, and/or generic name of each
21 such asbestos-containing product sold, supplied, distributed,
22 processed, imported, labelled, manufactured, and/or marketed in
23 any form or quantity between 1930 and 1985;

24 (b) The date(s) each such asbestos-containing product
25 was first placed on the market, including the date(s) each such
26 asbestos-containing product was first marketed:

27 (i) on an experimental basis;

28 (ii) on a test basis; or

1 (iii) for sale.

2 (c) The date(s) each such asbestos-containing product:

3 (i) ceased to be produced; or

4 (ii) was recalled from the market, if

5 ever.

6 (d) A description of the chemical composition of each
7 such asbestos-containing product, including the type and/or grade
8 of asbestos and/or asbestos fiber contained in each such product
9 and the quantitative percentage of asbestos or asbestos fiber in
10 each such product;

11 (e) A description of the physical appearance and nature
12 of each such asbestos-containing product, including any color
13 coding, distinctive marking and/or logo;

14 (f) A detailed description of the intended use of each
15 such asbestos-containing product, including any temperature
16 limits for each such use;

17 (g) Whether any such asbestos-containing product was on
18 the U.S. Government's "Qualified Products List", and if so, the
19 inclusive dates it was on such list;

20 (h) The name and address of the supplier's of the raw
21 asbestos fiber used in each such product and the time period of
22 such supply;

23 (i) Whether any of this defendant's "asbestos-containing
24 products" have, at any time, been sold to any companies
25 (including power companies or utilities), shipyards,
26 distributors, refineries, suppliers and/or manufacturers in the
27 defined geographic area. If so, please state:

28 (i) The names of each such company,

1 shipyard, distributor, supplier, manufacturer or refinery;

2 (ii) The inclusive dates of each such
3 sale, and the amount (volume) and the trade or brand name of each
4 such asbestos-containing product sold;

5 (iii) Whether you have any records
6 indicating any such sale and, if so, the name, address and job
7 classification of each individual who currently has possession of
8 such records.

9 (j) Describe the types of records sufficiently to
10 identify them for discovery purposes which set forth any of the
11 foregoing information and the custodian thereof (giving name and
12 address) of each such records.

13

14 RESPONSE TO INTERROGATORY NO. 10:

15 This defendant was primarily a refractory contractor
16 within the relevant geographic area. Defendant was engaged in
17 the business of installing and repairing high temperature furnace
18 and vessel linings. Defendant did not manufacture, import,
19 distribute or label asbestos-containing products.. Defendant did
20 not sell, "supply" or market asbestos-containing products as an
21 individual commodity. Defendant was, at most, only a consumer of
22 these products.

23 This defendant may have installed some asbestos-
24 containing products in some of those units on which it worked.
25 The lining materials installed by this defendant, including any
26 asbestos-containing products, would generally have either been
27 supplied by the customer with whom this defendant had contracted,
28 or provided by this defendant as part of the lump sum price for

1 the services performed.

2 The asbestos-containing products that may have been
3 installed by this defendant were generally either manufactured by
4 Eagle-Picher pursuant to a private labeling agreement with this
5 defendant as described in response to Interrogatory No. 13,
6 infra., or were supplied by other manufacturers. It is unknown
7 at this time what asbestos-containing products, if any, were used
8 by this defendant in California.

9 Investigation and discovery are continuing. Defendant
10 hereby reserves the right to rely at the time of trial or other
11 later proceeding on any later discovered information that may
12 otherwise be responsive to this interrogatory.

13 (b) Unknown. This defendant would have only used these
14 products as a contractor. Investigation and discovery are
15 continuing. Defendant hereby reserves the right to rely at the
16 time of trial or other later proceeding on any later discovered
17 information that may otherwise be responsive to this
18 interrogatory.

19 (c) Unknown. This defendant would have only used these
20 products as a contractor. Investigation and discovery are
21 continuing. Defendant hereby reserves the right to rely at the
22 time of trial or other later proceeding on any later discovered
23 information that may otherwise be responsive to this
24 interrogatory.

25 (d) The exact chemical composition of these products is
26 unknown at this time. Defendant did not design or manufacture
27 these products. This defendant would have only used these
28 products as a contractor. Please see, however, response to

1 Interrogatory No. 20, infra., with respect to product information
2 sheets.

3 Investigation and discovery are continuing. Defendant
4 hereby reserves the right to rely at the time of trial or other
5 later proceeding on any later discovered information that may
6 otherwise be responsive to this interrogatory.

7 (e) Defendant did not design or manufacture these
8 products. This defendant would have only used these products as
9 a contractor. Please see, however, response to Interrogatory No.
10 20, infra., with respect to product information sheets.

11 Investigation and discovery are continuing. Defendant
12 hereby reserves the right to rely at the time of trial or other
13 later proceeding on any later discovered information that may
14 otherwise be responsive to this interrogatory.

15 (f) Defendant did not design or manufacture these
16 products. This defendant would have only used these products as
17 a contractor. Please see, however, response to Interrogatory No.
18 20, infra., with respect to product information sheets.

19 Investigation and discovery are continuing. Defendant
20 hereby reserves the right to rely at the time of trial or other
21 later proceeding on any later discovered information that may
22 otherwise be responsive to this interrogatory.

23 (g) Unknown at this time. This defendant would have
24 only used these products as a contractor.

25 Investigation and discovery are continuing. Defendant
26 hereby reserves the right to rely at the time of trial or other
27 later proceeding on any later discovered information that may
28 otherwise be responsive to this interrogatory.

1 (h) Unknown at this time. This defendant would have
2 only used these products as a contractor.

3 Investigation and discovery are continuing. Defendant
4 hereby reserves the right to rely at the time of trial or other
5 later proceeding on any later discovered information that may
6 otherwise be responsive to this interrogatory.

7 (i) Not applicable. As previously stated, this
8 defendant was primarily a refractory contractor within the
9 relevant geographic area. Defendant was engaged in the business
10 of installing and repairing high temperature furnace and vessel
11 linings. Defendant did not manufacture, import, distribute or
12 label asbestos-containing products. Defendant did not sell,
13 "supply" or market asbestos-containing products as an individual
14 commodity. At most, this defendant was a consumer of these
15 products. See response to Interrogatory No. 8, above.

16 Investigation and discovery are continuing. Defendant
17 hereby reserves the right to rely at the time of trial or other
18 later proceeding on any later discovered information that may
19 otherwise be responsive to this interrogatory.

20 (j) See response to section 10(i), above.

21 Investigation and discovery are continuing. Defendant
22 hereby reserves the right to rely at the time of trial or other
23 later proceeding on any later discovered information that may
24 otherwise be responsive to this interrogatory.

25

26 INTERROGATORY NO. 11:

27 If any of the distributors identified in your answer to
28 Interrogatory Nos. 9 and 10 above was an exclusive

1 distributorship, please so state and identify the relevant time
2 period.

3

4 RESPONSE TO INTERROGATORY NO. 11:

5 Not applicable. Defendant has not identified any
6 distributors in response to Interrogatory No.s 9 and 10. See
7 responses to Interrogatory No.s 9 and 10, above.

8 Investigation and discovery are continuing. Defendant
9 hereby reserves the right to rely at the time of trial or other
10 later proceeding on any later discovered information that may
11 otherwise be responsive to this interrogatory.

12

13 INTERROGATORY NO. 12:

14 If this defendant entered into any agreements for the re-
15 branding of any asbestos-containing product(s) and/or material(s)
16 mined, imported, manufactured, sold, distributed, and/or supplied
17 by this defendant for resale or distribution by another company,
18 describe each agreement's terms and the parties to said
19 agreement, the duration of the agreement, and name of each
20 product(s) and/or material(s) covered by each such agreement.

21

22 RESPONSE TO INTERROGATORY NO. 12:

23 Not applicable. This defendant did not enter into any
24 such agreements.

25 Investigation and discovery are continuing. Defendant
26 hereby reserves the right to rely at the time of trial or other
27 later proceeding on any later discovered information that may
28 otherwise be responsive to this interrogatory.

1 INTERROGATORY NO. 13:

2 If this defendant entered into any agreements for the re-
3 branding of asbestos-containing products and/or materials mined,
4 imported, manufactured, sold, distributed, and/or supplied by
5 another company for resale or distribution by your company,
6 describe each of the agreements and the parties to said
7 agreement, the terms, the duration, and the names of each
8 product(s) and/or material(s) covered by each such agreement.

9
10 RESPONSE TO INTERROGATORY NO. 13:

11 A private labeling agreement was entered into between
12 Bigelow-Liptak Corporation and Eagle-Picher in 1949. Eagle-
13 Picher agreed to manufacture and sell to Bigelow-Liptak for its
14 own use various products with a Bigelow-Liptak label.

15 Those asbestos-containing products manufactured by Eagle-
16 Picher for use by Bigelow-Liptak include the following:

17 C-18 Insulating Cement;
18 C-10 Finishing Cement;
19 FC-11 Insulating Finishing Cement;
20 RC-23 Insulating Cement;
21 WP protective coating;
22 BC plastic-type coating.

23 Investigation and discovery are continuing. Defendant
24 hereby reserves the right to rely at the time of trial or other
25 later proceeding on any later discovered information that may
26 otherwise be responsive to this interrogatory.

27
28

1 INTERROGATORY NO. 14:

2 State whether any asbestos used, processed, mined,
3 manufactured, imported, supplied, distributed, labelled, and/or
4 sold by this defendant was purchased from or acquired from the
5 General Service Administrative or any branch or agency of the
6 United States Government during the period 1930 to 1985. If your
7 answer is in the affirmative, state:

8 (a) The name and address of the agency which supplied
9 the asbestos;

10 (b) The grade and types of asbestos purchased or
11 acquired;

12 (c) The quantities of each type of asbestos purchased or
13 acquired annually during the period 1930 to 1985;

14 (d) The means of packaging;

15 (e) The health warnings, if any, which accompanied each
16 shipment of asbestos, and indicate when said warnings were first
17 made part of the shipments.

18

19 RESPONSE TO INTERROGATORY NO. 14:

20 This information is unknown at this time. As previously
21 stated, this defendant was primarily a refractory contractor
22 within the relevant geographic area. Defendant was engaged in
23 the business of installing and repairing high temperature furnace
24 and vessel linings. Defendant did not manufacture, import,
25 distribute or label asbestos-containing products. Defendant did
26 not sell, "supply" or market asbestos-containing products as an
27 individual commodity. At most, this defendant was a consumer of
28 these products.

1 Investigation and discovery are continuing. Defendant
2 hereby reserves the right to rely at the time of trial or other
3 later proceeding on any later discovered information that may
4 otherwise be responsive to this interrogatory.

5
6 INTERROGATORY NO. 15:

7 As to each such asbestos-containing product listed in
8 defendant's preceding answers to interrogatories, did defendant
9 put on such products or their containers any warning of their
10 hazards to health by virtue of the asbestos content of such
11 products? If so, state for each such warning:

12 (a) Each such warning with particularity, with regard to
13 size, color, and location; whether the warning was contained on
14 the material or on the container; whether the warning was
15 printed, stamped, and/or placed on a tag; and nature and wording
16 or other content. State whether you have any photographs
17 thereof;

18 (b) The inclusive date on which you began using each
19 such warning on each of your asbestos-containing products; and

20 (c) All changes you made in such warnings and the dates
21 of such changes.

22
23 RESPONSE TO INTERROGATORY NO. 15:

24 (a) This defendant would have only used these products
25 as a contractor. This information is equally available in this
26 litigation to plaintiffs from the manufacturers of these
27 products. As previously stated, this defendant was primarily a
28 refractory contractor within the relevant geographic area.

1 Defendant was engaged in the business of installing and repairing
2 high temperature furnace and vessel linings. Defendant did not
3 manufacture, import, distribute or label asbestos-containing
4 products. Defendant did not sell, "supply" or market asbestos-
5 containing products as an individual commodity. See response to
6 Interrogatory No. 8, above.

7 Since this defendant did not manufacture any asbestos-
8 containing products and did not sell, "supply" or market any such
9 products as an individual commodity, it did not devise any
10 warnings. Instead, this defendant relied upon any and all
11 warnings or other product information that was supplied to
12 consumers by the manufacturers.

13 With respect to those asbestos-containing products
14 manufactured by Eagle-Picher for use by Bigelow-Liptak, Eagle-
15 Picher included a cautionary note which was placed on the
16 packaging. Defendant is informed and believes that Eagle-Picher
17 began including the cautionary note in 1964. Eagle-Picher
18 stopped making asbestos-containing products in 1971.

19 The Eagle-Picher cautionary note read as follows:

20 "CAUTION. This product contains
21 asbestos fiber. Inhalation of asbestos
22 in excessive quantities over long
23 periods of time may be harmful. If dust
24 is created when this product is
25 handled, avoid breathing the dust. If
adequate ventilation control is not
possible, wear respirators approved by
the U.S. Bureau of Mines for
Pneumoconiosis producing dust".

26 The size, color and location of the Eagle-Picher
27 cautionary note is unknown at this time. Defendant recalls that
28 the cautionary note was to be printed on the packaging.

1 Defendant is unaware at this time of any photographs of the
2 cautionary note.

3 Investigation and discovery are continuing. Defendant
4 hereby reserves the right to rely at the time of trial or other
5 later proceeding on any later discovered information that may
6 otherwise be responsive to this interrogatory.

7 (b) This defendant would have only used these products
8 as a contractor. This information is equally available in this
9 litigation to plaintiffs from the manufacturers of these
10 products. See response to 15(a), above.

11 Investigation and discovery are continuing. Defendant
12 hereby reserves the right to rely at the time of trial or other
13 later proceeding on any later discovered information that may
14 otherwise be responsive to this interrogatory.

15 (c) This defendant would have only used these products
16 as a contractor. This information is equally available in this
17 litigation to plaintiffs from the manufacturers of these
18 products. Defendant is unaware at this time of any changes
19 that may have been made to the Eagle-Picher cautionary note.

20 Investigation and discovery are continuing. Defendant
21 hereby reserves the right to rely at the time of trial or other
22 later proceeding on any later discovered information that may
23 otherwise be responsive to this interrogatory.

24

25 INTERROGATORY NO. 16:

26 As to any of the bags of raw asbestos fiber referred to
27 in defendant's preceding answers to interrogatories, did
28 defendant put on such bags any warning of the hazards to health

1 by virtue of the asbestos contained therein? If so, state for
2 each such warning:

3 (a) Each such warning with particularity, with regard to
4 size, color, location, wording or other content; whether the
5 warning was contained on the material or on the container;
6 whether the warning was printed, stamped, and/or placed on a tag
7 attached to the material or container;

8 (b) The inclusive dates each such warning was issued on
9 your bags of raw asbestos fiber;

10 (c) All changes you made in such warnings, the dates of
11 such changes, and the inclusive dates of such changes; and

12 (d) The name, address and job title of each person who
13 presently has possession of samples or documents relating to the
14 above warnings.

15

16 RESPONSE TO INTERROGATORY NO. 16:

17 Not applicable. See response to Interrogatory No. 7,
18 above.

19

20 INTERROGATORY NO. 17:

21 With respect to each of your asbestos-containing
22 products, state whether this defendant's name, a trademark,
23 logos, color coding, or other identifying markings ever appeared
24 on the actual product itself. If so, identify each such product,
25 state when the practice to place such identifying markings upon
26 the product was begun and when it ended, if applicable, and
27 describe in detail the pertinent marking(s) and the purpose, if
28 any, of such markings.

1 and/or raw asbestos fibers. Identify the name of the case, the
2 court of filing, the court docket number, and the date of the
3 deposition.

4

5 RESPONSE TO INTERROGATORY NO. 18:

6 As previously stated, this defendant was primarily a
7 refractory contractor within the relevant geographic area.
8 Defendant was engaged in the business of installing and repairing
9 high temperature furnace and vessel linings.

10 Defendant did not manufacture, import, distribute or
11 label asbestos-containing products. Defendant did not sell,
12 "supply" or market asbestos-containing products as an individual
13 commodity. At most, this defendant was a consumer of these
14 products. See response to Interrogatory No. 8, above.

15 Defendant identifies the following deposition(s):

16 1. Robt. W. Jones; North Dakota (October 1, 1992)
17 (Charles Anderson, et al. v. AcandS, Inc., et al., In District
18 Court, South Central Judicial Division, County of Burleigh, North
Dakota; Cause No. Filed Generally In Asbestos Litigation).

19 2. Robt. W. Jones; West Virginia (August 6, 1993) (In
20 Re: Asbestos; Civil Action No. 92-C-8888, In The Circuit Court of
Kanawha County, West Virginia).

21 3. Michael B. Cooney; (May 22, 1996) (Carl Cox, et al.,
22 vs. Abex Corp., et al., Civil Action No. 964985, et al., In The
Superior Court Of California In And For The City And County Of
San Francisco).

23 4. Michael B. Cooney; (April 3, 1997) (Rafi Barkat, et
24 al., vs. Asbestos Defendants; Civil Action No. 980647; In The
Superior Court Of California In And For The City And County Of
San Francisco).

25 5. Michael B. Cooney; (April 4, 1997) (Wartnick Group
26 34: Karen Gatton vs. Raybestos-Manhattan, Inc. et al.; Civil
27 Action No. 970360 et al.; In The Superior Court Of California In
And For The City And County Of San Francisco).

28 Investigation and discovery are continuing. Defendant

1 hereby reserves the right to rely at the time of trial or other
2 later proceeding on any later discovered information that may
3 otherwise be responsive to this interrogatory.
4

5 INTERROGATORY 19:

6 Between the years 1930 and 1985, did this defendant
7 purchase or otherwise acquire any asbestos-containing product
8 line from another company? If so, please state for each such
9 purchase:

10 (a) Date of contract of sale;

11 (b) Terms of purchase and sale agreement, or if you will
12 do so without a motion to produce, attach a copy of said
13 agreement(s) to your answers;

14 (c) Trade, brand, and/or generic name of each such
15 product line so acquired;

16 (d) Name of company from whom you purchased each such
17 asbestos-containing product line; and

18 (e) Location of any manufacturing facilities so
19 acquired, and the type of asbestos products manufactured therein.
20

21 RESPONSE TO INTERROGATORY NO. 19:

22 No. Investigation and discovery are continuing.
23 Defendant hereby reserves the right to rely at the time of trial
24 or other later proceeding on any later discovered information
25 that may otherwise be responsive to this interrogatory.
26

27 INTERROGATORY NO. 20:

28 Identify all brochures, pamphlets, catalogs or other

1 advertising relating to asbestos-containing products and/or raw
2 asbestos fibers which this defendant manufactured, sold,
3 distributed or supplied from the year 1930 to 1985. For each
4 such document please state:

5 (a) A description of the document;

6 (b) The year it was printed;

7 (c) The period of time in which it was used;

8 (d) The purpose of such document;

9 (e) Whether the documents or copies of said document
10 presently exist;

11 (f) If said documents or copies still exist, where they
12 are located; and

13 (g) The name, job title, and current address of the
14 custodian of such documents.

15

16 RESPONSE TO INTERROGATORY NO. 20:

17 This defendant was primarily a refractory contractor
18 within the relevant geographic area. Defendant was engaged in
19 the business of installing and repairing high temperature furnace
20 and vessel linings.

21 Defendant did not manufacture, import, distribute or
22 label asbestos-containing products. Defendant did not sell,
23 "supply" or market asbestos-containing products as an individual
24 commodity. Defendant was, at most, only a consumer of these
25 products. See response to Interrogatory No. 8, above.

26 Bigelow-Liptak did have a publication that generally
27 describes the services it had to offer. This publication
28 includes a reference to various materials that could be used in

1 Bigelow-Liptak refractory applications. See Exhibit "A",
2 attached.

3 (a) Bigelow-Liptak promotional literature entitled
4 "Bigelow-Liptak Industrial Furnace and Arch Construction."

5 (b) The year printed is unknown. However, this
6 publication was copyrighted in 1954.

7 (c) This publication was copyrighted in 1954. The
8 period of time in which it was used is unknown at this time.

9 (d) The exact purpose of this document is unknown at
10 this time.

11 (e) Yes.

12 (f) Counsel on behalf of A.P. Green Services are in
13 possession of copies.

14 (g) See subpart (f), above.

15 Bigelow-Liptak also had product information sheets for
16 those products manufactured by Eagle-Picher for Bigelow-Liptak as
17 described in response to Interrogatory No. 13, supra. See
18 Exhibit "B", attached.

19 (a) Product information sheets.

20 (b) Unknown at this time.

21 (c) Unknown at this time.

22 (d) Provide product information.

23 (e) Yes.

24 (f) Counsel on behalf of A.P. Green Services are in
25 possession of copies.

26 (g) See subpart (f), above.

27 Investigation and discovery are continuing. Defendant
28 hereby reserves the right to rely at the time of trial or other

1 later proceeding on any later discovered information that may
2 otherwise be responsive to this interrogatory.

3

4 INTERROGATORY NO. 21:

5 Were any of the raw asbestos fibers identified in
6 Interrogatory No. 9 sold, shipped or distributed to the General
7 Services Administration (GSA)? If so, specify the type of raw
8 asbestos fiber and state the period of time.

9

10 RESPONSE TO INTERROGATORY NO. 21:

11 Not applicable. See response to Interrogatory No. 9,
12 above.

13

14 INTERROGATORY NO. 22:

15 Were any of the asbestos-containing products identified
16 in Interrogatory No. 10 sold, shipped or distributed to General
17 Services Administration (GSA)? If so, specify the name of the
18 asbestos-containing products and state the period of time.

19

20 RESPONSE TO INTERROGATORY NO. 22:

21 This defendant was primarily a refractory contractor
22 within the relevant geographic area. Defendant was engaged in
23 the business of installing and repairing high temperature furnace
24 and vessel linings. Defendant did not manufacture, import,
25 distribute or label asbestos-containing products. Defendant did
26 not sell, "supply" or market asbestos-containing products as an
27 individual commodity. At most, this defendant was a consumer of
28 these products. See response to Interrogatory No. 8, above.

Investigation and discovery are continuing. Defendant hereby reserves the right to rely at the time of trial or other later proceeding on any later discovered information that may otherwise be responsive to this interrogatory.

INTERROGATORY NO. 23:

Please state if you formed within your corporate structure an entity known as a "contract unit".

RESPONSE TO INTERROGATORY NO. 23:

As "contract unit" is defined in these interrogatories, this defendant did not form a contract unit within its corporate structure. However, this defendant was primarily a refractory contractor within the relevant geographic area. Defendant was engaged in the business of installing and repairing high temperature furnace and vessel linings.

INTERROGATORY NO. 24:

Please state whether or not any of your "contract units" were employed in the installation and/or removal of raw asbestos fiber and/or asbestos-containing products at any time in the defined geographic area for the years 1930 to 1985. If so, please state:

(a) The inclusive periods of time the contract units were working in the defined geographic area;

(b) The business addresses and names of the contract units;

(c) Any records showing the locations of the jobsites

1 where the contract units worked, and if so, describe them
2 sufficiently to identify them for discovery purposes, and their
3 present custodian;

4 (d) Did your contract units work in any shipyards,
5 refineries, power plants, utility companies, breweries, or other
6 jobsites in the defined geographic area? If so, state the name
7 of those jobsites and the dates the contract units worked at
8 those jobsites;

9 (e) For each jobsite listed above, state the type and
10 nature of the work that was done.

11

12 RESPONSE TO INTERROGATORY NO. 24:

13 (a) Bigelow-Liptak did business within the relevant
14 geographic area under the name "A.P. Green Services" and would
15 install and repair high temperature furnace and vessel linings.
16 Some of these linings may have utilized asbestos-containing
17 products. Bigelow-Liptak did business under the name "A.P. Green
18 Services" beginning in the early 1960's until approximately 1985
19 when the company name was changed.

20 Investigation and discovery are continuing. Defendant
21 hereby reserves the right to rely at the time of trial or other
22 later proceeding on any later discovered information that may
23 otherwise be responsive to this interrogatory.

24 (b) The A.P. Green Services office within the relevant
25 geographic area was located at 580 Indiana Street, in San
26 Francisco, California.

27 Investigation and discovery are continuing. Defendant
28 hereby reserves the right to rely at the time of trial or other

1 later proceeding on any later discovered information that may
2 otherwise be responsive to this interrogatory.

3 (c) It is impossible to determine from those business
4 records that still exist today the locations of jobsites within
5 the relevant geographic area where this defendant installed or
6 removed any asbestos-containing products.

7 This defendant is no longer in business and has long
8 since disposed of the vast majority of its business records.
9 When this defendant was actively engaged in business, it did
10 maintain job cards and job files. Although job cards still exist
11 today, it is unknown whether all cards have been retained. Most
12 job files before 1981 have been discarded. Not all post-1981 job
13 files have been retained.

14 The fact that a job card still exists does not
15 necessarily mean that any work was actually done at the location.
16 It was the general practice to create job cards at the time this
17 defendant would bid a job. Defendant was not awarded every job
18 it bid.

19 In addition, there is no reference on the job cards to
20 the type of work to be performed. The job cards make no
21 reference to the installation, removal or repair of any
22 materials, asbestos- containing or otherwise.

23 Investigation and discovery are continuing. Defendant
24 hereby reserves the right to rely at the time of trial or other
25 later proceeding on any later discovered information that may
26 otherwise be responsive to this interrogatory.

27 (d) See response to Interrogatory No. 24(c), above.
28 Investigation and discovery are continuing. Defendant hereby

1 reserves the right to rely at the time of trial or other later
2 proceeding on any later discovered information that may otherwise
3 be responsive to this interrogatory.

4 (e) See response to Interrogatory No. 24(c), above.
5 Investigation and discovery are continuing. Defendant hereby
6 reserves the right to rely at the time of trial or other later
7 proceeding on any later discovered information that may otherwise
8 be responsive to this interrogatory.

9
10 INTERROGATORY NO. 25:

11 From 1930 to present, did you have insurance against
12 liability for the design, manufacture, distribution and sale of
13 asbestos-containing products?

14
15 RESPONSE TO INTERROGATORY NO. 25:

16 This interrogatory calls for a legal conclusion
17 concerning insurance coverage matters the answer to which this
18 defendant does not currently know. There are coverage matters
19 that have not yet been resolved between this defendant and its
20 insurance carriers.

21
22 INTERROGATORY NO. 26:

23 If your answer to the preceding interrogatory is in the
24 affirmative, please state:

- 25 (a) Name and address of each insurance company;
26 (b) Date and number of each policy;
27 (c) Limits of each policy, including the deductible; and
28 (d) Name, address, and company position of person who

1 has custody of each policy.

2

3 RESPONSE TO INTERROGATORY NO. 26:

4 Again, this interrogatory calls for a legal conclusion
5 concerning insurance coverage matters the answer to which this
6 defendant does not currently know. There are coverage matters
7 that have not yet been resolved between this defendant and its
8 insurance carriers.

9 However, the defense of this A.P. Green Services in this
10 litigation is currently being provided under a reservation of
11 rights by various insurers. The lead insurer is the Great
12 American Insurance Company, 580 Walnut Street, Cincinnati, Ohio
13 45202-3180.

14

15

16 DATED: September 15, 1997

LYNCH, GILARDI & GRUMMER

17

18

19

20

21

22 ASB\APG\PIVER-RESP.G29

23

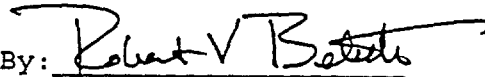
24

25

26

27

28

By: 
Robert V. Betette, Esq.
Attorneys for Defendant,
A.P. GREEN SERVICES, INC.,
fka "Bigelow-Liptak Corp."

(AS AGREED, VARIFICATION TO FOLLOW)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Wartnick, Chaber, et al.
101 California Street, Ste. 2200
San Francisco, CA 94111-5802
Fax: (415) 986-5896

- ☐ By Regular Mail through enclosing them in a sealed envelope, addressed as noted above, with postage fully prepaid and placing them for collection and mailing following the ordinary business practices of Lynch, Gilardi & Grummer.
- ☒ By Hand Delivery in a sealed envelope, addressed as noted above, through services provided by Lightning Messenger and billed to Lynch, Gilardi & Grummer.
- ☐ By Facsimile to the numbers as noted above by placing them for facsimile transmittal, following the ordinary business practices of Lynch, Gilardi & Grummer.
- ☐ By Overnight Courier in a sealed envelope, addressed as noted above, through services provided by Federal Express and billed to Lynch, Gilardi & Grummer.

Executed on September 16, 1997, at San Francisco, California.

John R. Tate
John R. Tate